

Section 418 Prevention of Consulate Shopping

This section directs the State Department to examine the concerns, if any, created by the practice of certain aliens to “shop” for a visa before issuing posts.

SUBTITLE C: PRESERVATION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM

Section 421 Special Immigrant Status

The section provides permanent residence as special immigrants to the spouses and children of certain victims of the terrorist attacks. They include aliens who would have obtained permanent residence through a family or employment-based category, but for death, disability, or loss of employment as a direct result of the terrorist attacks on September 11, 2001. Permanent residence would be granted to the fiancé or fiancée (and children) of a U.S. citizen who died in the attacks. Permanent residence would also be granted to the grandparents of a child whose parents died in attacks, if either parent was a U.S. citizen or a permanent resident.

Section 422 Extension of Filing or Reentry Deadlines

This section creates safeguards so that aliens seeking immigration benefits are not adversely affected by the terrorist attacks. For aliens in lawful nonimmigrant status at the time of the terrorist attacks, this section extends the filing deadline for an extension of status request or change of status request where the alien was unable to meet the filing deadline due to the terrorist attacks. Deadlines are similarly extended for aliens unable to reenter in time to request an extension of status, aliens unable to enter during the period of visa validity or parole, and aliens unable to depart within their period of lawful status or voluntary department. The section also protects recipients of diversity visas who were adversely affected by the terrorist attacks.

Section 423 Humanitarian Relief for Certain Surviving Spouses and Children

Current law provides that an alien who was the spouse of a U.S. citizen for at least two years before the citizen died shall remain eligible for immigrant status as an immediate relative. This eligibility also applies to the children of the alien. This section provides that if the U.S. citizen died as a direct result of the terrorist attacks, the alien can seek permanent residence even if the marriage was less than two years old.

This section also protects the spouse and unmarried sons and daughters of a permanent resident killed in the terrorist attacks by allowing them to seek permanent residence either through a pending visa petition (filed by or on behalf of the deceased) or by filing a “self-petition” based on their relationship to the deceased permanent resident.

Section 424 ‘Age-Out’ Protection for Children

By providing a brief filing extension, this provision ensures that no alien will “age out” of eligibility to immigrate as the result of the terrorist attacks. Aliens who turn 21 years of age while their applications are pending are no longer considered children under the INA, and therefore “age out” of eligibility to immigrate.

Section 425 Temporary Administrative Relief

This section provides temporary administrative relief to an alien lawfully present on September 10, who was the spouse, parent, or child of someone killed or disabled by the terrorist attacks and otherwise not entitled to relief.

Section 426 Evidence of Death, Disability, or Loss Employment

This section directs the Attorney General to establish evidentiary standards regarding

on constitutes death, disability, or loss of employment “as a direct result” of the terrorist attacks. Regulations are not required to implement the provisions of this subtitle.

Section 427 No Benefit to Terrorists or Family Members of Terrorists

No benefit under this subtitle will be provided to anyone involved in the terrorist attacks on September 11 or to any family member of such an individual.

Section 428 Definitions

The term ‘specified terrorist activity’ means any terrorist activity conducted against the United States, its government, or its people of the United States on September 11, 2001.

TITLE VIII

Mr. GRAHAM. Mr. President, several provisions of title VIII would establish criminal prohibitions or expand existing criminal laws to deter terrorist conduct. My understanding is that the Senate certainly does not intend title VIII to criminalize otherwise lawful and authorized United States Government activities. Would the Senator confirm my understanding of the intent and effect of title VIII?

Mr. LEAHY. The Senator’s understanding is absolutely correct. Unless expressly provided, none of the general restrictions in title VIII are intended to criminalize lawful and authorized United States Government activities.

Mr. BIDEN. Mr. President, 6 years ago I stood on this floor and called upon the Senate to join the fight against terrorism in the wake of the horrific bombing in Oklahoma City. Back then some argued terrorism was something that usually happened far away, in distant lands, over distant conflicts. Well, that’s all changed. Terrorism has come to America.

We have to be a little proactive now. Back then, I proposed a series of precise anti-terrorism tools to help law enforcement catch terrorists before they commit their deadly act, not ever imagining the events of September 11.

In particular, I said that it simply did not make sense that many of our law enforcement tools were not available for terrorism cases.

For example, the FBI could get a wiretap to investigate the mafia, but they could not get one to investigate terrorists. To put it bluntly, that was crazy! What’s good for the mob should be good for terrorists.

Anyway, some of my proposals were enacted into law in 1996, a number were not.

There were those who decided that the threat to Americans was apparently not serious enough to give the President all the changes in law be requested.

Today, 5 years later, I again call on my colleagues to provide law enforcement with a number of the tools which they declined to pass back then. The anti-terrorism bill we consider today is measured and prudent. It has been strengthened considerably since the Administration originally proposed it in mid-September. It takes a number of important steps in waging an effective war on terrorism.

It allows law enforcement to keep up with the modern technology these terrorists are using. The bill contains several provisions which are identical or nearly identical to those I previously proposed.

For example; it allows the FBI to get wiretaps to investigate terrorists, just like they do for the Mafia or for drug kingpins; it allows the FBI to get a roving wiretap to investigate terrorists—so they can follow a particular suspect, regardless of how many different forms of communication that person uses; and it allows terrorists to be charged with Federal “racketeering offenses,” serious criminal charges available against organizations which engage in criminal conduct as a group, for their crimes.

I am pleased that the final version of the bill we are considering today contains three provisions that I fought for.

First, section 613 incorporates a bill that Senator HATCH and I introduced earlier this year, S. 899. Named in honor of Delaware State trooper Francis Collender, who was tragically killed while on a traffic stop in Odessa, DE this past February, S. 899 and section 613 of this bill will raise the one-time death benefit paid to the families of slain or permanently disabled law enforcement officers. For too long, this benefit has stood at \$100,000. It was indexed for inflation and currently stands at \$151,000, but even this is far too low for the families of these heroes to make ends meet. The bill we consider today raises this benefit to \$250,000, continues to index it for inflation, and makes it applicable to the family of any law enforcement or fire personnel who lost their life on or after January 1, 2001. It’s the least we can do for the Collender family, the least we can do for the hundreds of families who tragically lost a loved one on September 11, and I’m grateful my colleagues have agreed we need to include my bill in this larger anti-terrorism bill today.

Second, section 817 is based on legislation I introduced in the 106th Congress, S. 3202. It may shock my colleagues that under current law, anyone, including convicted felons, fugitives, and aliens from terrorist-sponsoring states, can possess anthrax or other biological agents. And under current law, the FBI has no tool at its disposal to charge someone with possession of anthrax. Possession of anthrax, or any other dangerous biological agent, is legal, unless the FBI can make a case that the suspect intended to use the agent as a weapon. This far too high a hurdle for our investigators to overcome in many cases, and indeed the FBI has informed me it has hindered several of their past bioweapons investigations. Section 817 closes this loophole. It prohibits certain classes of individuals, felons, illegal aliens, fugitives and others, from ever possessing these dangerous biological agents. And for everyone else, my provision says you need to be able to show you possessed this stuff with a peaceful or

