

1 **Sec. 313: Disclosure of Information.**

2 Notwithstanding any other law, a commercial or business entity, and any employee or
3 agent of such a commercial or business entity, shall not be subject to civil liability in any court
4 for the voluntary provision or disclosure of information to a Federal law enforcement agency,
5 based on a reasonable belief that the information may assist in the investigation or prevention
6 of terrorist activities (as defined in section 2510 of title 18, United States Code).

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

8 **Sec. 321: Authority to Seek Search Warrants and Orders to Assist Foreign States.**

9 Section 1782 of title 28, United States Code, is amended –

10 (1) in the first sentence, by deleting “thing” and inserting in lieu thereof “thing, or may
11 issue a warrant for the seizure of evidence under Federal Rule of criminal Procedure 41 or an
12 order permitting the use of a trap and trace or pen register technology under 18 U.S.C. 3121,
13 et seq.”, and

14 (2) by adding at the end thereof, “An order authorizing a search or the use of trap and
15 trace or pen register technology may be issued only in accordance with the procedures
16 established by the statutes and rules applicable to United States criminal prosecutions.”.

17 **Sec. 322: Extradition Without Treaties and for Offenses Not Covered by an Existing**
18 **Treaty.**

19 (a) Chapter 209 of title 18, United States Code, is amended by adding at the end the
20 following:

21 “Sec. 3197. Extradition for Offenses Not Covered by an Existing Treaty.

1 “(a) The provisions of this Chapter shall also be construed to permit the
2 extradition of any person, regardless of nationality, to any country with which an
3 extradition treaty or convention remains in force, and the procedures set forth in this
4 Chapter and in the treaty or convention shall apply, even if the offense for which
5 extradition is requested is not expressly included in a list of extraditable crimes in such
6 treaty or convention, if

7 “(1) the offense for which extradition is sought is punishable by more than one
8 year’s imprisonment in the requesting state;

9 “(2) the conduct with which the person is charged or convicted, had it
10 occurred in the United States, would constitute an offense punishable by more
11 than one year’s imprisonment; and

12 “(3) the requesting state affirms, through the diplomatic channel, that it would
13 grant reciprocal extradition for similar conduct in response to a request made by
14 the United States.”

15 (b) Chapter 209 of title 18, United States Code, is amended by adding at the end the
16 following:

17 “Sec. 3198. Extradition absent a treaty

18 “(a) **SERIOUS OFFENSE DEFINED** – In this section, the term ‘serious offense’
19 means conduct that would be –

20 “(1) an offense described in any multilateral treaty to which the United States
21 is a party that obligates parties –

22 “(A) to extradite alleged offenders found in the territory of the parties; or

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1 “(B) submit the case to the competent authorities of the parties for
2 prosecution; or

3 “(2) conduct that, if that conduct occurred in the United States, would
4 constitute

5 “(A) a crime of violence (as defined in section 16);

6 “(B) the distribution, manufacture, importation or exportation of a
7 controlled substance (as defined in section 201 of the Controlled Substances
8 Act (21 U.S.C. 802);

9 “(C) bribery of a public official; misappropriation, embezzlement or theft
10 of public funds by or for the benefit of a public official;

11 “(D) obstruction of justice, including payment of bribes to jurors or
12 witnesses;

13 “(E) the laundering of monetary instruments, as described in section 1956,
14 if the value of the monetary instruments involved exceeds \$100,000;

15 “(F) fraud, theft, embezzlement, or commercial bribery if the aggregate
16 value of property that is the object of all of the offenses related to the conduct
17 exceeds \$100,000;

18 “(G) counterfeiting, if the obligations, securities or other items
19 counterfeited, have an apparent value that exceeds \$100,000;

20 “(H) a crime against children under chapter 109A or section 2251, 2251A,
21 2252, or 2252A; or

1 “(I) a conspiracy or attempt to commit any of the offenses described in
2 any of subparagraphs (A) through (H), or aiding and abetting a person who
3 commits any such offense.

4 “(b) AUTHORIZATION OF FILING –

5 “(1) IN GENERAL – If a foreign government makes a request for the
6 extradition of a person who is charged with or has been convicted of an offense
7 within the jurisdiction of that foreign government, and no extradition treaty is in
8 force between the United States and the foreign government, the Attorney
9 General may authorize the filing of a complaint for extradition pursuant to
10 subsections (c) and (d).

11 “(2) FILING AND TREATMENT OF COMPLAINTS –

12 “(A) IN GENERAL – A complaint authorized under paragraph (1) shall
13 be filed pursuant to section 3184.

14 “(B) PROCEDURES— With respect to a complaint filed under paragraph
15 (1), procedures of sections 3184 and 3186 shall be followed as if the offense
16 were a ‘crime provided for by such treaty’ as described in section 3184.

17 “(c) CRITERIA FOR AUTHORIZATION OF COMPLAINTS – The Attorney
18 General may authorize the filing of a complaint described in subsection (b) only upon
19 a certification –

20 “(1) by the Attorney General, that in the judgment of the Attorney General—

21 “(A) the offense for which extradition is sought is a serious offense; and

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1 “(B) submission of the extradition request would be important to the law
2 enforcement interests of the United States or otherwise in the interests of
3 justice; and

4 “(2) by the Secretary of State, that in the judgment of the certifying official,
5 based on information then known –

6 “(A) submission of the request would be consistent with the foreign policy
7 interests of the United States;

8 “(B) the facts and circumstances of the request, including humanitarian
9 considerations, do not appear likely to present a significant impediment to the
10 ultimate surrender of the person if found extraditable; and

11 “(C) the foreign government submitting the request is not submitting the
12 request in order to try or punish the person sought for extradition primarily on
13 the basis of the race, religion, nationality, or political opinions of that person.

14 “(d) LIMITATIONS ON DELEGATION AND JUDICIAL REVIEW –

15 “(1) DELEGATION BY ATTORNEY GENERAL; JUDICIAL REVIEW –
16 The authorities and responsibilities of the Attorney General under subsection (c)
17 may be delegated only to the Deputy Attorney General.

18 “(2) DELEGATION – The authorities and responsibilities of the Secretary of
19 State set forth in this subsection may be delegated only to the Deputy Secretary of
20 State.

1 “(3) LIMITATION ON JUDICIAL REVIEW – The authorities and
2 responsibilities set forth in this subsection are not subject to judicial review.

3 “(e) CASES OF URGENCY –

4 “(1) IN GENERAL – In any case of urgency, the Attorney General may, with
5 the concurrence of the Secretary of State and before any formal certification
6 under subsection (c), authorize the filing of a complaint seeking the provisional
7 arrest and detention of the person sought before the receipt of documents or other
8 proof in support of a formal request for extradition.

9 “(2) FILING OF COMPLAINTS; ORDER BY JUDICIAL OFFICER –

10 “(A) FILING – A complaint filed under this subsection shall be filed in the
11 same manner as provided in section 3184.

12 “(B) ORDERS – Upon the filing of a complaint under subparagraph (A)
13 and a finding that the facts recited in the complaint constitutes probable cause
14 to believe that a serious crime was committed by the person sought, the
15 appropriate judicial officer may issue an order for the provisional arrest and
16 detention of the person.

17 “(C) RELEASES – If, not later than 45 days after the arrest, the formal
18 request for extradition and documents in support of that are not received by
19 the Department of State, the appropriate judicial officer may order that a
20 person detained pursuant to this subsection be released from custody.

21 “(f) HEARINGS –

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1 “(1) IN GENERAL – Subject to subsection (h), upon the filing of a complaint
2 for extradition and receipt of documents or other proof in support of the request
3 of a foreign government for extradition , the appropriate judicial officer shall hold
4 a hearing to determine whether the person sought for extradition is extraditable.

5 “(2) CRITERIA FOR EXTRADITION – Subject to subsection (g) in a
6 hearing conducted under paragraph (1), the judicial officer shall find a person
7 extraditable if the officer finds –

8 “(A) probable cause to believe that the person before the judicial officer is
9 the person sought in the foreign country of the requesting foreign
10 government;

11 “(B) probable cause to believe that the person before the judicial officer
12 committed the offense for which that person is sought, or was duly convicted
13 of that offense in the foreign country of the requesting foreign government;

14 “(C) that the conduct upon which the request for extradition is based, if
15 that conduct occurred within the United States, would be a serious offense
16 punishable by imprisonment for more than 10 years under the laws of –

17 “(i) the United States;

18 “(ii) the majority of the States in the United States; or

19 “(iii) of the State in which the fugitive is found; and

20 “(D) no defense to extradition under subsection (f) has been established.

21 “(g) LIMITATION OF EXTRADITION –

1 “(1) IN GENERAL – A judicial officer shall not find a person extraditable
2 under this section if the person has established that the offense for which
3 extradition is sought is –

4 “(A) an offense for which the person is being proceeded against, or has
5 been tried or punished, in the United States; or

6 “(B) a political offense.

7 “(2) POLITICAL OFFENSES – For purposes of this section, a political
8 offense does not include –

9 “(A) a murder or other violent crime against the person of a head of state
10 of a foreign state, or of a member of the family of the head of state;

11 “(B) an offense for which both the United States and the requesting
12 foreign government have the obligation pursuant to a multilateral international
13 agreement to –

14 “(i) extradite the person sought; or

15 “(ii) submit the case to the competent authorities for decision as to
16 prosecution; or

17 “(C) a conspiracy or attempt to commit any of the offenses referred to in
18 subparagraph (A) or (B), or aiding or abetting a person who commits or
19 attempts to commit any such offenses.

20 “(h) LIMITATIONS ON FACTORS FOR CONSIDERATION AT HEARINGS

21 –

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1 “(1) IN GENERAL – At a hearing conducted under subsection (a), the
2 judicial officer conducting the hearing shall not consider issues regarding–

3 “(A) humanitarian concerns;

4 “(B) the nature of the judicial system of the requesting foreign
5 government; and

6 “(C) whether the foreign government is seeking extradition of a person for
7 the purpose of prosecuting or punishing the person because of the race,
8 religion, nationality or political opinions of that person.

9 “(2) CONSIDERATION BY SECRETARY OF STATE – The issues referred
10 to in paragraph (1) shall be reserved for consideration exclusively by the Secretary
11 of State as described in subsection (c)(2).

12 “(3) ADDITIONAL CONSIDERATION – Notwithstanding the certification
13 requirements described in subsection (c)(2), the Secretary of State may, within the
14 sole discretion of the Secretary –

15 “(A) in addition to considering the issues referred to in paragraph (1) for
16 purposes of certifying the filing of a complaint under this section, consider
17 those issues again in exercising authority to surrender the person sought for
18 extradition in carrying out the procedures under section 3184 and 3186; and

19 “(B) impose conditions on surrender including those provided in
20 subsection (i).

21 “(i) CONDITIONS OF SURRENDER; ASSURANCES –

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1 “(1) IN GENERAL – The Secretary of State may –

2 “(A) impose conditions upon the surrender of a person sought for
3 extradition under this section; and

4 “(B) require such assurances of compliance with those conditions, as the
5 Secretary determines to be appropriate.

6 “(2) ADDITIONAL ASSURANCES – In addition to imposing conditions and
7 requiring assurances under paragraph (1), the Secretary shall demand, as a
8 condition of the extradition of the person that is sought for extradition –

9 “(A) in every case, an assurance the Secretary determines to be
10 satisfactory that the person shall not be tried or punished for an offense other
11 than the offense for which the person has been extradited, absent the consent
12 of the United States; and

13 “(B) in a case in which the offense for which extradition is sought is
14 punishable by death in the foreign country of the requesting foreign
15 government and is not so punishable under the applicable laws in the United
16 States, an assurance the Secretary determines to be satisfactory that the death
17 penalty –

18 “(i) shall not be imposed; or

19 “(ii) if imposed, shall not be carried out.”.

20 (c) Chapter 309 of title 18, United States Code, is amended –

1 (1) in section 3181, by inserting “, other than sections 3197 and 3198,” after “The
2 provisions of this chapter” each place that term appears; and

3 (2) in section 3186, by striking “or 3185” and inserting “, 3185, 3197 or 3198”.

4 (d) The table of sections for chapter 209 of title 28, United States Code, is amended by
5 inserting at the end the following:

6 “3197. Extradition for offenses not covered by an existing treaty.”

7 “3198. Extradition absent a treaty.”

8 **Title IV: Enhancing Prosecution and Prevention of Terrorist Crimes**

9 **Subtitle A: Increased Penalties and Protections Against Terrorist Acts**

10 **Sec. 401: Terrorism Hoaxes.**

11 (a) PROHIBITION ON HOAXES – Chapter 47 of title 18, United States Code, is
12 amended by inserting after section 1036 the following:

13 “Sec. 1037. False information and hoaxes

14 “(a) CRIMINAL VIOLATION – Whoever engages in any conduct,

15 with intent to convey false or misleading information, under circumstances

16 where such information may reasonably be believed and where such

17 information concerns an activity which would constitute a violation of section

18 175, 229, 831, or 2332a, shall be fined under this title or imprisoned not more

19 than 5 years, or both.

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1 “(b) CIVIL ACTION – Whoever engages in any conduct, with intent
2 to convey false or misleading information, under circumstances where such
3 information concerns an activity which would constitute a violation of section
4 175, 229, 831, or 2332a, is liable in a civil action to any party incurring
5 expenses incident to any emergency or investigative response to that conduct,
6 for those expenses.

7 “(c) REIMBURSEMENT – The court, in imposing a sentence on a
8 defendant who has been convicted of an offense under subsection (a), shall
9 order the defendant to reimburse any person or entity incurring any expenses
10 incident to any emergency or investigative response to that conduct, for those
11 expenses. For the purpose of this provision, a State or local government, or
12 private not-for-profit organization that provides fire or rescue services that is
13 dispatched and responds to such an emergency shall be entitled to the greater
14 of actual costs of response or \$1,000. A person ordered to make
15 reimbursement under this subsection shall be jointly and severally liable for
16 such expenses with each other person, if any, who is ordered to make
17 reimbursement under this subsection for the same expenses. An order of
18 reimbursement under this subsection shall, for the purposes of enforcement, be
19 treated as a civil judgment.”.

1 (b) CLERICAL AMENDMENT – The table of sections at the beginning of chapter
2 47 of title 18, United States Code, is amended by adding after the item for section 1036 the
3 following: “1037. False information and hoaxes.”

4 **Sec. 402: Providing Material Support to Terrorism.**

5 (a) Section 2339A(a) of title 18, United States Code, is amended by –

6 (1) designating the first sentence as paragraph (1);

7 (2) designating the second sentence as paragraph (3);

8 (3) inserting after “for life.” the following:

9 “(2) Whoever, in or affecting interstate or foreign commerce,
10 or while outside the United States and a national of the United States
11 (as defined in section 1203(c)) or a legal entity organized under the
12 laws of the United States (including any of its States, districts,
13 commonwealth, territories or possessions), provides material support
14 or resources or conceals or disguises the nature, location, source, or
15 ownership of material support or resources, knowing or intending that
16 they are to be used in preparation for, or in carrying out, an act of
17 international or domestic terrorism (as defined in section 2331), or in
18 the preparation for, or in carrying out, the concealment or escape from
19 the commission of any such act, or attempts or conspires to do so,
20 shall be punished as provided under paragraph (1).”; and

21 (4) by inserting “act or” after “underlying”.

1 (b) Section 2331(1)(B) and (5)(B) of title 18, United States Code, are each amended
2 by inserting “by their nature or context” after “appear”.

3 (c) Section 2339A(b) of title 18, United States Code, is amended by adding at the end
4 the following: “The term ‘training’ means instruction or teaching designed to impart a
5 specific skill.”

6 (d) Section 2339B(g)(4) of title 18, United States Code, is amended to read as
7 follows:

8 “(4) the term ‘material support or resources’ has the same meaning as
9 in section 2339A (including the definition of ‘training’ in that section), except
10 that no person may be prosecuted under this section in connection with the
11 term ‘personnel’ unless that person has knowingly provided, attempted to
12 provide, or conspired to provide a terrorist organization with one or more
13 individuals (which may be or include himself) to work in concert with the
14 organization or under its direction or control;”

15 **Sec. 403: Weapons of Mass Destruction.**

16 (a) EXPANSION OF JURISDICTIONAL BASES AND SCOPE. Section 2332a of
17 title 18, United States Code, is amended by

18 (1) amending paragraph (a)(2) to read as follows:

19 “(2) against any person or property within the United States,

20 and

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1 “(A) the mail or any facility of interstate or foreign
2 commerce is used in furtherance of the offense;

3 “(B) such property is used in interstate or foreign
4 commerce or in an activity that affects interstate or foreign
5 commerce;

6 “(C) any perpetrator travels in or causes another to
7 travel in interstate or foreign commerce in furtherance of the
8 offense; or

9 “(D) the offense, or the results of the offense, affect
10 interstate or foreign commerce, or, in the case of a threat,
11 attempt, or conspiracy, would have affected interstate or
12 foreign commerce;”;

13 (2) in paragraph (a)(3), deleting the comma at the end and inserting “; or”;

14 (3) in subsection (a), adding the following at the end:

15 “(4) against any property within the United States that is
16 owned, leased, or used by a foreign government;”;

17 (4) in paragraph (c)(1), deleting “and” at the end;

18 (5) in paragraph (c)(2), deleting the period at the end and inserting “; and”;

19 and

20 (6) in subsection (c), inserting the following at the end:

1 “(3) the term ‘property’ includes all real and personal
2 property.”

3 (b) RESTORATION OF THE COVERAGE OF CHEMICAL WEAPONS. Section
4 2332a of title 18, United States Code, as amended by subsection (a), is further amended by

5 (1) in the caption, deleting “certain”;

6 (2) in subsection (a), deleting “(other than a chemical weapon as that term is
7 defined in section 229F)”; and

8 (3) in subsection (b), deleting “(other than a chemical weapon (as that term is
9 defined in section 229F))”.

10 (c) CONFORMING AMENDMENT TO NEW SELECT AGENT

11 REGULATIONS. – (1) Section 175b(a)(1) of title 18, United States Code, is amended by
12 striking “as a select agent in Appendix A” and all that follows and inserting the following: “as
13 a non-overlap or overlap select biological agent or toxin in [sections 73.4 and 73.5] of title
14 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act,
15 and is not exempted under [section 73.6] of title 42, Code of Federal Regulations.”

16 (2) The amendment made by paragraph (1) shall take effect at the same time
17 that [sections 73.4, 73.5, and 73.6] of title 42, Code of Federal Regulations, become
18 effective.

19 **Sec. 404: Use of Encryption to Conceal Criminal Activity.**

20 (a) Part I of title 18, United States Code, is amended by inserting after chapter
21 123 the following:

1 “CHAPTER 124 – ENCRYPTED WIRE OR ELECTRONIC
2 COMMUNICATIONS AND STORED ELECTRONIC INFORMATION

3 “Sec. 2801. Unlawful use of encryption

4 “(a) Any person who, during the commission of a felony under
5 Federal law, knowingly and willfully encrypts any incriminating
6 communication or information relating to that felony –

7 “(1) in the case of a first offense under this section,
8 shall be imprisoned not more than 5 years, fined under this title,
9 or both; and

10 “(2) in the case of a second or subsequent offense
11 under this section, shall be imprisoned not more than 10 years,
12 fined under this title, or both.

13 “(b) The terms ‘encrypt’ and ‘encryption’ refer to the
14 scrambling (and descrambling) of wire communications, electronic
15 communications, or electronically stored information, using
16 mathematical formulas or algorithms in order to preserve the
17 confidentiality, integrity, or authenticity of, and prevent unauthorized
18 recipients from accessing or altering, such communications or
19 information.”

20 (b) The table of Chapters is amended by inserting after to Chapter 123, the following:

1 “Chapter 124 – Encrypted Wire or Electronic Communications and
2 Stored Electronic Information”

3 **Sec. 405. Presumption for Pretrial Detention in Cases Involving Terrorism.**

4 Section 3142 of title 18, United States Code, is amended –

5 (1) in subsection (e) –

6 (A) by inserting “or” before “the Maritime”; and

7 (B) by striking “, or an offense under section 924(c), 956(a), or 2332b of title
8 18 of the United States Code” and inserting “, an offense under section 924(c), or an
9 offense described in section 2332b(g)(5)(B)”; and

10 (2) in subsections (f)(1)(A) and (g)(1), by inserting “or an offense described in section
11 2332b(g)(5)(B)” after “violence”.

12 **Sec. 406: “Mass Transportation Vehicle” Technical Correction.**

13 (a) Section 1993 of title 18, United States Code, is amended –

14 (1) in paragraph (7), by deleting “and” at the end;

15 (2) in paragraph (8), by deleting the period at the end in inserting in lieu
16 thereof “; and”; and

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

18 “(9) The term ‘vehicle’ means any carriage or other
19 contrivance used, or capable of being used, as a means of
20 transportation on land, water, or throughout the air.”.

1 (b) The title of chapter 97 of title 18, United States Code, is amended to read
2 “RAILROADS AND OTHER MASS TRANSPORTATION SYSTEMS”.

3 (c) The table of chapters for Part I of title 18, United States Code, is amended in
4 the item relating to chapter 97 by amending the title to read “Railroads and other mass
5 transportation systems”.

6 (d) The title of section 1993 of title 18, United States Code, is amended by adding
7 “on land, water, or through the air” after “systems”.

8 (e) The table of sections for chapter 97 of title 18, United States Code, is amended in
9 the item relating to section 1993 by adding “on land, water, or through the air” after
10 “systems”.

11 **Sec. 407: Acts of Terrorism Transcending National Boundaries.**

12 (a) Section 2332b of title 18, United States Code, is amended –

13 (1) in subsection (a)(1), by inserting “in a case” before “involving”;

14 (2) in subsection (b)(1)(A), by inserting “any person travels in interstate or
15 foreign commerce or” before “the mail”; and

16 (3) in subsection (g) –

17 (A) by amending paragraph (1) to read as follows:

18 “(1) the term ‘conduct transcending national
19 boundaries’ means conduct engaged in –

1 “(A) by the defendant or another person outside
2 of the United States, in addition to conduct occurring in
3 the United States;

4 “(B) at the instigation of a foreign power or of a
5 person outside of the United States; or

6 “(C) in furtherance of an objective of a foreign
7 power or of a person outside of the United States.”;

8 (B) in paragraph (4), by striking “and” at the end;

9 (C) in paragraph (5), by striking the period at the end and inserting “;
10 and”; and

11 (D) by inserting at the end the following:

12 “(6) the term ‘foreign power’ has the meaning given
13 that term in section 101 of the Foreign Intelligence
14 Surveillance Act of 1978 (50 U.S.C. 1801).”.

15 (b) Section 1958 of title 18, United States Code, is amended –

16 (1) in subsection (a), by striking “facility in” and inserting “facility of”; and

17 (2) in subsection (b)(2), by inserting “or foreign” after “interstate”.

18 **Sec. 408: Postrelease Supervision of Terrorists.**

19 Section 3583 of title 18, United States Code, is amended –

20 (1) in subsection (e)(3), by inserting “on any such revocation” after “required to
21 serve”;

1 (2) in subsection (h), by striking “that is less than the maximum term of imprisonment
2 authorized under subsection (e)(3)”; and

3 (3) in subsection (j) –

4 (A) by striking “, the commission” and all that follows through “person,”; and

5 (B) by inserting “and the sentence for any such offense shall include a term of
6 supervised release of at least 10 years” before the period.

7 **Sec. 409: Suspension, Revocation, and Denial of Certificates for Civil Aviation or**
8 **National Security Reasons.**

9 Chapter 447 of title 49, United States Code, is amended –

10 (1) in the chapter analysis, by inserting at the end the following:

11 “44727. Suspension, revocation, and denial of certificates for civil aviation or national
12 security reasons.”; and

13 (2) by inserting at the end the following:

14 **“§ 44727. Suspension, revocation, and denial of certificates for civil aviation or**
15 **national security reasons**

16 **“(a) Suspension of Certificate. –**

17 **“(1) Notification of Initial Threat Determination. --** The Under
18 Secretary of Transportation for Security or designee shall notify the
19 Administrator of the Federal Aviation Administration of the identity of –

20 **“(A) any holder of a certificate issued by the Administrator**
21 **under this chapter on whom the Under Secretary or designee has**

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1 served an initial determination that the certificate holder poses a threat
2 to civil aviation or national security; or

3 “(B) any holder of a certificate issued by the Administrator
4 under this chapter on whom the Under Secretary or designee has
5 served an initial determination that an individual who has a controlling
6 or ownership interest in the certificate holder poses a threat to civil
7 aviation or national security by virtue of that interest.

8 “(2) **Suspension.** -- The Administrator of the Federal Aviation Administration
9 shall issue an order suspending any certificate identified by the Under Secretary or
10 designee pursuant to paragraph (1)(A) or (B). The Administrator’s order of
11 suspension shall be immediately effective and remain effective until—

12 “(A) the Administrator withdraws the order; or

13 “(B) the Administrator issues an order revoking the certificate.

14 The Administrator’s order of suspension is not subject to administrative or judicial
15 review.

16 “(3) **Opportunity to Respond to Initial Threat determination.** -- The
17 Under Secretary or designee shall afford certificate holders and persons with a
18 controlling or ownership interest identified in paragraph (1)(A) or (B) notice and an
19 opportunity to respond to an initial determination that the certificate holders or
20 persons pose a threat to civil aviation or national security prior to the issuance of a
21 final threat determination.