108TH CONGRESS  
1ST SESSION  

S.____

IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. CORNYN, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on ________

A BILL

To combat narco-terrorism, to dismantle narco-terrorist criminal enterprises, to disrupt narco-terrorist financing and money laundering schemes, to enact national drug sentencing reform, to prevent drug trafficking to children, to deter drug-related violence, to provide law enforcement with the tools needed to win the war against narco-terrorists and major drug traffickers, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Vital Interdiction of Criminal Terrorist Organizations Act of 2003” or the “VICTORY Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Severability clause.

TITLE I—COMBATING NARCO-TERRORISTS WHO AID AND SUPPORT TERRORISTS OR TERRORIST ORGANIZATIONS

Sec. 101. Prohibition of narco-terrorism.
Sec. 102. Narco-terrorist criminal enterprises.
Sec. 103. Increased civil and criminal penalties for persons and entities who facilitate financing of narco-terrorists and terrorists.

TITLE II—PREVENTING AND PUNISHING INTERNATIONAL MONEY LAUNDERING

Subtitle A—Prohibiting Money Laundering Through Hawalas, “Reverse” Money Laundering, and Other Money Laundering Schemes

Sec. 201. Preventing narco-terrorists from laundering money using hawalas.
Sec. 202. Interstate transportation of criminal proceeds and “reverse” money laundering by currency couriers.
Sec. 203. Freezing bank accounts of persons arrested for money laundering and bulk cash smuggling.
Sec. 204. Restraint of property subject to criminal forfeiture.
Sec. 205. Procedure for issuing subpoenas in money laundering cases.
Sec. 206. Using blank checks in bearer form to smuggle money.
Sec. 207. Treating electronic funds as fungible property.
Sec. 208. Making domestic money laundering statute apply to “reverse” money laundering.
Sec. 209. Section 1957 violations involving commingled funds and structured transactions.
Sec. 210. Charging money laundering as a course of conduct.
Sec. 211. Laundering the proceeds of foreign crimes.
Sec. 212. Illegal money transmitting businesses.
Sec. 213. Other specified activity for money laundering.

Subtitle B—Recovering and Confiscating Criminal Proceeds

Sec. 221. Criminal forfeiture for money laundering conspiracies.
Sec. 222. Fungible property.
Sec. 223. Forfeiting the proceeds of foreign crimes.
Sec. 224. Recovery of criminal proceeds from third parties.
Sec. 225. Restraint of proceeds of foreign crime.
Sec. 226. Extraterritorial jurisdiction.
Sec. 227. Civil order to repatriate assets.

July 30, 2003
Sec. 228. Forfeiture for failure to report large cash transactions.
Sec. 229. Assets of persons committing terrorist acts against foreign countries.
Sec. 230. Technical amendment to restore wiretap authority for certain money
laundring offenses.
Sec. 231. Knowledge that the property is the proceeds of a specific felony.
Sec. 232. Authorization to share recovered property with cooperating foreign
governments.
Sec. 233. Miscellaneous minor and technical amendments.
Sec. 234. Restoring criminal proceeds to victims.
Sec. 235. Jurisdiction of magistrate judges.
Sec. 236. Technical amendment regarding the procedures for criminal for-
feiture.
Sec. 237. Collection of criminal forfeiture judgment.
Sec. 238. Technical correction regarding forfeiture authority for Secretary,
   Homeland Security.
Sec. 239. Rule 32.2.
Sec. 251. Forfeiture of facilitating property in narco-terrorism cases and prop-
erty traceable to such property.
Sec. 252. Forfeiture of instrumentalities of terrorism, fraud, and other offenses.

TITLE III—PROVIDING THE TOOLS NEEDED TO WIN THE WAR
AGAINST NARCO-TERRORISM, DRUG TRAFFICKERS WHO SELL
TO CHILDREN, AND VIOLENT DRUG TRAFFICKERS

Sec. 301. Predicate crimes for authorization of interception of wire, oral, and
   electronic communications.
Sec. 302. Limiting application of statutory exclusionary rule where law enforce-
   ment agents act in good faith.
Sec. 303. Administrative subpoenas for terrorism investigations.
Sec. 304. Administrative subpoenas to apprehend fugitives.
Sec. 305. Expanded jurisdiction to issue orders to intercept communications.

1  SEC. 2. SEVERABILITY CLAUSE.
   
   If any provision of this Act, an amendment made by
   this Act, or the application of such provision or amend-
   ment to any person or circumstance is held to be unconsti-
   tutional, the remainder of this Act, the amendments made
   by this Act, and the application of the provisions of such
   to any person or circumstances shall not be affected there-
   by.
TITLE I—COMBATING NARCO-TERROISTS WHO AID AND SUPPORT TERRORISTS OR TERRORIST ORGANIZATIONS

SEC. 101. PROHIBITION OF NARCO-TERROISM.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010 the following:

"NARCO-TERROISTS WHO AID AND SUPPORT TERRORISTS OR FOREIGN TERRORIST ORGANIZATIONS

"Sec. 1010A.

"(a) PROHIBITED ACTS.—Any person who, in a circumstance described in subsection (c), manufactures, distributes, imports, exports, or possesses with intent to distribute or manufacture a controlled substance, flunitrazepam, or listed chemical, or attempts or conspires to do so, knowing or intending that such activity, directly or indirectly, aids or provides support, resources, or anything of pecuniary value to—

(1) a foreign terrorist organization; or

(2) any person or group involved in the planning, preparation for, or carrying out of, a terrorist offense,

shall be punished as provided under subsection (b).

"(b) PENALTIES.—
“(1) IN GENERAL.—Any person who violates subsection (a) shall be sentenced to—

“(A)(i) a term of imprisonment of not less than 20 years and not more than life; or

“(ii) if death or serious bodily injury results from the use of a controlled substance, a term of imprisonment of not less than 30 years and not more than life;

“(B) a fine not to exceed—

“(i) $4,000,000, if the defendant is an individual; or

“(ii) $10,000,000, if the defendant is not an individual; and

“(C) a term of supervised release of not less than 5 years.

“(2) PRIOR CONVICTION FOR FELONY DRUG OFFENSE.—Any person who violates subsection (a) after a prior conviction of such person for a felony drug offense becomes final, shall be sentenced to—

“(A)(i) a term of imprisonment of not less than 30 years and not more than life; or

“(ii) if death or serious bodily injury results from the use of a controlled substance, a term of life imprisonment;

“(B) a fine not to exceed—
“(i) $8,000,000, if the defendant is an
individual; or
“(ii) $20,000,000, if the defendant is
not an individual; and
“(C) a term of supervised release of not
less than 10 years.

“(c) JURISDICTION.—A United States district court
shall have jurisdiction over an offense described in sub-
section (a) if—
“(1) the offense takes place in the United
States; or
“(2) the offense takes place outside of the
United States and—
“(A) the perpetrator is—
“(i) a national of the United States;
or
“(ii) a stateless person whose habitual
residence is in the United States;
“(B) the offense—
“(i) was directed toward, or resulted
in, the carrying out of a terrorist offense—
“(I) against any property that is
owned or leased by any department or
agency of the United States, including
an embassy or other diplomatic or
consular premises of the United States;

“(II) against any person or property within the United States;

“(III) against any national of the United States or the property of such national;

“(IV) against any property of any legal entity organized under the laws of the United States, or any of its States, districts, commonwealths, territories, or possessions; or

“(V) in an attempt to compel the United States to do or abstain from doing any act; or

“(ii) is committed—

“(I) on board an aircraft, which is registered under the laws of the United States at the time the offense is committed or is operated by the United States; or

“(II) on board a vessel of the United States (as defined in section 3(b) of the Maritime Drug Enforcement Act (46 U.S.C. 1903(b)) or on
board a vessel subject to the jurisdiction of the United States (as defined in section 3(e) of that Act); or

"(C) the foreign terrorist organization has been designated pursuant to the authority granted under the Immigration and Nationality Act.

"(d) Acts committed outside territorial jurisdiction of United States.—This section is intended to reach prohibited acts, which are committed outside the territorial jurisdiction of the United States.

"(e) Proof requirements.—The prosecution shall not be required to prove that any defendant knew that an organization was designated as a 'foreign terrorist organization' under the Immigration and Nationality Act.

"(f) Definitions.—In this section, the following definitions shall apply:

"(1) Anything of pecuniary value.—The term 'anything of pecuniary value' has the meaning given the term in section 1958(b)(1) of title 18, United States Code.

"(2) National of the United States.—The term 'national of the United States' has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).
“(3) TERRORIST OFFENSE.—The term ‘terrorist offense’ means—

“(A) an act which constitutes an offense within the scope of a treaty, as defined under section 2339C(e)(7) of title 18, United States Code, which has been implemented by the United States;

“(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

“(4) TERRORIST ORGANIZATION.—The term ‘terrorist organization’ has the meaning given the term in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).”.

SEC. 102. NARCO-TERRORIST CRIMINAL ENTERPRISES.

Part A of the Controlled Substance Import and Export Act (21 U.S.C. 951 et seq.) is amended by inserting after section 1010A (as added by section 101) the following:

"NARCO-TERRORIST KINGPINS

"SEC. 1010B."
"(a) Prohibited Acts; Penalties.—

"(1) In General.—Any person who engages in
a narco-terrorist continuing enterprise shall be—

"(A) imprisoned for a period of not less
than 40 years and not more than life;

"(B) if the defendant is an individual, sub-
ject to a fine in an amount not greater than
$4,000,000; and

"(C) if the defendant is other than an indi-
vidual, subject to a fine in an amount not
greater than $10,000,000.

"(2) Enhanced Penalty.—Any person who,
after being convicted of a felony drug offense or
crime of violence, who engages in, or works in fur-
therance of, a narco-terrorist continuing enterprise,
shall be—

"(A) imprisoned for life;

"(B) if the defendant is an individual, sub-
ject to a fine in an amount not greater than
$8,000,000; and

"(C) if the defendant is other than an indi-
vidual, subject to a fine in an amount not
greater than $20,000,000.

"(b) Definitions.—In this section, the following
definitions shall apply:
"(1) **Person engaged in a narco-terrorist continuing enterprise.**—The term 'person engaged in a narco-terrorist continuing enterprise' means a person who violates section 1010A if such violation is a part of a continuing series of violations of section 1010A—

"(A) which are undertaken by such person in concert with not less than 5 persons, to whom such person occupies a position of organizer, supervisor, or any other position of management; and

"(B) from which such person obtains substantial income or resources.

"(2) **Continuing series of violations.**—The term 'a continuing series of violations' means not less than 3 violations of section 1010A.

"(c) **Acts committed outside United States.**—This section is intended to reach prohibited acts, which are committed outside of the territorial jurisdiction of the United States."
SEC. 103. INCREASED CIVIL AND CRIMINAL PENALTIES FOR
PERSONS AND ENTITIES WHO FACILITATE FINANCING OF NARCO-TERRORISTS AND TERRORISTS.


(1) in subsection (a), by striking "$10,000” and inserting "$50,000”; and

(2) in subsection (b), by striking "$50,000, or, if a natural person, may be imprisoned for not more than ten years” and inserting "$100,000, or, if a natural person, may be imprisoned for not more than 20 years”.

TITLE II—PREVENTING AND PUNISHING INTERNATIONAL MONEY LAUNDERING
Subtitle A—Prohibiting Money Laundering Through Hawalas, “Reverse” Money Laundering, and Other Money Laundering Schemes

SEC. 201. PREVENTING NARCO-TERRORISTS FROM LAUNDERING MONEY USING HAWALAS.

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

“(j) MONEY LAUNDERING.—
“(1) IN GENERAL.—For purposes of paragraphs (1) and (2) of subsection (a), a transaction, transportation, transmission, or transfer of funds shall be considered to involve the proceeds of specified unlawful activity if the transaction, transportation, transmission, or transfer is part of a set of parallel or dependent transactions, any 1 of which involves the proceeds of specified unlawful activity.

“(2) DEFINED TERM.—As used in this section, the term ‘dependent transaction’ means a transaction that—

“(A) completes or complements another transaction; or

“(B) would not have occurred but for another transaction.”.

SEC. 202. INTERSTATE TRANSPORTATION OF CRIMINAL PROCEEDS AND “REVERSE” MONEY LAUNDERING BY CURRENCY COURIERS.

Section 5332 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following:
“(2) Concealment in vehicle.—Any person who conceals more than $10,000 in currency on his person or in any vehicle, in any compartment or container within any vehicle, or in any container placed in a common carrier, and transports, attempts to transport, or conspires to transport such currency in or affecting interstate commerce on any public road or highway, or on any bus, train, airplane, vessel, or other common carrier, knowing that the currency was derived from some form of unlawful activity, or knowing that the currency was intended to be used to promote some form of unlawful activity, shall be subject to punishment pursuant to subsection (b).”;

(2) in subsection (b)(1), by striking “5” and inserting “10”; and

(3) by adding at the end the following:

“(d) Authority to investigate.—Violations of this section may be investigated by—

“(1) the Attorney General;
“(2) the Secretary of the Treasury;
“(3) the Secretary of the Department of Homeland Security; and
“(4) the United States Postal Service.”.
SEC. 203. FREEZING BANK ACCOUNTS OF PERSONS ARRESTED FOR MONEY LAUNDERING AND BULK CASH SMUGGLING.

Section 5317 of title 31, United States Code, is amended by adding at the end the following:

"(d) TEMPORARY FREEZE OF BANK ACCOUNT.—

"(1) IN GENERAL.—If any person is arrested or charged in connection with any offense under this chapter, or any offense under section 1956, 1957, or 1960 of title 18, relating to the movement of funds into or out of the United States, the Attorney General may apply to any Federal judge or magistrate judge in the district in which the arrest is made, or the charges are filed, for an ex parte order restraining any account held by the person arrested or charged for not more than 30 days. This time period may be extended for good cause shown at a hearing conducted in the manner provided in rule 43(e) of the Federal Rules of Civil Procedure.

"(2) CONTENTS OF APPLICATION.—The application for the restraining order referred to in paragraph (1) shall—

"(A) identify the offense for which the person has been arrested or charged;

"(B) identify the location and description of the accounts to be restrained; and
“(C) state that the restraining order is needed to prevent the removal of the funds in the account by the person arrested or charged, or by others associated with such person, during the time needed by the Government to conduct such investigation as may be necessary to establish whether there is probable cause to believe that the funds in the accounts are subject to forfeiture in connection with the commission of any criminal offense.

“(3) RELEASE OF FUNDS.—At the expiration of the period of restraint described in paragraph (1), the financial institution holding the funds that have been subject to restraint shall be free to release those funds at the direction of the account holder unless the Government has obtained a seizure warrant, a restraining order, or an arrest warrant in rem pursuant to the Supplemental Rules for Certain Admiralty and Maritime Claims.

“(4) DEFINITIONS.—For purposes of this section—

“(A) the term ‘account’ includes any account (as defined in paragraphs (1) and (2) of section 5318A(e)) at any financial institution; and
"(B) the term ‘account held by the person arrested or charged’ includes an account held in the name of such person, and any account over which such person has effective control as a signatory or otherwise.”.

SEC. 204. RESTRAINT OF PROPERTY SUBJECT TO CRIMINAL FORFEITURE.

Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “section—” and inserting “section, including property that may be forfeited upon the defendant’s conviction to satisfy a money judgment—”; and

(B) by amending the matter following subparagraph (B)(ii) to read as follows:

“(2) An order entered pursuant to paragraph (1)(B) shall be effective for not more than 90 days, unless—

“(A) the order is extended by the court for good cause shown; or
"(B) an indictment or information described under paragraph (1)(A) has been filed.";

(3) in paragraph (4), as redesignated under paragraph (1)—

(A) by striking "The court may" and inserting "The court—

"(A) may";

(B) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(B) shall issue any protective order necessary to prevent the premature disclosure of any ongoing law enforcement operation or investigation or the identity of any witness at the hearing; and

"(C) in any case involving an ongoing investigation, shall permit the presentation of evidence in camera or under seal."; and

(4) by adding at the end the following:

"(6)(A) A restraining order entered pursuant to paragraph (1)(A) shall remain in effect through the conclusion of the criminal case, unless modified by the court."
“(B) At the request of the defendant, the court may conduct a pretrial hearing to determine whether the restraining order should be vacated or modified with respect to some or all of the restrained property, if the defendant—

“(i) establishes, by a preponderance of the evidence, that there are no assets, other than the restrained property, available to the defendant to exercise his or her constitutional right to retain counsel; and

“(ii) makes a prima facie showing of a bona fide reason to believe that there is no probable cause for the forfeiture.

“(C) In the hearing under subparagraph (B), the Government shall have an opportunity to cross-examine the defendant and any witnesses the defendant may present on the issues described under subparagraph (B).

“(D) If the court determines that the defendant has satisfied the requirements under subparagraph (B), the court may hold a hearing to determine whether there is probable cause for the forfeiture of the defendant’s property. In making such determination, the court shall give due deference to any finding made by a grand jury that there is probable
cause to believe that the property is subject to forfeiture.

"(E) If the court determines that no probable cause exists for the forfeiture of an asset, it shall modify the restraining order to the extent necessary to release the asset from restraint.

"(F) In any hearing under this paragraph where probable cause is at issue, the court shall limit its inquiry to the existence of probable cause for the forfeiture of the restrained assets. The court shall not entertain challenges to the grand jury’s finding of probable cause regarding the criminal offense giving rise to the forfeiture.

"(G) A person other than the defendant who has a legal interest in the restrained property may move to modify or vacate the restraining order on the ground that the order causes a substantial hardship to the moving party and less intrusive means exist to preserve the subject property for forfeiture. In accordance with subsection (k), such person may not object to a restraining order on grounds that may only be asserted in the ancillary proceeding pursuant to subsection (n)."
SEC. 205. PROCEDURE FOR ISSUING SUBPOENAS IN MONEY LAUNDERING CASES.

Section 5318(k)(3)(A) of title 31, United States Code, is amended—

(1) in clause (i), by striking “related to such correspondent account”; and

(2) by adding at the end the following:

“(iii) GRAND JURY OR TRIAL SUBPOENA.—A subpoena issued by the Attorney General under clause (i) may be a grand jury or a trial subpoena.”.

SEC. 206. USING BLANK CHECKS IN BEARER FORM TO SMUGGLE MONEY.

Section 5316 of title 31, United States Code, is amended by adding at the end the following:

“(e) MONETARY INUMENTS WITH AMOUNT LEFT BLANK.—For purposes of this section, a monetary instrument in bearer form that has the amount left blank so that the amount could be filled in by the bearer, shall be considered to have a value equal to the value of the funds in the account on which the monetary instrument is drawn at the time it was being transported.”.

SEC. 207. TREATING ELECTRONIC FUNDS AS FUGIBLE PROPERTY.

Section 5317(c) of title 31, United States Code, is amended—
(1) in paragraph (2), by striking "Any property" and inserting the following:

"(A) IN GENERAL.—Any property’; and

(2) by adding at the end the following:

"(B) FUNGIBLE PROPERTY.—In any civil

forfeiture action brought pursuant to this sec-

tion, section 5332, or section 981(a)(1)(A) of

title 18, currency, precious metals, gem stones,

and funds held in any account at any financial

institution in electronic form shall be considered

fungible property identical to other property lo-

cated in the same place or account at an earlier

time.

"(C) BURDEN OF PROOF.—In any case de-

scribed under subparagraph (B)—

"(i) the Government shall not be re-

quired to identify the specific property in-

volved in the offense that is the basis for

the forfeiture; and

"(ii) the removal and replacement of

the property involved in such offense with

identical property shall not be a defense.".
SEC. 208. MAKING DOMESTIC MONEY LAUNDERING STATUTE APPLY TO "REVERSE" MONEY LAUNDERING.

Section 1957 of title 18, United States Code, is amended—

(1) in the header, by inserting "or in support of criminal activity" after "specified unlawful activity"; and

(2) in subsection (a)—

(A) by inserting "(1)" before "Whoever";

and

(B) by adding at the end the following:

"(2) Whoever, in any of the circumstances described under subsection (d), engages or attempts to engage in a monetary transaction involving property of a value greater than $10,000, with the intent to promote the carrying on of specified unlawful activity, shall be fined under this title, imprisoned for a term of years not to exceed the statutory maximum for the activity being promoted, or both."

SEC. 209. SECTION 1957 VIOLATIONS INVOLVING COMMINGLED FUNDS AND STRUCTURED TRANSACTIONS.

Section 1957(f) of title 18, United States Code, is amended—
(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'monetary transaction in criminally derived property of a value greater than $10,000' includes—

"(A) a monetary transaction involving the transfer, withdrawal, encumbrance, or other disposition of more than $10,000 from a bank account in which more than $10,000 in proceeds of specified unlawful activity have been commingled with other funds; and

"(B) any financial transaction described in section 1956(j) that involves more than $10,000 in proceeds of specified unlawful activity.".

SEC. 210. CHARGING MONEY LAUNDERING AS A COURSE OF CONDUCT.

Section 1956(h) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "Any person";

(2) by striking "or section 1957" and inserting "; section 1957, or section 1960"; and
(3) by adding at the end the following:

"(2) Multiple violations of this section that are part of the same scheme or continuing course of conduct may be charged in a single count in an indictment or information."

SEC. 211. LAUNDERING THE PROCEEDS OF FOREIGN CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (v), by striking "or" at the end;

(2) in clause (vi), by adding "or" at the end;

and

(3) by adding at the end the following:

"(vii) any act or activity that would constitute a specified unlawful activity under this paragraph if committed within the jurisdiction of the United States or any State;"

SEC. 212. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) TECHNICAL AMENDMENTS.—Section 1960 of title 18, United States Code, is amended—

(1) in the heading, by striking "unlicensed" and inserting "illegal";

(2) in subsection (a), by striking "unlicensed" and inserting "illegal"; and
(3) in subsection (b)(1)—

(A) by striking "unlicensed" and inserting "illegal"; and

(B) in subparagraph (C), by striking "to be used to be used" and inserting "to be used".

(b) **Definition of Business To Include Hawalas and Money Brokers for Drug Cartels.**—Section 1960(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the term 'business' includes any person or association of persons, formal or informal, licensed or unlicensed, that provides money transmitting services outside of the conventional financial institutions system on behalf of any third party in return for remuneration or other consideration."

(c) **General Intent Requirement for Section 1960(b)(1)(B).**—Section 1960(b)(1)(B) of title 18, United States Code, is amended by inserting before the semicolon the following: "whether or not the defendant
knew that the operation was required to comply with such
registration requirements”.

(d) AUTHORITY TO INVESTIGATE.—Section 1960 of
title 18, United States Code, is amended by adding at the
end the following:
“(c) Violations of this section may be investigated
by—
“(1) the Attorney General;
“(2) the Secretary of the Treasury;
“(3) the Secretary of the Department of Home-
land Security; and
“(4) the United States Postal Service.”.

SEC. 213. OTHER SPECIFIED ACTIVITY FOR MONEY LAUN-
DERING.

(a) AMENDMENTS TO RICO.—Section 1961(1) of
title 18, United States Code, is amended—
(1) in subparagraph (A), by inserting “burg-
glary, embezzlement”, after “robbery,”;
(2) in subparagraph (B)—
(A) by inserting “and 1470” after “1461–
1465”;
(B) by striking “1588” and inserting
“1592”;
(C) by inserting "section 1960 (relating to unlicensed money transmitting businesses)", before "sections 2251,"; and
(D) by inserting "2252A," after "2252,";
(3) in subparagraph (D), by striking "fraud in the sale of securities" and inserting "fraud in the purchase or sale of securities"; and
(4) in subparagraph (F), by inserting "or 274A" after "274".
(b) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—
(1) by striking "2339A or 2339B" and inserting "2339A, 2339B, or 2339C"; and
(2) by inserting before the semicolon at the end the following: "; or section 208 of the Social Security Act (42 U.S.C. 408) (relating to obtaining funds through misuse of a social security number)."

Subtitle B—Recovering and Confiscating Criminal Proceeds
SEC. 221. CRIMINAL FORFEITURE FOR MONEY LAUNDERING CONSPIRACIES.
Section 982(a)(1) of title 18, United States Code, is amended by striking "of this title," and inserting "; or a conspiracy to commit any such offense,".
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SEC. 223. FORFEITING THE PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B)(i) of title 18, United States Code, is amended to read as follows:

“(i) involves any violation of foreign law that would constitute an offense for which property could be forfeited under Federal law if the offense were committed in the United States, or any other conduct described in section 1956(c)(7)(B);”.

SEC. 224. RECOVERY OF CRIMINAL PROCEEDS FROM THIRD PARTIES.

Section 1956(b) of title 18, United States Code, is amended by adding at the end the following:
“(5) Recovery of transferred property.—

“(A) In general.—If property involved in a violation of subsection (a) or section 1957, 1960, or 1962, or a conspiracy to commit any such offense, is transferred to a third party who is not a bona fide purchaser for value, the United States may file a civil action against the transferee to recover the property, or a sum of money equal to the value of the property immediately before the transfer, plus interest from the time of the transfer.

“(B) Venue.—Venue for an action under subparagraph (A) shall lie in any district in which the criminal violation or the transfer of the property occurred.”.

Sec. 225. Restraint of Proceeds of Foreign Crime.

Section 981(b)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “an offense that would give rise to the forfeiture of property in the United States under this section or under the Controlled Substances Act,” and inserting “conduct that may be the basis for a forfeiture action that has been, or could be, filed in a Federal court
under this section or under the Controlled Sub-
stances Act or that may be the basis for a foreign
forfeiture judgment enforceable in the United States
under section 2467 of title 28,"; and

(2) by adding at the end the following:

"(C) If property subject to restraint under
subparagraph (A) is located in more than 1 dis-
trict, a court in any district in which the prop-
erty is located may enter an order under sub-
paragraph (A) regarding property located in
that district and any other district.”.

SEC. 226. EXTRATERRITORIAL JURISDICTION.

Section 1956(f)(1) of title 18, United States Code,
is amended by inserting before the semicolon the following:
“or has an effect in the United States”.

SEC. 227. CIVIL ORDER TO REPATRIATE ASSETS.

Section 983(j) of title 18, United States Code, is
amended by adding at the end the following:

“(5) ORDER TO REPATRIATE AND DEPOSIT.—

“(A) IN GENERAL.—Pursuant to its au-
thority to enter a pretrial restraining order
under this section, the court may order a party
or claimant to repatriate any property that may
be seized and forfeited, and to deposit that
property, pending trial, in the registry of the
court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, as appropriate.

"(B) FAILURE TO COMPLY.—Failure to comply with an order under this paragraph shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of a criminal defendant subject to such an order under the obstruction of justice provision of the Federal sentencing guidelines."

SEC. 228. FORFEITURE FOR FAILURE TO REPORT LARGE CASH TRANSACTIONS.

Section 5317(c) of title 31, United States Code, is amended—

(1) in paragraph (1)(A), by striking "or 5324 of this title" and inserting "5324, or 5331"; and

(2) in paragraph (2), by striking "or 5324 of this title" and inserting "5324, or 5331".

SEC. 229. ASSETS OF PERSONS COMMITTING TERRORIST ACTS AGAINST FOREIGN COUNTRIES.

Section 981(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (G)—
(A) in clause (ii), by deleting "or" at the end;

(B) in clause (iii), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(iv) of any individual, entity, or organization engaged in planning or perpetrating any act of international terrorism (as defined in section 2331) against any international organization (as defined in section 209(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4309(b)) or against any foreign government, its citizens or residents, or their property."; and

(2) in subparagraph (H), by adding at the end the following: "Property that is located beyond the territorial boundaries of the United States shall not be subject to forfeiture under subparagraph (G)(iv) unless an act in furtherance of planning or perpetration of an act of international terrorism occurred within the jurisdiction of the United States.".
SEC. 230. TECHNICAL AMENDMENT TO RESTORE WIRETAP AUTHORITY FOR CERTAIN MONEY LAUNDERING OFFENSES.

(a) Money Laundering.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 1960 (relating to illegal money transmitting businesses)," before "section 659".

(b) Currency Reporting Offenses.—Section 2516(1)(g) of title 18, United States Code, is amended to read as follows:

"(g) any offense punishable under section 5322, 5324 or 5332 of title 31, United States Code (dealing with the reporting and illegal structuring of currency transactions),".

SEC. 231. KNOWLEDGE THAT THE PROPERTY IS THE PROCEEDS OF A SPECIFIC FELONY.

(a) Intent to Conceal or Disguise.—Sections 1956(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity"; and

(2) in paragraph (2)(B)(i), by striking "specified unlawful activity" and inserting "some form of unlawful activity".

(b) Proceeds of a Felony.—Section 1956(c)(1) of title 18, United States Code, is amended by inserting ",
and regardless of whether or not the person knew that the activity constituted a felony” before the semicolon at the end.

SEC. 232. AUTHORIZATION TO SHARE RECOVERED PROPERTY WITH COOPERATING FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Section 981(i)(1) of title 18, United States Code, is amended by striking “this chapter” and inserting “any provision of Federal law”.

(b) CONFORMING AMENDMENTS.—Section 511(e)(1) of the Controlled Substances Act (21 U.S.C. 881(e)(1)) is amended—

(1) in subparagraph (C), by adding “or” after the semicolon;

(2) in subparagraph (D), by striking “; or” and inserting a period; and

(3) by striking subparagraph (E).

SEC. 233. MISCELLANEOUS MINOR AND TECHNICAL AMENDMENTS.

(a) CRIMINAL FORFEITURE.—Section 982(b)(2) of title 18, United States Code, is amended by striking “The substitution” and inserting “With respect to a forfeiture under subsection (a)(1), the substitution”.

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(b) Definition of Financial Institution.—Section 5312(a)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (Y) and (Z) as subparagraphs (Z) and (AA), respectively; and

(2) by inserting after subparagraph (X) the following:

"(Y) a bail bondsman;".

(c) Technical Amendment to Section 1957.—Section 1957 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "engages or attempts to engage in" and inserting "conducts or attempts to conduct"; and

(2) in subsection (f)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by inserting at the end the following:

"(4) the term 'conducts' has the meaning given the term in section 1956.".

(d) Obstruction of Justice.—Section 1510(b)(3)(B) of title 18, United States Code, is amended by inserting ", a subpoena issued pursuant to section 1782
of title 28," before "or a Department of Justice sub-
poena".

(e) TECHNICAL CORRECTIONS TO USA PATRIOT
ACT.—

(1) USA PATRIOT ACT.—Section 322 of Public
Law 107–56 is amended by striking "title 18" and
inserting "title 28".

(2) TITLE 18.—Title 18, United States Code, is
amended—

(A) in section 981(k), by striking "foreign
bank" each place it appears and inserting "for-
foreign bank or financial institution"; and

(B) in section 1956(b), by striking "de-
scribed in paragraph (2)" each place it appears.

(3) TITLE 31.—Chapter 53 of title 31, United
States Code, is amended—

(A) in section 5312(a)(3)(C), by striking
"5333" and inserting "5331";

(B) in section 5318(k)(1)(B) by striking
"(f)" and inserting "(e)";

(C) in section 5324(b), by striking "5333"
each place it appears and inserting "5331"; and

(D) in section 5332(a)(1), by striking "ar-
ticle of luggage" and inserting "article of lug-
gage or mail".

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SEC. 234. RESTORING CRIMINAL PROCEEDS TO VICTIMS.

The amendments to section 981(e)(6) of title 18, United States Code, made by Public Law 106–185 (114 Stat. 202), relating to the restoration of criminally derived property to crime victims, shall apply to all cases pending on August 23, 2000, or commenced thereafter, regardless of the date of the offense or the date when the criminally derived property was recovered.

SEC. 235. JURISDICTION OF MAGISTRATE JUDGES.

Section 636(a) of title 28, United States Code, is amended—

(1) in paragraph (4), by striking “and” after the semicolon;

(2) in paragraph (5), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(6) all powers and duties conferred or imposed upon the courts by sections 981 through 986 of title 18, United States Code, in connection with forfeiture proceedings, but not including the conduct of the trial.”.

SEC. 236. TECHNICAL AMENDMENT REGARDING THE PROCEDURES FOR CRIMINAL FORFEITURE.

Section 2461(c) of title 28, United States Code, is amended by striking “in accordance with the procedures set forth in section 413 of the Controlled Substances Act

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(21 U.S.C. 853), other than subsection (d) of that section.” and inserting “in accordance with those Rules. The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), except for subsection (d) of that section, shall apply to all stages of the criminal forfeiture proceeding.”.

SEC. 237. COLLECTION OF CRIMINAL FORFEITURE JUDGMENT.

Section 413 of the Controlled Substances Act (21 U.S.C. 853), as amended by this title, is further amended by adding at the end the following:

“(s) COLLECTION OF CRIMINAL FORFEITURE JUDGMENT.—In addition to the authority otherwise provided under this section, an order of forfeiture may be enforced—

“(1) in the manner provided for the collection and payment of fines under subchapter B of chapter 229 of title 18, United States Code; or

“(2) in the same manner as a judgment in a civil action.”.

SEC. 238. TECHNICAL CORRECTION REGARDING FORFEITURE AUTHORITY FOR SECRETARY, HOMELAND SECURITY.

Section 981 of title 18, United States Code, as amended by this title, is further amended—
(1) by inserting "Secretary of Homeland Security" after "the Secretary of the Treasury" each place it appears; and

(2) in subsection (j)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "and"; and

(C) by inserting at the end the following: "(3) the term "Secretary of Homeland Security" means the Secretary of the Department of Homeland Security or his delegate."

SEC. 239. RULE 32.2.

Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure is amended by adding at the end the following: "If the court fails to include the order of forfeiture in the sentence of judgment, the Government, or the court on its own motion, may move at any time to correct the error pursuant to Rule 36."

SEC. 251. FORFEITURE OF FACILITATING PROPERTY IN NARCO-TERRORISM CASES AND PROPERTY TRACEABLE TO SUCH PROPERTY.

(a) CONVEYANCES.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended by inserting before the period at the end the following:
"and any property that is traceable to such conveyances".

(b) NEGOTIABLE INSTRUMENTS, SECURITIES, AND OTHER THINGS OF VALUE.—Section 511(a)(6) of the Controlled Substances Act (21 U.S.C. 881(a)(6)) is amended by striking "and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter" and inserting "all moneys, negotiable instruments, securities, and other things of value used, or intended to be used, to facilitate any violation of this subchapter, and any property traceable to such valuables."

(c) REAL PROPERTY.—Section 511(a)(7) of the Controlled Substances Act (21 U.S.C. 881(a)(7)) is amended by inserting before the period at the end the following: "and any property that is traceable to such property".

SEC. 252. FORFEITURE OF INSTRUMENTALITIES OF TERRORISM, FRAUD, AND OTHER OFFENSES.

Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(I) Any computer, photostatic reproduction machine, electronic communications device, or other material, article, apparatus, device, or thing made, possessed, fitted, used, or intended to be used on a continuing basis to commit a violation of section
513, 514, 1028, 1029, 1030, 1031, 1032, 1341, 1342, 1343, or 1344, or a conspiracy to commit such offense, and any property traceable to such property.

“(J) Any conveyance, chemicals, laboratory equipment, or other material, article, apparatus, device or thing made, possessed, fitted, used, or intended to be used to commit—

“(i) an offense punishable under Chapter 113B (relating to terrorism); or

“(ii) any other offense enumerated in section 2339A(a) or a conspiracy to commit any such offense, and any property traceable to such property.”.

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TITLE III—PROVIDING THE TOOLS NEEDED TO WIN THE WAR AGAINST NARCO-TERROISM, DRUG TRAFFICKERS WHO SELL TO CHILDREN, AND VIOLENT DRUG TRAFFICKERS

SEC. 301. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (q), by striking “or”;
(2) by redesignating paragraph (r) as paragraph (s); and
(3) by inserting after paragraph (q) the following:

“(r) any violation of section 424 of the Controlled Substances Act (relating to narco-terrorism, murder and violent crimes in furtherance of a drug trafficking crime); or”.

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SEC. 302. LIMITING APPLICATION OF STATUTORY EXCLUSIONARY RULE WHERE LAW ENFORCEMENT AGENTS ACT IN GOOD FAITH.

Chapter 119 of title 18, United States Code, is amended

(1) in section 2515—

(A) by striking "Whenever" and inserting the following:

"(a) IN GENERAL.—Whenever"; and

(B) by adding at the end the following:

"(b) EXCLUSION.—Subsection (a) shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, unless the violation of this chapter involved bad faith by law enforcement."; and

(2) in section 2518(10)(a), by inserting "A court may not grant a motion to suppress the contents of a wire or oral communication, or evidence derived therefrom, unless the court finds that the violation of this chapter involved bad faith by law enforcement." after "grounds of the motion."

SEC. 303. ADMINISTRATIVE SUBPOENAS FOR TERRORISM INVESTIGATIONS.

Section 3486(a)(1)(A) of title 18, United States Code, is amended—
(1) by striking "of" and inserting "to";
(2) in clause (i)—
(A) by striking "or (II)" and inserting the following:
"(II)"; and
(B) by striking "the Attorney General"
and inserting the following: "; or
"(III) any investigation under chapter
113B,
the Attorney General".

SEC. 304. ADMINISTRATIVE SUBPOENAS TO APPREHEND FUGITIVES.

(a) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Administrative subpoenas to apprehend fugitives

(a) DEFINITIONS.—In this section:

(1) FUGITIVE.—The term 'fugitive' means a person who—

(A) having been accused by complaint, information, or indictment under Federal law or having been convicted of committing a felony under Federal law, flees or attempts to flee from or evades or attempts to evade the juris-
diction of the court with jurisdiction over the felony;

“(B) having been accused by complaint, information, or indictment under State law or having been convicted of committing a felony under State law, flees or attempts to flee from, or evades or attempts to evade, the jurisdiction of the court with jurisdiction over the felony;

“(C) escapes from lawful Federal or State custody after having been accused by complaint, information, or indictment or having been convicted of committing a felony under Federal or State law; or

“(D) is in violation of subparagraph (2) or (3) of the first undesignated paragraph of section 1073.

“(2) INVESTIGATION.—The term ‘investigation’ means, with respect to a State fugitive described in subparagraph (B) or (C) of paragraph (1), an investigation in which there is reason to believe that the fugitive fled from or evaded, or attempted to flee from or evade, the jurisdiction of the court, or escaped from custody, in or affecting, or using any facility of, interstate or foreign commerce, or as to whom an appropriate law enforcement officer or offi-
cial of a State or political subdivision has requested
the Attorney General to assist in the investigation,
and the Attorney General finds that the particular
circumstances of the request give rise to a Federal
interest sufficient for the exercise of Federal juris-
diction pursuant to section 1075.

“(3) STATE.—The term ‘State’ means a State
of the United States, the District of Columbia, and
any commonwealth, territory, or possession of the
United States.

“(b) SUBPOENAS AND WITNESSES.—

“(1) SUBPOENAS.—In any investigation with
respect to the apprehension of a fugitive, the Attor-
ney General may subpoena witnesses for the purpose
of the production of any records (including books,
papers, documents, electronic data, and other tan-
gible and intangible items that constitute or contain
evidence) that the Attorney General finds, based on
articulable facts, are relevant to discerning the
whereabouts of the fugitive. A subpoena under this
subsection shall describe the records or items re-
quired to be produced and prescribe a return date
within a reasonable period of time within which the
records or items can be assembled and made avail-
able.
“(2) WITNESSES.—The attendance of witnesses and the production of records may be required from any place in any State or other place subject to the jurisdiction of the United States at any designated place where the witness was served with a subpoena, except that a witness shall not be required to appear more than 500 miles distant from the place where the witness was served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

“(c) SERVICE.—

“(1) AGENT.—A subpoena issued under this section may be served by any person designated in the subpoena as the agent of service.

“(2) NATURAL PERSON.—Service upon a natural person may be made by personal delivery of the subpoena to that person or by certified mail with return receipt requested.

“(3) CORPORATION.—Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or
general agent, or to any other agent authorized by
appointment or by law to receive service of process.

"(4) AFFIDAVIT.—The affidavit of the person
serving the subpoena entered on a true copy thereof
by the person serving it shall be proof of service.

"(d) CONTUMACY OR REFUSAL.—

"(1) IN GENERAL.—In the case of the contu-
macy by or refusal to obey a subpoena issued to any
person, the Attorney General may invoke the aid of
any court of the United States within the jurisdic-
tion of which the investigation is carried on or of
which the subpoenaed person is an inhabitant, or in
which he carries on business or may be found, to
compel compliance with the subpoena. The court
may issue an order requiring the subpoenaed person
to appear before the Attorney General to produce
records if so ordered.

"(2) CONTEMPT.—Any failure to obey the order
of the court may be punishable by the court as con-
tempt thereof.

"(3) PROCESS.—All process in any case to en-
force an order under this subsection may be served
in any judicial district in which the person may be
found.
"(4) RIGHTS OF SUBPOENA RECIPIENT.—Not later than 20 days after the date of service of an administrative subpoena under this section upon any person, or at any time before the return date specified in the subpoena, whichever period is shorter, such person may file, in the district in which the subpoena was served, or such person resides, is found, or transacts business, a petition to modify or quash such subpoena on grounds that—

"(A) the terms of the subpoena are unreasonable or oppressive;

"(B) the subpoena fails to meet the requirements of this section; or

"(C) the subpoena violates the constitutional rights or any other legal rights or privilege of the subpoenaed party.

"(e) GUIDELINES.—

"(1) IN GENERAL.—The Attorney General shall issue guidelines governing the issuance of administrative subpoenas pursuant to this section.

"(2) REVIEW.—The guidelines required by this subsection shall mandate that administrative subpoenas may be issued only after review and approval of senior supervisory personnel of the relevant com-
ponent of the Department of Justice, as determined
by the Attorney General.

"(f) DELAYED NOTICE.—

"(1) IN GENERAL.—If an administrative sub-
poena is issued under this section to a provider of
an electronic communication service (as defined in
section 2510) or remote computing service (as de-
defined in section 2711), the Attorney General may—

"(A) delay notification to the subscriber or
customer to whom the record pertains, in ac-
cordance with section 2705(a); and

"(B) apply to a court, in accordance with
section 2705(b), for an order commanding the
provider of an electronic communication service
or remote computing service, for such period as
the court determines appropriate, not to notify
any other person of the existence of the sub-
poena or court order.

"(2) SUBPOENAS FOR FINANCIAL RECORDS.—If
a subpoena is issued under this section to a financial
institution for financial records of any customer of
such institution, the Attorney General may apply to
a court under section 1109 of the Right to Financial
Privacy Act of 1978 (12 U.S.C. 3409) for an order
to delay customer notice as otherwise required.
"(3) NONDISCLOSURE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided under paragraphs (1) and (2), a court may require the party to whom an administrative subpoena is directed to refrain from notifying any other party or person of the existence of the subpoena for 30 days.

"(B) EXTENSION.—The Attorney General may apply to a court for an order extending the nondisclosure period under subparagraph (A) as the court determines appropriate.

"(C) CRITERIA FOR EXTENSION.—A court shall enter an order under paragraph (2) if the court determines that there is reason to believe that notification of the existence of the administrative subpoena issued under this section will—

"(i) endanger the life or physical safety of an individual;

"(ii) facilitate the flight of an individual from prosecution, custody, or confinement after conviction;

"(iii) result in the destruction of, or tampering with, evidence;
“(iv) lead to the intimidation of potential witnesses; or
“(v) seriously jeopardize an investigation or unduly delay a trial.”.

“(g) IMMUNITY FROM CIVIL LIABILITY.—Any person, including officers, agents, and employees, who in good faith produce the records or items requested in a subpoena shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer, in compliance with the terms of a court order for nondisclosure.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

“1075. Administrative subpoenas to apprehend fugitives.”.

SEC. 305. EXPANDED JURISDICTION TO ISSUE ORDERS TO INTERCEPT COMMUNICATIONS.
Chapter 119 of title 18, United States Code, is amended—
(1) in section 2510—
(A) in paragraph (9)—
(i) by amending subparagraph (a) to read as follows:
“(A) a judge of any district court of the United States (including a magistrate judge of such court) or any United States court of appeals with jurisdiction over the offense being investigated; and”; and

(ii) in subparagraph (b), by striking “(b)” and inserting “(B)”;

(B) in paragraph (20), by striking “and” at the end;

(C) in paragraph (21), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(22) the term ‘wireless’ means the use of electromagnetic waves (rather than some form of wire) to carry a signal over a communication path.”; and

(2) in section 2518(3), by striking “authorized by a Federal court within such jurisdiction” and inserting “or a device that employs wireless technology in part to transmit wire, oral, or electronic communications, the interception of which is authorized by a Federal court”.

SEC. 306. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in ac-
cordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines, commentary, and policy statements to implement the provisions of this Act and the amendments made by this Act.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the creation of new criminal offenses to combat narco-terrorism, narco-terrorism financing schemes, and money laundering schemes;

(2) ensure that the sentencing guidelines and policy statements reflect—

(A) the serious nature of the offenses and penalties set forth in this Act, and the amendments made by this Act; and

(B) the intent of Congress to combat the problems of narco-terrorism, narco-terrorism financing schemes, and money laundering schemes;

(3) ensure that modifications to the sentencing guidelines and policy statements are consistent with the intent of Congress to deter, prevent, and enact severe punishments for, the criminal offenses described under paragraph (2);
(4) ensure that the guidelines and policy state-
ments include offense levels and enhancements that
are sufficient to deter, prevent, and punish criminals
who commit the offenses described under paragraph
(2);
(5) ensure reasonable consistency with other
relevant directives and other sentencing guidelines;
(6) make any necessary conforming changes to
the sentencing guidelines; and
(7) assure that the guidelines adequately meet
the purposes of sentencing set forth under section
3553(a)(2) of title 18, United States Code.