

1           **“(4) Judicial Review of Initial Threat Determination.** -- The initial  
2 determination by the Under Secretary or designee that a certificate holder or person  
3 with a controlling or ownership interest identified in subsection (a)(1)(A) or (B) poses  
4 a threat to civil aviation or national security is not subject to judicial review.

5           **“(b) Revocation of Certificate.** –

6           **“(1) Notification of Final Threat Assessment.** -- The Under Secretary or  
7 designee shall notify the Administrator of the identity of any certificate holder  
8 described in subsection (a)(1)(A) or (B) on whom –

9                   “(A) a withdrawal of initial threat determination has been served; or

10                   “(B) a final threat determination has been served.

11           The Under Secretary or designee must issue either a withdrawal or final threat  
12 determination within 60 days of the notification of initial threat determination.

13           **“(2) Revocation.** – The Administrator shall issue an order revoking the  
14 certificate held by a certificate holder described in subsection (a)(1)(A) or (B) on  
15 whom the Under Secretary or designee has served a final determination that the  
16 certificate holder poses a threat to civil aviation or national security or that a person  
17 who has a controlling or ownership interest in the certificate holder poses a threat to  
18 civil aviation or national security by virtue of that interest. The Administrator’s order  
19 of revocation shall be immediately effective.

20           **“(3) Review of Final Threat Determination and Order of Revocation.** –

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1           “(A) A final threat determination by the Under Secretary or designee  
2           or an order of revocation issued by the Administrator with regard to a person  
3           who is neither a citizen nor permanent resident alien of the United States is  
4           not subject to administrative or judicial review.

5           “(B) A person who is a citizen or permanent resident alien of the  
6           United States disclosing a substantial interest in a final threat determination by  
7           the Under Secretary or designee under paragraph (1) and an order of  
8           revocation issued by the Administrator under paragraph (2) may seek review  
9           of those actions by filing a petition for review in the United States Court of  
10          Appeals for the District of Columbia Circuit or in the court of appeals of the  
11          United States for the circuit in which the person resides. The petition for  
12          review must be filed not later than 30 days after the issuance of the order of  
13          revocation. The court may allow the petition to be filed after the 30th day  
14          only if there are reasonable grounds for not filing by the 30th day. The court’s  
15          review is limited to determining whether it was arbitrary, capricious, or  
16          otherwise not according to law for the Under Secretary to make the final  
17          threat determination and for the Administrator to issue the order of  
18          revocation.

19          “(C) In any judicial review of the Under Secretary’s determination and  
20          the Administrator’s order under paragraphs (1) and (2), if the actions were  
21          based on classified information (as defined in section 1(a) of the Classified

1 Information Procedures Act) or sensitive security information (as defined in  
2 regulations issued under section 40119(b) of this title) such information may  
3 be submitted to the reviewing court ex parte and in camera.

4 **“(d) Denial of Certificate. –**

5 **“(1) Notification of Threat Determination.--** The Under Secretary or  
6 designee shall notify the Administrator of the identity of –

7 **“(A)** any person on whom the Under Secretary or designee has served  
8 an initial or final determination that the person poses a threat to civil aviation  
9 or national security; or

10 **“(B)** any entity on whom the Under Secretary or designee has served  
11 an initial or final determination that a person who has a controlling or  
12 ownership interest in the entity poses a threat to civil aviation or national  
13 security by virtue of that interest.

14 **“(2) Denial.--**The Administrator may not issue a certificate to any person or  
15 entity identified in paragraph (1) unless the Under Secretary or designee has  
16 withdrawn a determination that the person poses a threat. A denial of certificate  
17 based on an initial threat determination is not subject to administrative or judicial  
18 review.

19 **“(3) Opportunity to Respond to Initial Threat determination. --** The  
20 Under Secretary or designee shall afford applicants for certificates and persons with a  
21 controlling or ownership interest identified in paragraph (1)(A) or (B) notice and an

1 opportunity to respond to an initial determination that an applicant for a certificate or  
2 person with a controlling or ownership interest in an applicant poses a threat to civil  
3 aviation or national security prior to the issuance of a final determination of threat  
4 assessment.

5 **“(4) Review of Initial Threat Determination.** -- The initial determination by  
6 the Under Secretary or designee that an applicant for a certificate or person with a  
7 controlling ownership interest in an applicant poses a threat to civil aviation or  
8 national security is not subject to judicial review.

9 **“(5) Review of Final Threat Determination and Certificate Denial.** –

10 **“(A)** A final threat determination by the Under Secretary or designee  
11 and the denial of certificate by the Administrator under this subsection with  
12 regard to person who is not a citizen or resident alien of the United States is  
13 not subject to administrative or judicial review.

14 **“(B)** A citizen or permanent resident alien of the United States may  
15 seek review of a final threat determination by the Under Secretary or designee  
16 and denial by the Administrator under this subsection by filing a petition for  
17 review in the United States Court of Appeals for the District of Columbia  
18 Circuit or in the court of appeals of the United States for the circuit in which  
19 the person resides. The petition for review must be filed no later than the 30th  
20 day after the issuance of the denial. The court may allow the petition to be  
21 filed after the 30th day only if there are reasonable grounds for not filing by

1           the 30th day. The court’s review is limited to determining whether it was  
2           arbitrary, capricious, or otherwise not according to law for the Under  
3           Secretary to make the final threat determination and for the Administrator to  
4           deny a certificate.

5                   “(C) In any judicial review of the Under Secretary’s final threat  
6           determination and the Administrator’s denial, if the actions were based on  
7           classified information (as defined in section 1(a) of the Classified Information  
8           Procedures Act) or sensitive security information (as defined in regulations  
9           issued under section 40119(b) of this title) such information may be submitted  
10          to the reviewing court *ex parte* and *in camera*.

11           “(e) **Coordination with the Attorney General** – Nothing in this section is intended  
12          to alter any provisions in section 44939 of this title. The Under Secretary shall coordinate  
13          any request to the Administrator of the Federal Aviation Administration under this section  
14          with the Attorney General on matters within the Attorney General’s jurisdiction under section  
15          44939.”.

16          **Sec. 410. No Statute of Limitations for Terrorism Crimes.**

17           (a) Section 3286(b) of title 18, United States Code, is amended by striking “, if the  
18          commission” and all that follows through “person”.

19           (b) The amendment made by this section shall apply to the prosecution of any offense  
20          committed before, on, or after the date of the enactment of this section.

21          **Sec. 411: Penalties for Terrorist Murders.**

1 (a) Chapter 113B of title 18, United States Code, is amended –

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

3 “2339D. Terrorist offenses resulting in death.”; and

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

5 **“2339D. Terrorist offenses resulting in death**

6 “A person who, in the course of an offense listed in section 2332b(g)(5)(B) or of  
7 terrorist activities (as defined in section 2510), engages in conduct that results in the death of  
8 a person, shall be punished by death or imprisoned for any term of years or for life.”.

9 (b) Section 3592(c)(1) of title 18, United States Code, is amended by inserting  
10 “section 2339D (terrorist offenses resulting in death),” after “destruction),”.

11 **Subtitle B: Incapacitating Terrorism Financing**

12 **Sec. 421: Increased Penalties for Terrorism Financing.**

13 Section 206 of the International Emergency Economic Powers Act (50 U.S.C. §  
14 1705) is amended –

15 (1) in subsection (a), by deleting “\$10,000” and inserting “\$50,000”.

16 (2) in subsection (b), by deleting “\$50,000” and inserting “\$250,000”; and by  
17 deleting “ten years” and inserting “twenty years”.

18 **Sec. 422: Money Laundering Through Hawalas.**

19 Section 1956 of title 18, United States Code, is amended by adding at the end the  
20 following:

1           “(j)(1) For the purposes of subsections (a)(1) and (a)(2), a transaction,  
2           transportation, transmission, or transfer of funds shall be considered to be one  
3           involving the proceeds of specified unlawful activity, if the transaction, transportation,  
4           transmission, or transfer is part of a set of parallel or dependent transactions, any one  
5           of which involves the proceeds of specified unlawful activity.

6                       “(2) As used in this section, a “dependent transaction” is one that  
7                       completes or complements another transaction or one that would not have  
8                       occurred but for another transaction.

9           **Sec. 423: Suspension of Tax-Exempt Status of Designated Foreign Terrorist**  
10           **Organizations.**

11           (a) Section 501 (relating to exemption from tax on corporations, certain trusts, etc.)  
12           is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection  
13           (o) the following new subsection:

14                       “(p) **SUSPENSION OF TAX-EXEMPT STATUS OF DESIGNATED**  
15                       **TERRORIST ORGANIZATIONS.**

16                       “(1) **IN GENERAL.** The exemption from tax under subsection (a)  
17                       with respect to any organization shall be suspended during any period in  
18                       which the organization is a designated terrorist organization.

19                       “(2) **DESIGNATED TERRORIST ORGANIZATION.** For purposes  
20                       of this subsection, the term ‘designated terrorist organization’ means an  
21                       organization which

1                                   “(A) is designated as a terrorist organization by an Executive  
2                                   Order or under the authority of

3   “(i) section 212(a)(3) or 219 of the Immigration and  
4   Nationality Act,

5   “(ii) the International Emergency Economic Powers  
6   Act, or

7   “(iii) section 5 of the United Nations Participation Act,  
8   or

9                                   “(B) is a person listed in or designated by an Executive Order  
10                                   as supporting terrorist activity (as defined in section 212(a)(3)(B) of  
11                                   the Immigration and Nationality Act) or terrorism (as defined in  
12                                   section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal  
13                                   Years 1988 and 1989).

14                                   “(3) DENIAL OF DEDUCTION. No deduction shall be allowed  
15                                   under section 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522  
16                                   for any contribution to an organization during the period such organization is  
17                                   a designated terrorist organization.

18                                   “(4) DENIAL OF ADMINISTRATIVE OR JUDICIAL  
19                                   CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.

20                                   Notwithstanding section 7428 or any other provision of law, no organization  
21                                   or other person may challenge a suspension under paragraph (1), a



1 determination or listing under paragraph (2), or a denial of a deduction under  
2 paragraph (3) in any administrative or judicial proceeding relating to the  
3 organization's Federal tax liability.

4 “(5) CREDIT OR REFUND IN CASE OF ERRONEOUS  
5 DESIGNATION.

6 “(A) IN GENERAL. If an erroneous designation of an  
7 organization pursuant to 1 or more of the provisions of law described  
8 in paragraph (2) results in an overpayment of income tax for any  
9 taxable year with respect to such organization, credit or refund (with  
10 interest) with respect to such overpayment shall be made.

11 “(B) WAIVER OF LIMITATIONS. If credit or refund of any  
12 overpayment of tax described in subparagraph (A) is prevented at any  
13 time before the close of the 1-year period beginning on the date of the  
14 determination of such credit or refund by the operation of any law or  
15 rule of law (including res judicata), such refund or credit may  
16 nevertheless be made or allowed if claim therefor is filed before the  
17 close of such period.”.

18 (b) If the tax exemption of any organization is suspended under section 501(p) of the  
19 Internal Revenue Code of 1986 (as added by subsection (a)), the Internal Revenue Service  
20 shall update the listings of tax-exempt organizations and shall publish appropriate notice to

1 taxpayers of such suspension and of the fact that contributions to such organization are not  
2 deductible during the period of such suspension.

3 **Sec. 424: Denial of Federal Benefits to Terrorists.**

4 Chapter 113B of title 18, United States Code, is amended –

5 (1) in the chapter analysis, by adding at the end the following:

6 “2339C. Denial of federal benefits to terrorists”; and

7 (2) by adding at the end the following:

8 “§ 2339C. Denial of federal benefits to terrorists

9 “(a) In general. – Any individual who is convicted of an offense listed  
10 in section 2332b(g)(5)(B) shall, as provided by the court on motion of the  
11 government, be ineligible for any or all Federal benefits for any term of years  
12 or for life.

13 “(b) Definition. – As used in this section, ‘Federal benefit’ has the  
14 meaning given that term in section 421(d) of the Controlled Substances Act  
15 (21 U.S.C. 862(d)).

16 **Sec. 425: Corrections to Financing of Terrorism Statute.**

17 (a) Section 2339C(c)(2) of title 18, United States Code, is amended by—

18 (1) striking “resources, or funds” and inserting “resources, or any funds or  
19 proceeds of such funds”;

20 (2) in subparagraph (A), striking “were provided” and inserting “are to be  
21 provided, or knowing that the support or resources were provided,”; and

1 (3) in subparagraph (B)—

2 (A) striking “or any proceeds of such funds”; and

3 (B) striking “were provided or collected” and inserting “are to be  
4 provided or collected, or knowing that the funds were provided or collected.”

5 (b) Section 2339C(e) is amended by—

6 (1) striking “and” at the end of paragraph (12);

7 (2) redesignating paragraph (13) as paragraph (14); and

8 (3) inserting after paragraph (12) the following new paragraph:

9 “(13) the term ‘material support or resources’ has the same meaning as in  
10 section 2339A(b) of this title; and”.

11 (c) Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting  
12 “)” after “2339C (relating to financing of terrorism”.

13 **Sec. 426: Terrorism-Related Specified Activities for Money Laundering.**

14 (a) AMENDMENTS TO RICO. – Section 1961(1) of title 18, United States Code, is  
15 amended –

16 (1) in subparagraph (B), by inserting “section 1960 (relating to illegal money  
17 transmitters),” before “sections 2251”; and

18 (2) in subparagraph (F), by inserting “section 274A ( relating to unlawful  
19 employment of aliens),” before “section 277”.

1 (b) AMENDMENTS TO SECTION 1956(c)(7).— Section 1956(c)(7)(D) of title 18,  
2 United States Code, is amended by –

3 (1) striking “or section 2339A or 2339B or 2339B” and inserting “section  
4 2339A or 2339B”;

5 (2) inserting “, or section 2339C (relating to financing of terrorism)” before  
6 “of this title”; and

7 (3) striking “or any felony violation of the Foreign Corrupt Practices Act” and  
8 inserting “any felony violation of the Foreign Corrupt Practices Act, or any violation  
9 of section 208 of the Social Security Act (relating to obtaining funds through misuse  
10 of a social security number)”.

11 **Sec. 427: Assets of Persons Committing Terrorist Acts Against Foreign Countries or**  
12 **International Organizations.**

13 Section 981(a)(1)(G) of title 18, United States Code, is amended by –

14 (1) striking “or” at the end of clause (ii);

15 (2) striking the period at the end of clause (iii) and inserting “; or”; and

16 (3) inserting the following after clause (iii):

17 (iv) of any individual, entity, or organization engaged  
18 in planning or perpetrating any act of international terrorism  
19 (as defined in section 2331) against any international  
20 organization (as defined in section 209 of the State Department  
21 Basic Authorities Act of 1956) or against any foreign

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1 Government, its citizens or residents, or their property. Where  
2 the property sought for forfeiture is located beyond the  
3 territorial boundaries of the United States, an act in furtherance  
4 of such planning or perpetration must have occurred within the  
5 jurisdiction of the United States.”.

6 **Sec. 428: Technical and Conforming Amendments Relating to the USA PATRIOT Act.**

7 (a) TECHNICAL CORRECTIONS.— (1) Sections 5312(a)(3)(C) and 5324(b) of title  
8 31 are amended by striking “5333” each time it appears and inserting “5331”.

9 (2) Section 322 of Pub. L. 107-56 is amended by striking “title 18” and  
10 inserting “title 28”.

11 (3) Section 5318(k)(1)(B) of title 31, United States Code, is amended by  
12 striking “5318A(f)(1)(B)” and inserting “5318A(e)(1)(B)”.

13 (4) Section 5332(a)(1) of title 31, United States Code, is amended by striking  
14 “article of luggage” and inserting “article of luggage or mail”.

15 (5) Section 1956(b)(3) and (4) of title 18, United States Code, are amended  
16 by striking “described in paragraph (2)” each time it appears; and

17 (6) Section 981(k) of title 18, United States Code, is amended by striking  
18 “foreign bank” each time it appears and inserting “foreign bank or financial  
19 institution”.

20 (b) CODIFICATION OF SECTION 316. – (1) Chapter 46 of title 18, United States  
21 Code, is amended –

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

2 “987. Anti-terrorist forfeiture protection.”; and

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

4 “§ 987. **Anti-terrorist forfeiture protection**

5 “(a) **Right to contest.** – An owner of property that is confiscated under this chapter  
6 or any other provision of law relating to the confiscation of assets of suspected international  
7 terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal  
8 Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims),  
9 and asserting as an affirmative defense that –

10 “(1) the property is not subject to confiscation under such provision of law; or

11 “(2) the innocent owner provisions of section 983(d) apply to the case.

12 “(b) **Evidence.** – In considering a claim filed under this section, a court may admit  
13 evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court  
14 determines that the evidence is reliable, and that compliance with the Federal Rules of  
15 Evidence may jeopardize the national security interests of the United States.

16 “(c) **Clarifications.** –

17 “(1) **Protection of rights.** – The exclusion of certain provisions of Federal law  
18 from the definition of the term ‘civil forfeiture statute’ in section 983(i) shall not be  
19 construed to deny an owner of property the right to contest the confiscation of assets  
20 of suspected international terrorists under –

21 “(A) subsection (a) of this section;

1                   “(B) the Constitution; or

2                   “(C) subchapter II of chapter 5 of title 5, United States Code

3                   (commonly known as the ‘Administrative Procedure Act’).

4                   “(2) **Savings clause.** – Nothing in this section shall limit or otherwise affect  
5                   any other remedies that may be available to an owner of property under section 983  
6                   or any other provision of law.”.

7                   (2) Subsections (a), (b), and (c) of section 316 of Pub. L. 107-56 are repealed.

8                   (c) **CONFORMING AMENDMENTS CONCERNING CONSPIRACIES.** –

9                   (1) Section 33(a) of title 18, United State Code is amended by inserting “or  
10                   conspires” before “to do any of the foregoing”.

11                   (2) Section 1366(a) of title 18, United State Code, is amended by—

12                   (A) striking “attempts” each time it appears and inserting “attempts or  
13                   conspires”; and

14                   (B) inserting “, or if the object of the conspiracy had been achieved,”  
15                   after “the attempted offense had been completed”.

16

17                   **Title V: Enhancing Immigration and Border Security**

18                   **Sec. 501: Expatriation of Terrorists.**

19                   Section 349 of the Immigration and Nationality Act (8 U.S.C. 1481) is amended –

20                   (1) by amending subsection (a)(3) to read as follows:

21                   “(3) (A) entering, or serving in, the armed forces of a foreign state if –

1                   “(i) such armed forces are engaged in hostilities against the United  
2                   States; or

3                   “(ii) such person serves as a commissioned or non-commissioned  
4                   officer; or

5                   “(B) joining or serving in, or providing material support (as defined in  
6                   section 2339A of title 18, United States Code) to, a terrorist organization  
7                   designated under section 212(a)(3) or 219 or designated under the  
8                   International Emergency Economic Powers Act, if the organization is engaged  
9                   in hostilities against the United States, its people, or its national security  
10                  interests.”; and

11                  (2) by adding at the end of subsection (b) the following: “The voluntary commission  
12                  or performance of an act described in subsection (a)(3)(A)(i) or (B) shall be prima facie  
13                  evidence that the act was done with the intention of relinquishing United States nationality.”.

14                  **Sec. 502: Enhanced Criminal Penalties for Violations of Immigration and Nationality**  
15                  **Act.**

16                  (a) ENTRY CRIMES. – Section 275(a)(1) of the Immigration and Nationality Act (8  
17                  U.S.C. 1325(a)(1)) is amended by –

18                                 (1) striking “6 months” and inserting “one year”; and

19                                 (2) striking “2 years” and inserting “3 years”.

20                  (b) REENTRY AFTER REMOVAL. – Section 276 of the Immigration and  
21                  Nationality Act (8 U.S.C. 1326) is amended –



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1                   (1) in subsection (a), by striking “2 years” and inserting “3 years”; and

2                   (2) in subsection (b)(3), by striking “10 years” and inserting “20 years”.

3                   (c) ALIEN SMUGGLING. – Section 274(a)(2)(A) of the Immigration and  
4 Nationality Act (8 U.S.C. 1324(a)(2)(A)) is amended by striking “one year” and inserting “3  
5 years”.

6                   (d) REGISTRATION OFFENSES. – (1) Section 264(e) of the Immigration and  
7 Nationality Act (8 U.S.C. 1304(e)) is amended by striking “be fined not to exceed \$100 or be  
8 imprisoned not more than 30 days” and inserting “be fined under title 18, United States Code,  
9 or imprisoned not more than 90 days”.

10                   (2) Section 266 of the Immigration and Nationality Act (8 U.S.C. 1306) is  
11 amended –

12                                   (A) in subsection (b), by striking “be fined not to exceed \$200 or be  
13 imprisoned not more than thirty days” and inserting “be fined under title 18,  
14 United States Code, or imprisoned not more than six months”; and

15                                   (B) in subsection (c), by striking “be fined not to exceed \$1000, or be  
16 imprisoned not more than six months” and inserting “be fined under title 18,  
17 United States Code, or imprisoned not more than one year”.

18                   (e) UNLAWFUL VOTING. – Section 611(b) of title 18, United States Code, is  
19 amended by striking “one year” and inserting “three years”.

20   **Sec. 503: Inadmissibility and Removability of National Security Aliens or Criminally**  
21   **Charged Aliens.**

1 (a) Section 212(a)(3) of the Immigration and Nationality Act, as amended, is  
2 amended by adding at the end thereof the following new subparagraphs:

3 “(G) An alien whose entry or proposed activities in the United States  
4 the Attorney General has reason to believe would pose a danger to the  
5 national security of the United States as defined in section 219(c)(2) of the  
6 Act is inadmissible.

7 “(H) An alien whom the Attorney General has reason to believe is  
8 charged with or has committed a serious criminal offense in a country other  
9 than the United States is inadmissible.”

10 (b) Section 237(a)(4) of Immigration and Nationality Act is amended by adding at  
11 the end thereof the following new subparagraphs:

12 “(E) An alien whose presence or activities in the United States the  
13 Attorney General has reason to believe pose a danger to the national security  
14 of the United States, as defined in section 219(c)(2) of the Act is removable.

15 “(F) An alien whom the Attorney General has reason to believe is  
16 charged with or has committed a serious criminal offense in a country other  
17 than the United States is removable.”

18 **Sec. 504: Expedited Removal of Criminal Aliens.**

19 (a) The caption of Section 238 of the Immigration and Nationality Act is amended to  
20 read as follows: “EXPEDITED REMOVAL OF CRIMINAL ALIENS”.

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1           (b) Section 238(b) of the Immigration and Nationality Act is amended to read as  
2 follows:

3                           “(b) Removal of Criminal Aliens. –

4   “(1) The Attorney General may, in the case of an alien  
5 described in paragraph (2), determine the deportability of such alien,  
6 and issue an order of removal pursuant to the procedures set forth in  
7 this subsection or section 240.

8   “(2) An alien is described in this paragraph if the alien,  
9 whether or not admitted into the United States, was convicted of any  
10 criminal offense covered in 237(a)(2)(A)(iii), (B), (C), or (D), without  
11 regard to its date of commission.

12   “(3) The Attorney General in his discretion may at any time  
13 execute any order described in paragraph (1), except during the 14  
14 calendar day period after the date that such order was issued, unless  
15 waived by the alien, in order that the alien has an opportunity to apply  
16 for judicial review under section 242, or if the removal has been stayed  
17 under section 242(f)(2) of the Act. Notwithstanding any other  
18 provision of law including section 2241 of title 28, United States  
19 Code, no court other than a court of appeals pursuant to its  
20 jurisdiction under section 242 of this Act shall have jurisdiction to  
21 review or set aside any order, action, or decision taken or issued

1                   pursuant to this subsection. Review in the court of appeals shall be  
2                   limited to determining whether the petitioner (i) is an alien and (ii) is  
3                   subject to a final judgment of conviction for an offense covered in  
4                   section 237(a)(2)(A)(iii), (B), (C), or (D).

5                   “(4) Proceedings before the Attorney General under this  
6                   subsection shall be in accordance with such regulations as the  
7                   Attorney General shall prescribe. The Attorney General shall provide  
8                   that –

9                                   “(A) the alien is given reasonable notice of the charges  
10                                  and of the opportunity described in subparagraph (C);

11                                 “(B) the alien shall have the privilege of being  
12                                  represented (at no expense to the government) by such  
13                                  counsel, authorized to practice in such proceedings, as the  
14                                  alien shall choose;

15                                 “(C) the alien has a reasonable opportunity to inspect  
16                                  the evidence and rebut the charges;

17                                 “(D) a determination is made for the record that the  
18                                  individual upon whom the notice for the proceeding under this  
19                                  section is served (either in person or by mail) is, in fact, the  
20                                  alien named in such notice;

21                                 “(E) a record is maintained for judicial review; and

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1                                   “(F) the final order of removal is not adjudicated by the  
2                                   same person who issues the charges.

3                                   “(5) No alien described in this section shall be eligible for any  
4                                   relief from removal that the Attorney General may grant in the  
5                                   Attorney General’s discretion.”

6                   (c) Section 238(c) of the Immigration and Nationality Act relating to judicial removal  
7                   is amended to read as follows:

8                                   “(d) Stipulated judicial order of deportation. – The United States  
9                                   Attorney may, pursuant to Federal Rule of Criminal Procedure 11, enter into a  
10                                   plea agreement which calls for the alien to waive the right to notice and a  
11                                   hearing under this section, and stipulate to the entry of a judicial order of  
12                                   deportation from the United States as a condition of the plea agreement or as  
13                                   a condition of probation or supervised release, or both. The United States  
14                                   district court, in both felony and misdemeanor cases, and a United States  
15                                   magistrate judge in misdemeanor cases, may accept such a stipulation and  
16                                   shall have jurisdiction to enter a judicial order of deportation pursuant to the  
17                                   terms of such stipulation.”

18                   (d) Section 242(f)(2) of the Immigration and Nationality Act is amended to read as  
19                   follows:

20                                   “(2) Particular cases. – Notwithstanding any other provision of law, no  
21                                   court shall enjoin or stay, whether temporarily or otherwise, the removal of

1 any alien pursuant to a final order under this section unless the alien shows by  
2 clear and convincing evidence that the entry or execution of such order is  
3 prohibited as a matter of law.”

4 **Sec. 505: Clarification of Continuing Nature of Failure-to-Depart Offense, and**  
5 **Deletion of Provisions on Suspension of Sentence.**

6 (a) Subparagraph (A) of section 243(a)(1) of the Immigration and Nationality Act (8  
7 U.S.C. 1253(a)(1)) is amended to read as follows:

8 “(A) willfully—

9 “(1) fails or refuses to depart from the United States within a period of  
10 30 days from the date of the final order of removal under administrative  
11 processes, or if judicial review is had, then from the date of the final order of  
12 the court; or

13 “(2) remains in the United States more than 30 days after the date of the  
14 final is had, then more than 30 days after the date of the final order of the  
15 court.”.

16 (b) Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended  
17 by striking—

18 (1) paragraph (3) of subsection (a); and  
19 (2) subsection (b).

20 **Sec. 506. Additional Removal Authorities.**

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1 (a) Section 241(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(1)) is  
2 amended by inserting at the end the following:

3 “(D) OTHER PLACES OF REMOVAL. –

4 “(i) The Attorney General may direct that the alien be removed  
5 to another country or region if the Attorney General determines that  
6 removal to any country specified in the preceding subparagraphs is  
7 impracticable, inadvisable or impossible.

8 “(ii) The Attorney General may direct that an alien be removed  
9 to any country or region regardless of whether the country or region  
10 has a government, recognized by the United States or otherwise.”

11 (b) Section 241(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(1)) is  
12 amended by inserting at the end the following:

13 “(G) OTHER PLACES OF REMOVAL. –

14 “(i) The Attorney General may direct that the alien be removed  
15 to another country or region if the Attorney General determines that  
16 removal to any country specified in the preceding subparagraphs is  
17 impracticable, inadvisable, or impossible.

18 “(ii) The Attorney General may direct that an alien be removed  
19 to any country or region regardless of whether the country or region  
20 has a government, recognized by the United States or otherwise.”

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