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1 “(aa) allows the reading of information; but

2 “(bb) does not allow removal, mechanical reproduction, or other
3 duplication (including notetaking) of information.

4 “(VIII) RISK MANAGEMENT PLAN – The term ‘risk management
5 plan’ means a risk management plan registered with the Administrator by an
6 owner or operator of a stationary source under subparagraph (B)(iii).

7 “(IX) STATE OR LOCAL OFFICIAL USER- The term ‘State or local
8 official user’ means an official user described in any of items (cc) through (ee)
9 of subclause (V).

10 “(ii) AVAILABILITY UNDER FREEDOM OF INFORMATION ACT –

11 “(I) IN GENERAL – Off-site consequence analysis information shall not
12 be made available under section 552 of title 5, United States Code.

13 “(II) APPLICABILITY – Subclause (I) applies to off-site consequence
14 analysis information obtained or developed by the Administrator before, on, or
15 after the date of enactment of this subparagraph.

16 “(iii) ACCESS BY MEMBERS OF THE PUBLIC TO OFF-SITE
17 CONSEQUENCE ANALYSIS INFORMATION – Except as provided in this
18 clause, notwithstanding any other provision of law, no member of the public shall
19 have access to off-site consequence analysis information. The Administrator, in
20 consultation with the Attorney General, shall establish procedures to allow a
21 member of the public read-only access to off-site consequence analysis
22 information that does not disclose the identity or location of any facility or any
23 information from which the identity or location of any facility could be deduced.

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1 “(iv) ACCESS BY STATE OR LOCAL OFFICIAL USERS TO OFF-SITE
2 CONSEQUENCE ANALYSIS INFORMATION – The Administrator shall allow
3 access by a State or local official user, for official use, to off-site consequence
4 analysis information relating to stationary sources located in the State or local
5 official user’s State or in a contiguous State, or in any case where the off-site
6 consequence analysis indicates that release would require, under existing mutual
7 aid agreements, a response by that State or local jurisdiction.

8 “(v) PROHIBITION ON DISCLOSURE BY OFFICIAL USERS –

9 “(I) IN GENERAL –

10 “(aa) PROHIBITION – No official user shall knowingly disclose
11 off-site consequence analysis information in any form to any member of
12 the public, except to the extent that such disclosure is for official use or is
13 otherwise authorized under this subparagraph.

14 “(bb) EXTENT OF DISCLOSURE FOR OFFICIAL USE – Under
15 item (aa), an official user may disclose for official use only the quantity of
16 off-site consequence analysis information that is necessary for the purpose
17 of preventing, planning for, or responding to accidental releases or
18 criminal releases.

19 “(II) CRIMINAL PENALTIES – Notwithstanding section 113, a violation
20 of subclause (I) shall be punished as a Class A misdemeanor under section
21 3559 of title 18, United States Code.

22 “(III) NOTICE – The Administrator shall provide to each official user
23 who receives off-site consequence analysis information –

1 “(aa) notice of the definition of official use and examples of actions
2 that do and actions that do not fall within that definition; and

3 “(bb) notice of the prohibition established by subclause (I) and the
4 penalties established by subclause (II).

5 “(vi) EFFECT ON STATE OR LOCAL LAW –

6 “(I) IN GENERAL – Subject to subclause (II), this subparagraph
7 supersedes any provision of State or local law that is inconsistent with this
8 subparagraph.

9 “(II) AVAILABILITY OF INFORMATION UNDER STATE LAW –
10 Nothing in this subparagraph precludes a State from making available data on
11 the off-site consequences of chemical releases collected in accordance with
12 State law.

13 “(IV) AVAILABILITY OF INFORMATION – Information that is
14 developed by the Attorney General, or requested by the Attorney General and
15 received from a covered stationary source, for the purpose of preparing the
16 report or conducting the review under this clause, shall not be disclosed or
17 released under the Freedom of Information Act (5 U.S.C. 552).

18 “(vii) AUTHORIZATION OF APPROPRIATIONS – There are authorized to
19 be appropriated to the Administrator and the Attorney General such sums as are
20 necessary to carry out this subparagraph, to remain available until expended.”.

21 **Sec. 203: Information Relating to Capitol Buildings**

22 Notwithstanding section 552 of title 5, United States Code, or any other provision of law,
23 information provided by the Office of Compliance or the Architect of the Capitol to any

1 officer, employee or agency of the Executive Branch of government relating to the United
2 States Capitol and related buildings, shall not be disclosed under section 552(a) of title 5
3 United States Code, by such Executive Branch officer, employee or agency.

4 **Sec. 204: Ex Parte Authorizations Under Classified Information Procedures Act.**

5 Section 4 of the Classified Information Procedures Act (18 U.S.C. App. 3) is hereby
6 amended by deleting the “may” in the second sentence and inserting “shall”.

7 **Sec. 205: Exclusion of United States Security Requirements from Gross Income of**
8 **Protected Officials**

9 The Internal Revenue Code of 1986 is amended –

10 (a) by redesignating section 140 as section 141, and

11 (b) by inserting after section 139 the following:

12 “§ 140 Personnel security interests of the United States

13 “Gross income shall not include any amount expended from appropriated funds
14 that the Secretary of the Treasury, the Attorney General, and the Director of Central
15 Intelligence, or their designees, shall jointly determine is required to provide for the
16 security of officers or employees of the United States and otherwise in the interests of
17 the United States. The Secretary of the Treasury, the Attorney General and the
18 Director of Central Intelligence, acting jointly, may determine the scope of protective
19 services required by class of official or otherwise, and such determinations shall not
20 be **publicly disclosed.**”

21 **Sec. 206. Grand Jury Information in Terrorism Cases.**

22 Rule 6(e)(2)(B) of the Federal Rules of Criminal Procedure is amended –

1 (1) in clause (vi), by striking “or” at the end;

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

3 (3) by inserting at the end the following:

4 “(viii) a witness or a person to whom a subpoena is directed, if there is
5 reason to believe that otherwise there may result a danger to the national
6 security or to the life or physical safety of an individual, flight from
7 prosecution, destruction of or tampering with evidence, intimidation of a
8 potential witness, or other serious jeopardy to an investigation and if the
9 witness or person is notified of the prohibition of disclosure. Such a witness
10 or person may consult with counsel prior to testifying before the grand jury or
11 responding to the subpoena and shall notify such counsel of the prohibition of
12 disclosure, and such counsel shall be subject to the same prohibition of
13 disclosure.”

14 **Title III: Enhancing Investigations of Terrorist Plots**

15 **Subtitle A: Terrorism Identification Database**

16 **Sec. 301: Short Title.**

17 This Subtitle may be cited as the “Terrorist Identification Database Act of 2003.”

18 **Sec. 302: Collection and Use of Identification Information from Suspected Terrorists**
19 **and Other Sources.**

20 (a) COLLECTION AND RECEIPT OF DNA SAMPLES, FINGERPRINTS, AND
21 OTHER INFORMATION. –

1 (1) COLLECTION FROM SUSPECTED TERRORISTS IN CUSTODY OR
2 UNDER SUPERVISION OR ON CONDITIONAL RELEASE. –

3 (A) DEPARTMENT OF JUSTICE. – The Attorney General, and any other
4 official or agency designated by the Attorney General, shall have the authority to
5 collect DNA samples, fingerprints, and other identification information from any
6 suspected terrorist who is in the custody of the Attorney General, the United States
7 Marshal Service, the Bureau of Prisons, or the Immigration and Naturalization
8 Service. A Federal official or agency so designated by the Attorney General shall
9 collect DNA samples, fingerprints, and other identification information from any such
10 person as directed by the Attorney General.

11 (B) PROBATION OFFICERS. – Upon the request of the Attorney General, the
12 probation office responsible for the supervision under Federal law of an individual on
13 probation, parole, or supervised release shall collect DNA samples, fingerprints, and
14 other identification information from any suspected terrorist.

15 (C) DEPARTMENT OF DEFENSE. – The Secretary of Defense, and any other
16 official or agency within the Department of Defense designated by the Secretary, shall
17 have the authority to collect DNA samples, fingerprints, and other identification
18 information from any suspected terrorist who is in the custody of, or being detained
19 by, the Department of Defense. A Federal official or agency so designated by the
20 Secretary shall collect DNA samples, fingerprints, and other identification information
21 from any such person as directed by the Secretary.

22 (D) COLLECTION PROCEDURES. – Any official authorized under paragraph
23 (A), (B), or (C) to collect a DNA sample from a suspected terrorist may use or
24 authorize the use of such means as are reasonably necessary to collect a DNA sample

1 from any such suspected terrorist who refuses to cooperate in the collection of the
2 sample.

3 (E) CRIMINAL PENALTY. – An individual from whom the collection of a
4 DNA sample is authorized under subsection (a)(1) who fails to cooperate in the
5 collection of that sample shall be –

6 (i) guilty of a class A misdemeanor; and

7 (ii) punished in accordance with title 18, United States Code.

8 (2) COLLECTION OR RECEIPT OF OTHER IDENTIFICATION
9 INFORMATION. – The Attorney General, the Secretary of Defense, or other
10 designated official or agency, may also collect and receive, either directly or from another
11 Federal, State, local, or foreign government agency, or other appropriate source –

12 (A) DNA samples, fingerprints, and other identification information of any
13 suspected terrorist, regardless of whether he or she is in custody or under supervision,
14 where such samples or information are voluntarily provided by the suspected terrorist
15 or otherwise lawfully acquired from any source;

16 (B) DNA samples, fingerprints, and other identification information that have
17 been recovered from the scenes of terrorist activities, including unidentified human
18 remains, or that have been recovered from any item that may have been handled by a
19 suspected terrorist; and

20 (C) DNA samples, fingerprints, and other identification information of any
21 person, where such samples or information are voluntarily provided by the person and
22 may assist in the investigation and identification of terrorists and the prevention of
23 terrorism.

1 (b) COLLECTION, ANALYSIS, STORAGE, AND MAINTENANCE OF DNA
2 SAMPLES, FINGERPRINTS, AND OTHER INFORMATION. –

3 (1) ANALYSIS AND USE OF SAMPLES. – The Attorney General shall have the
4 authority to analyze DNA samples, fingerprints, and other information collected or
5 received under subsection (a) or that has been lawfully acquired under any other source
6 of law. Any such analysis of DNA samples shall be conducted in conformity with the
7 quality assurance standards issued by the Director of the Federal Bureau of Investigation
8 under section 210303 of the Violent Crime Control and Law Enforcement Act of 1994
9 (42 U.S.C. 14131).

10 (2) AGREEMENTS WITH OTHER ENTITIES CONCERNING DNA SAMPLES.
11 – The Attorney General may enter into agreements with Federal agencies, with units of
12 State or local government, or with private entities, to assist in the collection, analysis,
13 storage, or maintenance of the DNA samples described in paragraph (1).

14 **Sec. 303: Establishment of Database to Facilitate Investigation and Prevention of**
15 **Terrorist Activities.**

16 (a) DATABASES. –

17 (1) The Attorney General may establish one or more databases of DNA records,
18 fingerprints, and other identification information—

19 (A) that was collected or received under section 2(a);

20 (B) that was obtained as a result of any analysis conducted under section 2(b);

21 and

22 (C) that is information of the kind described in section 2(a) or 2(b), but which
23 may have been collected or received before the effective date of this Act.

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1 (2) Any federal agency, including the Department of Defense and any probation
2 office, shall provide to the Attorney General, for inclusion in such databases as may be
3 established, any DNA records, fingerprints, and other identification information described
4 in paragraph (1). As directed by the Attorney General, any DNA records, fingerprints,
5 and other identification information described in paragraph (1) shall be included in the
6 databases authorized by this section.

7 (b) USES. –

8 (1) **GENERALLY.** – The Attorney General may use DNA records, fingerprints, and
9 other identification information contained in the databases described in subsection (a) for
10 the purposes of detecting, investigating, prosecuting, preventing, or responding to
11 terrorist activities, or other criminal or unlawful activities by suspected terrorists, and may
12 share the information with other Federal, State, local, or foreign agencies only for these
13 purposes. In addition, the Attorney General may use and disclose the information for
14 other purposes and to other entities and persons to the extent permitted by law.

15 (2) **DATABASE SEARCHES.** – The Attorney General may search information in
16 the databases described in subsection (a) against the national DNA index established by
17 section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42
18 U.S.C. 14132), the Integrated Automated Fingerprint Identification System of the Federal
19 Bureau of Investigation, other databases maintained by Federal, State, or local law
20 enforcement agencies, and other appropriate databases as determined by the Attorney
21 General. Authorized searches of any such DNA, fingerprint, law enforcement, or other
22 appropriate database as determined by the Attorney General may also be made against the
23 databases described in subsection (a).

1 (3) POPULATION STATISTICS DATABASE. – If personally identifiable
2 information is removed, the DNA records maintained in the databases described in
3 subsection (a) may be used and disclosed for quality control and protocol development
4 purposes and for a population statistics database.

5 (c) RELATION TO OTHER LAWS. –

6 (1) IN GENERAL. – Except as provided in paragraph (2), DNA samples and records
7 and other information described in this section may be used and disclosed in conformity
8 with this section, notwithstanding any limitation on the use or disclosure of such samples,
9 records, or information under the DNA Identification Act of 1994 (42 U.S.C. 14131-
10 14134), the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135-14135e),
11 or any other law.

12 (2) RELATION TO THE PRIVACY ACT. –

13 (A) The databases established under this section shall be deemed to be systems of
14 records within the full scope of the exemption in subsection (j)(2) of section 552a of
15 title 5, United States Code (the Privacy Act), and therefore exempt from any
16 provisions of such section other than those specifically enumerated in such subsection
17 (j)(2).

18 (B) Section 552a of title 5, United States Code, is amended –

19 (i) in subsection (a)(8)(B) –

20 (I) by striking “or” at the end of subparagraph (vii);

21 (II) by adding “or” at the end of subparagraph (viii); and

22 (III) by adding at the end the following new subparagraph:

1 “(ix) matches performed pursuant to section 3 of the Terrorist
2 Identification Database Act of 2002;” and

3 (ii) in subsection (b)(7)–

4 (I) by striking “to another” and inserting “(A) to another”;

5 (II) by striking “sought;” and inserting “sought; or”; and

6 (III) by adding at the end the following new paragraph:

7 “(B) pursuant to section 3 of the Terrorist Identification Database
8 Act of 2002;”.

9 **Sec. 304: Definitions.**

10 As used in this Act:

11 (1) The term “DNA sample” means a tissue, fluid, or other bodily sample of an individual
12 on which a DNA analysis can be carried out.

13 (2) The term “DNA analysis” means analysis of the deoxyribonucleic acid (DNA)
14 identification information in a bodily sample.

15 (3) The term “suspected terrorist” means any person as to whom the Attorney General or
16 the Secretary of Defense, as appropriate, has determined that there is reason to believe –

17 (A) has engaged in terrorism as defined in section 2331(1) or 2331(5) of title 18,
18 United States Code, or has committed an offense described in section 2332b(g)(5)(B) of
19 such title, or who has conspired or attempted to do so;

20 (B) is an enemy combatant, a prisoner of war, or other battlefield detainee;

21 (C) is a member of a terrorist organization designated as such pursuant to section 219
22 of the Immigration and Nationality Act;

1 (D) is an alien who is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii),
2 212(a)(3)(B), 212(a)(3)(F), 237(A)(4)(a)(i), 237(a)(4)(iii), or 237(a)(4)(B) of the
3 Immigration and Nationality Act, or who is engaged in any other activity that endangers
4 the national security of the United States.

5 **Sec. 305: Existing Authorities.**

6 The authorities granted under this Act are in addition to any authorities that may exist
7 under any other source of law. Nothing in this Act shall be construed to preclude the receipt,
8 collection, analysis, maintenance, or dissemination of evidence or information pursuant to any
9 other source of law.

10 **Sec. 306: Conditions of Release.**

11 (a) CONDITIONS OF PROBATION. – Section 3563(a)(9) of title 18, United States
12 Code, is amended by striking the period at the end and inserting “or section 3 of the Terrorist
13 Identification Database Act of 2002.”.

14 (b) CONDITIONS OF SUPERVISED RELEASE. – Section 3583(d) of title 18, United
15 States Code, is amended by striking the period after “the DNA Analysis Backlog Elimination
16 Act of 2000” and inserting “or section 3 of the Terrorist Identification Database Act of
17 2002.”.

18 (c) CONDITIONS OF PAROLE. – Section 4209 of title 18, United States Code, insofar
19 as such section remains in effect with respect to certain individuals, is amended by inserting
20 before “or section 1565 of title 10.” the following: “, section 3 of the Terrorist Identification
21 Database Act of 2002.”.

22 (d) CONDITIONS OF RELEASE GENERALLY. – If the collection of a DNA sample
23 from an individual under any form of supervision or conditional release is authorized pursuant

1 to section 2(a) of this Act, the individual shall cooperate in the collection of a DNA sample as
2 a condition of that supervision or conditional release.

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

4 **Sec. 311: State and Local Information Sharing.**

5 (a) CONSUMER INFORMATION. – Section 626(a) of the Fair Credit Reporting Act
6 (15 U.S.C. 1681v(a)) is amended by adding at the end the following: “The recipient of that
7 consumer report or information may further disclose the contents of that report or
8 information to law enforcement personnel of a State or political subdivision of a State
9 (including the chief executive officer of that State or political subdivision who has the
10 authority to appoint or direct the chief law enforcement officer of that State or political
11 subdivision) to assist the official receiving that information in the performance of the official
12 duties of that official. Any chief executive officer or law enforcement personnel of a State or
13 political subdivision of a State who receives information pursuant to this subsection shall only
14 use that information consistent with such guidelines as the Attorney General shall issue to
15 protect confidentiality.”.

16 (b) VISA INFORMATION. – Section 222(f) of the Immigration and Nationality Act (8
17 U.S.C. 1202 (f)) is amended –

18 (1) in paragraph (1), by striking the period at the end and inserting a semicolon;

19 (2) by redesignating paragraph (2) as paragraph (3); and

20 (3) by inserting after paragraph (1) the following:

21 “(2) the Secretary of State may provide copies of any record of the
22 Department of State and of diplomatic and consular offices of the United States
23 pertaining to the issuance or refusal of visas or permits to enter the United States,

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1 or any information contained in those records, to law enforcement personnel of a
2 State or political subdivision of a State (including the chief executive officer of
3 that State or political subdivision who has the authority to appoint or direct the
4 chief law enforcement officer of that State or political subdivision) to assist the
5 official receiving that information in the performance of the official duties of that
6 official, and any chief executive officer or law enforcement personnel of a State or
7 political subdivision of a State who receives information pursuant to this
8 paragraph shall only use that information consistent with such guidelines as the
9 Attorney General shall issue to protect confidentiality; and”.

10 (c) EDUCATIONAL RECORDS INFORMATION. – Section 444(j)(1)(B) of the
11 General Education Provisions Act (20 U.S.C. 1232g(j)(1)(B)) and section 408(c)(1)(B) of
12 the National Education Statistics Act of 1994 (20 U.S.C. 9007(c)(1)(B)) are each amended –

13 (1) by inserting after “disseminate” the following: “(including disclosure of such
14 reports, records, and information to law enforcement personnel of a State or political
15 subdivision of a State, including the chief executive officer of that State or political
16 subdivision who has the authority to appoint or direct the chief law enforcement officer of
17 that State or political subdivision, to assist the official receiving that information in the
18 performance of the official duties of that official”); and

19 (2) by adding at the end the following: “Any chief executive officer or law
20 enforcement personnel of a State or political subdivision of a State who receives
21 information pursuant to this paragraph shall only use that information consistent with
22 those guidelines.”.

23 **Sec. 312: Appropriate Remedies with Respect to Law Enforcement Surveillance**
24 **Activities**

1 (a) Requirements for relief. —

2 (1) Prospective relief. —

3 (A) Prospective relief in any civil action with respect to law enforcement
4 surveillance activities shall extend no further than necessary to correct the current and
5 ongoing violation of the Federal right of a particular plaintiff or plaintiffs. The court
6 shall not grant or approve any prospective relief unless the court finds that such relief
7 is narrowly drawn, extends no further than necessary to correct the violation of the
8 Federal right, and is the least intrusive means necessary to correct the violation of the
9 Federal right. The court shall give substantial weight to any adverse impact on
10 national security, public safety, or the operation of a criminal justice system caused by
11 the relief.

12 (B) The court shall not order any prospective relief that requires a government
13 official to refrain from exercising his authority under applicable law, unless —

14 (i) Federal law requires such relief to be ordered;

15 (ii) the relief is necessary to correct the violation of a Federal right; and

16 (iii) no other relief will correct the violation of the Federal right.

17 (C) Nothing in this section shall be construed to authorize the courts, in
18 exercising their remedial powers, to repeal or detract from otherwise applicable
19 limitations on the remedial powers of the courts.

20 (2) Preliminary injunctive relief. — In any civil action with respect to law
21 enforcement surveillance activities, to the extent otherwise authorized by law, the court
22 may enter a temporary restraining order or an order for preliminary injunctive relief.
23 Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to

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1 correct the harm the court finds requires preliminary relief, and be the least intrusive
2 means necessary to correct that harm. The court shall give substantial weight to any
3 adverse impact on public safety or the operation of a criminal justice system caused by the
4 preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in
5 tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on
6 the date that is 90 days after its entry, unless the court makes the findings required under
7 subsection (a)(1) for the entry of prospective relief and makes the order final before the
8 expiration of the 90-day period.

9 (b) Termination of relief. —

10 (1) Termination of prospective relief. —

11 (A) In any civil action with respect to law enforcement surveillance activities in
12 which prospective relief is ordered, such relief shall be terminable upon the motion of
13 any party or intervener —

14 (i) 2 years after the date the court granted or approved the prospective relief;

15 (ii) 1 year after the date the court has entered an order denying termination of
16 prospective relief under this paragraph; or

17 (iii) in the case of an order issued before September 11, 2001, immediately.

18 (B) Nothing in this section shall prevent the parties from agreeing to terminate or
19 modify relief before the relief is terminated under subparagraph (A).

20 (2) Immediate termination of prospective relief. — In any civil action with respect to
21 law enforcement surveillance activities, a defendant or intervener shall be entitled to the
22 immediate termination of any prospective relief if the relief was approved or granted in
23 the absence of a finding by the court that the relief is narrowly drawn, extends no further

1 than necessary to correct a current and ongoing violation of the Federal right, and is the
2 least intrusive means necessary to correct the violation of the Federal right.

3 (3) Limitation. — Prospective relief shall not terminate if the court makes written
4 findings based on the record that prospective relief remains necessary to correct a current
5 and ongoing violation of the Federal right, extends no further than necessary to correct
6 the violation of the Federal right, and that the prospective relief is narrowly drawn and the
7 least intrusive means to correct the violation.

8 (4) Termination or modification of relief. — Nothing in this section shall prevent any
9 party or intervener from seeking modification or termination before the relief is
10 terminable under paragraph (1) or (2), to the extent that modification or termination
11 would otherwise be legally permissible.

12 (c) Settlements. —

13 (1) Consent decrees. — In any civil action with respect to law enforcement
14 surveillance activities, the court shall not enter or approve a consent decree unless it
15 complies with the limitations on relief set forth in subsection (a).

16 (2) Private settlement agreements. —

17 (A) Nothing in this section shall preclude parties from entering into a private
18 settlement agreement that does not comply with the limitations on relief set forth in
19 subsection (a), if the terms of that agreement are not subject to court enforcement
20 other than the reinstatement of the civil proceeding that the agreement settled.

21 (B) Nothing in this section shall preclude any party claiming that a private
22 settlement agreement has been breached from seeking in State court any remedy
23 available under State law.

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1 (d) State law remedies. — The limitations on remedies in this section shall not apply to
2 relief entered by a State court based solely upon claims arising under State law.

3 (e) Procedure for motions affecting prospective relief. —

4 (1) Generally. — The court shall promptly rule on any motion to modify or terminate
5 prospective relief in a civil action with respect to law enforcement surveillance activities.
6 Mandamus shall lie to remedy any failure to issue a prompt ruling on such a motion.

7 (2) Automatic stay. — Any motion to modify or terminate prospective relief made
8 under subsection (b) shall operate as a stay during the period —

9 (A)(i) beginning on the 30th day after such motion is filed, in the case of a
10 motion made under paragraph (1) or (2) of subsection (b); or

11 (ii) beginning on the 180th day after such motion is filed, in the case of a
12 motion made under any other law; and

13 (B) ending on the date the court enters a final order ruling on the motion.

14 (3) Postponement of automatic stay. — The court may postpone the effective date of
15 an automatic stay specified in subsection (e)(2)(A) for not more than 60 days for good
16 cause. No postponement shall be permissible because of general congestion of the
17 court's calendar.

18 (4) Order blocking the automatic stay. — Any order staying, suspending, delaying, or
19 barring the operation of the automatic stay described in paragraph (2) (other than an
20 order to postpone the effective date of the automatic stay under paragraph (3)) shall be
21 treated as an order refusing to dissolve or modify an injunction and shall be appealable
22 pursuant to section 1292(a)(1) of title 28, United States Code, regardless of how the
23 order is styled or whether the order is termed a preliminary or a final ruling.

1 (f) Definitions. — As used in this section —

2 (1) the term “consent decree” means any relief entered by the court that is based in
3 whole or in part upon the consent or acquiescence of the parties but does not include
4 private settlements;

5 (2) the term “civil action with respect to law enforcement surveillance activities”
6 means any civil proceeding arising under Federal law with respect to the use of
7 investigative methods by Federal, State, and local law enforcement officials, including
8 (but not limited to) overt surveillance; covert surveillance; electronic surveillance;
9 intelligence gathering; undercover operations; the use of informants; and the recording,
10 filing, retention, indexing or dissemination of information obtained through these
11 methods, including the dissemination of such information to other Federal, state, or local
12 law enforcement officials.

13 (3) the term “private settlement agreement” means an agreement entered into among
14 the parties that is not subject to judicial enforcement other than the reinstatement of the
15 civil proceeding that the agreement settled;

16 (4) the term “prospective relief” means all relief other than compensatory monetary
17 damages (but not including relief necessary to remedy discrimination based on race, color,
18 religion, sex, or national origin in violation of a Federal right);

19 (5) the term “relief” means all relief in any form that may be granted or approved by
20 the court, and includes consent decrees but does not include private settlement
21 agreements;

22 (6) “State” means a State, the District of Columbia, and any commonwealth,
23 territory, or possession of the United States.