

**COMMITTEE AMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 2975
[AS ORDERED REPORTED FROM THE COMMITTEE
ON THE JUDICIARY ON 3 OCTOBER 2001]**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Provide Appropriate
3 Tools Required to Intercept and Obstruct Terrorism (PA-
4 TRIOT) Act of 2001”.

5 SEC. 2. TABLE OF CONTENTS.

6 The following is the table of contents for this Act:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Construction; severability.

TITLE I—INTELLIGENCE GATHERING

Subtitle A—Electronic Surveillance

Sec. 101. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 102. Seizure of voice-mail messages pursuant to warrants.
Sec. 103. Authorized disclosure.
Sec. 104. Savings provision.
Sec. 105. Interception of computer trespasser communications.
Sec. 106. Technical amendment.
Sec. 107. Scope of subpoenas for records of electronic communications.
Sec. 108. Nationwide service of search warrants for electronic evidence.
Sec. 109. Clarification of scope.
Sec. 110. Emergency disclosure of electronic communications to protect life and limb.
Sec. 111. Use as evidence.
Sec. 112. Reports concerning the disclosure of the contents of electronic communications.

Subtitle B—Foreign Intelligence Surveillance and Other Information

Sec. 151. Period of orders of electronic surveillance of non-United States persons under foreign intelligence surveillance.



- Sec. 152. Multi-point authority.
- Sec. 153. Foreign intelligence information.
- Sec. 154. Foreign intelligence information sharing.
- Sec. 155. Pen register and trap and trace authority.
- Sec. 156. Business records.
- Sec. 157. Miscellaneous national-security authorities.
- Sec. 158. Proposed legislation.
- Sec. 159. Presidential authority.
- Sec. 160. Clarification of no technology mandates.
- Sec. 161. Civil liability for certain unauthorized disclosures.
- Sec. 162. Sunset.

TITLE II—ALIENS ENGAGING IN TERRORIST ACTIVITY

Subtitle A—Detention and Removal of Aliens Engaging in Terrorist Activity

- Sec. 201. Changes in classes of aliens who are ineligible for admission and deportable due to terrorist activity.
- Sec. 202. Changes in designation of foreign terrorist organizations.
- Sec. 203. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
- Sec. 204. Changes in conditions for granting asylum.
- Sec. 205. Multilateral cooperation against terrorists.
- Sec. 206. Requiring sharing by the Federal bureau of investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.
- Sec. 207. Inadmissibility of aliens engaged in money laundering.
- Sec. 208. Program to collect information relating to nonimmigrant foreign students and other exchange program participants.
- Sec. 209. Protection of northern border.

Subtitle B—Preservation of Immigration Benefits for Victims of Terrorism

- Sec. 211. Special immigrant status.
- Sec. 212. Extension of filing or reentry deadlines.
- Sec. 213. Humanitarian relief for certain surviving spouses and children.
- Sec. 214. "Age-out" protection for children.
- Sec. 215. Temporary administrative relief.
- Sec. 216. Evidence of death, disability, or loss of employment.
- Sec. 217. No benefits to terrorists or family members of terrorists.
- Sec. 218. Definitions.

TITLE III—CRIMINAL JUSTICE

Subtitle A—Substantive Criminal Law

- Sec. 301. Statute of limitation for prosecuting terrorism offenses.
- Sec. 302. Alternative maximum penalties for terrorism crimes.
- Sec. 303. Penalties for terrorist conspiracies.
- Sec. 304. Terrorism crimes as *reus in causa* predicates.
- Sec. 305. Biological weapons.
- Sec. 306. Support of terrorism through expert advice or assistance.
- Sec. 307. Prohibition against harboring.
- Sec. 308. Post-release supervision of terrorists.
- Sec. 309. Definition.
- Sec. 310. Civil damages.



1 **SEC. 203. MANDATORY DETENTION OF SUSPECTED TER-**
2 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**
3 **VIEW.**

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

7 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;
8 ILABEAS CORPUS; JUDICIAL REVIEW

9 “SEC. 236A. (a) DETENTION OF TERRORIST
10 ALIENS.—

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

14 “(2) RELEASE.—Except as provided in para-
15 graphs (5) and (6), the Attorney General shall main-
16 tain custody of such an alien until the alien is re-
17 moved from the United States or found not to be in-
18 admissible or deportable, as the case may be. Except
19 as provided in paragraph (6), such custody shall be
20 maintained irrespective of any relief from removal
21 for which the alien may be eligible, or any relief
22 from removal granted the alien, until the Attorney
23 General determines that the alien is no longer an
24 alien who may be certified under paragraph (3).

25 “(3) CERTIFICATION.—The Attorney General
26 may certify an alien under this paragraph if the At-



1 torney General has reasonable grounds to believe
2 that the alien—

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

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

10 “(4) NONDELEGATION.—The Attorney General
11 may delegate the authority provided under para-
12 graph (3) only to the Deputy Attorney General. The
13 Deputy Attorney General may not delegate such au-
14 thority.

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

23 “(6) LIMITATION ON INDEFINITE DETEN-
24 TION.—An alien detained under paragraph (1) who
25 has been ordered removed based on one or more of



1 the grounds of inadmissibility or deportability re-
2 ferred to in paragraph (3)(A), who has not been re-
3 moved within the removal period specified under sec-
4 tion 241(a)(1)(A), and whose removal is unlikely in
5 the reasonably foreseeable future, may be detained
6 for additional periods of up to six months if the At-
7 torney General demonstrates that the release of the
8 alien will not protect the national security of the
9 United States or adequately ensure the safety of the
10 community or any person.

11 “(b) ILABEAS CORPUS AND JUDICIAL REVIEW.—Ju-
12 dicial review of any action or decision relating to this sec-
13 tion (including judicial review of the merits of a deter-
14 mination made under subsection (a)(3) or (a)(6)) is avail-
15 able exclusively in habeas corpus proceedings initiated in
16 the United States District Court for the District of Colum-
17 bia. Notwithstanding any other provision of law, including
18 section 2241 of title 28, United States Code, except as
19 provided in the preceding sentence, no court shall have
20 jurisdiction to review, by habeas corpus petition or other-
21 wise, any such action or decision.”.

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

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

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

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

10 (2) the grounds for such certifications;

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

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

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

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

17 (B) were removed;

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

20 or

21 (D) were released from detention.

