

107TH CONGRESS
1ST SESSION

H. R. 2975

To combat terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 2001

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. HYDE, Mr. COBLE, Mr. GOODLATTE, Mr. JENKINS, Ms. JACKSON-LEE of Texas, Mr. CANNON, Mr. MEEHAN, Mr. GRAHAM, Mr. BACHUS, Mr. WEXLER, Mr. HOSTETTLER, Mr. KELLER, Mr. ISSA, Ms. HART, Mr. FLAKE, Mr. SCHIFF, Mr. THOMAS, Mr. GOSS, Mr. RANGEL, Mr. BERMAN, and Ms. LOFGREN) 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, Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

1 SEC. 2. TABLE OF CONTENTS.

2 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. 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. Multilateral cooperation against terrorists.
- Sec. 205. Changes in conditions for granting asylum and asylum procedures.
- Sec. 206. Protection of northern border.
- Sec. 207. Requiring sharing by the Federal Bureau of Investigation of certain criminal record extracts with other Federal agencies in order to enhance border security.

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 RICO 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.

Subtitle B—Criminal Procedure

- Sec. 351. Single-jurisdiction search warrants for terrorism.
- Sec. 352. DNA identification of terrorists.
- Sec. 353. Grand jury matters.
- Sec. 354. Extraterritoriality.
- Sec. 355. Jurisdiction over crimes committed at United States facilities abroad.
- Sec. 356. Special agent authorities.

TITLE IV—FINANCIAL INFRASTRUCTURE

- Sec. 401. Laundering the proceeds of terrorism.
- Sec. 402. Material support for terrorism.
- Sec. 403. Assets of terrorist organizations.
- Sec. 404. Technical clarification relating to provision of material support to terrorism.
- Sec. 405. Disclosure of tax information in terrorism and national security investigations.
- Sec. 406. Extraterritorial jurisdiction.

TITLE V—EMERGENCY AUTHORIZATIONS

- Sec. 501. Office of Justice programs.
- Sec. 502. Attorney General's authority to pay rewards.
- Sec. 503. Limited authority to pay overtime.
- Sec. 504. Department of State reward authority.

TITLE VI—DAM SECURITY

- Sec. 601. Security of reclamation dams, facilities, and resources.

TITLE VII—MISCELLANEOUS

1 revocation or upon publication in the Federal
2 Register if no effective date is specified.”;

3 (6) in paragraph (7), by inserting “, or the rev-
4 ocation of a redesignation under paragraph (6),”
5 after “(5) or (6)”;

6 (7) in paragraph (8)—

7 (A) by striking “(1)(B),” and inserting
8 “(2)(B), or if a redesignation under this sub-
9 section has become effective under paragraph
10 (4)(B)”;

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

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

15 **SEC. 203. MANDATORY DETENTION OF SUSPECTED TER-**
16 **RORISTS; HABEAS CORPUS; JUDICIAL RE-**
17 **VIEW.**

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

21 “MANDATORY DETENTION OF SUSPECTED TERRORISTS;

22 HABEAS CORPUS; JUDICIAL REVIEW

23 “SEC. 236A. (a) DETENTION OF TERRORIST
24 ALIENS.—

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

4 “(2) RELEASE.—Except as provided in para-
5 graph (5), the Attorney General shall maintain cus-
6 tody of such an alien until the alien is removed from
7 the United States. Such custody shall be maintained
8 irrespective of any relief from removal for which the
9 alien may be eligible, or any relief from removal
10 granted the alien, until the Attorney General deter-
11 mines that the alien is no longer an alien who may
12 be certified under paragraph (3).

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

17 “(A) is described in section
18 212(a)(3)(A)(i), 212(a)(3)(A)(iii),
19 212(a)(3)(B), 237(a)(4)(A)(i),
20 237(a)(4)(A)(iii), or 237(a)(4)(B); or

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

24 “(4) NONDELEGATION.—The Attorney General
25 may delegate the authority provided under para-

1 graph (3) only to the Commissioner. The Commis-
2 sioner may not delegate such authority.

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

11 “(b) HABEAS 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)) is available exclu-
15 sively in habeas corpus proceedings in the United States
16 District Court for the District of Columbia. Notwith-
17 standing any other provision of law, including section
18 2241 of title 28, United States Code, except as provided
19 in the preceding sentence, no court shall have jurisdiction
20 to review, by habeas corpus petition or otherwise, any such
21 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.

22 **SEC. 204. MULTILATERAL COOPERATION AGAINST TERROR-**
23 **ISTS.**

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