

106TH CONGRESS
2^D SESSION

S. 3205

AN ACT

To enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Counterterrorism Act
5 of 2000”.

1 **SEC. 2. SENSE OF CONGRESS ON THE ATTACK ON THE**
2 **U.S.S. COLE.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) On October 12, 2000, the United States
6 naval vessel U.S.S. Cole was attacked in Aden,
7 Yemen.

8 (2) The attack occurred while the U.S.S. Cole
9 was refueling, and was unprovoked.

10 (3) Seventeen United States sailors were killed
11 in the attack, and thirty-nine were injured.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the United States Government should—

14 (1) continue to take strong and effective actions
15 to investigate rapidly the unprovoked attack on the
16 United States naval vessel U.S.S. Cole;

17 (2) ensure that the perpetrators of this cow-
18 ardly act are swiftly brought to justice; and

19 (3) take appropriate actions to protect from ter-
20 rorist attack all other members and units of the
21 United States Armed Forces that are deployed over-
22 seas.

23 **SEC. 3. FINDINGS.**

24 Congress makes the following findings:

25 (1) The Commission on National Security in
26 the 21st Century, chaired by former Senators Hart

1 and Rudman, concluded that “[s]tates, terrorists,
2 and other disaffected groups will acquire weapons of
3 mass destruction and mass disruption, and some will
4 use them. Americans will likely die on American soil,
5 possibly in large number.”.

6 (2) United States counterterrorism efforts must
7 be improved to meet the evolving threat of inter-
8 national terrorism against United States nationals
9 and interests. The bipartisan National Commission
10 of Terrorism chaired by Ambassador Paul Bremer
11 and Maurice Sonnenberg was mandated by Congress
12 to evaluate current United States policy and make
13 recommendations on improvements. This Act stems
14 from the findings and recommendations of that
15 Commission.

16 (3) The face of terrorism has changed signifi-
17 cantly over the last 25 years. With the fall of the
18 Soviet Union, many state-sponsored terrorist groups
19 have been replaced by more loosely knit organiza-
20 tions with varying motives. These transnational ter-
21 rorist networks are more difficult to track and pene-
22 trate than state sponsored terrorist groups, and
23 their actions are more difficult to predict.

24 (4) State support of terrorism has not dis-
25 appeared. Despite political change in Iran, the coun-

1 try continues to be the foremost state sponsor of ter-
2 rorism in the world. In April 2000, the Department
3 of State issued “Patterns of Global Terrorism”,
4 which provides a detailed account of Iran’s contin-
5 ued support of terrorism.

6 (5) According to the report of the National
7 Commission on Terrorism, there are indications of
8 Iranian involvement in the 1996 bombing of the
9 Khobar Towers complex in Saudi Arabia, in which
10 19 United States soldiers were killed and more than
11 500 injured. In October 1999, President Clinton of-
12 ficially requested cooperation from Iran in the inves-
13 tigation of the bombing. Thus far, Iran has not re-
14 sponded to this request.

15 (6) Terrorist attacks are becoming more lethal.
16 A growing number of terrorist attacks are designed
17 to kill the maximum number of people. Although
18 conventional explosives have remained the weapon of
19 choice, terrorist groups are investing in the acquisi-
20 tion of unconventional weapons such as nuclear,
21 chemical, and biological agents.

22 (7) Syria was placed on the first list of state-
23 sponsors of terrorism by the United States Govern-
24 ment in 1979, due to its long history of using ter-

1 rorism to advance its interests. Syria continues to
2 support terrorist training and logistics.

3 (8) According to the National Commission on
4 Terrorism, the 1995 guidelines of the Central Intel-
5 ligence Agency on the use of terrorists as informants
6 set up complex procedures for seeking approval to
7 recruit as informants terrorists who have been in-
8 volved in human rights violations. That Commission
9 found that these guidelines have inhibited the re-
10 cruitment of essential, if sometimes unsavory, ter-
11 rorist informants. As a result, that Commission con-
12 cluded that the United States has relied too heavily
13 on foreign intelligence services in attempting to un-
14 cover information about terrorist organizations.

15 (9) No other country, much less any sub-
16 national organization, can match United States sci-
17 entific and technological prowess (including quality
18 control) in biotechnology and pharmaceutical pro-
19 duction, electronics, computer science, and other
20 pursuits that could help overcome and defeat the
21 technologies used by future terrorists.

22 (10) Currently, the United States focuses its ef-
23 forts to discourage private financial support to ter-
24 rorists on prosecutions under the provisions of the
25 Antiterrorism and Effective Death Penalty Act of

1 1996 (Public Law 104–132) and the amendments
2 made by that Act. Under an amendment made by
3 that Act, section 219 of the Immigration and Na-
4 tionality Act (8 U.S.C. 1189) requires the Secretary
5 of State to designate groups that threaten United
6 States interests and security as Foreign Terrorist
7 Organizations (FTOs). There are currently 29
8 FTOs. The National Commission on Terrorism rec-
9 ommended that the Secretary of State ensure that
10 the list of FTO designations is credible and updated
11 regularly.

12 (11) It is in the interest of the United States
13 that the Federal Government take a broader ap-
14 proach to cutting off the flow of financial support
15 for terrorism from within the United States. Anyone
16 providing to terrorist organizations funds that he or
17 she knows will be used to support terrorist acts
18 should be prosecuted under all relevant statutes, in-
19 cluding statutes addressing money laundering, con-
20 spiracy, and tax or fraud violations. In addition,
21 Federal agencies such as the Office of Foreign As-
22 sets Control (OFAC) of the Internal Revenue Serv-
23 ice and the Customs Service should be better utilized
24 to thwart terrorist fundraising. Such activities
25 should not violate constitutional rights and values.

1 (12) Current controls on the transfer and pos-
2 session of biological pathogens that could be used in
3 biological weapons are inadequate. Controls on the
4 equipment needed to turn such pathogens into weap-
5 ons are virtually nonexistent. The National Commis-
6 sion on Terrorism concluded that the standards for
7 the storage, transport, and handling of biological
8 pathogens should be as rigorous as the current
9 standards for the physical protection and security of
10 critical nuclear materials.

11 **SEC. 4. SYRIA.**

12 It is the sense of Congress that the United States
13 should keep Syria on the list of countries who sponsor ter-
14 rorism until Syria—

15 (1) shuts down training camps and other ter-
16 rorist support facilities in Syrian-controlled territory;
17 and

18 (2) prohibits financial or other support of ter-
19 rorists through Syrian-controlled territory.

20 **SEC. 5. IRAN.**

21 It is the sense of Congress that the United States
22 should keep Iran on the list of countries who sponsor ter-
23 rorism, and make no concessions to Iran, until Iran—

24 (1) demonstrates that it has stopped supporting
25 terrorism; and

1 (2) cooperates fully with the United States in
2 the investigation into the 1996 bombing of the
3 Khobar Towers complex in Saudi Arabia.

4 **SEC. 6. GUIDELINES ON RECRUITMENT OF TERRORIST IN-**
5 **FORMANTS.**

6 (a) **REPORT ON GUIDELINES.**—Not later than six
7 months after the date of the enactment of this Act, the
8 Director of Central Intelligence shall submit to Congress,
9 including the Committees on the Judiciary of the Senate
10 and the House of Representatives, a report on the Direc-
11 tor’s response to the findings of the National Commission
12 on Terrorism regarding the recruitment of terrorist in-
13 formants.

14 (b) **REPORT ELEMENTS.**—The report under sub-
15 section (a) shall set forth the following:

16 (1) A detailed response to the findings referred
17 to in that subsection, and a detailed description of
18 any other policy considerations that prompted the
19 1995 guidelines of the Central Intelligence Agency
20 on the use of terrorists as informants.

21 (2) Recommendations, if any, for legislation to
22 enhance the recruitment of terrorist informants, in-
23 cluding any limitations that may be necessary to as-
24 sure that the United States does not encourage
25 human rights abuse abroad.

1 **SEC. 7. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO**
2 **ADDRESS CATASTROPHIC TERRORIST AT-**
3 **TACKS.**

4 (a) REVIEW REQUIRED.—The Attorney General shall
5 conduct a review of the legal authority of various Federal
6 agencies, including the Department of Defense, to respond
7 to, and to prevent, pre-empt, detect, and interdict, cata-
8 strophic terrorist attacks.

9 (b) REPORT.—Not later than one year after the date
10 of the enactment of this Act, the Attorney General shall
11 submit to the appropriate committees of Congress a report
12 on the review conducted under subsection (a). The report
13 shall include any recommendations that the Attorney Gen-
14 eral considers appropriate, including recommendations
15 whether additional legal authority for particular Federal
16 agencies is advisable in order to enhance the capability
17 of the Federal Government to respond to, and to prevent,
18 pre-empt, detect, and interdict, catastrophic terrorist at-
19 tacks.

20 (c) DEFINITIONS.—In this section:

21 (1) APPROPRIATE COMMITTEES OF CON-
22 GRESS.—The term “appropriate committees of Con-
23 gress” means the following:

24 (A) The Committees on Appropriations,
25 Armed Services, and the Judiciary and the Se-
26 lect Committee on Intelligence of the Senate.

1 (B) The Committees on Appropriations,
2 Armed Services, International Relations, and
3 the Judiciary and the Permanent Select Com-
4 mittee on Intelligence of the House of Rep-
5 resentatives.

6 (2) CATASTROPHIC TERRORIST ATTACK.—The
7 term “catastrophic terrorist attack” means a ter-
8 rorist attack against the United States perpetrated
9 by a state, substate, or nonstate actor that involves
10 mass casualties or the use of a weapon of mass de-
11 struction.

12 **SEC. 8. LONG-TERM RESEARCH AND DEVELOPMENT TO AD-**
13 **DRESS CATASTROPHIC TERRORIST ATTACKS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) there has not been sufficient emphasis on
17 long-term research and development on technologies
18 useful in fighting terrorism; and

19 (2) the United States should make better use of
20 its considerable accomplishments in science and
21 technology to prevent or address terrorist attacks in
22 the future, particularly attacks involving chemical,
23 biological, or nuclear agents.

24 (b) ESTABLISHMENT OF PROGRAM.—Not later than
25 one year after the date of the enactment of this Act, the

1 President shall establish a comprehensive program (in-
2 cluding a comprehensive set of requirements for the pro-
3 gram) of long-term research and development relating to
4 science and technology necessary to prevent, pre-empt, de-
5 tect, interdict, and respond to catastrophic terrorist at-
6 tacks.

7 (c) REPORT ON PROPOSED PROGRAM.—Not later
8 than 30 days before the commencement of the program
9 required by subsection (b), the President shall submit to
10 Congress a report on the program. The report on the pro-
11 gram shall include the following:

12 (1) A description of the proposed organization
13 and mission of the program.

14 (2) A description of the current capabilities of
15 the Federal Government to rapidly identify and con-
16 tain an attack in the United States involving chem-
17 ical or biological agents, including any proposals for
18 future enhancements of such capabilities that the
19 President considers appropriate.

20 (d) CATASTROPHIC TERRORIST ATTACK DEFINED.—
21 In this section, the term “catastrophic terrorist attack”
22 means a terrorist attack against the United States per-
23 petrated by a state, substate, or nonstate actor that in-
24 volves mass casualties or the use of a weapon of mass de-
25 struction.

1 **SEC. 9. DISSEMINATION OF LAW ENFORCEMENT INFORMA-**
2 **TION TO THE INTELLIGENCE COMMUNITY.**

3 (a) REPORT ON ESTABLISHMENT OF INTELLIGENCE
4 REPORTING FUNCTION.—Not later than 180 days after
5 the date of the enactment of this Act, the Director of the
6 Federal Bureau of Investigation shall submit to the Com-
7 mittee on the Judiciary and the Select Committee on In-
8 telligence of the Senate and the Committee on the Judici-
9 ary and the Permanent Select Committee on Intelligence
10 of the House of Representatives a report on the feasibility
11 of establishing within the Bureau a comprehensive intel-
12 ligence reporting function having the responsibility for dis-
13 seminating among the elements of the intelligence commu-
14 nity information collected and assembled by the Bureau
15 on international terrorism and other national security
16 matters.

17 (b) REPORT ELEMENTS.—The report under sub-
18 section (a) shall include the following:

19 (1) A description of the requirements applicable
20 to the creation of the function referred to in that
21 subsection, including the funding required for the
22 function.

23 (2) A discussion of the legal and policy issues,
24 including any reasonable restrictions on the sharing
25 of information and the potential effects on open
26 criminal investigations, associated with dissemi-

1 nating to the elements of the intelligence community
2 law enforcement information relating to inter-
3 national terrorism and other national security mat-
4 ters.

5 **SEC. 10. DISCLOSURE BY LAW ENFORCEMENT AGENCIES**
6 **OF CERTAIN INTELLIGENCE OBTAINED BY**
7 **INTERCEPTION OF COMMUNICATIONS.**

8 (a) REPORT ON AUTHORITIES RELATING TO SHAR-
9 ING OF CRIMINAL WIRETAP INFORMATION.—Not later
10 than 180 days after the date of the enactment of this Act,
11 the President shall submit to the Committee on the Judici-
12 ary and the Select Committee on Intelligence of the Senate
13 and the Committee on the Judiciary and the Permanent
14 Select Committee on Intelligence of the House of Rep-
15 resentatives a report on the legal authorities that govern
16 the sharing of criminal wiretap information under relevant
17 United States laws, including section 104 of the National
18 Security Act of 1947 (50 U.S.C. 403–4). The report shall
19 include—

20 (1) a description of the type of information that
21 can be shared by the Department of Justice or other
22 United States law enforcement agencies with ele-
23 ments of the United States intelligence community,
24 including a description of all such information that
25 the Department of Justice or other such law en-

1 enforcement agencies currently share with elements of
2 the United States intelligence community and the
3 legal limitations if any, that apply to the use of such
4 information by elements of the intelligence commu-
5 nity; and

6 (2) recommendations, if any, for such legislative
7 language as the President considers appropriate to
8 improve the capability of the Department of Justice,
9 or other law enforcement agencies, to share foreign
10 intelligence information or counterintelligence infor-
11 mation with elements of the United States intel-
12 ligence community on matters such as
13 counterterrorism.

14 (b) DEFINITIONS.—As used in this section, the terms
15 “foreign intelligence” and “counterintelligence” have the
16 meanings given those terms in paragraphs (2) and (3),
17 respectively, of section 3 of the National Security Act of
18 1947 (50 U.S.C. 401a).

19 **SEC. 11. JOINT TASK FORCE ON TERRORIST FUNDRAISING.**

20 (a) SENSE OF CONGRESS.—It is the sense of the Con-
21 gress that—

22 (1) many terrorist groups secretly solicit and
23 exploit the resources of international nongovern-
24 mental organizations, companies, and wealthy indi-
25 viduals;

1 (2) the Federal Government could do more to
2 utilize all the tools available to the Federal Govern-
3 ment to prevent, deter, and disrupt the fundraising
4 activities of international terrorist organizations; and

5 (3) the employment of any such tools to combat
6 terrorism must not violate speech, association, and
7 equal protection rights guaranteed by the Constitu-
8 tion of the United States.

9 (b) ESTABLISHMENT OF JOINT TASK FORCE.—Not
10 later than six months after the date of the enactment of
11 this Act, the President shall establish a joint task force
12 for purposes of developing and implementing a broad ap-
13 proach toward discouraging the fundraising activities of
14 international terrorist organizations. The approach shall
15 utilize all criminal, civil, and administrative sanctions
16 available under Federal law, including sanctions for money
17 laundering, tax and fraud violations, and conspiracy. The
18 approach shall not infringe upon constitutional and civil
19 rights in the United States.

20 (c) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the joint task force estab-
22 lished under subsection (b) shall submit to Congress a re-
23 port on the activities of the joint task force. The report
24 shall include any findings and recommendations (including
25 recommendations for modifications of United States law

1 or policy) that the joint task force considers appropriate
2 regarding United States efforts to thwart the fundraising
3 activities of international terrorist organizations while pro-
4 tecting constitutional and civil rights in the United States.

5 **SEC. 12. IMPROVEMENT OF CONTROLS ON PATHOGENS**
6 **AND EQUIPMENT FOR PRODUCTION OF BIO-**
7 **LOGICAL WEAPONS.**

8 (a) REPORT ON IMPROVEMENT OF CONTROLS.—(1)
9 Not later than one year after the date of the enactment
10 of this Act, the Attorney General shall submit to Congress
11 a report on the means of improving United States controls
12 of biological pathogens and the equipment necessary to de-
13 velop, produce, or deliver biological weapons.

14 (2) Subject to paragraph (3), the report under para-
15 graph (1) should include the following:

16 (A) A list of the equipment identified by the At-
17 torney General, in consultation with the Secretary of
18 Defense, the Secretary of Health and Human Serv-
19 ices, the Director of Central Intelligence, other ap-
20 propriate Federal officials, and other appropriate
21 members of public and private organizations, as crit-
22 ical to the development, production, or delivery of bi-
23 ological weapons.

24 (B) Recommendations, if any, for such legisla-
25 tive language as the Attorney General considers ap-

1 appropriate to make illegal the possession of the bio-
2 logical pathogens by anyone who is not properly cer-
3 tified for the possession of such pathogens, or for
4 other than a legitimate purpose.

5 (C) Recommendations, if any, for such legisla-
6 tive language as the Attorney General considers ap-
7 propriate to control the domestic sale and transfer
8 of the equipment identified under subparagraph (A),
9 including any appropriate steps to track, tag, or oth-
10 erwise mark or monitor such equipment.

11 (3) The recommendations of the Attorney General
12 under paragraph (2) shall take into consideration the im-
13 pact of additional controls on legitimate industrial or med-
14 ical activities, and shall include an assessment of the eco-
15 nomic and scientific effects of such controls on such activi-
16 ties.

17 (4) The Attorney General shall consult with the Sec-
18 retary of Health and Human Services in preparing any
19 recommendations under paragraph (2)(B), and shall in-
20 clude in the report under paragraph (1) a detailed descrip-
21 tion of the methodology and criteria used to define and
22 determine the types and classes of pathogens covered by
23 such recommendations.

24 (b) IMPROVED SECURITY OF FACILITIES.—Not later
25 than one year after the date of the enactment of this Act,

1 the Secretary of Health and Human Services, in consulta-
2 tion with other appropriate Federal officials and appro-
3 priate members of public and private organizations, shall
4 submit to Congress a report with detailed analysis and
5 recommendations for appropriate regulations, or modifica-
6 tions to current law, to enhance the standards for the
7 physical protection and security of the biological patho-
8 gens described in subsection (a) at research laboratories
9 and other facilities in the United States that create, pos-
10 sess, handle, store, or transport such pathogens in order
11 to protect against the theft or other diversion for illegit-
12 imate purposes of such pathogens from such laboratories
13 and facilities. The report shall include a detailed descrip-
14 tion of the methodology and criteria used to define and
15 determine the types and classes of pathogens covered by
16 the report.

17 **SEC. 13. REIMBURSEMENT OF PERSONNEL PERFORMING**
18 **COUNTERTERRORISM DUTIES FOR PROFES-**
19 **SIONAL LIABILITY INSURANCE.**

20 (a) REQUIREMENT FOR FULL REIMBURSEMENT.—

21 (1) Notwithstanding any other provision of law and sub-
22 ject to paragraph (2), the head of an agency employing
23 a qualified employee shall reimburse the qualified em-
24 ployee for the costs incurred by the qualified employee for
25 professional liability insurance.

1 (2) Reimbursement of a qualified employee under
2 paragraph (1) shall be contingent on the submission by
3 the qualified employee to the head of the agency concerned
4 of such information or documentation as the head of the
5 agency concerned shall require.

6 (3) Amounts for reimbursements under paragraph
7 (1) shall be derived from amounts available to the agency
8 concerned for salaries and expenses.

9 (b) QUALIFIED EMPLOYEE.—For purposes of this
10 section, the term “qualified employee” means an employee
11 of an agency whose position is that of—

12 (1) a law enforcement officer performing official
13 counterterrorism duties; or

14 (2) an official of an element of the intelligence
15 community performing official counterterrorism du-
16 ties outside the United States.

17 (c) DEFINITIONS.—In this section:

18 (1) AGENCY.—The term “agency” means any
19 Executive agency, as that term is defined in section
20 105 of title 5, United States Code, and includes any
21 agency of the Legislative Branch of Government.

22 (2) ELEMENT OF THE INTELLIGENCE COMMU-
23 NITY.—The term “element of the intelligence com-
24 munity” means any element of the intelligence com-
25 munity specified or designated under section 3(4) of

1 the National Security Act of 1947 (50 U.S.C.
2 401a(4)).

3 (3) LAW ENFORCEMENT OFFICER; PROFES-
4 SIONAL LIABILITY INSURANCE.—The terms “law en-
5 forcement officer” and “professional liability insur-
6 ance” have the meanings given those terms in sec-
7 tion 636(e) of the Treasury, Postal Service, and
8 General Government Appropriations Act, 1997 (5
9 U.S.C. prec. 5941 note).

Passed the Senate November 14 (legislative day,
September 22), 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 3205

AN ACT

To enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests.

S 3205 ES—2

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