

George W. Bush Presidential Library

Collection: Executive Clerk, Office of The

Series: Saunders, G. Timothy (Tim) – Bill Files

Folder Title: 10/26/2001 [H. R. 3162] [1]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Enrolled Bill H.R. 3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 - To: POTUS - From: Sean O'Keefe	11	10/25/2001	P5;
002	Memorandum	Enrolled Bill H.R. 3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 - To: POTUS - From: Sean O'Keefe	11	10/25/2001	P5;
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10/26/2001 [H. R. 3162] [1]

FRC ID:

779

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
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006	Draft	Anti-Terrorism Legislation - To: POTUS - From: Pete Wehner	3	10/26/2001	P5;
007	Memorandum	Enrolled Bill H.R. 3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 - To: POTUS - From: Sean O'Keefe	11	10/25/2001	P5;
008	Memorandum	[Agency Views - extra copy of page 10] - To: POTUS - From: Sean O'Keefe	1	10/25/2001	P5;
009	Memorandum	[Agency Views - extra copy of page 10] - To: POTUS - From: Sean O'Keefe	1	10/25/2001	P5;

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010	Memorandum	[Agency Views - extra copy of page 10] - To: POTUS - From: Sean O'Keefe	1	10/25/2001	P5;
011	Statement	Statement by the President - From: POTUS	2	N.D.	P5;
012	Letter	[Response to request for views on the new anti-terrorism bill, H.R. 3162] - To: Mitchell E. Daniels, Jr. - From: Paul V. Kelly	6	10/25/2001	P5;
013	Letter	[Letter on H.R. 3162] - To: Mitchell E. Daniels, Jr. - From: George J. Tenet	2	10/25/2001	P5;

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Other Provisions of H.R. 3162

Provisions to Assist Victims of Terrorism

Public Safety Officers' Benefit Program. The enrolled bill would require payments under the Public Safety Officers' Benefit Program to be made within 30 days of certification of death or disability for any firefighter, law enforcement officer, or emergency personnel involved in prevention, investigation, rescue or recovery efforts related to any future terrorist attack. The enrolled bill would raise the Public Safety Officers' Benefit Program payment from its current level of \$151,635 to \$250,000 (adjusted annually for inflation) effective January 1, 2001.

Victims of Crime Act. The enrolled bill would amend the Victims of Crime Act to: (1) replenish the antiterrorism emergency reserve with up to \$50 million; (2) replace the annual cap on the Crime Victims Fund with a system that would allow more money to be distributed in years when deposits to the Fund are high; (3) authorize private gift-giving to the Fund; and (4) authorize the Office for Victims of Crime to work directly with service providers (as opposed to governments) to expedite assistance to victims of domestic terrorism.

Regional Information Sharing Systems Grants

The enrolled bill would expand the purpose of regional information sharing systems grants administered by the Bureau of Justice Assistance to include establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities. To carry out this purpose, the bill would authorize appropriations to the Bureau of Justice Assistance of \$50 million for FY 2002 and \$100 million for fiscal year 2003.

Other Anti-Money Laundering Provisions

H.R. 3162 includes additional "money-laundering" provisions that would:

- require Federal banking regulators to take into account a bank's effectiveness in combating money laundering when considering whether to approve bank mergers.
- create a public-private task force, under the Bank Secrecy Act Advisory Group, to examine terrorist financing and how terrorist funds are distributed globally, as well as within the United States;
- require informal money transferring systems to register with the Treasury Department as a money-transmitting business and to file suspicious-activity reports. The bill would require Treasury to report to Congress on any further legislation needed to oversee such systems;

- authorize the Federal government to deny entry into the United States of any foreign individual (or immediate relative of an individual) who is believed to have engaged in money laundering or similar criminal activities in a foreign nation. The bill also allows denial of entry to immediate relatives of those believed to have engaged in money-laundering or similar criminal activities in a foreign nation;
- authorize U.S. courts to order convicted criminals to return to the United States any funds they may have placed in bank accounts overseas and expands the ability of U.S. courts to enforce foreign judgments; and
- clarify that civil and criminal penalties may be imposed on financial institutions that fail to comply with special record-keeping and reporting requirements imposed by the Treasury Department through geographic targeting orders.

Immigration-Related Provisions

The enrolled bill would require the Secretary of State to perform annual audits and report to Congress on the implementation of the machine-readable passport program until September 30, 2007, and would advance the deadline for implementing this program from October 1, 2007, to October 1, 2003.

The bill would also require the Secretary of State to review how U.S. consular offices issue visas to determine whether "consular shopping" (i.e. when visa applicants who are rejected at one consular office reapply at other offices until they are approved) is a problem. If the Secretary determines that this is a problem, the Secretary would have to take steps to address it and report to Congress on what action was taken.

Preservation of Immigration Benefits for Victims of Terrorism

The enrolled bill includes several provisions that would preserve the immigration benefits of victims of the September 11 attacks and their families. Specifically, the bill would:

- (1) create a new special immigrant status for people who were in the process of securing permanent residence through a family member who died, was disabled, or lost employment as a result of the terrorist activities of September 11, 2001;
- (2) provide a temporary extension of status to people who are present in the United States on a "derivative status" (the spouse or minor child) of a non-immigrant who was killed or injured on September 11, 2001;

- (3) provide remedies for people who will be adversely affected or will lose their right to apply for benefits such as visa waivers, visa attainment through the diversity lottery, advance parole, and voluntary departure, because of their inability to meet certain deadlines through no fault of their own and as a result of the September 11, 2001 terrorist attacks;
- (4) provide immigration relief to the widows or widowers and orphan children of citizens and legal permanent residents who were killed in the September 11 attacks by allowing applications for permanent resident status to be adjudicated;
- (5) prevent children from aging out of eligibility for immigration benefits where the delay was the result of the September 11 attacks;
- (6) provide for temporary administrative relief to allow the family of people who were killed or seriously injured in the terrorist attacks who are not otherwise covered by this subtitle; and
- (7) prohibit any benefits from being provided to anyone culpable for the terrorist attacks on September 11 or any family member of such person.

Provisions Removing Obstacles to Investigating Terrorism

The enrolled bill would enhance the authorities of the Attorney General and the Secretary of State to pay rewards to combat terrorism. H.R. 3162 would authorize the Attorney General to pay rewards to combat terrorism and ensure that non-terrorism rewards are subject to budgetary caps.

Under current law, DNA samples may be collected from persons convicted of certain Federal crimes. The enrolled bill would expand the list of crimes to include all persons convicted of certain crimes of terrorism, crimes of violence, and conspiracies to commit these offenses.

The enrolled bill would require an application to a court to obtain information on private student records in the possession of the National Center for Education Statistics or any educational agency or institution, upon the Attorney General's determination that such information was necessary for the prosecution or investigation of terrorism. The enrolled bill would limit the immunity of persons producing such information in good faith and would direct the Attorney General, in consultation with the Secretary of Education, to issue guidelines to protect confidentiality.

Intelligence Agency Provisions

The enrolled bill would clarify the role of the CIA Director to set overall strategy for collection of information through court-ordered FISA surveillance, but the Director would have no operational authority. H.R. 3162 would provide for the inclusion of "international terrorist activities" in the definition of "foreign intelligence" under the National Security Act in order to clarify the authorities of the CIA. The enrolled bill would state the sense of Congress that the CIA should make efforts to recruit informants to fight terrorism.

The enrolled bill would require the Attorney General to develop guidelines for expeditious disclosure to the CIA of foreign intelligence information obtained in criminal investigations. When the CIA seeks to recruit a criminal suspect, the Attorney General would be required to notify the CIA within a reasonable period of time whether a criminal case will be pursued. The enrolled bill would require Justice, the CIA, and Treasury to report to Congress on the feasibility of using the Foreign Terrorist Asset Tracking Center to compile, analyze and disseminate information on the finances of international terrorist organizations.

The enrolled bill would require the CIA, in consultation with the FBI, to report to Congress on the feasibility of establishing a National Virtual Translation Center to provide accurate and timely translations of foreign intelligence for use by the intelligence community. The enrolled bill would require the Attorney General, in consultation with the CIA Director, to provide training to Federal, State and local government officials in identifying foreign intelligence information obtained in the course of their duties.

Other Enhancements to Security Efforts Against Terrorism

The enrolled bill would authorize appropriations of \$200 million in each of fiscal years 2002 through 2004 for the FBI's Technical Support Center. H.R. 3162 would also require the Director of the Secret Service to develop a national network of electronic crime task forces for purposes of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems. The enrolled bill would allow the Department of Justice to ask the Department of Defense to provide assistance during emergencies involving weapons of mass destruction.

The enrolled bill would establish in the Department of the Treasury a Counterterrorism Fund, amounts in which would be available without fiscal year limitation, to reimburse the Department of Justice for costs related to: (1) reestablishing an office damaged or destroyed by a domestic or international terrorism incident, (2) investigating and prosecuting domestic or international terrorism, and (3) conducting terrorism threat assessments of Federal facilities. The fund would also be available to reimburse any Federal agency for costs incurred in detaining individuals in foreign countries accused of acts of terrorism in violation of U.S. laws.

Miscellaneous Provisions

The enrolled bill would require the Inspector General of the Department of Justice to designate one official to review complaints of civil liberties and civil rights abuses and to report semi-annually to Congress on any abuses.

The enrolled bill would require Justice to make terrorism prevention grants to State and local governments to improve the ability of State and local law enforcement, fire department, and first responders to respond to and prevent acts of terrorism. The enrolled bill would authorize appropriations of \$25 million for each of fiscal years 2003 through 2007 for this purpose.

The enrolled bill would authorize appropriations to the President of not less than \$5 million for FY 2002 for regional anti-drug training in Turkey and in South and Central Asia.

The enrolled bill would require Justice to make grants to States and units of local government to improve State and local jurisdictions' ability to respond to terrorist acts, including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices. The enrolled bill would authorize appropriations of such sums as may be necessary for each of fiscal years 2002 through 2007 for this purpose.

The enrolled bill would expand and re-authorize the Crime Identification Technology Act for anti-terrorism grants to States and units of local government. The enrolled bill would authorize appropriations of \$250 million for each of fiscal years 2002 through 2007 for this purpose.

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To deter and punish terrorist acts in the United States and around the world,
to enhance law enforcement investigatory tools, and for other purposes.

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

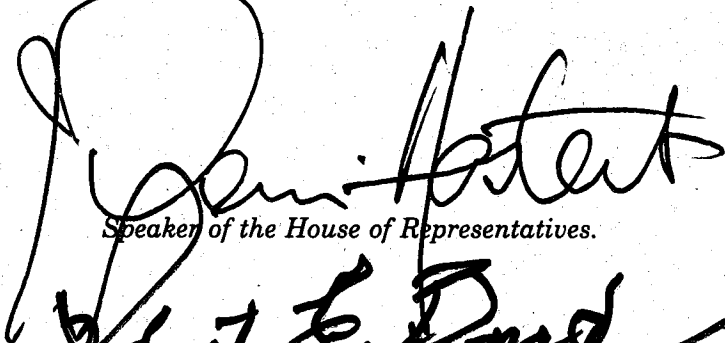
- Sec. 101. Counterterrorism fund.
- Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
- Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
- Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
- Sec. 105. Expansion of National Electronic Crime Task Force Initiative.
- Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

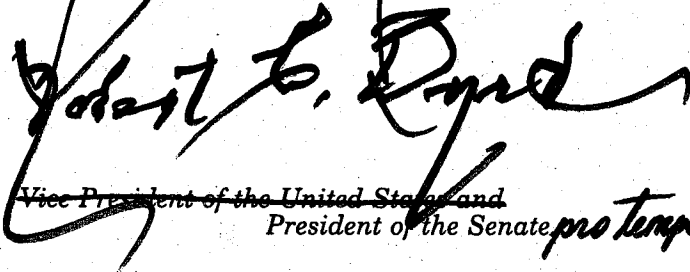
- Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
- Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
- Sec. 203. Authority to share criminal investigative information.
- Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
- Sec. 205. Employment of translators by the Federal Bureau of Investigation.
- Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
- Sec. 208. Designation of judges.
- Sec. 209. Seizure of voice-mail messages pursuant to warrants.
- Sec. 210. Scope of subpoenas for records of electronic communications.
- Sec. 211. Clarification of scope.
- Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
- Sec. 213. Authority for delaying notice of the execution of a warrant.
- Sec. 214. Pen register and trap and trace authority under FISA.
- Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
- Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.

H. R. 3162—131

(f) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized for the Department of Defense for fiscal year 2002, \$20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under this section in that fiscal year.

A large, stylized handwritten signature in black ink, appearing to read "Dennis Hastert".

Speaker of the House of Representatives.

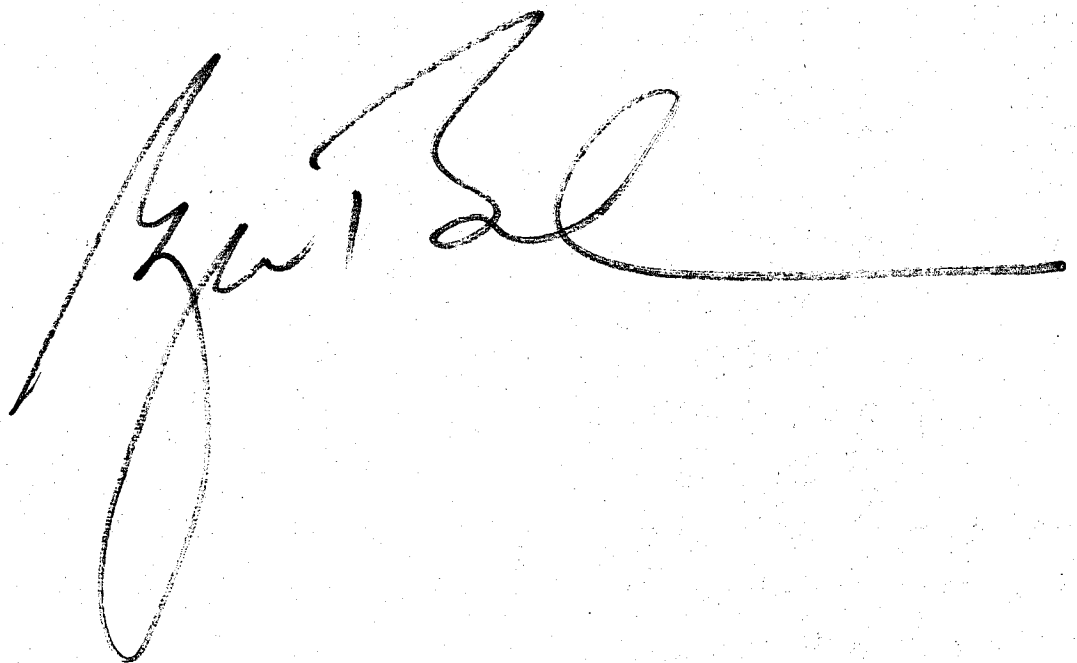
A large, stylized handwritten signature in black ink, appearing to read "Robert C. Byrd".

~~Vice President of the United States and~~

President of the Senate pro tempore.

APPROVED

OCT 26 2001

A large, stylized handwritten signature in black ink, possibly reading "G. W. Bush", spanning across the bottom half of the page.

WHITE HOUSE STAFFING MEMORANDUMDate: 10-25-01ACTION / CONCURRENCE / COMMENT DUE BY: 10-26-01 9:00 AM

**ENROLLED BILL H.R. 3162 -- UNITING AND STRENGTHENING AMERICA BY
PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT**

Subject: TERRORISM ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

**PLEASE SEND COMMENTS TO THE STAFF SECRETARY'S OFFICE, NO LATER THAN 9:00 AM
TOMORROW, OCTOBER 26, 2001, AND CC: JIM JUKES, X53458. THANKS.**

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 10-26-01 9:00 AM

ENROLLED BILL H.R. 3162 -- UNITING AND STRENGTHENING AMERICA BY
 PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT
 Subject: TERRORISM ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS →	☒	☐
HAGIN	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY'S OFFICE, NO LATER THAN 9:00 AM
 TOMORROW, OCTOBER 26, 2001, AND CC: JIM JUKES, X53458. THANKS.

OK

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

Withdrawal Marker

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Memorandum	Enrolled Bill H.R. 3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 - To: POTUS - From: Sean O'Keefe	11	10/25/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
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Saunders, G. Timothy (Tim) - Bill Files

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10/26/2001 [H. R. 3162] [1]

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The enrolled bill would establish in the Department of the Treasury a Counterterrorism Fund, amounts in which would be available without fiscal year limitation, to reimburse the Department of Justice for costs related to: (1) reestablishing an office damaged or destroyed by a domestic or international terrorism incident, (2) investigating and prosecuting domestic or international terrorism, and (3) conducting terrorism threat assessments of Federal facilities. The fund would also be available to reimburse any Federal agency for costs incurred in detaining individuals in foreign countries accused of acts of terrorism in violation of U.S. laws.

Miscellaneous Provisions

The enrolled bill would require the Inspector General of the Department of Justice to designate one official to review complaints of civil liberties and civil rights abuses and to report semi-annually to Congress on any abuses.

The enrolled bill would require Justice to make terrorism prevention grants to State and local governments to improve the ability of State and local law enforcement, fire department, and first responders to respond to and prevent acts of terrorism. The enrolled bill would authorize appropriations of \$25 million for each of fiscal years 2003 through 2007 for this purpose.

The enrolled bill would authorize appropriations to the President of not less than \$5 million for FY 2002 for regional anti-drug training in Turkey and in South and Central Asia.

The enrolled bill would require Justice to make grants to States and units of local government to improve State and local jurisdictions' ability to respond to terrorist acts, including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices. The enrolled bill would authorize appropriations of such sums as may be necessary for each of fiscal years 2002 through 2007 for this purpose.

The enrolled bill would expand and re-authorize the Crime Identification Technology Act for anti-terrorism grants to States and units of local government. The enrolled bill would authorize appropriations of \$250 million for each of fiscal years 2002 through 2007 for this purpose.

WHITE HOUSE STAFFING MEMORANDUMDate: 10-25-01 ACTION / CONCURRENCE / COMMENT DUE BY: 10-26-01 9:00 AM

ENROLLED BILL H.R. 3162 -- UNITING AND STRENGTHENING AMERICA BY
 PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT
 Subject: TERRORISM ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
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GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY'S OFFICE, NO LATER THAN 9:00 AM
 TOMORROW, OCTOBER 26, 2001, AND CC: JIM JUKES, X53458. THANKS.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Enrolled Bill H.R. 3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 - To: POTUS - From: Sean O'Keefe	11	10/25/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/26/2001 [H. R. 3162] [1]

FRC ID:

779

OA Num.:

730

NARA Num.:

1456

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Other Provisions of H.R. 3162

Provisions to Assist Victims of Terrorism

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Regional Information Sharing Systems Grants

The enrolled bill would expand the purpose of regional information sharing systems grants administered by the Bureau of Justice Assistance to include establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities. To carry out this purpose, the bill would authorize appropriations to the Bureau of Justice Assistance of \$50 million for FY 2002 and \$100 million for fiscal year 2003.

Other Anti-Money Laundering Provisions

H.R. 3162 includes additional "money-laundering" provisions that would:

- require Federal banking regulators to take into account a bank's effectiveness in combating money laundering when considering whether to approve bank mergers.
- create a public-private task force, under the Bank Secrecy Act Advisory Group, to examine terrorist financing and how terrorist funds are distributed globally, as well as within the United States;
- require informal money transferring systems to register with the Treasury Department as a money-transmitting business and to file suspicious-activity reports. The bill would require Treasury to report to Congress on any further legislation needed to oversee such systems;

- authorize the Federal government to deny entry into the United States of any foreign individual (or immediate relative of an individual) who is believed to have engaged in money laundering or similar criminal activities in a foreign nation. The bill also allows denial of entry to immediate relatives of those believed to have engaged in money-laundering or similar criminal activities in a foreign nation;
- authorize U.S. courts to order convicted criminals to return to the United States any funds they may have placed in bank accounts overseas and expands the ability of U.S. courts to enforce foreign judgments; and
- clarify that civil and criminal penalties may be imposed on financial institutions that fail to comply with special record-keeping and reporting requirements imposed by the Treasury Department through geographic targeting orders.

Immigration-Related Provisions

The enrolled bill would require the Secretary of State to perform annual audits and report to Congress on the implementation of the machine-readable passport program until September 30, 2007, and would advance the deadline for implementing this program from October 1, 2007, to October 1, 2003.

The bill would also require the Secretary of State to review how U.S. consular offices issue visas to determine whether "consular shopping" (i.e. when visa applicants who are rejected at one consular office reapply at other offices until they are approved) is a problem. If the Secretary determines that this is a problem, the Secretary would have to take steps to address it and report to Congress on what action was taken.

Preservation of Immigration Benefits for Victims of Terrorism

The enrolled bill includes several provisions that would preserve the immigration benefits of victims of the September 11 attacks and their families. Specifically, the bill would:

- (1) create a new special immigrant status for people who were in the process of securing permanent residence through a family member who died, was disabled, or lost employment as a result of the terrorist activities of September 11, 2001;
- (2) provide a temporary extension of status to people who are present in the United States on a "derivative status" (the spouse or minor child) of a non-immigrant who was killed or injured on September 11, 2001;

- (3) provide remedies for people who will be adversely affected or will lose their right to apply for benefits such as visa waivers, visa attainment through the diversity lottery, advance parole, and voluntary departure, because of their inability to meet certain deadlines through no fault of their own and as a result of the September 11, 2001 terrorist attacks;
- (4) provide immigration relief to the widows or widowers and orphan children of citizens and legal permanent residents who were killed in the September 11 attacks by allowing applications for permanent resident status to be adjudicated;
- (5) prevent children from aging out of eligibility for immigration benefits where the delay was the result of the September 11 attacks;
- (6) provide for temporary administrative relief to allow the family of people who were killed or seriously injured in the terrorist attacks who are not otherwise covered by this subtitle; and
- (7) prohibit any benefits from being provided to anyone culpable for the terrorist attacks on September 11 or any family member of such person.

Provisions Removing Obstacles to Investigating Terrorism

The enrolled bill would enhance the authorities of the Attorney General and the Secretary of State to pay rewards to combat terrorism. H.R. 3162 would authorize the Attorney General to pay rewards to combat terrorism and ensure that non-terrorism rewards are subject to budgetary caps.

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Intelligence Agency Provisions

The enrolled bill would clarify the role of the CIA Director to set overall strategy for collection of information through court-ordered FISA surveillance, but the Director would have no operational authority. H.R. 3162 would provide for the inclusion of "international terrorist activities" in the definition of "foreign intelligence" under the National Security Act in order to clarify the authorities of the CIA. The enrolled bill would state the sense of Congress that the CIA should make efforts to recruit informants to fight terrorism.

The enrolled bill would require the Attorney General to develop guidelines for expeditious disclosure to the CIA of foreign intelligence information obtained in criminal investigations. When the CIA seeks to recruit a criminal suspect, the Attorney General would be required to notify the CIA within a reasonable period of time whether a criminal case will be pursued. The enrolled bill would require Justice, the CIA, and Treasury to report to Congress on the feasibility of using the Foreign Terrorist Asset Tracking Center to compile, analyze and disseminate information on the finances of international terrorist organizations.

The enrolled bill would require the CIA, in consultation with the FBI, to report to Congress on the feasibility of establishing a National Virtual Translation Center to provide accurate and timely translations of foreign intelligence for use by the intelligence community. The enrolled bill would require the Attorney General, in consultation with the CIA Director, to provide training to Federal, State and local government officials in identifying foreign intelligence information obtained in the course of their duties.

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HR 3162

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 10/25/01 ACTION / CONCURRENCE / COMMENT DUE BY: 10/25/01 3:00 PM

Subject: ANTI-TERRORISM LEGISLATION (10-26-01)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☒	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☐	☐	MIERS	☐	☐
DANIELS	☒	☐	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO KRISTA RITACCO, EXTENSION 60170, BY 3:00 PM TODAY AND SEND A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Anti-Terrorism Legislation - To: POTUS - From: Pete Wehner	3	10/26/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/26/2001 [H. R. 3162] [1]

FRC ID:

779

OA Num.:

730

NARA Num.:

1456

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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OFFICE OF THE VICE PRESIDENT

STAFFING MEMORANDUM

DATE: October 26, 2001

DUE: 10/26/01 9:45AM

SUBJECT: Enrolled Bill H.R. 3162 – Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001

	ACTION	FYI		ACTION	FYI
LIBBY	☐	☐	PATEL	☒	☐
McGRATH	☒	☐	KLEPPE	☐	☐
MATALIN	☒	☐	O'DONNELL	☐	☐
ADDINGTON →	☒	☐	DUNN	☐	☐
DORN	☒	☐	ABBOT	☐	☐
CONDA	☒	☐	LUNDQUIST	☐	☐
EDELMAN	☒	☐	STAFF SEC	☒	☐

ACTION:

**PLEASE PROVIDE COMMENTS DIRECTLY TO THE STAFF SECRETARY
BY 8:45AM ON 10/26.**

APPROVE: ☐DISAPPROVE: ☐

COMMENTS:

RETURN TO: NEIL PATEL
STAFF SEC.
Rm: 284 Ext: 69000

WHITE HOUSE STAFFING MEMORANDUMDate: **10-25-01**ACTION / CONCURRENCE / COMMENT DUE BY: **10-26-01 9:00 AM****ENROLLED BILL H.R. 3162 -- UNITING AND STRENGTHENING AMERICA BY
PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT**Subject: **TERRORISM ACT OF 2001**

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT →	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
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GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

**PLEASE SEND COMMENTS TO THE STAFF SECRETARY'S OFFICE, NO LATER THAN 9:00 AM
TOMORROW, OCTOBER 26, 2001, AND CC: JIM JUKES, X53458. THANKS.**

RESPONSE:

**Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702**

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Enrolled Bill H.R. 3162 - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 - To: POTUS - From: Sean O'Keefe	11	10/25/2001	P5;

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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/26/2001 [H. R. 3162] [1]

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Intelligence Agency Provisions

The enrolled bill would clarify the role of the CIA Director to set overall strategy for collection of information through court-ordered FISA surveillance, but the Director would have no operational authority. H.R. 3162 would provide for the inclusion of "international terrorist activities" in the definition of "foreign intelligence" under the National Security Act in order to clarify the authorities of the CIA. The enrolled bill would state the sense of Congress that the CIA should make efforts to recruit informants to fight terrorism.

The enrolled bill would require the Attorney General to develop guidelines for expeditious disclosure to the CIA of foreign intelligence information obtained in criminal investigations. When the CIA seeks to recruit a criminal suspect, the Attorney General would be required to notify the CIA within a reasonable period of time whether a criminal case will be pursued. The enrolled bill would require Justice, the CIA, and Treasury to report to Congress on the feasibility of using the Foreign Terrorist Asset Tracking Center to compile, analyze and disseminate information on the finances of international terrorist organizations.

The enrolled bill would require the CIA, in consultation with the FBI, to report to Congress on the feasibility of establishing a National Virtual Translation Center to provide accurate and timely translations of foreign intelligence for use by the intelligence community. The enrolled bill would require the Attorney General, in consultation with the CIA Director, to provide training to Federal, State and local government officials in identifying foreign intelligence information obtained in the course of their duties.

Other Enhancements to Security Efforts Against Terrorism

The enrolled bill would authorize appropriations of \$200 million in each of fiscal years 2002 through 2004 for the FBI's Technical Support Center. H.R. 3162 would also require the Director of the Secret Service to develop a national network of electronic crime task forces for purposes of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems. The enrolled bill would allow the Department of Justice to ask the Department of Defense to provide assistance during emergencies involving weapons of mass destruction.

The enrolled bill would establish in the Department of the Treasury a Counterterrorism Fund, amounts in which would be available without fiscal year limitation, to reimburse the Department of Justice for costs related to: (1) reestablishing an office damaged or destroyed by a domestic or international terrorism incident, (2) investigating and prosecuting domestic or international terrorism, and (3) conducting terrorism threat assessments of Federal facilities. The fund would also be available to reimburse any Federal agency for costs incurred in detaining individuals in foreign countries accused of acts of terrorism in violation of U.S. laws.

Miscellaneous Provisions

The enrolled bill would require the Inspector General of the Department of Justice to designate one official to review complaints of civil liberties and civil rights abuses and to report semi-annually to Congress on any abuses.

The enrolled bill would require Justice to make terrorism prevention grants to State and local governments to improve the ability of State and local law enforcement, fire department, and first responders to respond to and prevent acts of terrorism. The enrolled bill would authorize appropriations of \$25 million for each of fiscal years 2003 through 2007 for this purpose.

The enrolled bill would authorize appropriations to the President of not less than \$5 million for FY 2002 for regional anti-drug training in Turkey and in South and Central Asia.

The enrolled bill would require Justice to make grants to States and units of local government to improve State and local jurisdictions' ability to respond to terrorist acts, including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices. The enrolled bill would authorize appropriations of such sums as may be necessary for each of fiscal years 2002 through 2007 for this purpose

The enrolled bill would expand and re-authorize the Crime Identification Technology Act for anti-terrorism grants to States and units of local government. The enrolled bill would authorize appropriations of \$250 million for each of fiscal years 2002 through 2007 for this purpose.

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	[Agency Views - extra copy of page 10] - To: POTUS - From: Sean O'Keefe	1	10/25/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/26/2001 [H. R. 3162] [1]

FRC ID:

779

OA Num.:

730

NARA Num.:

1456

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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WHITE HOUSE STAFFING MEMORANDUM

Date: 10-25-01

ACTION / CONCURRENCE / COMMENT DUE BY: 10-26-01 9:00 AM

ENROLLED BILL H.R. 3162 -- UNITING AND STRENGTHENING AMERICA BY
PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT

Subject: TERRORISM ACT OF 2001

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>concur</i>	☒	☐	HUBBARD	☒	☐
CARD <i>ok</i>	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO <i>ok</i>	☒	☐	LINDSEY <i>fine</i>	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS <i>ok</i>	☒	☐
HAGIN	☒	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO THE STAFF SECRETARY'S OFFICE, NO LATER THAN 9:00 AM
TOMORROW, OCTOBER 26, 2001, AND CC: JIM JUKES, X53458. THANKS.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 25, 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R. 3162, the "Uniting and Strengthening America Act by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001."¹

As you know, in September 2001, the Administration submitted a set of anti-terrorism proposals to Congress. These proposals represented carefully considered, crafted, balanced, and long overdue improvements to the Government's ability to combat terrorism and other serious criminal behavior. In a nutshell, the Administration's proposals focused on five broad, yet essential objectives:

- o To update the federal criminal laws to reflect the dramatic changes that have occurred in technology over the years (e.g., by allowing a federal court to issue a single electronic communication interception order that would apply to all telecommunication service providers in a communications change, including providers outside the area in which the issuing court is located);
- o To make fighting terrorism a national priority in our criminal justice system (e.g., by making harboring a terrorist a criminal offenses);

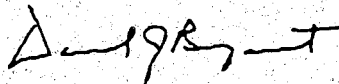
¹We have not had an opportunity to examine a facsimile of this enrolled bill. Our review was based on bill text provided by the staff of the House of Representatives.

- o To enhance the ability of the Immigration and Naturalization Service to detain or remove suspected terrorists from the Nation's borders;
- o To enhance the ability of federal law enforcement officials to "follow the money trail" with respect to terrorists' assets and to seize those assets; and
- o To provide the Government with the ability to provide swift emergency relief to the victims of terrorism and their families.²

During congressional deliberations on H.R. 3162, we worked closely with Members of both the House and Senate and of both parties. While the enrolled bill is not, in our view, perfect – compromises of course had to be struck to ensure final passage in a timely manner – we believe that, if enacted, it would substantially achieve each and every of the Administration's objectives. We therefore strongly support enactment of this enrolled bill and urge that the President approve it at his earliest convenience. We have enclosed draft language for a signing statement, should the President elect to approve the measure.

Thank you for the opportunity to present our views on this important matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,



Daniel J. Bryant
Assistant Attorney General

Enclosures

²A brief summary of the enrolled bill's provisions is enclosed for your reference.

H.R. 3162 -- Final Bill
Section-by-Section Analysis

Bill Provision No.	Bill Description
1	Title and table of contents.
2	Construction and severability clause.
101	Establishes a fund to reimburse DOJ components for costs incurred to rebuild facilities, investigate and prosecute terrorism, and to reimburse other Federal agencies for detaining individuals in foreign countries accused of terrorist acts.
102	Sense of Congress condemning discrimination against Arab and Muslim Americans.
103	Authorizes \$200M for each of FY 2002, 2003 and 2004 for the FBI Technical Support Center (established by AEDPA).
104	Broadens Attorney General's authority to request assistance of Secretary of Defense in emergency situations involving weapons of mass destruction.
105	Directs the Secret Service to develop a national network of electronic crime task forces modeled on the New York task force.
106	Grants President the power to confiscate and take title to enemies' property, when United States has been attacked or is engaged in military hostilities; also authorizes courts to consider classified evidence, without making it public, in lawsuits that challenge the government's seizure of property.
201	Adds terrorism statutes—including chemical weapons offenses under 18 U.S.C. 22—as predicate offenses for which Title III wiretap orders are available.
202	Allows voice wiretaps in computer hacking investigations.
203(a)	Permits sharing of grand jury information regarding foreign intelligence and counterintelligence with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel; must notify court that disclosure has taken place. Can share grand jury information with state officials upon court order.
203(b)	Sharing of wiretap information regarding foreign intelligence, counterintelligence, and foreign intelligence information with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel.
203(c)	Requires AG to establish procedure for information sharing in 203(a) and (b).
203(d)	Permits sharing of information regarding foreign intelligence, counterintelligence, and foreign intelligence information with federal law-enforcement, intelligence, protective, immigration, national defense and national security personnel notwithstanding other law.
204	Assures that foreign intelligence gathering authorities are not disrupted by changes to pen register/trap and trace statute.
205	Employment of translators by the FBI.

206	Allows court to authorize roving surveillance under FISA where court finds that the actions of the target may have effect of thwarting the identification of a target.
207	Initial authorization for surveillance and search of officers/employees of foreign powers changed to 120 days; can be extended for one year period. All other searches authorized for 90 day period.
208	Increases the number of judges on the FISA Court to 11, no less than 3 of whom must live within 20 miles of Washington, D.C.
209	Allows voice mail stored with a third party provider to be obtained with a search warrant, rather than a wiretap order.
210	Broadens the types of records that law enforcement can subpoena from communications providers, including the means and source of payment.
211	Clarifies that statutes governing telephone and internet communications (and not the burdensome provisions of the Cable Act) apply to cable companies that provide internet or telephone service in addition to television programming.
212	Allows computer-service providers to disclose communications and records of communications to protect life and limb; and clarifies that victims of computer hacking can disclose non-content records to protect their rights and property.
213	Amends 18 U.S.C. 3103a to permit delayed notice of search warrants where court determines that immediate notice would have an "adverse result"; officers may seize property if court finds "reasonable necessity."
214	To get pen register/trap and trace order under FISA, must certify that information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities; investigations of US persons may not be conducted upon the basis of First Amendment protected activities.
215	Business records provision allows any designee of FBI director no lower than Assistant Special Agent in Charge to apply to FISA court or a magistrate designated by Chief Justice for an ex parte order requiring production of any tangible things for an investigation to protect against international terrorism or clandestine intelligence activities; investigation must be conducted under AG Guidelines under EO 12333, and investigation of a US person cannot be based on First Amendment protected behavior; also requires semiannual reporting to Congress.
216	Amends the pen register/trap and trace statute to apply to internet communications, and to allow for a single order valid across the country.
217	Allows victims of computer-hacking crimes to request law enforcement assistance in monitoring trespassers on their computers; "computer trespasser" does not include persons who have a contractual relationship with the hacked computer's owner.
218	Allows law enforcement to conduct surveillance or searches under FISA if "a significant purpose" is foreign intelligence
219	Permits courts to issue search warrants that are valid nationwide for investigations involving terrorism.
220	Permits courts to issue search warrants for communications stored by providers anywhere in the country; court must have jurisdiction over the offense.
221	Authorizes President to impose sanctions relating to the export of devices that could be used to develop missiles or other weapons of mass destruction. Also expands President's ability to restrict exports to the portions of Afghanistan controlled by the Taliban.

222	Protects communications providers from having to develop or deploy new technology as a result of the Bill, and assures that they will be reasonably compensated.
223	Creates a cause of action and authorizes money damages against the United States if officers disclose sensitive information without authorization.
224	Provides that all changes in Title II sunset after four years (except sections 203(a), 203(c), 205, 208, 210, 211, 213, 216, 219, 221, and 222).
225	Grants immunity from civil liability to persons who furnish information in compliance with a FISA order.
301	Title of money-laundering act.
302	Congressional findings.
303	Sunset provision; money-laundering provisions will expire in 2005 if Congress enacts joint resolution.
311	Authorizes the Treasury Secretary to require that financial institutions undertake a variety of special measures to prevent money laundering, such as recording certain transactions and obtaining information about correspondent accounts.
312	Imposes special due diligence requirements for private banking and correspondent accounts that involve foreign persons.
313	Prohibits domestic financial institutions from maintaining correspondent accounts with foreign shell banks.
314	Requires Treasury Secretary to promulgate regulations to encourage cooperation among financial institutions, regulators, and law enforcement; allows financial institutions to share information regarding persons suspected of terrorism-related money laundering.
315	Includes various foreign-corruption offenses—including bribery and smuggling—as “specified unlawful activities” under the money-laundering statute.
316	Allows persons to contest confiscations of their property in connection with antiterrorism investigations.
317	Authorizes long-arm jurisdiction over foreign money launderers; also allows courts to restrain foreign-money launderers’ assets before trial.
318	Essentially a technical amendment, defines “financial institution” to include a “foreign bank.”
319	Permits forfeiture of funds held in United States interbank accounts; upon the request of federal banking agencies, requires financial institutions to disclose information about anti-money laundering compliance.
320	Authorizes the civil forfeiture of property related to certain offenses against foreign nations, including controlled-substances crimes, murder, and destruction of property.
321	Includes various entities in the definition of “financial institution,” including futures commission merchants and the Commodity Futures Trading Commission.
322	Provides that a statute preventing fugitives from using court resources in forfeiture actions, also applies to claims brought by corporations whose officers are fugitives. [typo in bill; refers to title 18; should be title 28]
323	Allows courts to issue restraining orders to preserve the availability of property subject to forfeiture by a foreign government.

324	Requires Treasury Secretary to report on the operation of this subtitle.
325	Allows Treasury Secretary to issue regulations governing concentration accounts, to ensure that customers cannot secretly move funds.
326	Requires Treasury Secretary to promulgate rules requiring financial institutions to verify the identities of persons opening accounts.
327	Requires the government to consider financial institutions' anti-money laundering record when deciding to approve various requests, including proposed mergers.
328	Requires Treasury Secretary to cooperate with foreign governments to identify the originators of wire transfers.
329	Imposes criminal penalties on government employees who is bribed in connection with his duties under the money-laundering title.
330	Sense of Congress that the United States should negotiate with foreign nations to secure their cooperation in investigations of terrorist groups' finances.
351	Grants immunity to a financial institution that voluntarily discloses suspicious transactions; prohibits the institution from notifying the person who conducted the suspicious transaction that it has been reported.
352	Directs financial institutions to establish anti-money laundering programs, and allows Treasury Secretary to prescribe minimum standards.
353	Imposes civil and criminal penalties for violations of geographic targeting orders; extends the effective period for geographic targeting orders from 60 to 180 days.
354	Requires the President's national strategy on money laundering to include data regarding the funding of international terrorism.
355	Allows financial institutions to disclose suspicious activity in employment references.
356	Obliges Treasury Secretary to issue regulations that require securities brokers and commodities merchants to report suspicious activities.
357	Requires Treasury Secretary to report on the administration of Bank Secrecy Act provisions.
358	Makes various amendments to Bank Secrecy Act to enhance United States's ability to fight international terrorism, including making information available to intelligence agencies.
359	Requires reporting on the suspicious activities of underground banking systems.
360	Instructs United States Executive Directors of international financial institutions to use their voice and vote to support loans to foreign countries that assist the United States' fight against international terrorism.
361	Establishes procedures and rules governing the Treasury Department's Financial Crimes Enforcement Network.
362	Requires Treasury Secretary to establish in the Financial Crimes Enforcement Network, a highly secure network that will allow the exchange of information with financial institutions.
363	Increases civil and criminal penalties for money laundering.
364	Authorizes the Federal Reserve to hire security personnel.

365	Requires companies that receive more than \$10,000 in currency in a transaction to file a report with the Financial Crimes Enforcement Network.
366	Requires Treasury Secretary to study expanding exemptions from currency reporting requirements.
371	Makes it a crime to smuggle more than \$10,000 in currency into or out of the United States, with the intent of avoiding a currency reporting requirement; also authorizes civil forfeiture.
372	Authorizes criminal and civil forfeiture in currency-reporting cases.
373	Includes a scienter requirement for the crime of operating an unlicensed money transmitting business.
374	Increases penalties for counterfeiting United States currency and obligations; clarifies that counterfeiting statutes apply to counterfeits produced by electronic means.
375	Increases penalties for counterfeiting foreign currency and obligations.
376	Designates a new predicate money-laundering offense: providing material support or resources to foreign terrorist organizations in violation of 18 U.S.C. § 2339B.
377	Provides for extraterritorial jurisdiction over certain crimes of fraud in connection with access devices.
401	Authorizes AG to waive caps on immigration personnel assigned to protect Northern Border
402	Tripled the number of Border Patrol personnel, Customs Service personnel, and Immigration and Naturalization Service inspectors; also allocates an additional \$50 million each to the Customs Service and the INS.
403	Requires the FBI to share criminal-record information with the INS and the State Department for the purpose of adjudicating visa applications.
404	One-time expansion of INS authority to pay overtime
405	Requires AG to report to Congress on feasibility of enhancing FBI's Integrated Automated Fingerprint Identification System, or "IAFIS," to prevent foreign terrorists from receiving visas and from entering United States
411	Broadens the Immigration and Nationality Act's terrorism-related definitions. Expands grounds of inadmissibility to include persons who publicly endorse terrorist activity. Expands definition of "terrorist activity" to include all dangerous devices in addition to firearms and explosives. Expands definition of "engaging in a terrorist activity" to include providing material support to groups that the person knows or should know that are terrorist organizations, regardless of whether the support's purpose is terrorism related.
412	Requires AG to detain aliens whom he certifies as threats to national security. AG must charge aliens with criminal or immigration offenses within seven days. AG must detain aliens until they are removed or until he determines that they no longer pose threat. Establishes D.C. Circuit as exclusive jurisdiction for appeals
413	Gives Secretary of State discretion to provide visa-records information to foreign governments, for the purpose of combating international terrorism or crime; gives certain countries general access to State Department's lookout databases
414	Sense of Congress regarding need to expedite implementation of an integrated entry and exit data system.

415	Provides that Office of Homeland Security shall participate in the entry-exit task force authorized by Congress in 1996.
416	Requires AG to implement fully and expand the foreign student visa monitoring program authorized by Congress in 1996.
417	Requires Secretary of State to enhance efforts to develop machine-readable passports.
418	Obliges Secretary of State to review how consular officers issue visas to determine whether consular shopping is a problem.
421	Grants special immigrant status to people who were in the process of securing permanent residence through a family member who died, was disabled, or lost employment as a result of the September 11 attacks.
422	Provides a temporary extension of status to people who are present in the United States on a "derivative status" (the spouse or minor child) of a non-immigrant who was killed or injured on September 11.
423	Provides that aliens whose spouses or parents were killed in the September 11 attacks will continue to be considered "immediate relatives" entitled to remain in the United States.
424	Provides that aliens who turn 21 during or after September 2001 shall be considered children for 90 or 45 days, respectively, after their birthdays
425	Authorizes AG to provide temporary administrative relief, for humanitarian purposes, to any alien who is related to a person killed by terrorists.
426	Requires AG to establish evidentiary guidelines for demonstrating that death or disability occurred as a result of terrorist activity.
427	Provides that no benefits shall be given to terrorists or their family members.
428	Definitions.
501	Enhances the AG's authority to pay rewards in connection with terrorism.
502	Enhances Secretary of State's authority to pay rewards in connection with terrorism.
503	Expands DNA sample collection predicates for federal offenders to include all offenses in 18 U.S.C. 2332b(g)(5)(B) list, all crimes of violence (as defined in 18 U.S.C. 16), and attempts and conspiracies to commit such crimes.
504	Allows "federal officers" who conduct FISA surveillance or searches to coordinate efforts to investigate or protect against attacks, grave hostile acts, sabotage, international terrorism, or clandestine intelligence activities by foreign power.
505	Allows FBI Deputy Assistant Director or higher (or Special Agent in Charge) to issue National Security Letters for telephone toll and transaction records, financial records, and consumer reports.
506	Extends Secret Service's jurisdiction. (concurrently with FBI's) to investigate offenses against government computers.

507	Person not lower than Assistant AG can apply for an ex parte court order to obtain educational records that are relevant to an authorized investigation or prosecution of a grave felony or an act of domestic or international terrorism; must provide specific and articulable facts showing that records likely to contain information related to the offenses; AG required to issue guidelines to protect confidentiality.
508	Eliminates restrictions on production of information from National Center for Education Statistics; allows person not lower than Assistant AG to collect information if there are specific and articulable facts that records are likely to contain information related to a grave felony or an act of domestic or international terrorism; AG required to issue guidelines to protect confidentiality.
611	Provides for expedited payment of Public Safety Officer benefits in connection with terrorism.
612	Technical amendments to Pub. L. 107-37.
613	Raises base amount of Public Safety Officer benefits from \$100K to \$250K.
614	Enhances authority of Assistant Attorney General for the Office of Justice Programs to manage OJP.
621	Makes many minor changes in crime victims compensation program; one is: amounts received by the Crime Victims Fund from the \$40B emergency fund are not subject to spending cap.
622	Makes many minor changes in the crime victims compensation program.
623	Makes many minor changes in the crime victims compensation program.
624	Makes many minor changes in the crime victims compensation program; one expands use of its emergency reserve.
701	Expands regional information-sharing system to enhance federal and state law-enforcement officers' ability to respond to terrorist attacks.
801	Makes it a crime to engage in terrorist attacks on mass transportation systems.
802	Adds definition of "domestic terrorism" to 18 U.S.C. 2331 and makes conforming change in existing definition of "international terrorism."
803	Makes it a crime to harbor a person where perpetrator knows or has reasonable grounds to believe that the person has committed or is about to commit one of several serious terrorism crimes; includes venue provision.
804	Extends the United States' special maritime and territorial jurisdiction to any offenses committed by or against U.S. nationals at foreign missions and related residences; excludes offenses by persons covered under 18 U.S.C. 3261(a) (which provides separate extraterritorial provision for persons accompanying the armed forces).
805	Amends crime of providing material support to terrorists by deleting the "within the U.S." restriction; adds some additional predicate offenses; and adds "monetary instruments" and "expert advice or assistance" as types of prohibited support. Also, adds material support of foreign terrorist organizations as money laundering predicate.
806	Amends 18 U.S.C. 981(a)(1) to authorize civil forfeiture of all assets owned by persons engaged in terrorism.
807	Clarifies that Trade Sanctions Reform and Export Enhancement Act of 2000 does not limit the prohibition on providing material support to terrorists or foreign terrorist organizations.

808	Amends definition of “federal crime of terrorism” in 18 U.S.C. 2332b(g)(5)(B) to include a number of serious crimes that terrorists are likely to commit. Makes conforming amendment to 2332b(f) to avoid reducing AG’s primary investigative jurisdiction;
809	No statute of limitations for certain terrorism crimes that involve the occurrence or foreseeable risk of death or serious injury; other terrorism crimes subject to extended eight-year limitations period.
810	Amends statutes defining various terrorism crimes (including arson and material support to terrorists) to provide base maximum prison terms of 15 or 20 years, and up to life imprisonment where death results.
811	Amends statutes defining various terrorism crimes (including arson and killings in federal facilities) to add a prohibition on attempt and conspiracy; provides increased penalties for attempts and conspiracies that are equal to the penalties for the underlying offenses.
812	Authorizes postrelease supervision periods of up to life for persons convicted of terrorism crimes that involved the occurrence or foreseeable risk of death or serious injury.
813	Adds terrorism crimes listed in 18 U.S.C. 2332b(g)(5)(B) as predicates under RICO.
814	Makes a number of amendments to the computer hacking law to clarify protection of protected computers, and to ensure adequate penalties for cyber-terrorists.
815	Creates a defense for persons who disclose wire or electronic communications records in response to the request of a governmental entity.
816	Requires AG to establish regional computer forensic laboratories to enhance cybersecurity.
817	Broadens prohibition on possessing biological toxins: unlawful to possess toxins for anything other than a peaceful purpose; makes it a crime to possess a biological toxin in a quantity suggesting defendant had no peaceful purpose; provides that a small category of restricted persons (felons, illegal aliens and others) are disqualified from possessing biological toxins.
901	Gives CIA Director responsibility to establish requirements and priorities for foreign intelligence information under FISA, and to assist AG in ensuring that information derived from FISA surveillance or searches is used effectively for foreign intelligence purposes.
902	Includes international terrorist activities within the scope of foreign intelligence under the National Security Act.
903	Sense of Congress on the need to establish intelligence relationships to acquire information on terrorists.
904	Grants CIA Director temporary authority to delay submitting reports to Congress on intelligence matters.
905	Requires AG to disclose to CIA Director any foreign intelligence acquired by a DOJ element during a criminal investigation; AG can provide exceptions for classes of information to protect ongoing investigations.
906	Requires AG, CIA Director, and Secretary of the Treasury to report to Congress on feasibility of developing capacity to analyze foreign intelligence relating to terrorist organizations’ finances.
907	Obliges Directors of FBI and CIA to report on the development of a “National Virtual Translation Center,” which will provide intelligence community with translations of foreign intelligence

908	Requires AG to establish a program to train government officials in the identification and use of foreign intelligence.
1001	Directs DOJ Inspector General to review allegations that DOJ employees engaged in civil rights abuses.
1002	Sense of Congress that Sikhs should not be subject to discrimination in retaliation for the September 11 attacks.
1003	Defines “electronic surveillance” in FISA to exclude the acquisition of computer trespassers’ communications.
1004	Provides that money laundering prosecutions may be brought in any district where the transaction occurred, or in any district the underlying unlawful activity could be prosecuted.
1005	Requires AG to make grants to enhance states and local governments’ ability to respond to and prevent terrorism.
1006	Provides that aliens who are engaged in money laundering may not be admitted to the United States.
1007	Authorizes Drug Enforcement Administration funds for antidrug training in Turkey and in South and Central Asia.
1008	Requires AG to study feasibility of using fingerprint scanner at overseas consular posts and points of entry into the United States.
1009	Requires FBI to report to Congress on feasibility of providing airlines with names of passengers who are suspected to be terrorists.
1010	Allows Defense Department to contract with state and local governments to provide security at military installations during Operation Enduring Freedom.
1011	Enhances statutes making it unlawful to fraudulently solicit charitable contributions.
1012	Restricts states’ ability to issue licenses to transport hazardous materials; Transportation Secretary must first determine that licensee poses no security risk.
1013	Sense of the Senate that the United States should increase funding for bioterrorism preparedness.
1014	Requires Office of Justice Programs to make grants to states to enhance their ability to prepare for and respond to terrorism involving weapons of mass destruction.
1015	Expands and reauthorizes the Crime Identification Technology Act for antiterrorism grants to states and localities.
1016	Establishes National Infrastructure Simulation and Analysis Center to protect United States’ critical infrastructure from terrorist attacks.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	Statement by the President - From: POTUS	2	N.D.	P5;

**This marker identifies the original location of the withdrawn item listed above.
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Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/26/2001 [H. R. 3162] [1]

FRC ID:

779

OA Num.:

730

NARA Num.:

1456

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	[Response to request for views on the new anti-terrorism bill, H.R. 3162] - To: Mitchell E. Daniels, Jr. - From: Paul V. Kelly	6	10/25/2001	P5;

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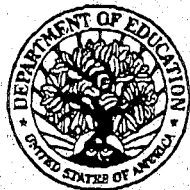
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THE SECRETARY OF EDUCATION
WASHINGTON, D.C. 20202

October 25, 2001

Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mitch:

I am writing to present my views on enrolled bill H.R. 3162, the "Uniting and Strengthening America Act by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001," which, among other things, would enhance domestic security and intelligence-gathering procedures against terrorism, protect our borders, and provide for the victims of terrorism.

I am pleased that the bill contains two provisions that would remove obstacles to sharing with the Department of Justice education records in the possession of an educational agency or institution and information from surveys in the possession of the National Center for Education Statistics (NCES), that could be critical in investigating acts of terrorism.

Section 507 of the bill would amend section 444 (commonly referred to as the Family Educational Rights and Privacy Act, or "FERPA") of the General Education Provisions Act to authorize the Attorney General (or his designee, in a position not lower than an Assistant Attorney General) to apply, in writing, to an appropriate court for an ex parte order requiring an educational agency or institution to permit the Attorney General to obtain and use student education records in the possession of the agency or institution in the investigation or prosecution of certain Federal terrorism offenses.

Student education records maintained by educational agencies and institutions can be important sources of information in the criminal investigation and prosecution of terrorist incidents, such as the terrorist attacks of September 11, 2001. Information such as names, addresses, course schedules, major fields of study, dates of attendance, disciplinary information, and related matters can be maintained as a part of a student's education records. Currently, section 444 prohibits the release of personally identifiable information from student education records without the consent of the student or the student's parents. While there are certain exceptions to this prohibition, these exceptions are not sufficiently clear to fully address the need to obtain such information for investigating or prosecuting terrorist activities.

Page 2 - Honorable Mitchell E. Daniels, Jr.

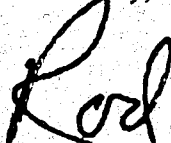
Under section 507 of the bill, a court would issue an order for the records if the Attorney General's application certified that there are specific, articulable facts giving reason to believe that the records sought are likely to contain information that is relevant. The Attorney General, after consultation with the Secretary of Education, would issue guidelines to protect the confidentiality of the disclosed information. Section 507 would also protect an educational agency or institution from liability for the good-faith production of such information pursuant to an order and make it clear that subsection 444(b)(4) (relating to the recordation of disclosers and limitations on re-disclosure of information in education records) would not apply to education records subject to an order.

In a similar manner, section 508 of the bill would amend section 408 of the National Education Statistics Act of 1994 to authorize the Attorney General to apply to a court for an ex parte order requiring the Secretary of Education to permit the Attorney General to obtain and use individually identifiable information from NCES surveys in the investigation or prosecution of certain Federal terrorism offenses. Currently, section 408 prohibits disclosure of individually identifiable NCES survey information and criminalizes such disclosure. An exception to the prohibition is needed to enable law enforcement authorities to access survey information that could be useful to the investigation and prosecution of terrorism.

As with student education records, education surveys conducted under the authority of the NCES can be important sources of information in the criminal investigation and prosecution of terrorist attacks. For example, NCES can, from the National Postsecondary Student Aid Study (NPSAS), access information such as addresses, background, employment status, major fields of study, community activities, preparation for college, financial aid, and occupation and related information about postsecondary students. NPSAS includes information about students who attended flight training schools as well as other postsecondary institutions.

Based on these two education-related provisions, I would recommend that the President sign H.R. 3162. I defer to the Attorney General on the other non-education provisions of the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Rod", with a stylized flourish extending from the end.

Rod Paige