107TH CONGRESS  
1ST SESSION  
H. R. 3108

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2001

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Energy and Commerce, Financial Services, Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration for such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Uniting and Strengthening America Act” or the “USA Act of 2001”.


(b) TABLE OF CONTENTS.— The table of contents 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. 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. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.
Sec. 223. Civil liability for certain unauthorized disclosures.
Sec. 224. Sunset.

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

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

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

Subtitle B—Enhanced Immigration Provisions

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

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

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

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

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

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

Subtitle A—Aid to Families of Public Safety Officers

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

•HR 3108 IH
Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
Sec. 613. Public safety officers benefit program payment increase.
Sec. 614. Office of Justice programs.

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

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

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

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

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

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

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
Sec. 905. Disclosure to Director of Central Intelligence of foreign intelligence-related information with respect to criminal investigations.
Sec. 906. Foreign terrorist asset tracking center.
Sec. 907. National Virtual Translation Center.
Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

TITLE X—MISCELLANEOUS

Sec. 1001. Payments.
Sec. 1002. Review of the department of justice.

1 SEC. 2. CONSTRUCTION; SEVERABILITY.

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—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) Establishment; Availability.—There is hereby established in the Treasury of the United States a separate fund to be known as the “Counterterrorism Fund”, amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—
(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities;

and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) No Effect on Prior Appropriations.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.
SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

(a) FINDINGS.—Congress makes the following findings:

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

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

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

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.
(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

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

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

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

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996
HR 3108 IH

(Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

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

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

and

(2) by striking “chemical”.

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.
SEC. 106. PRESIDENTIAL AUTHORITY.

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

(1) in subsection (a)(1)—

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

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

(B) in subparagraph (B)—

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

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

(C) by striking “by any person, or with respect to any property, subject to the jurisdiction of the United States‘; and

(D) by inserting at the end the following:

“(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 to 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

(2) by inserting at the end the following:

“(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. This subsection does not confer or imply any right to judicial review.”.
TITLE II—ENHANCED
SURVEILLANCE PROCEDURES

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

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

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

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

“(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or”.
SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking “and section 1341 (relating to mail fraud),” and inserting “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),”.

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) Authority to Share Grand Jury Information.—

(1) In general.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

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

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

(C) by inserting at the end the following:

“(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)), to any other Federal law enforcement agency.”
enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Within a reasonable time after such disclosure, an attorney for the government shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made.

Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person’s official duties subject to any limitations on the unauthorized disclosure of such information.”.

(2) Definition.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting “(i)” after “(C)”;

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

(C) inserting at the end the following:
“(ii) In this subparagraph, the term ‘foreign intelligence information’ means—

“(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

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

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

“(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

“(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

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

“(bb) the conduct of the foreign affairs of the United States.”.
(b) Authority To Share Electronic, Wire, and Oral Interception Information.—

(1) Law Enforcement.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

“(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person’s official duties subject to any limitations on the unauthorized disclosure of such information.”.

(2) Definition.—Section 2510 of title 18, United States Code, is amended by—
(A) in paragraph (17), by striking “and” after the semicolon;

(B) in paragraph (18), by striking the period and inserting “; and”; and

(C) by inserting at the end the following:

“(19) ‘foreign intelligence information’ means—

“(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

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

“(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

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

“(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—
“(i) the national defense or the security of the United States; or

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

(c) Procedures.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(i)(V) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) Foreign Intelligence Information.—

(1) In general.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties.

Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person’s official
duties subject to any limitations on the unauthorized
disclosure of such information.

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

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

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

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

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

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

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

(ii) the conduct of the foreign affairs
of the United States.
SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

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

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

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

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) Authority.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) Security Requirements.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(e) Report.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—
(1) the number of translators employed by the FBI and other components of the Department of Justice;

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

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


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. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

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

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

and

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

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

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

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

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

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

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

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

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

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

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

(2) inserting “of whom no fewer than 3 shall reside within 20 miles of the District of Columbia” after “circuits”.
SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

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

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

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

(A) by striking “CONTENTS OF ELECTRONIC” and inserting “CONTENTS OF WIRE OR ELECTRONIC” each place it appears;

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

(C) by striking “any electronic” and inserting “any wire or electronic” each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

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

(1) by striking “entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or iden-
entity, and length of service of a subscriber’’ and inser-
ting the following: ‘‘entity the—

‘‘(A) name;

‘‘(B) address;

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

‘‘(D) length of service (including start date)
and types of service utilized;

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

‘‘(F) means and source of payment (including
any credit card or bank account number),

of a subscriber’’; and

(2) by striking ‘‘and the types of services the
subscriber or customer utilized,’’.

SEC. 211. CLARIFICATION OF SCOPE.

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

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking ‘‘or’’;

(B) in subparagraph (C), by striking the
period at the end and inserting ‘‘; or’’; and

(C) by inserting at the end the following:
“(D) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.”; and

(2) in subsection (h), by striking “A governmental entity” and inserting “Except as provided in subsection (c)(2)(D), a governmental entity”.

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) Disclosure of Contents.—

(1) In general.—Section 2702 of title 18, United States Code, is amended—

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

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

(B) in subsection (a)—

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

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

(iii) by inserting after paragraph (2) the following:
“(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 paragraph (1) or (2)) to any governmental entity.”;

(C) in subsection (b), by striking “EXCEPTIONS.—A person or entity” and inserting “EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.— A provider described in subsection (a)”;

(D) in subsection (b)(6)—

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

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

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

“(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
(E) by inserting after subsection (b) the following:

“(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.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

“2702. Voluntary disclosure of customer communications or records.”.
(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

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

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

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

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

(C) in subsection (c)(1)—

(i) by striking “(A) Except as pro-

vided in subparagraph (B), a provider of electronic communication service or remote computing service may” and inserting “A governmental entity may require a provider of electronic communication service or re-

mote computing service to”;

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

“(B) A provider of electronic communica-

tion service or remote computing service shall disclose a record or other information per-

taining to a subscriber to or customer of such service (not including the contents of commu-
nications covered by subsection (a) or (b) of this section) to a governmental entity” and inserting “);”;

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

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

(v) in subparagraph (D) (as redesignated) by striking the period and inserting “; or”; and

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

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

(D) in paragraph (2) (as redesignated) by striking “subparagraph (B)” and insert “paragraph (1)”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

“2703. Required disclosure of customer communications or records.”.
SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

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

(1) by inserting ``(a) IN GENERAL.—'' before ``In addition''; and

(2) by adding at the end the following:

``(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, 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 if—

``(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

``(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

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

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

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

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

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

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

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

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

“(A) shall specify—

“(i) the identity, if known, of the person who is the subject of the investigation;

“(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

“(iii) the attributes of the communications to which the order applies, such as 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 a trap and trace device, the geographic limits of the trap and trace order.”.

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—
(1) in subsection (a), by striking “foreign intelligence information or information concerning international terrorism” and inserting “information 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”; and

(2) in subsection (b)(1), by striking “foreign intelligence information or information concerning international terrorism” and inserting “information 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”.

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:
“SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

“(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation 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.

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

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

“(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

“(b) Each application under this section—

“(1) shall be made to—
“(A) a judge of the court established by section 103(a); or

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

“(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

“(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

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

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

“(e) A person who, in good faith, produces tangible things under an order 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.

“SEC. 502. CONGRESSIONAL OVERSIGHT.

“(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

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

“(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

“(2) the total number of such orders either granted, modified, or denied.”.
SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—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 or electronic communications so as not to include the contents of any wire or electronic communications”.

(b) ISSUANCE OF ORDERS.—

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

“(a) IN GENERAL.—

“(1) ATTORNEY FOR THE GOVERNMENT.—

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

“(2) STATE INVESTIGATIVE OR LAW ENFORCE-
MENT OFFICER.—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 jurisdic-
tion 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 ob-
tained by such installation and use is relevant to an
ongoing criminal investigation.

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

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

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

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

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

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

“(B) The record maintained under subpara-
graph (A) shall be provided ex parte and under seal
to the court which entered the ex parte order au-

thorizing the installation and use of the device with-
in 30 days after termination of the order (including
any extensions thereof).”.

(2) CONTENTS OF ORDER.—Section 3123(b)(1)
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 in-
serting the following:

“(C) the attributes of the communications
to which the order applies, including the num-
ber or other identifier and, if known, the loca-
tion 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) NONDISCLOSURE REQUIREMENTS.—Section
3123(d)(2) 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.—

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

“(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.—Section 3127(3) 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, provided, however, that such information shall not
include the contents of any communication”; and

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

(3) Trap and Trace Device.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking “of an instrument” and all that follows through the semicolon and inserting “or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;”; and

(B) by inserting “or process” after “a device”.

(4) Conforming Amendment.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking “and”; and

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

HR 3108 IH
(5) Technical Amendment.—Section 3124(d) of title 18, United States Code, is amended by striking "the terms of".

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

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

(1) in section 2510—

(A) in paragraph (18), by striking "and" at the end;

(B) in paragraph (19), by striking the period and inserting a semicolon; and

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

"(20) 'protected computer' has the meaning set forth in section 1030; and

"(21) 'computer trespasser'—

"(A) 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

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

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

“(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
transmitted to, through, or from the protected computer,
if—

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

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

“(III) 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

“(IV) such interception does not acquire com-
munications other than those transmitted to or from
the computer trespasser.”.
SEC. 218. FOREIGN INTELLIGENCE INFORMATION.
Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking “the purpose” and inserting “a significant purpose”.

SEC. 219. SINGLE-JURISDICTION SEARCH WARAGENTS 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. 220. NATIONWIDE SERVICE OF SEARCH WARAGENTS 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 striking the pe-

riod and inserting “; and”; and

(C) by inserting at the end the following:

“(3) the term ‘court of competent jurisdiction’

has the meaning assigned by section 3127, and in-

cludes any Federal court within that definition,

without geographic limitation.”.

SEC. 221. TRADE SANCTIONS.

(a) IN GENERAL.—The Trade Sanctions Reform and

Export Enhancement Act of 2000 (Public Law 106–387;

114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as

follows:

“(C) used to facilitate the design, develop-

ment, or production of chemical or biological

weapons, missiles, or weapons of mass destruc-

tion.”;

(2) in section 906(a)(1)—

(A) by inserting “, the Taliban or the ter-

ritory 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 

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

(b) Application of the Trade Sanctions Reform and Export Enhancement Act.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

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

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

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

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

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

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of a wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED DISCLOSURES.

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

(1) in subsection (a), after “entity”, by inserting “, other than the United States,”;

(2) by adding at the end the following:

“(f) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and
the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.”; and

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

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

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

(1) in subsection (a), after “entity”, by inserting “, other than the United States,”;

(2) by striking subsection (d) and inserting the following:
“(d) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.”; and

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

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

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

§ 2712. Civil actions against the United States

“(a) IN GENERAL.—Any person who is aggrieved by any violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages—

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

“(2) litigation costs, reasonably incurred.

“(b) PROCEDURES.—(1) Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.
“(2) Any action against the United States under this section shall be commenced within the time period set forth in section 2401(b) of title 28, United States Code. The claim shall accrue on the date upon which the claimant first discovers the violation.

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

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

“(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

“(c) ADMINISTRATIVE DISCIPLINE.—If a court determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court finds that the circumstances surrounding the
violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

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

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

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

SEC. 224. SUNSET.

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

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

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

TITLE III—FINANCIAL INFRASTRUCTURE

SEC. 301. 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. 302. MATERIAL SUPPORT FOR TERRORISM.

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

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

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

•HR 3108 IH
SEC. 303. ASSETS OF TERRORIST ORGANIZATIONS.

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

“(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. 304. 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. 305. EXTRATERRITORIAL JURISDICTION.

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

“(h) 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 subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided 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, secrets, 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 IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

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

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

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

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

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

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

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

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.

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

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

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

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

(4) by adding at the end the following:
“(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center’s 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 receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

“(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

“(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

“(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain
the full content of a criminal history record, the Department of State shall submit the applicant’s fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

“(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

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

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

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

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

“(B) to ensure that such information is used solely to determine whether or not to issue
a visa to an alien or to admit an alien to the
United States;
“(C) to ensure the security, confidentiality,
and destruction of such information; and
“(D) to protect any privacy rights of indi-
viduals who are subjects of such information.”.
(b) REPORTING REQUIREMENT.—Not later than 2
years after the date of enactment of this Act, the Attorney
General and the Secretary of State jointly shall report to
Congress on the implementation of the amendments made
by this section.
(c) TECHNOLOGY STANDARD TO CONFIRM IDEN-
TITY.—
(1) IN GENERAL.—The Attorney General and
the Secretary of State jointly, through the National
Institute of Standards and Technology (NIST), and
in consultation with the Secretary of the Treasury
and other Federal law enforcement and intelligence
agencies the Attorney General or Secretary of State
deems appropriate, shall within 2 years after the
date of enactment of this section, develop and certify
a technology standard that can confirm the identity
of a person applying for a United States visa or
such person seeking to enter the United States pur-
suant to a visa.
(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

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

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

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

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

(d) **STATUTORY CONSTRUCTION.**—Nothing in this
section, or in any other law, shall be construed to limit
the authority of the Attorney General or the Director of
the Federal Bureau of Investigation 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 informa-
tion maintained by the NCIC, to any Federal agency or
officer authorized to enforce or administer the immigra-
tion laws of the United States, for the purpose of such
enforcement or administration, upon terms that are con-
sistent with the National Crime Prevention and Privacy
Compact Act of 1998 (subtitle A of title II of Public Law
105–251; 42 U.S.C. 14611–16) and section 552a of title
5, United States Code.

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

The matter under the headings “Immigration And
Naturalization Service: Salaries and Expenses, Enforce-
ment And Border Affairs” and “Immigration And Natu-
ralization Service: Salaries and Expenses, Citizenship And
Benefits, Immigration And Program Direction” in the De-
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. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) In General.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.
(b) Authorization of Appropriations.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism.

(a) Grounds of Inadmissibility.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

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

“(IV) is a representative (as defined in clause (v)) of—

“(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

“(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines
United States efforts to reduce or eliminate terrorist activities,’’;

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

(iii) by adding at the end the following new subclauses:

“(VI) has used the alien’s position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States 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) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking “clause (iii)” and inserting “clause (iv)”;}
(D) by inserting after clause (i) the following:

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

“(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

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

(E) in clause (iii) (as redesignated by subparagraph (B))—

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

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

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

“(iv) 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 indi-
cating an intention to cause death or
serious bodily injury, a terrorist activ-
ity;

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

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

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

“(aa) a terrorist activity;

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

“(cc) a terrorist organiza-
tion described in clause (vi)(III),
unless the solicitor can dem-
strate that he did not know,
and should not reasonably have
known, that the solicitation
would further the organization’s terrorist activity;

“(V) to solicit any individual—

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

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

“(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization’s terrorist activity; or

“(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, bi-
ological, or radiological weapons), explosives, or training—

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

“(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

“(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

“(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization’s terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation
with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply.”;

and

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

“(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term ‘terrorist organization’ means an organization—

“(I) designated under section 219;

“(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or
“(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv).’’; and

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

“(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—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) CONFORMING AMENDMENTS.—


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

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

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

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

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

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

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

(3) Special rule for section 219 organiza-
tions and organizations designated under
section 212(a)(3)(B)(vi)(II).—

(A) In general.—Notwithstanding para-
graphs (1) and (2), no alien shall be considered
inadmissible under section 212(a)(3) of the Im-
migration and Nationality Act (8 U.S.C.
1182(a)(3)), or deportable under section
237(a)(4)(B) of such Act (8 U.S.C.
1227(a)(4)(B)), by reason of the amendments
made by subsection (a), on the ground that the
alien engaged in a terrorist activity described in
subclause (IV)(bb), (V)(bb), or (VI)(cc) of sec-
tion 212(a)(3)(B)(iv) of such Act (as so amend-
ed) with respect to a group at any time when
the group was not a terrorist organization des-
ignated by the Secretary of State under section
219 of such Act (8 U.S.C. 1189) or otherwise

(B) Statutory construction.—Sub-
paragraph (A) shall not be construed to prevent
an alien from being considered inadmissible or
deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew
or reasonably should have known that the actions
would further a terrorist activity.

(c) Designation of Foreign Terrorist Organizations.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting “or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (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)”;

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

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

“(A) Notice.—

“(i) To congressional leaders.—

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 in-
tent 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) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).”;

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

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

(6) in paragraph (3)(B), by striking “subsection (c)” and inserting “subsection (b)”;

(7) in paragraph (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 imme-
diately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.”;

(8) in paragraph (6)(A)—

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

(B) in clause (i)—

(i) by inserting “or redesignation” after “designation” the first place it appears; and

(ii) by striking “of the designation”;

and

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

(9) in paragraph (6)(B)—

(A) by striking “through (4)” and inserting “and (3)”; and

(B) by inserting at the end the following new sentence: “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.”;
(10) in paragraph (7), by inserting “, or the revocation of a redesignation under paragraph (6),” after “paragraph (5) or (6);” and

(11) in paragraph (8)—

(A) by striking “paragraph (1)(B)” and inserting “paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B);”

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

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

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

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

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

“Sec. 236A. (a) DETENTION OF TERRORIST ALIENS.—

“(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).
“(2) RELEASE.—Except as provided in paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Except as provided in paragraph (6), such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

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

“(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(ii), or 237(a)(4)(B); or

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

“(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.
“(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

“(6) LIMITATION ON INDEFINITE DETENTION.—An alien detained under paragraph (1) who has not been removed under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months if the release of the alien will not protect the national security of the United States or adequately ensure the safety of the community or any person.

“(b) Habeas Corpus and Judicial Review.—

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

“(2) Application.—

“(A) In general.—Notwithstanding any
other provision of law, including section
2241(a) of title 28, United States Code, habeas
corpus proceedings described in paragraph (1)
may be initiated only by an application filed
with—

“(i) the Supreme Court;

“(ii) any justice of the Supreme
Court;

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

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

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

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

“(4) Rule of decision.—The law applied by the Supreme Court and the United States Court of Appeals for the District of Columbia Circuit shall be regarded as the rule of decision in habeas corpus proceedings described in paragraph (1).

“(c) Statutory construction.—The provisions of this section shall not be applicable to any other provision of the Immigration and Nationality Act.”.

(b) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

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

(c) Reports.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);
(2) the grounds for such certifications;
(3) the nationalities of the aliens so certified;
(4) the length of the detention for each alien so certified; and
(5) the number of aliens so certified who—
   (A) were granted any form of relief from removal;
   (B) were removed;
   (C) the Attorney General has determined are no longer aliens who may be so certified; or
   (D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—
(1) by striking “except that in the discretion of” and inserting the following: “except that—
“(1) in the discretion of”; and
(2) by adding at the end the following:
“(2) the Secretary of State, in the Secretary’s 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 the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.”.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 421. SPECIAL IMMIGRANT STATUS.

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

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

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

(b) ALIENS DESCRIBED.—

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

(A) the alien was the beneficiary of—

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

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based
immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a non-immigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

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

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

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

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

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

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

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

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.
(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

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

SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—
(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) Aliens described.—

(A) Principal aliens.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) Spouses and children.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) Authorized employment.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an “employment authorized” endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.
(b) New Deadlines for Extension or Change of Nonimmigrant Status.—

(1) Filing delays.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien’s application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) Departure delays.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien’s departure, if such departure occurs on or before November 11, 2001.

(3) Special rule for aliens unable to return from abroad.—

(A) Principal aliens.—In the case of an alien who was in a lawful nonimmigrant status
on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien’s application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

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

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or
child may remain lawfully in the United States in the same nonimmigrant status until the later of—

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

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

(4) Circumstances preventing timely action.—

(A) Filing delays.—For purposes of paragraph (1), circumstances preventing an alien from timely acting are—

(i) office closures;

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

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

(B) Departure and return delays.—

For purposes of paragraphs (2) and (3), cir-
cumstances preventing an alien from timely acting are—

(i) office closures;

(ii) airline flight cessations or delays;

and

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

(e) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—

Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality
Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) Treatment of Family Members of Certain Aliens.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act if the principal alien were not deceased.

(4) Circumstances Preventing Timely Action.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2001 are—

(A) office closures;
(B) mail or courier service cessations or delays;
(C) airline flight cessations or delays; and
(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) Extension of Expiration of Immigrant Visas.—

(1) In General.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry into the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(2) Circumstances Preventing Entry.—For purposes of this subsection, circumstances preventing an alien from effecting entry into the United States are—

(A) office closures;
(B) airline flight cessations or delays; and
(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) Grants of Parole Extended.—

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

(2) Circumstances Preventing Return.—For purposes of this subsection, circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

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

SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING
SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second
sentence of section 201(b)(2)(A)(i) of the Immigra-
tion and Nationality Act (8 U.S.C.
1151(b)(2)(A)(i)), in the case of an alien who was
the spouse of a citizen of the United States at the
time of the citizen’s death and was not legally sepa-
rated from the citizen at the time of the citizen’s
death, if the citizen died as a direct result of a speci-
fied terrorist activity, the alien (and each child of
the alien) shall be considered, for purposes of section
201(b) of such Act, to remain an immediate relative
after the date of the citizen’s death, but only if the
alien files a petition under section 204(a)(1)(A)(ii)
of such Act within 2 years after such date and only
until the date the alien remarries. For purposes of
such section 204(a)(1)(A)(ii), an alien granted relief
under the preceeding sentence shall be considered an
alien spouse described in the second sentence of sec-
tion 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

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

(B) PETITIONS.—An alien described in
subparagraph (A) may file a petition with the
Attorney General for classification of the alien
under section 201(b)(2)(A)(i) of the Immigra-
tion and Nationality Act (8 U.S.C.
1151(b)(2)(A)(i)). For purposes of such Act,
such a petition shall be considered a petition
filed under section 204(a)(1)(A) of such Act (8
U.S.C. 1154(a)(1)(A)).
(b) Spouses, Children, Unmarried Sons and Daughters of Lawful Permanent Resident Aliens.—

(1) In general.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) Self-petitions.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child,
son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and
(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) Applications for adjustment of status by surviving spouses and children of employment-based immigrants.—

(1) In general.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and
(B) on the day before such death, was—
(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

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

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 424. “AGE-OUT” PROTECTION FOR CHILDREN. For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien’s 21st birthday.
for purposes of adjudicating such petition or applica-
tion; and

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

SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.

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

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

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

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

SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF
EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall estab-

lish appropriate standards for evidence demonstrating, for
purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

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

(b) Waiver of Regulations.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

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

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 428. DEFINITIONS.

(a) Application of Immigration and Nationality Act Provisions.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions ap-
plicable exclusively to title III of such Act) shall apply in
the administration of this subtitle.

(b) Specified Terrorist Activity.—For purposes
of this subtitle, the term “specified terrorist activity”
means any terrorist activity conducted against the Government
or the people of the United States on September 11, 2001.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. ATTORNEY GENERAL’S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) Payment of Rewards To Combat Terrorism.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) Conditions.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;
(2) the Attorney General shall give written no-
tice to the Chairmen and ranking minority members
of the Committees on Appropriations and the Judici-
ary of the Senate and of the House of Representa-
tives not later than 30 days after the approval of a
reward under paragraph (1);

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

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

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

SEC. 502. SECRETARY OF STATE’S AUTHORITY TO PAY RE-
WARDS.

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

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

(B) in paragraph (5), by striking the period at the end and inserting “; including by dismantling an organization in whole or significant part; or”; and

(C) by adding at the end the following:

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

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

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

SEC. 503. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:
“(2) In addition to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

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

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

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

SEC. 504. COORDINATION WITH LAW ENFORCEMENT.

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

“(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

“(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

“(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or
“(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

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

(b) Information Acquired From a Physical Search.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

“(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

“(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

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

“(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.
“(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.”.

SEC. 505. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

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

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

(2) in paragraph (1)—

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

(B) by striking “made that” and all that follows and inserting the following: “made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first
amendment to the Constitution of the United States; and’’; and

(3) in paragraph (2)—

(A) by striking ‘‘in a position not lower than Deputy Assistant Director’’; and

(B) by striking ‘‘made that’’ and all that follows and inserting the following: ‘‘made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.’’.

(b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (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 a Special Agent in Charge in a Bureau field office designated by the Director’’ after ‘‘designee’’; and

(2) by striking ‘‘sought’’ and all that follows and inserting ‘‘sought for foreign counter intelligence purposes to protect against international ter-
rorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”.

(c) CONSUMER REPORTS.—Section 624 of the Fair Credit Reporting Act (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 a Special Agent in Charge of a Bureau field office designated by the Director” after “designee” the first place it appears; and

(B) by striking “in writing that” and all that follows through the end and inserting the following: “in writing, that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”;

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

(B) by striking “in writing that” and all that follows through the end and inserting the following: “in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.”; and

(3) in subsection (e)—

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

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

SEC. 506. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C.

1030.—Section 1030(d) of title 18, United States Code,
is amended to read as follows:

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

“(2) The Federal Bureau of Investigation shall have
primary authority to investigate offenses under subsection
(a)(1) for any cases involving espionage, foreign counter-
intelligence, information protected against unauthorized
disclosure for reasons of national defense or foreign rela-
tions, or Restricted Data (as that term is defined in sec-
tion 11y of the Atomic Energy Act of 1954 (42 U.S.C.
2014(y)), except for offenses affecting the duties of the
United States Secret Service pursuant to section 3056(a)
of this title.
“(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”.

(b) Reauthorization of Jurisdiction Under 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking “credit and debit card frauds, and false identification documents or devices” and inserting “access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution”.

SEC. 507. DISCLOSURE OF EDUCATIONAL RECORDS.

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

“(j) Investigation and Prosecution of Terrorism.—

“(1) In general.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requir-
ing an educational agency or institution to permit
the Attorney General (or his designee) to—

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

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

“(2) APPLICATION AND APPROVAL.—

“(A) IN GENERAL.—An application under
paragraph (1) shall certify that there are spe-
cific and articulable facts giving reason to be-
lieve that the education records are likely to
contain information described in paragraph
(1)(A).
“(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

“(3) PROTECTION OF EDUCATIONAL AGENCY OR INSTITUTION.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

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

SEC. 508. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

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 (c) to read as follows:

“(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

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

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

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

“(2) APPLICATION AND APPROVAL.—

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

“(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

“(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.”.

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.

(a) IN GENERAL.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202
1 of title I of the Omnibus Crime Control and Safe Streets
2 Act of 1968 (42 U.S.C. 3796, 3796a), upon certification
3 (containing identification of all eligible payees of benefits
4 pursuant to section 1201 of such Act) by a public agency
5 that a public safety officer employed by such agency was
6 killed or suffered a catastrophic injury producing perma-
7 nent and total disability as a direct and proximate result
8 of a personal injury sustained in the line of duty as de-
9 scribed in section 1201 of such Act in connection with pre-
10 vention, investigation, rescue, or recovery efforts related
11 to a terrorist attack, the Director of the Bureau of Justice
12 Assistance shall authorize payment to qualified bene-
13 ficiaries, said payment to be made not later than 30 days
14 after receipt of such certification, benefits described under
15 subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).
16 (b) DEFINITIONS.—For purposes of this section, the
17 terms “catastrophic injury”, “public agency”, and “public
18 safety officer” have the same meanings given such terms
19 in section 1204 of title I of the Omnibus Crime Control
21 SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EX-
22 PEDITED PAYMENTS FOR HEROIC PUBLIC
23 SAFETY OFFICERS.
24 Section 1 of Public Law 107–37 (an Act to provide
25 for the expedited payment of certain benefits for a public
safety officer who was killed or suffered a catastrophic in-
jury as a direct and proximate result of a personal injury
sustained in the line of duty in connection with the ter-
rorist attacks of September 11, 2001) is amended by—

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

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

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

SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM

PAYMENT INCREASE.

(a) PAYMENTS.—Section 1201(a) of the Omnibus
3796) is amended by striking “$100,000” and inserting
“$250,000”.

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

SEC. 614. OFFICE OF JUSTICE PROGRAMS.

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”.

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

SEC. 621. CRIME VICTIMS FUND.

(a) Deposit of Gifts in the Fund.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

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

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

(3) by adding at the end the following:

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

(b) Formula for Fund Distributions.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:
“(c) Fund Distribution; Retention of Sums in Fund; Availability for Expenditure Without Fiscal Year Limitation.—

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

“(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.”.

(e) Allocation of Funds for Costs and Grants.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—
(1) by striking “deposited in” and inserting “to be distributed from”;

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

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

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

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

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

“(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for sup-
plemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

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

(e) Victims of September 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

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

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

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

(a) *Allocation of Funds for Compensation and Assistance.*—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting “in fiscal year 2002 and of 60 percent in subsequent fiscal years” after “40 percent”.

(b) *Location of Compensable Crime.*—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking “are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or”.

(c) *Relationship of Crime Victim Compensation to Means-Tested Federal Benefit Programs.*—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

“(c) *Exclusion from Income, Resources, and Assets for Purposes of Means Tests.*—Notwith-
standing any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.”

(d) **Definitions of “Compensable Crime” and “State”**.—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking “crimes involving terrorism,”; and

(2) in paragraph (4), by inserting “the United States Virgin Islands,” after “the Commonwealth of Puerto Rico,”.
(c) Relationship of Eligible Crime Victim Compensation Programs to the September 11th Victim Compensation Fund.—

(1) In general.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting “including the program established under title IV of Public Law 107–42,” after “Federal program,”.

(2) Compensation.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) Assistance for Victims in the District of Columbia, Puerto Rico, and Other Territories and Possessions.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:
“(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).”

(b) Prohibition on Discrimination Against Certain Victims.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

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

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

(3) by adding at the end the following:

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

(c) Grants for Program Evaluation and Compliance Efforts.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting “, program evaluation, compliance efforts,” after “demonstration projects”.
(d) Allocation of Discretionary Grants.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

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

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

(e) Fellowships and Clinical Internships.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

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

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

(3) by adding at the end the following:

“(E) use funds made available to the Director under this subsection—

“(i) for fellowships and clinical internships; and

“(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.”.
SEC. 624. VICTIMS OF TERRORISM.

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

“(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.”.


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

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.

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

(1) in subsection (a), by inserting “and terrorist conspiracies and activities” after “activities”;

(2) in subsection (b)—

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

(B) by redesignating paragraph (4) as paragraph (5);
(C) by inserting after paragraph (3) the following:

“(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)”; and

(3) by inserting at the end the following:

“(d) Authorization of Appropriation to the Bureau of Justice Assistance.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.”.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

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

“(a) General Prohibitions.—Whoever willfully—
“(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

“(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

“(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

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

“(5) interferes with, disables, or incapacitates
any dispatcher, driver, captain, or person while they
are employed in dispatching, operating, or maintain-
ing a mass transportation vehicle or ferry, with in-
tent to endanger the safety of any passenger or em-
ployee of the mass transportation provider, or with
a reckless disregard for the safety of human life;

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

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

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

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

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

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

“(2) the offense has resulted in the death of
any person,
shall be guilty of an aggravated form of the offense and
shall be fined under this title or imprisoned for a term
of years or for life, or both.

“(c) DEFINITIONS.—In this section—

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

“(2) the term ‘dangerous weapon’ has the
meaning given to that term in section 930 of this
title;
“(3) the term ‘destructive device’ has the meaning given to that term in section 921(a)(4) of this title;

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

“(5) the term ‘mass transportation’ has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

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

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

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

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

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

SEC. 802. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—
(1) in paragraph (1)(B)(iii), by striking “by assassination or kidnapping” and inserting “by mass destruction, assassination, or kidnapping”; 
(2) in paragraph (3), by striking “and”; 
(3) in paragraph (4), by striking the period at the end and inserting “; and”; and 
(4) by adding at the end the following: 
“(5) the term ‘domestic terrorism’ means activities that—

“(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; 
“(B) appear to be intended—

“(i) to intimidate or coerce a civilian population; 
“(ii) to influence the policy of a government by intimidation or coercion; or 
“(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and 
“(C) occur primarily within the territorial jurisdiction of the United States.”.

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:
“(1) ‘act of terrorism’ means an act of domestic or international terrorism as defined in section 2331,”.

SEC. 803. PROHIBITION AGAINST HARBORING TERRORISTS.

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

“§ 2339. Harboring or concealing terrorists

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

“(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

“2339. Harboring or concealing terrorists.”.

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

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

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

“(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and
“(B) residences in foreign States and the
land appurtenant or ancillary thereto, irrespec-
tive of ownership, used for purposes of those
missions or entities or used by United States
personnel assigned to those missions or entities.
Nothing in this paragraph shall be deemed to super-
sede any treaty or international agreement with
which this paragraph conflicts. This paragraph does
not apply with respect to an offense committed by
a person described in section 3261(a) of this title.”.

SEC. 805. MATERIAL SUPPORT FOR TERRORISM.

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

(1) in subsection (a)—

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

(B) by inserting “229,” after “175,”;

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

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

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

(F) by inserting at the end the following:
“A violation of this section may be prosecuted
in any Federal judicial district in which the underly-
ing offense was committed, or in any other Federal judicial district as provided by law.”; and

(2) in subsection (b)—

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

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

(b) TECHNICAL AMENDMENT.—Section

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

SEC. 806. ASSETS OF TERRORIST ORGANIZATIONS.

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

“(G) All assets, foreign or domestic—

“(i) of any individual, entity, or organiza-
tion engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, 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 or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

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

SEC. 807. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

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

SEC. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.

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

(1) in subsection (f), by inserting after “terrorism” the following: “and any violation of section
•HR 3108 IH

351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(e), 1751(e), 2152, or 2156 of this title,” before “and the Secretary”; and

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

“(i) 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 or 175b (relating to biological weapons), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to mur-
der, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of com-
puters), 1030(a)(5)(A)(i) resulting in dam-
age as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of com-
puters), 1114 (relating to killing or at-
tempered killing of officers and employees of
the United States), 1116 (relating to mur-
der or manslaughter of foreign officials, of-
official guests, or internationally protected
persons), 1203 (relating to hostage tak-
ing), 1362 (relating to destruction of com-
munication lines, stations, or systems),
1363 (relating to injury to buildings or
property within special maritime and terri-
torial jurisdiction of the United States),
1366(a) (relating to destruction of an en-
ergy facility), 1751 (a) through (d) (relat-
ing to Presidential and Presidential staff
assassination and kidnaping), 1992 (relat-
ing to wrecking trains), 1993 (relating to
terrorist attacks and other acts of violence
against mass transportation systems),
2155 (relating to destruction of national
defense materials, premises, or utilities),
2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

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

“(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (e) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on air-
Section 46506 if homicide or attempted homicide is involved (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.’’.

SEC. 809. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

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

‘‘§ 3286. Extension of statute of limitation for certain terrorism offenses.

‘‘(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

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

(b) 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. 810. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

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

(b) DESTRUCTION OF AN ENERGY FACILITY.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “ten” and inserting “20”; and

(2) by adding at the end the following:

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

(c) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of title 18, United States Code, is amended—
(1) by striking “10” and inserting “15”; and

(2) by striking the period and inserting “, and,

if the death of any person results, shall be impris-
oned for any term of years or for life.”.

(d) Material Support to Designated Foreign
Terrorist Organizations.—Section 2339B(a)(1) of
title 18, United States Code, is amended—

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

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

(e) Destruction of National-Defense Mate-
rials.—Section 2155(a) of title 18, United States Code,
is amended—

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

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

(f) Sabotage of Nuclear Facilities or Fuel.—
Section 236 of the Atomic Energy Act of 1954 (42 U.S.C.
2284), is amended—

(1) by striking “ten” each place it appears and
inserting “20”;
(2) in subsection (a), by striking the period at the end and inserting ‘‘, and, if death results to any person, shall be imprisoned for any term of years or for life.’’; and

(3) in subsection (b), by striking the period at the end and inserting ‘‘, and, if death results to any person, shall be imprisoned for any term of years or for life.’’.

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

(1) by striking ‘‘15’’ and inserting ‘‘20’’; and

(2) by striking the period at the end and inserting ‘‘, and, if death results to any person, shall be imprisoned for any term of years or for life.’’.

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

(1) by striking ‘‘15’’ and inserting ‘‘20’’; and

(2) by striking the period at the end and inserting ‘‘, and, if death results to any person, shall be imprisoned for any term of years or for life.’’.

SEC. 811. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—
(1) by striking ‘‘, or attempts to set fire to or
burn’’; and
(2) by inserting ‘‘or attempts or conspires to do
such an act,’’ before ‘‘shall be imprisoned’’.

(b) KILLINGS IN FEDERAL FACILITIES.—Section
930(c) of title 18, United States Code, is amended—
(1) by striking ‘‘or attempts to kill’’;
(2) by inserting ‘‘or attempts or conspires to do
such an act,’’ before ‘‘shall be punished’’; and
(3) by striking ‘‘and 1113’’ and inserting
‘‘1113, and 1117’’.

(c) COMMUNICATIONS LINES, STATIONS, OR SYS-
tems.—Section 1362 of title 18, United States Code, is
amended in the first undesignated paragraph—
(1) by striking ‘‘or attempts willfully or mali-
ciously to injure or destroy’’; and
(2) by inserting ‘‘or attempts or conspires to do
such an act,’’ before ‘‘shall be fined’’.

(d) BUILDINGS OR PROPERTY WITHIN SPECIAL
MARITIME AND TERRITORIAL JURISDICTION.—Section
1363 of title 18, United States Code, is amended—
(1) by striking ‘‘or attempts to destroy or in-
jure’’; and
by inserting “or attempts or conspires to do such an act,” before “shall be fined” the first place it appears.

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

“(e) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.”.

(f) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A of title 18, United States Code, is amended by inserting “or attempts or conspires to do such an act,” before “shall be fined”.

(g) TORTURE.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

“(e) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.”.
(h) Sabotage of Nuclear Facilities or Fuel.—

Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking ‘‘, or who intentionally and willfully attempts to destroy or cause physical damage to’’;

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting ‘‘or attempts or conspires to do such an act,’’ before ‘‘shall be fined’’; and

(2) in subsection (b)—

(A) by striking ‘‘or attempts to cause’’;

and

(B) by inserting ‘‘or attempts or conspires to do such an act,’’ before ‘‘shall be fined’’.

(i) Interference With Flight Crew Members and Attendants.—Section 46504 of title 49, United States Code, is amended by inserting ‘‘or attempts or conspires to do such an act,’’ before ‘‘shall be fined’’.

(j) Special Aircraft Jurisdiction of the United States.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:
“(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.”.

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

(1) by striking “, or attempting to damage or destroy,”; and

(2) by inserting “, or attempting or conspiring to do such an act,” before “shall be fined”.

SEC. 812. 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 PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.”.
SEC. 813. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

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

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

and

(2) by inserting before the semicolon at the end the following: “, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B)”.

SEC. 814. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) Clarification of Protection of Protected Computers.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting “(i)” after (A)”;

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

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

(4) by adding at the end the following:

“(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—
“(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety; or

“(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;”.

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

(1) in paragraph (2)—

(A) in subparagraph (A)—

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

(ii) by striking “(a)(5)(C)” and inserting “(a)(5)(A)(iii)”; and
(iii) by striking “and’ at the end;

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

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

(2) in paragraph (3)—

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

(B) by striking “and” at the end; and

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

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

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

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

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

(1) in paragraph (2)(B), by inserting “, including a computer located outside the United States’’ before the semicolon;

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

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

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

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

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

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

“(11) the term ‘loss’ includes any reasonable
cost to any victim, including the cost of responding
to an offense, conducting a damage assessment, and
restoring the data, program, system, or information
to its condition prior to the offense, and any revenue
lost, cost incurred, or other consequential damages
incurred because of interruption of service;

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

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

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

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

(e) Amendment of Sentencing Guidelines Relating to Certain Computer Fraud and Abuse.—
Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 815. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

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

SEC. 816. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) In General.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order
that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

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

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

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year
$50,000,000 for purposes of carrying out this section.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

**TITLE IX—IMPROVED INTELLIGENCE**

**SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

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

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

(2) by inserting after paragraph (5) the following new paragraph (6):

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

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

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

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

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

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT
AND MAINTENANCE OF INTELLIGENCE RELA-
TIONSHIPS TO ACQUIRE INFORMATION ON
TERRORISTS AND TERRORIST ORGANIZA-
TIONS.

It is the sense of Congress that officers and employ-
ees of the intelligence community of the Federal Govern-
ment, acting within the course of their official duties,
should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

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

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

(2) Any report or other matter that is required
to be submitted to the Select Committee on Intel-
ligence of the Senate and Permanent Select Com-
mittee on Intelligence of the House of Representa-
tives by the Department of Defense or the Depart-
ment of Justice during the effective period of this
section.

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

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

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

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

(f) Effective Period.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) Element of the Intelligence Community Defined.—In this section, the term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) In General.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—
(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES"

"Sec. 105B. (a) Disclosure of Foreign Intelligence.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

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

“(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

“(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:
"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency."

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the
Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the “National Virtual Translation Center”.

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

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

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

(2) The provision to the element of communications
capabilities and systems that are commensurate
with the most current and sophisticated commu-
ications capabilities and systems available to
other elements of intelligence community.

(3) The assurance, to the maximum extent
practicable, that the communications capabilities and
systems provided to the element will be compatible
with communications capabilities and systems util-
ized by the Federal Bureau of Investigation in se-
curing timely and accurate translations of foreign
language materials for law enforcement investiga-
tions.

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

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

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term “for-

eign intelligence” has the meaning given that term
in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) Element of the Intelligence Community.—The term “element of the intelligence community” means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) Program Required.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

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

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) Officials.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:
(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

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

TITLE X—MISCELLANEOUS

SEC. 1001. PAYMENTS.

(a) IN GENERAL.—The Attorney General shall, subject to the availability of appropriations, pay $250,000 to the estates of each of the 12 United States citizens killed in the 1998 terrorist bombings of the United States embassies in Kenya and Tanzania.

(b) RIGHT TO SUE.—Satisfaction of a claim under this section waives any right the claimant may have to file a suit (or to be a party to an action) in any court for damages as a result of the 1998 terrorist-related bombings of the United States embassies in Kenya and Tanzania.
(c) AUTHORIZATION.—There are authorized to be ap-
propriated for fiscal year 2002 not more than $3,000,000
to carry out this section.

4 SEC. 1002. REVIEW OF THE DEPARTMENT OF JUSTICE.

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

(1) review information and receive complaints
alleging abuses of civil rights and civil liberties by
employees and officials of the Department of Just-
tice;

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

(3) submit to the Committee on the Judiciary
of the House of Representatives and the Committee
on the Judiciary of the Senate on a semi-annual
basis a report on the implementation of this sub-
section and detailing any abuses described in para-
graph (1), including a description of the use of
funds appropriations used to carry out this sub-
section.