

**A BILL**

To enhance the domestic security of the United States of America, and for other purposes.

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

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

4        (a) SHORT TITLE. – This Act may be cited as the “Domestic Security Enhancement Act  
5        of 2003.”

6        (b) TABLE OF CONTENTS. – The table of contents of this Act is as follows:

7        Sec. 1. Short Title; Table of Contents.

8                                **TITLE I – ENHANCING NATIONAL SECURITY AUTHORITIES**

9                                **Subtitle A: Foreign Intelligence Surveillance Act Amendments**

10        Sec. 101. Individual Terrorists as Foreign Powers.

11        Sec. 102. Clandestine Intelligence Activities by Agent of a Foreign Power.

12        Sec. 103. Strengthening Wartime Authorities Under FISA.

13        Sec. 104. Strengthening FISA’s Presidential Authorization Exception.

14        Sec. 105. Law Enforcement Use of FISA Information.

15        Sec. 106. Defense of Reliance on Authorization.

16        Sec. 107. Pen Registers in FISA Investigations.

17        Sec. 108. Appointed Counsel in Appeals to FISA Court of Review.

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- 1    Sec. 109. Enforcement of Foreign Intelligence Surveillance Court Orders.
- 2    Sec. 110. Technical Correction Related to the USA PATRIOT Act.
- 3    Sec. 111. International Terrorist Organizations as Foreign Powers.
- 4                    Subtitle B: Enhancement of Law Enforcement Investigative Tools
- 5    Sec. 121. Definition of Terrorist Activities.
- 6    Sec. 122. Inclusion of Terrorist Activities as Surveillance Predicates.
- 7    Sec. 123. Extension of Authorized Periods Relating to Surveillance and Searches in
- 8                    Investigations of Terrorist Activities.
- 9    Sec. 124. Multi-function Devices.
- 10   Sec. 125. Nationwide Search Warrants in Terrorism Investigations.
- 11   Sec. 126. Equal Access to Consumer Credit Reports.
- 12   Sec. 127. Autopsy Authority.
- 13   Sec. 128. Administrative Subpoenas in Terrorism Investigations.
- 14   Sec. 129: Strengthening Access to and Use of Information in National Security
- 15                    Investigations.

16                    **TITLE II – PROTECTING NATIONAL SECURITY INFORMATION**

- 17   Sec. 201. Prohibition of Disclosure of Terrorism Investigation Detainee Information.
- 18   Sec. 202. Distribution of “Worst Case Scenario” Information.
- 19   Sec. 203. Information Relating to Capitol Buildings.
- 20   Sec. 204. Ex Parte Authorizations Under Classified Information Procedures Act.

1 Sec. 205. Exclusion of United States Security Requirements from Gross Income of  
2 Protected Officials.

3 Sec. 206. Grand Jury Information in Terrorism Cases.

4 **TITLE III – ENHANCING INVESTIGATIONS OF TERRORIST PLOTS**

5 **Subtitle A: Terrorism Identification Database**

6 Sec. 301. Short Title.

7 Sec. 302. Collection and Use of Identification Information from Suspected Terrorists and  
8 Other Sources.

9 Sec. 303. Establishment of Database to Facilitate Investigation and Prevention of Terrorist  
10 Activities.

11 Sec. 304. Definitions.

12 Sec. 305. Existing Authorities.

13 Sec. 306. Conditions of Release.

14 **Subtitle B: Facilitating Information Sharing and Cooperation**

15 Sec. 311. State and Local Information Sharing.

16 Sec. 312. Appropriate Remedies with Respect to Law Enforcement Surveillance Activities.

17 Sec. 313. Disclosure of Information.

18 **Subtitle C: Facilitating International Terrorism Investigations**

19 Sec. 321. Authority to Seek Search Warrants and Orders to Assist Foreign States.

20 Sec. 322. Extradition Without Treaties and for Offenses Not Covered by an Existing Treaty.



- 1    Sec. 424. Denial of Federal Benefits to Terrorists.
- 2    Sec. 425. Corrections to Financing of Terrorism Statute.
- 3    Sec. 426. Terrorism-Related Specified Activities for Money Laundering.
- 4    Sec. 427: Assets of Persons Committing Terrorist Acts Against Foreign Countries or
- 5            International Organizations.
- 6    Sec. 428: Technical and Conforming Amendments Relating to the USA PATRIOT ACT.

7            **TITLE V – ENHANCING IMMIGRATION AND BORDER SECURITY**

- 8    Sec. 501. Expatriation of Terrorists.
- 9    Sec. 502. Enhanced Criminal Penalties for Violations of Immigration and Nationality Act.
- 10   Sec. 503. Inadmissibility and Removability of National Security Aliens or Criminally Charged
- 11            Aliens.
- 12   Sec. 504. Expedited Removal of Criminal Aliens.
- 13   Sec. 505. Clarification of Continuing Nature of Failure-to-Depart Offense, and Deletion of
- 14            Provisions on Suspension of Sentence.
- 15   Sec. 506. Additional Countries of Removal.

16                    **Title I: Enhancing National Security Authorities**

17                            **Subtitle A: Foreign Intelligence Surveillance Act Amendments**

- 18   **Sec. 101: Individual Terrorists as Foreign Powers.**

1 Section 101(a)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
2 1801(a)(4)) is amended by inserting “or individual” after “group”.

3 **Sec. 102: Clandestine Intelligence Activities by Agent of a Foreign Power.**

4 Section 101(b)(2)(A) and (B) of the Foreign Intelligence Surveillance Act of 1978 (50  
5 U.S.C. 1801(b)(2)(A) and (B)) are each amended by striking “, which” and all that follows  
6 through “States”.

7 **Sec. 103: Strengthening Wartime Authorities Under FISA.**

8 Sections 111, 309, and 404 of the Foreign Intelligence Surveillance Act of 1978 (50  
9 U.S.C. 1811, 1829, and 1844) are each amended by inserting after “Congress” the following:  
10 “, the enactment of legislation authorizing the use of military force, or an attack on the United  
11 States, its territories or possessions, or its armed forces creating a national emergency”.

12 **Sec. 104: Strengthening FISA’s Presidential Authorization Exception.**

13 Section 102(a)(1)(A)(ii) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
14 1802(a)(1)(A)(ii)) is amended by striking “, other than the spoken communications of  
15 individuals,”.

16 **Sec. 105: Law Enforcement Use of FISA Information.**

17 Sections 106(b), 305(c), and 405(b) of the Foreign Intelligence Surveillance Act of 1978  
18 (50 U.S.C. 1806(b), 1825(c), and 1845(b)) are each amended by striking “the Attorney  
19 General” and inserting “the Attorney General, the Deputy Attorney General, the Associate  
20 Attorney General, or an Assistant Attorney General designated by the Attorney General”.

21 **Sec. 106: Defense of Reliance on Authorization.**

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1           (a) Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(b))  
2 is amended by inserting after “jurisdiction” the following: “or was authorized by and  
3 conducted pursuant to the authorization of the President or the Attorney General”.

4           (b) Section 307(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
5 1827(b)) is amended by inserting after “jurisdiction” the following: “or was authorized by and  
6 conducted pursuant to the authorization of the President or the Attorney General”.

7           **Sec. 107: Pen Registers in FISA Investigations.**

8           Section 402(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
9 1842(a)(1)) is amended by striking “not concerning” and all that follows through “intelligence  
10 activities”.

11           **Sec. 108: Appointed Counsel in Appeals to FISA Court of Review.**

12           Section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b))  
13 is amended by inserting after the first sentence the following: “The court of review in its  
14 discretion may appoint counsel, with appropriate security clearance, to defend the denial of  
15 the application, and such counsel shall be compensated as provided for representation in an  
16 appellate court case under section 3006A(d) of title 18, United States Code.”.

17           **Sec. 109: Enforcement of Foreign Intelligence Surveillance Court Orders.**

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

20           (1) redesignating subsection (d) as subsection (e); and

21           (2) inserting after subsection (c) the following:

22           **“(d) Enforcement of court’s orders.**

1       “The court established by subsection (a) shall have the same authority as a United States  
2       district court to enforce its orders, including the authority to punish any disobedience of such  
3       orders as contempt of court.”.

4       **Sec. 110: Technical Correction Related to the USA PATRIOT Act.**

5       Section 224(a) of Pub. L. 107-56 is amended by inserting “204,” before “205”.

6       **Sec. 111. International Terrorist Organizations as Foreign Powers.**

7       (a) Section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
8       1801(i)) is amended by striking “or (3)” and inserting “(3), or (4)”.

9       (b) Section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
10       1805(e)) is amended –

11           (1) in paragraph (1), by striking “or (3)” and inserting “(3), or (4)”; and

12           (2) in paragraph (2), by striking “or against a foreign power as defined in section  
13       101(a)(4) that is not a United States person,”.

14       (c) Section 304(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
15       1824(d)) is amended –

16           (1) in paragraph (1), by striking “or (3)” and inserting “(3), or (4)”; and

17           (2) in paragraph (2), by striking “or against a foreign power, as defined in section  
18       101(a)(4), that is not a United States person,”.

19                   **Subtitle B: Enhancement of Law Enforcement Surveillance Tools**

20       **Sec. 121: Definition of Terrorist Activities.**

21       (a) Section 2510 of title 18, United States Code, is amended –

1           (1) by redesignating paragraphs (20) and (21) as paragraphs (22) and (23)  
2           respectively; and

3           (2) by inserting after paragraph (19) the following:

4                       “(20) ‘terrorist activities’ means an offense described in section  
5           2332b(g)(5)(B), an offense involved in or related to domestic or international terrorism as  
6           defined in section 2331, or a conspiracy or attempt to engage in such conduct;

7                       “(21) ‘criminal investigation’ includes any investigation of terrorist activities;”.

8           (b) Section 3127(1) of title 18, United States Code, is amended by inserting “‘terrorist  
9           activities’, ‘criminal investigation’,” after “‘service’,”.

10       **Sec. 122: Inclusion of Terrorist Activities as Surveillance Predicates.**

11       (a) Section 2516 of title 18, United States Code, is amended –

12           (1) in subsection (1) –

13                       (A) in paragraph (c) –

14                               (i) by inserting before “section 1992 (relating to wrecking trains)” the  
15                               following: “section 37 (relating to violence at international airports), section  
16                               930(c) (relating to attack on federal facility with firearm), section 956 (conspiracy  
17                               to harm persons or property overseas),”; and

18                               (ii) by inserting before “a felony violation of section 1028” the following:  
19                               “section 1993 (relating to mass transportation systems),”.

20                       (B) in paragraph (q), by striking all that follows the semicolon;

21                       (C) by redesignating paragraph (r) as paragraph (s); and

22                       (D) by inserting after paragraph (q) the following:

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1                   “(r) terrorist activities; or”; and

2           (2) in subsection (2) –

3                   (A) by inserting “or activities” before “as to which”; and

4                   (B) by inserting “terrorist activities or” before “the commission”.

5           (b) Section 2518(7)(a) of title 18, United States Code, is amended –

6                   (1) by redesignating subparagraphs (ii) and (iii) as subparagraphs (iii) and (iv)  
7           respectively; and

8                   (2) by inserting after subparagraph (i) the following:

9                               “(ii) terrorist activities.”

10           (c) Section 3123(b)(1)(D) of title 18, United States Code, is amended by inserting “or  
11           activities” after “offense”.

12           (d) Section 3125(a)(1) of title 18, United States Code, is amended –

13                   (1) in subparagraph (A), by striking “or” at the end;

14                   (2) by redesignating subparagraph (B) as subparagraph (D); and

15                   (3) by inserting after subparagraph (A) the following:

16                               “(B) terrorist activities;

17                               “(C) conspiratorial activities threatening the national security interest; or”.

18           (f) Section 3127(2)(A) of title 18, United States Code, is amended to read as  
19           follows:

20                               “(A) any district court of the United States (including a magistrate judge of such a  
21           court) or any United States court of appeals that--

1           “(i) has jurisdiction over the offense or activities being investigated;

2           “(ii) is in or for a district in which the provider of wire or electronic  
3           communication service is located; or

4           “(iii) is in or for a district in which a landlord, custodian, or other person  
5           subject to section 3124(a) or (b) is located; or”.

6       **Sec. 123: Extension of Authorized Periods Relating to Surveillance and Searches in**  
7       **Investigations of Terrorist Activities.**

8           (a) Section 2518 of title 18, United States Code, is amended –

9           (1) in subsection (5) –

10           (A) in the first sentence, by inserting “or, in the case of an interception relating to  
11           terrorist activities, ninety days” after “thirty days”;

12           (B) in the second sentence, by striking “Such thirty-day period begins” and  
13           inserting “These periods begin”;

14           (C) in the fourth sentence, by inserting “or, in the case of an interception relating  
15           to terrorist activities, ninety days” after “thirty days”; and

16           (D) in the fifth sentence –

17           (i) by striking “practicable,” and inserting “practicable and”; and

18           (ii) by striking “, and must terminate” and all that follows through “thirty  
19           days.”; and

20           (2) in subsection (6), by inserting in the second sentence after “require” the following:  
21           “so long as no interval is less than thirty days in the case of an interception relating to  
22           terrorist activities”.

1       (b) Section 2705(a)(2)(A) and (b)(1) of title 18, United States Code, are amended by  
2 inserting “or the national security” after “individual”.

3       (c) Section 3123(c)(1) and (2) of title 18, United States Code, are amended by inserting  
4 after “or, in an investigation of terrorist activities, 120 days” after “sixty days”.

5       **Sec. 124: Multi-function Devices**

6       (a) Section 2518(4) of title 18, United States Code, is amended by inserting at the end the  
7 following: “Where a communication device to be monitored under an order authorizing the  
8 interception of a wire, oral, or electronic communication is capable of performing multiple  
9 functions, communications transmitted or received through any function performed by the  
10 device may be intercepted and accessed unless the order specifies otherwise and, upon a  
11 showing as for a search warrant, the order may authorize the retrieval of other information  
12 (whether or not constituting or derived from a communication whose interception the order  
13 authorizes) from the device.”.

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

15           (1) in subsection (a), by striking “court with jurisdiction over the offense under  
16 investigation or equivalent State warrant” and inserting “court in a district in which the  
17 provider is located or that has jurisdiction over the offense or activities under  
18 investigation or equivalent State warrant or pursuant to a court order issued under  
19 section 2518”; and

20           (2) in subsections (b)(1)(A) and (c)(1)(A), by striking “court with jurisdiction over  
21 the offense under investigation or equivalent State warrant” and inserting “court in a  
22 district in which the provider is located or that has jurisdiction over the offense or

1 activities under investigation or equivalent State warrant or a court order issued under  
2 section 2518".

3 (c) Section 3123(b) of title 18, United States Code, is amended by inserting at the end the  
4 following as a flush last sentence: "Where the order relates to a communication device  
5 capable of performing multiple functions, a pen register or trap and trace device may be used  
6 with respect to communications transmitted or received through any function of the device  
7 unless the order specifies otherwise."

8 **Sec. 125: Nationwide Search Warrants in Terrorism Investigations.**

9 Rule 41(a)(3) of the Federal Rules of Criminal Procedure is amended –

10 (1) by inserting "or of an offense listed in 18 U.S.C. § 2332b(g)(5)(B))" after  
11 "2331"; and

12 (2) by inserting "or offense" after "the terrorism".

13 **Sec. 126: Equal Access to Consumer Credit Reports.**

14 Section 1681b(a)(1) of title 15, United States Code is amended by striking "grand jury"  
15 and inserting "grand jury, or the request of a law enforcement officer upon his certification  
16 that the information will be used only in connection with his duties to enforce federal law, in  
17 which case the disclosure to such law enforcement officer will not be disclosed to the  
18 consumer to whom such report relates without further order of a federal court".

19 **Sec. 127: Autopsy Authority.**

20 (a) Chapter 31 of title 28, United States Code, is amended by adding at the end the  
21 following:

22 "§ 530C. Autopsy authority in criminal investigations

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1           “Notwithstanding any other provision of law, the Attorney General may, when  
2           deemed necessary or appropriate in the conduct of a criminal investigation, take  
3           custody of, and order an autopsy and related scientific or medical tests to be  
4           performed on the body of, a deceased person. To the extent consistent with the needs  
5           of the autopsy or of specific scientific or medical tests, the Attorney General shall  
6           take such steps as necessary to respect the provisions of any applicable law protecting  
7           religious beliefs of the deceased person or the deceased persons family. Before  
8           ordering an autopsy or related tests under this section, the Attorney General shall  
9           endeavor to inform the family of the deceased person, if known, that the autopsy shall  
10          be performed. After the autopsy and any related tests have been performed, the  
11          remains of the deceased person shall be returned as soon as practicable to that  
12          deceased person’s family, if known.”

13           (b) The table of sections for chapter 31 of title 28, United States Code, is amended by  
14          inserting at the end: “530C. Autopsy authority in criminal investigations.”

15          **Sec. 128. Administrative Subpoenas in Terrorism Investigations.**

16           (a) IN GENERAL- Chapter 113B of title 18, United States Code, is amended by inserting  
17          after section 2332e the following:

18          “Sec. 2332f. Administrative subpoenas in terrorism investigations.

19           “(a) AUTHORIZATION OF USE--In any investigation with respect an offense listed in  
20          section 2332b(g)(5)(B) or an offense involved in or related to international or domestic  
21          terrorism as defined in section 2331, the Attorney General may subpoena witnesses, compel  
22          the attendance and testimony of witnesses, and require the production of any records  
23          (including books, papers, documents, electronic data, and other tangible things that constitute  
24          or contain evidence) that he finds relevant or material to the investigation. A subpoena under

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1 this section shall describe the records or items required to be produced and prescribe a return  
2 date within a reasonable period of time within which the records or items can be assembled  
3 and made available. The attendance of witnesses and the production of records may be  
4 required from any place in any State or in any territory or other place subject to the  
5 jurisdiction of the United States at any designated place of hearing, except that a witness shall  
6 not be required to appear at any hearing more than 500 miles distant from the place where he  
7 was served with a subpoena. Witnesses summoned under this section shall be paid the same  
8 fees and mileage that are paid to witnesses in the courts of the United States.

9 “(b) SERVICE--A subpoena issued under this section may be served by any person  
10 designated in the subpoena as the agent of service. Service upon a natural person may be  
11 made by personal delivery of the subpoena to him or by certified mail with return receipt  
12 requested. Service may be made upon a domestic or foreign corporation or upon a  
13 partnership or other unincorporated association that is subject to suit under a common name,  
14 by delivering the subpoena to an officer, to a managing or general agent, or to any other  
15 agent authorized by appointment or by law to receive service of process. The affidavit of the  
16 person serving the subpoena entered by him on a true copy thereof shall be sufficient proof of  
17 service.

18 “(c) ENFORCEMENT--In the case of the contumacy by, or refusal to obey a subpoena  
19 issued to, any person, the Attorney General may invoke the aid of any court of the United  
20 States within whose jurisdiction the investigation is carried on or the subpoenaed person  
21 resides, carries on business, or may be found, to compel compliance with the subpoena. The  
22 court may issue an order requiring the subpoenaed person, in accordance with the subpoena,  
23 to appear, to produce records, or to give testimony touching the matter under investigation.  
24 Any failure to obey the order of the court may be punished by the court as contempt thereof.

1 Any process under this subsection may be served in any judicial district in which the person  
2 may be found.

3 “(d) NON-DISCLOSURE REQUIREMENTS--No person shall disclose to any other  
4 person that a subpoena was received or records provided pursuant to this section, other than  
5 to (i) those persons to whom such disclosure is necessary in order to comply with the  
6 subpoena, (ii) an attorney to obtain legal advice with respect to testimony or the production  
7 of records in response to the subpoena, and (iii) other persons as permitted by the Attorney  
8 General. Any person who receives a disclosure under this subsection shall be subject to the  
9 same prohibition of disclosure.

10 “(e) IMMUNITY FROM CIVIL LIABILITY- Any person, including officers, agents, and  
11 employees, who in good faith produce the records or items requested in a subpoena shall not  
12 be liable in any court of any State or the United States to any customer or other person for  
13 such production or for non-disclosure of that production to the customer or other person, in  
14 compliance with the terms of a court order for non-disclosure.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT- The analysis for chapter 113B  
16 of title 18, United States Code, is amended by inserting after the item relating to section  
17 2332e the following:

18 “Sec. 2332f. Administrative subpoenas in terrorism investigations”.

19 **Sec. 129: Strengthening Access to and Use of Information in National Security**  
20 **Investigations.**

21 (a) VIOLATION OF NONDISCLOSURE PROVISIONS FOR NATIONAL  
22 SECURITY LETTERS AND COURT ORDERS. – Section 1510 of title 18, United States  
23 Code, is amended by adding at the end the following:

1       “(e) Whoever violates section 2709(c) or 2332f(d) of this title, section 625(d) or 626(c)  
2 of the Fair Credit Reporting Act, section 1114(a)(3) or (5)(D) of the Right to Financial  
3 Privacy Act, section 802(b) of the National Security Act of 1947, or section 501(d) of the  
4 Foreign Intelligence Surveillance Act of 1978, shall be imprisoned for not more than one  
5 year, and if the violation is committed with the intent to obstruct an investigation or judicial  
6 proceeding, shall be imprisoned for not more than five years.”

7       (b) JUDICIAL ENFORCEMENT OF NATIONAL SECURITY LETTERS. – Chapter  
8 113B of title 18, United States Code, is amended –

9       (1) in the chapter analysis, by inserting before the item relating to section 2333 the  
10 following:

11       “2332g. Enforcement of requests for information.”; and

12       (2) by inserting before section 2333 the following:

13       “§ 2332g. **Enforcement of requests for information**

14       “ In the case of a refusal to comply with a request for records, a report, or other  
15 information made to any person under section 2709(b) of this title, section 625(a) or (b) or  
16 626(a) of the Fair Credit Reporting Act, section 1114(a)(5)(A) of the Right to Financial  
17 Privacy Act, or section 802(a) of the National Security Act of 1947, the Attorney General  
18 may invoke the aid of any court of the United States within whose jurisdiction the  
19 investigation is carried on or the person resides, carries on business, or may be found, to  
20 compel compliance with the request. The court may issue an order requiring the person to  
21 comply with the request. Any failure to obey the order of the court may be punished by the  
22 court as contempt thereof. Any process under this section may be served in any judicial  
23 district in which the person may be found.”

1           (c) USE OF NATIONAL SECURITY LETTERS IN THE INVESTIGATION OF  
2   TERRORIST ACTIVITIES. – (1) Section 2709(b)(1) and (2) of title 18, United States  
3   Code, are each amended by striking “international terrorism” and inserting “terrorist activities  
4   (as defined in section 2510)”.

5           (2) Sections 625(a), (b), and (c) and 626(a) of the Fair Credit Reporting Act (15  
6   U.S.C. 1681u(a), (b), and (c) and 1681v(a)) are each amended by striking “international  
7   terrorism” and inserting “terrorist activities (as defined in section 2510 of title 18, United  
8   States Code)”.

9           (3) Section 1114(a) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)) is  
10   amended –

11           (A) in paragraph (1)(C), by striking “international terrorism” and inserting  
12   “terrorist activities (as defined in section 2510 of title 18, United States Code)”; and

13           (B) in paragraph (5)(A), by striking “for foreign counter intelligence purposes to  
14   protect against international terrorism” and inserting “to protect against terrorist  
15   activities”.

16           (d) SHARING OF INTELLIGENCE AMONG FEDERAL AGENCIES. – (1) Section  
17   2709(d) of title 18, United States Code, is amended by striking “for foreign” and all that  
18   follows through “such agency”.

19           (2) Section 625(f) of the Fair Credit Reporting Act (15 U.S.C. 1681u(f)) is amended  
20   by striking “not” and all that follows through “investigation.” and inserting the following:  
21   “disseminate information obtained pursuant to this section only as provided in guidelines  
22   approved by the Attorney General.”.

1           (3) Section 626(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended  
2 by striking “conduct or such investigation, activity or analysis” and inserting the  
3 following: “conduct of such investigation, activity or analysis, and such government  
4 agency may disclose the contents of that report or information to another government  
5 agency authorized to engage in such investigation, activity or analysis”.

6           (4) Section 1114(a)(5)(B) of the Right to Financial Privacy Act (12 U.S.C.  
7 3414(a)(5)(B)) is amended by striking “for foreign” and all that follows through “such  
8 agency”.

9           (5) Section 802(e)(3) of the National Security Act of 1947 (50 U.S.C. 436(e)(3)) is  
10 amended by striking “clearly”.

11                           **Title II: Protecting National Security Information**

12           **Sec. 201: Prohibition of Disclosure of Terrorism Investigation Detainee Information.**

13           Notwithstanding section 552 of title 5, United States Code, or any other provision of law,  
14 no officer, employee, or agency of the United States shall disclose, without the prior  
15 determination of the Attorney General or the Director of Central Intelligence that such  
16 disclosure will not adversely impact the national security interests of the United States, the  
17 names or other identifying information relating to any alien who is detained within the United  
18 States, or any individual who is detained outside the United States, in the course of any  
19 investigation of international terrorism until such time as such individual is served with a  
20 criminal indictment or information.

21           **Sec. 202: Distribution of “Worst Case Scenario” Information.**

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*Draft—January 9, 2003*

1       (a) **SHORT TITLE.** This section may be cited as the “Community Protection from  
2 Chemical Terrorism Act.”

3       (b) **FINDINGS.** Congress finds that –

4           (1) the nationwide threat of terrorist attacks has greatly increased since September 11,  
5 2001;

6           (2) government-mandated publicly available information on worst-case scenario  
7 accidents at chemical facilities provides a blueprint that terrorists may use to plan and  
8 carry out terrorist attacks;

9           (3) improved protections are necessary to prevent terrorists from using information  
10 described in paragraph (2) to target and attack local communities; and

11           (4) while communities have a right to know about the use of chemicals in their  
12 communities, communities also have the right not to allow terrorists to use such  
13 information to destroy the communities.

14       (c) **SAFE USAGE OF CHEMICAL INFORMATION.** Section 112(r)(7) of the Clean  
15 Air Act (42 U.S.C. 7412(r)(7)) is amended by deleting subparagraph (H) and inserting in lieu  
16 thereof:

17           “(H) **ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION**

18       –

19           “(i) **DEFINITIONS** – In this subparagraph:

20           “(I) **CRIMINAL RELEASE** – The term ‘criminal release’ means an  
21 emission of a regulated substance into the ambient air from a stationary source  
22 that is caused, in whole or in part, by a criminal act.

1                   “(II) DISTANCE TO ENDPOINT – The term ‘distance to endpoint’  
2 means the radius of the area of an accidental release or a criminal release.

3                   “(III) MEMBER OF THE PUBLIC – The term ‘member of the public’  
4 means –

5                   “(aa) an individual who is not an official user; and

6                   “(bb) an official user who is not carrying out an official use.

7                   “(IV) OFFICIAL USE – The term ‘official use’ means an action of a  
8 Federal, State, or local government agency, or an entity referred to in  
9 subclause (V)(ee), that is intended to carry out a function necessary to  
10 prevent, plan for, or respond to an accidental release or a criminal release.

11                   “(V) OFFICIAL USER– The term ‘official user’ means –

12                   “(aa) an officer or employee of the United States;

13                   “(bb) an officer or employee of an agent or contractor of the United  
14 States;

15                   “(cc) an officer or employee of a State or local government;

16                   “(dd) an officer or employee of an agent or contractor of a State or  
17 local government; and

18                   “(ee) an officer or employee or an agent or contractor of an entity that  
19 has been given, by a State or local government, responsibility for  
20 preventing, planning for, or responding to accidental releases or criminal  
21 releases.

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1                   “(VI) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION – The  
2 term ‘off-site consequence analysis information’ means –

3                   “(aa) any information in a risk management plan, including in the  
4 executive summary of the plan, that consists of, identifies, or describes or  
5 identifies, with respect to a worst-case or alternative release scenario for a  
6 toxic release or flammable release –

7                   “(AA) the name, physical state, or concentration of a chemical;

8                   “(BB) the quantity released, release rate, or duration of the release;

9                   “(CC) the topography, whether urban or rural;

10                  “(DD) the distance to endpoint;

11                  “(EE) the estimated residential population, public receptors, or  
12 environmental receptors within the distance to endpoint;

13                  “(FF) any map or other graphic depiction used to illustrate a  
14 scenario; and

15                  “(GG) the prevention program designed to prevent or mitigate the  
16 release; and

17                  “(bb) any information derived from the information described in item  
18 (aa) (including any statewide or national ranking of stationary sources  
19 derived from the information described in item (aa)) that is not publicly  
20 available from a source other than a risk management plan.

21                   “(VII) READ-ONLY ACCESS – The term ‘read-only access’ means  
22 access that –