

Subtitle E—General Provisions

SEC. 4081. DEFINITIONS.

In this title (other than in sections 4001 and 4026), the following definitions apply:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) *AVIATION DEFINITIONS.*—The terms “air carrier”, “air transportation”, “aircraft”, “airport”, “cargo”, “foreign air carrier”, and “intrastate air transportation” have the meanings given such terms in section 40102 of title 49, United States Code.

(3) *SECURE AREA OF AN AIRPORT.*—The term “secure area of an airport” means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulations).

SEC. 4082. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

TITLE V—BORDER PROTECTION, IMMIGRATION, AND VISA MATTERS

Subtitle A—Advanced Technology Northern Border Security Pilot Program

SEC. 5101. ESTABLISHMENT.

The Secretary of Homeland Security may carry out a pilot program to test various advanced technologies that will improve border security between ports of entry along the northern border of the United States.

SEC. 5102. PROGRAM REQUIREMENTS.

(a) *REQUIRED FEATURES.*—The Secretary of Homeland Security shall design the pilot program under this subtitle to have the following features:

(1) *Use of advanced technological systems, including sensors, video, and unmanned aerial vehicles, for border surveillance.*

(2) *Use of advanced computing and decision integration software for—*

(A) *evaluation of data indicating border incursions;*

(B) *assessment of threat potential; and*

(C) *rapid real-time communication, monitoring, intelligence gathering, deployment, and response.*

(3) *Testing of advanced technology systems and software to determine best and most cost-effective uses of advanced technology to improve border security.*

(4) *Operation of the program in remote stretches of border lands with long distances between 24-hour ports of entry with*

a relatively small presence of United States border patrol officers.

(5) *Capability to expand the program upon a determination by the Secretary that expansion would be an appropriate and cost-effective means of improving border security.*

(b) *COORDINATION WITH OTHER AGENCIES.—The Secretary of Homeland Security shall ensure that the operation of the pilot program under this subtitle—*

(1) *is coordinated among United States, State, local, and Canadian law enforcement and border security agencies; and*

(2) *includes ongoing communication among such agencies.*

SEC. 5103. ADMINISTRATIVE PROVISIONS.

(a) *PROCUREMENT OF ADVANCED TECHNOLOGY.—The Secretary of Homeland Security may enter into contracts for the procurement or use of such advanced technologies as the Secretary determines appropriate for the pilot program under this subtitle.*

(b) *PROGRAM PARTNERSHIPS.—In carrying out the pilot program under this subtitle, the Secretary of Homeland Security may provide for the establishment of cooperative arrangements for participation in the pilot program by such participants as law enforcement and border security agencies referred to in section 5102(b), institutions of higher education, and private sector entities.*

SEC. 5104. REPORT.

(a) *REQUIREMENT FOR REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the pilot program under this subtitle.*

(b) *CONTENT.—The report under subsection (a) shall include the following matters:*

(1) *A discussion of the implementation of the pilot program, including the experience under the pilot program.*

(2) *A recommendation regarding whether to expand the pilot program along the entire northern border of the United States and a timeline for the implementation of the expansion.*

SEC. 5105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the pilot program under this subtitle.

Subtitle B—Border and Immigration Enforcement

SEC. 5201. BORDER SURVEILLANCE.

(a) *IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the President and the appropriate committees of Congress a comprehensive plan for the systematic surveillance of the southwest border of the United States by remotely piloted aircraft.*

(b) *CONTENTS.—The plan submitted under subsection (a) shall include—*

(1) *recommendations for establishing command and control centers, operations sites, infrastructure, maintenance, and procurement;*

(2) cost estimates for the implementation of the plan and ongoing operations;

(3) recommendations for the appropriate agent within the Department of Homeland Security to be the executive agency for remotely piloted aircraft operations;

(4) the number of remotely piloted aircraft required for the plan;

(5) the types of missions the plan would undertake, including—

(A) protecting the lives of people seeking illegal entry into the United States;

(B) interdicting illegal movement of people, weapons, and other contraband across the border;

(C) providing investigative support to assist in the dismantling of smuggling and criminal networks along the border;

(D) using remotely piloted aircraft to serve as platforms for the collection of intelligence against smugglers and criminal networks along the border; and

(E) further validating and testing of remotely piloted aircraft for airspace security missions;

(6) the equipment necessary to carry out the plan; and

(7) a recommendation regarding whether to expand the pilot program along the entire southwest border.

(c) **IMPLEMENTATION.**—The Secretary of Homeland Security shall implement the plan submitted under subsection (a) as a pilot program as soon as sufficient funds are appropriated and available for this purpose.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

In each of the fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000 the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for the preceding fiscal year. In each of the fiscal years 2006 through 2010, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

SEC. 5203. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

In each of fiscal years 2006 through 2010, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 800 the number of positions for full-time active duty investigators within the Department of Homeland Security investigating violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) above the number of such posi-

tions for which funds were made available during the preceding fiscal year.

SEC. 5204. INCREASE IN DETENTION BED SPACE.

(a) *IN GENERAL.*—Subject to the availability of appropriated funds, the Secretary of Homeland Security shall increase by not less than 8,000, in each of the fiscal years 2006 through 2010, the number of beds available for immigration detention and removal operations of the Department of Homeland Security above the number for which funds were allotted for the preceding fiscal year.

(b) *PRIORITY.*—The Secretary shall give priority for the use of these additional beds to the detention of individuals charged with removability under section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) or inadmissibility under section 212(a)(3) of that Act (8 U.S.C. 1182(a)(3)).

Subtitle C—Visa Requirements

SEC. 5301. IN PERSON INTERVIEWS OF VISA APPLICANTS.

(a) *REQUIREMENT FOR INTERVIEWS.*—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

“(h) Notwithstanding any other provision of this Act, the Secretary of State shall require every alien applying for a non-immigrant visa—

“(1) who is at least 14 years of age and not more than 79 years of age to submit to an in person interview with a consular officer unless the requirement for such interview is waived—

“(A) by a consular official and such alien is—

“(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 101(a)(15);

“(ii) within the NATO visa category;

“(iii) within that class of nonimmigrants enumerated in section 101(a)(15)(C)(iii) (referred to as the ‘C-3 visa’ category); or

“(iv) granted a diplomatic or official visa on a diplomatic or official passport or on the equivalent thereof;

“(B) by a consular official and such alien is applying for a visa—

“(i) not more than 12 months after the date on which such alien’s prior visa expired;

“(ii) for the visa classification for which such prior visa was issued;

“(iii) from the consular post located in the country of such alien’s usual residence, unless otherwise prescribed in regulations that require an applicant to apply for a visa in the country of which such applicant is a national; and

“(iv) the consular officer has no indication that such alien has not complied with the immigration laws and regulations of the United States; or

“(C) by the Secretary of State if the Secretary determines that such waiver is—

“(i) in the national interest of the United States; or

“(ii) necessary as a result of unusual or emergent circumstances; and

“(2) notwithstanding paragraph (1), to submit to an in person interview with a consular officer if such alien—

“(A) is not a national or resident of the country in which such alien is applying for a visa;

“(B) was previously refused a visa, unless such refusal was overcome or a waiver of ineligibility has been obtained;

“(C) is listed in the Consular Lookout and Support System (or successor system at the Department of State);

“(D) is a national of a country officially designated by the Secretary of State as a state sponsor of terrorism, except such nationals who possess nationalities of countries that are not designated as state sponsors or terrorism;

“(E) requires a security advisory opinion or other Department of State clearance, unless such alien is—

“(i) within that class of nonimmigrants enumerated in subparagraph (A) or (G) of section 101(a)(15);

“(ii) within the NATO visa category;

“(iii) within that class of nonimmigrants enumerated in section 101(a)(15)(C)(iii) (referred to as the ‘C-3 visa’ category); or

“(iv) an alien who qualifies for a diplomatic or official visa, or its equivalent; or

“(F) is identified as a member of a group or sector that the Secretary of State determines—

“(i) poses a substantial risk of submitting inaccurate information in order to obtain a visa;

“(ii) has historically had visa applications denied at a rate that is higher than the average rate of such denials; or

“(iii) poses a security threat to the United States.”.

SEC. 5302. VISA APPLICATION REQUIREMENTS.

Section 222(c) of the Immigration and Nationality Act (8 U.S.C. 1202(c)) is amended by inserting “The alien shall provide complete and accurate information in response to any request for information contained in the application.” after the second sentence.

SEC. 5303. EFFECTIVE DATE.

Notwithstanding section 1086 or any other provision of this Act, sections 5301 and 5302 shall take effect 90 days after the date of enactment of this Act.

SEC. 5304. REVOCATION OF VISAS AND OTHER TRAVEL DOCUMENTATION.

(a) **LIMITATION ON REVIEW.**—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by adding at the end the following: “There shall be no means of judicial review (including review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title) of a revocation under this subsection, except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B).”.

(b) **CLASSES OF DEPORTABLE ALIENS.**—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking “United States is” and inserting the following:

“United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 221(i), is”.

(c) *REVOCATION OF PETITIONS.*—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended—

(1) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

(2) by striking the final two sentences.

(d) *EFFECTIVE DATE.*—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to revocations under sections 205 and 221(i) of the Immigration and Nationality Act (8 U.S.C. 1155, 1201(i)) made before, on, or after such date.

Subtitle D—Immigration Reform

SEC. 5401. BRINGING IN AND HARBORING CERTAIN ALIENS.

(a) *CRIMINAL PENALTIES.*—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended by adding at the end the following:

“(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if—

“(A) the offense was part of an ongoing commercial organization or enterprise;

“(B) aliens were transported in groups of 10 or more; and

“(C)(i) aliens were transported in a manner that endangered their lives; or

“(ii) the aliens presented a life-threatening health risk to people in the United States.”.

(b) *OUTREACH PROGRAM.*—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

“(e) *OUTREACH PROGRAM.*—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.”.

SEC. 5402. DEPORTATION OF ALIENS WHO HAVE RECEIVED MILITARY-TYPE TRAINING FROM TERRORIST ORGANIZATIONS.

Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

“(E) *RECIPIENT OF MILITARY-TYPE TRAINING.*—

“(i) *IN GENERAL.*—Any alien who has received military-type training from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in subclause (I) or (II) of section 212(a)(3)(B)(vi)), is deportable.

“(ii) *DEFINITION.*—As used in this subparagraph, the term ‘military-type training’ includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use,

storage, production, or assembly of any explosive, firearm, or other weapon, including any weapon of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code).”.

SEC. 5403. STUDY AND REPORT ON TERRORISTS IN THE ASYLUM SYSTEM.

(a) STUDY.—Commencing not later than 30 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to evaluate the extent to which weaknesses in the United States asylum system and withholding of removal system have been or could be exploited by aliens connected to, charged in connection with, or tied to terrorist activity.

(b) ELEMENTS.—The study under subsection (a) shall address, but not be limited to, the following:

(1) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have applied for, been granted, or been denied asylum.

(2) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have applied for, been granted, or been denied release from detention.

(3) The number of aliens connected to, tied to, charged in connection with, or who claim to have been accused of or charged in connection with terrorist activity who have been denied asylum but who remain at large in the United States.

(4) The effect of the confidentiality provisions of section 208.6 of title 8, Code of Federal Regulations, on the ability of the United States Government to establish that an alien is connected to or tied to terrorist activity, such that the alien is barred from asylum or withholding of removal, is removable from the United States, or both.

(5) The effect that precedential decisions, if any, holding that the extrajudicial punishment of an individual connected to terrorism, or guerrilla or militant activity abroad, or threats of such punishment, constitute persecution on account of political opinion as defined in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)), have had on the ability of the United States Government to remove aliens whom the United States Government believes are connected to or have ties to terrorism,

(6) The extent to which court precedents have affected the ability of the United States Government to determine or prove that an alien the United States Government believes to be connected to or tied to terrorism is in fact so connected or tied, including—

(A) so-called “imputed political opinion”;

(B) judicial review, reversal, or both of the credibility determinations of immigration judges; and

(C) the need to use classified information in removal proceedings against aliens suspected of connections or ties to terrorism.

(7) The likelihood that an alien connected to or with ties to terrorism has been granted asylum or withholding of removal.

(8) *The likelihood that an alien connected to or with ties to terrorism has used the United States asylum system to enter or remain in the United States in order to plan, conspire, or carry out, or attempt to plan, conspire, or carry out, an act of terrorism.*

(c) *CONSIDERATION AND ASSESSMENT.*—Solely for purposes of conducting the study under subsection (a), the Comptroller General shall consider the possibility, and assess the likelihood, that an alien whom the United States Government accuses or has accused of having a connection to or ties to terrorism is in fact connected to or tied to terrorism, notwithstanding any administrative or judicial determination to the contrary.

(d) *SCOPE.*—In conducting the study under subsection (a), the Comptroller General shall seek information from the Department of Homeland Security, the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Justice, foreign governments, experts in the field of alien terrorists, and any other appropriate source.

(e) *PRIVACY.*—

(1) *IN GENERAL.*—Notwithstanding section 208.6 of title 8, Code of Federal Regulations, the Comptroller General shall, for purposes of the study under subsection (a), have access to the applications and administrative and judicial records of alien applicants for asylum and withholding of removal. Except for purposes of preparing the reports under subsection (f), such information shall not be further disclosed or disseminated, nor shall the names or personal identifying information of any applicant be released.

(2) *SECURITY OF RECORDS.*—The Comptroller General shall ensure that records received pursuant to this section are appropriately secured to prevent their inadvertent disclosure.

(f) *REPORT TO CONGRESS.*—

(1) *IN GENERAL.*—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress and the Secretary of Homeland Security a report on the findings and recommendations of the Comptroller General under the study under subsection (a).

(2) *ELEMENTS.*—The report under paragraph (1) shall include the following:

(A) *The assessment of the Comptroller General on each matter specified in subsection (b).*

(B) *Any recommendations of the Comptroller General for such administrative action on any matter specified in subsection (a) as the Comptroller General considers necessary to better protect the national security of the United States.*

(C) *Any recommendations of the Comptroller General for such legislative action on any matter specified in subsection (a) as the Comptroller General considers necessary to better protect the national security of the United States.*

(3) *FORM.*—If necessary, the Comptroller General may submit a classified and unclassified version of the report under paragraph (1).

(g) *APPROPRIATE COMMITTEES OF CONGRESS DEFINED.*—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

Subtitle E—Treatment of Aliens Who Commit Acts of Torture, Extrajudicial Killings, or Other Atrocities Abroad

SEC. 5501. INADMISSIBILITY AND DEPORTABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.

(a) *INADMISSIBILITY.*—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking “has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible” and inserting “ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible”;

(2) by adding at the end the following:

“(iii) *COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.*—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

“(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

“(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note),

is inadmissible.”; and

(3) in the subparagraph heading, by striking “PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE” and inserting “PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING”.

(b) *DEPORTABILITY.*—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking “clause (i) or (ii)” and inserting “clause (i), (ii), or (iii)”; and

(2) in the subparagraph heading, by striking “ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE” and inserting “PARTICIPATED IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall apply to offenses committed before, on, or after the date of enactment of this Act.

SEC. 5502. INADMISSIBILITY AND DEPORTABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

(a) *GROUND OF INADMISSIBILITY.*—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

“(G) *FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.*—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), is inadmissible.”.

(b) *GROUND OF DEPORTABILITY.*—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

“(E) *PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.*—Any alien described in section 212(a)(2)(G) is deportable.”.

SEC. 5503. WAIVER OF INADMISSIBILITY.

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

- (1) in subparagraph (A), by striking “and 3(E)” and inserting “and clauses (i) and (ii) of paragraph (3)(E)”; and
- (2) in subparagraph (B), by striking “and 3(E)” and inserting “and clauses (i) and (ii) of paragraph (3)(E)”.

SEC. 5504. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

- (1) by striking the period at the end of paragraph (8) and inserting “; or”; and
- (2) by adding at the end the following:

“(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).”.

SEC. 5505. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

(a) *AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.*—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(h)(1) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority to detect and investigate, and, where appropriate, to take legal action to denaturalize any alien described in section 212(a)(3)(E).

“(2) The Attorney General shall consult with the Secretary of Homeland Security in making determinations concerning the criminal prosecution or extradition of aliens described in section 212(a)(3)(E).

“(3) In determining the appropriate legal action to take against an alien described in section 212(a)(3)(E), consideration shall be given to—

“(A) the availability of criminal prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

“(B) the availability of extradition of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.”

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(h) of the Immigration and Nationality Act (as added by this subtitle) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 5506. REPORT ON IMPLEMENTATION.

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Homeland Security, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this subtitle that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations and other components within the Department of Justice and the Department of Homeland Security in a manner consistent with the amendments made by this subtitle;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this subtitle; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this subtitle.

TITLE VI—TERRORISM PREVENTION

Subtitle A—Individual Terrorists as Agents of Foreign Powers

SEC. 6001. INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by adding at the end the following new subparagraph:

“(C) engages in international terrorism or activities in preparation therefore; or”.

(b) SUNSET.—The amendment made by subsection (a) shall be subject to the sunset provision in section 224 of Public Law 107-56 (115 Stat. 295), including the exception provided in subsection (b) of such section 224.