

103^D CONGRESS
1ST SESSION

H. R. 1301

To combat terrorism.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1993

Mr. SCHUMER (for himself and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To combat terrorism.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Terrorism Prevention
5 and Protection Act of 1993”.

6 **TITLE I—DOMESTIC TERRORISM**

7 **SEC. 101. DOMESTIC TERRORISM.**

8 (a) IN GENERAL.—Chapter 113A of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing:

1 **“§ 2339. Domestic terrorism**

2 “(a) Whoever commits a terrorist act in or affecting
3 interstate or foreign commerce shall be subject to the
4 death penalty if death results, and in any other case shall
5 be fined under this title or imprisoned any term or years
6 or for life.

7 “(b) As used in this section, the term ‘terrorist act’
8 means any crime of violence that appears to be intended—

9 “(1) to influence or to be in retaliation for the
10 policy or conduct of a government;

11 “(2) to intimidate or coerce a civilian popu-
12 lation; or

13 “(3) to affect the conduct of a government by
14 assassination or kidnapping.”.

15 (b) CLERICAL AMENDMENTS.—The table of sections
16 at the beginning of chapter 113A of title 18, United States
17 Code, is amended by adding at the end the following:

“2339. Domestic terrorism.”.

18 **SEC. 102. ENHANCED PENALTIES FOR CERTAIN OFFENSES.**

19 (a) SECTION 1705(b).—Section 206(b) of the Inter-
20 national Economic Emergency Powers Act (50 U.S.C.
21 1705(b)) is amended by striking “\$50,000” and inserting
22 “\$1,000,000”.

23 (b) SECTION 1705(a).—Section 206(a) of the Inter-
24 national Economic Emergency Powers Act (50 U.S.C.

1 1705(a) is amended by striking “\$10,000” and inserting
2 “\$1,000,000”.

3 (c) SECTION 1541.—Section 1541 of title 18, United
4 States Code, is amended—

5 (1) by striking “\$500” and inserting
6 “\$250,000”; and

7 (2) by striking “one year” and inserting “five
8 years”.

9 (d) CHAPTER 75.—Sections 1542, 1543, 1544 and
10 1546 of title 18, United States Code, are each amended—

11 (1) by striking “\$2,000” each place it appears
12 and inserting “\$250,000”; and

13 (2) by striking “five years” each place it ap-
14 pears and inserting “ten years”.

15 (e) SECTION 1545.—Section 1545 of title 18, United
16 States Code, is amended—

17 (1) by striking “\$2,000” and inserting
18 “\$250,000”; and

19 (2) by striking “three years” and inserting “ten
20 years”.

21 **SEC. 103. WEAPONS OF MASS DESTRUCTION.**

22 (a) FINDINGS.—The Congress finds that the use and
23 threatened use of weapons of mass destruction, as defined
24 in the statute enacted by subsection (b) of this section,
25 gravely harm the national security and foreign relations

1 interests of the United States, seriously affect interstate
2 and foreign commerce, and disturb the domestic tran-
3 quility of the United States.

4 (b) OFFENSE.—Chapter 113A of title 18, United
5 States Code, as added by the preceding section, is amend-
6 ed by inserting after section 2332 the following new sec-
7 tion:

8 **“§ 2332a. Use of weapons of mass destruction**

9 “(a) Whoever uses, or attempts or conspires to use,
10 a weapon of mass destruction—

11 “(1) against a national of the United States
12 while such national is outside of the United States;

13 “(2) against any person within the United
14 States; or

15 “(3) against any property that is owned, leased
16 or used by the United States or by any department
17 or agency of the United States, whether the property
18 is within or outside of the United States;

19 shall be imprisoned for any term of years or for life, and
20 if death results, shall be punished by death or imprisoned
21 for any term of years or for life.

22 “(b) For purposes of this section—

23 “(1) ‘national of the United States’ has the
24 meaning given in section 101(a)(22) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101(a)(22));
2 and

3 “(2) ‘weapon of mass destruction’ means—

4 “(a) any destructive device as defined in
5 section 921 of this title;

6 “(b) poison gas;

7 “(c) any weapon involving a disease orga-
8 nism; or

9 “(d) any weapon that is designed to release
10 radiation or radioactivity at a level dangerous
11 to human life.”.

12 (c) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 113A of title 18, United States
14 Code, is amended by inserting after the item relating to
15 section 2332 the following:

“2332a. Use of weapons of mass destruction.”.

16 **SEC. 104. EXTENSION OF THE STATUTE OF LIMITATIONS**
17 **FOR CERTAIN TERRORISM OFFENSES.**

18 (a) IN GENERAL.—Chapter 213 of title 18, United
19 States Code, is amended by inserting after section 3285
20 the following:

21 **“§ 3286. Extension of statute of limitations for certain**
22 **terrorism offenses**

23 “Notwithstanding the provisions of section 3282, no
24 person shall be prosecuted, tried, or punished for any of-
25 fense involving a violation of section 32 (aircraft destruc-

1 tion), section 36 (airport violence), section 112 (assaults
2 upon diplomats), section 351 (crimes against Congress-
3 men or Cabinet officers), section 1116 (crimes against dip-
4 lomats), section 1203 (hostage taking), section 1361 (will-
5 ful injury to government property), section 1751 (crimes
6 against the President), section 2280 (maritime violence),
7 section 2281 (maritime platform violence), section 2331
8 (terrorist acts abroad against United States nationals),
9 section 2339 (use of weapons of mass destruction), or sec-
10 tion 2340A (torture) of this title or section 902 (i), (j),
11 (k), (l), or (n) of the Federal Aviation Act of 1958, as
12 amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)),
13 unless the indictment is found or the information is insti-
14 tuted within ten years next after such offense shall have
15 been committed.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 213 is amended by inserting
18 below the item for:

“3285. Criminal contempt.”.

19 the following:

“3286. Extension of statute of limitations for certain terrorism offenses.”.

20 **SEC. 105. F.B.I. ACCESS TO TELEPHONE SUBSCRIBER IN-**
21 **FORMATION.**

22 (a) REQUIRED CERTIFICATION.—Section 2709(b) of
23 title 18, United States Code, is amended to read as
24 follows:

1 “(b) REQUIRED CERTIFICATION.—The Director of
2 the Federal Bureau of Investigation, or his designee in
3 a position not lower than Deputy Assistant Director,
4 may—

5 “(1) request the name, address, length of serv-
6 ice, and toll billing records of a person or entity if
7 the Director (or his designee in a position not lower
8 than Deputy Assistant Director) certifies in writing
9 to the wire or electronic communication service pro-
10 vider to which the request is made that—

11 “(A) the name, address, length of service,
12 and toll billing records sought are relevant to
13 an authorized foreign counterintelligence inves-
14 tigation; and

15 “(B) there are specific and articulable
16 facts giving reason to believe that the person or
17 entity to whom the information sought pertains
18 is a foreign power or an agent of a foreign
19 power as defined in section 101 of the Foreign
20 Intelligence Surveillance Act of 1978 (50
21 U.S.C. 1801); and

22 “(2) request the name, address, and length of
23 service of a person or entity if the Director (or his
24 designee in a position not lower than Deputy Assist-
25 ant Director) certifies in writing to the wire or elec-

1 tronic communication service provider to which the
2 request is made that—

3 “(A) the information sought is relevant to
4 an authorized foreign counterintelligence inves-
5 tigation; and

6 “(B) there are specific and articulable
7 facts giving reason to believe that communica-
8 tion facilities registered in the name of the per-
9 son or entity have been used, through the serv-
10 ices of such provider, in communication with—

11 “(i) an individual who is engaging or
12 has engaged in international terrorism as
13 defined in section 101(c) of the Foreign
14 Intelligence Surveillance Act or clandestine
15 intelligence activities that involve or may
16 involve a violation of the criminal statutes
17 of the United States; or

18 “(ii) a foreign power or an agent of a
19 foreign power under circumstances giving
20 reason to believe that the communication
21 concerned international terrorism as de-
22 fined in section 101(c) of the Foreign In-
23 telligence Surveillance Act or clandestine
24 intelligence activities that involve or may

1 involve a violation of the criminal statutes
2 of the United States.”.

3 (b) REPORT TO JUDICIARY COMMITTEES.—Section
4 2709(e) of title 18, United States Code, is amended by
5 adding after “Senate” the following: “, and the Committee
6 on the Judiciary of the House of Representatives and the
7 Committee on the Judiciary of the Senate,”.

8 **SEC. 106. VIOLENCE AT AIRPORTS SERVING INTER-**
9 **NATIONAL CIVIL AVIATION.**

10 (a) OFFENSE.—Chapter 2 of title 18, United States
11 Code, is amended by adding at the end thereof the
12 following:

13 **“§ 36. Violence at international airports**

14 “(a) Whoever unlawfully and intentionally, using any
15 device, substance or weapon—

16 “(1) performs an act of violence against a per-
17 son at an airport serving international civil aviation
18 which causes or is likely to cause serious bodily
19 injury or death; or

20 “(2) destroys or seriously damages the facilities
21 of an airport serving international civil aviation or a
22 civil aircraft not in service located thereon or
23 disrupts the services of the airport;

24 if such an act endangers or is likely to endanger safety
25 at that airport, or attempts to do such an act, shall be

1 fined under this title or imprisoned not more than twenty
2 years, or both; and if the death of any person results from
3 conduct prohibited by this subsection, shall be punished
4 by death or imprisoned for any term of years or for life.

5 “(b) There is jurisdiction over the prohibited activity
6 in subsection (a) if—

7 “(1) the prohibited activity takes place in the
8 United States and—

9 “(A) the perpetrator of the prohibited ac-
10 tivity engages in terrorism or acts on behalf of
11 a terrorist group;

12 “(B) the activity violates subsection (a)(1)
13 and the person against whom the violence is
14 directed is engaged in international air travel;

15 “(C) the activity violates subsection (a)(2)
16 and the facility or aircraft destroyed or dam-
17 aged is owned by or leased by a foreign flag
18 carrier or the services disrupted are primarily
19 for the benefit of such a carrier; or

20 “(D) the activity is not prohibited as a
21 crime by the law of the State in which the
22 airport is located; or

23 “(2) the prohibited activity takes place outside
24 of the United States and the offender is later found
25 in the United States.

1 “(c) For the purposes of this section, the terms ‘ter-
2 rorism’ and ‘terrorist group’ have, respectively, the mean-
3 ings given those terms in section 140 of Public Law 100-
4 204 (22 U.S.C. 2656f).”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 2 of title 18, United States
7 Code, is amended by adding at the end the following:

“36. Violence at international airports.”.

8 (c) EFFECTIVE DATE.—This section shall take effect
9 on the later of—

10 (1) the date of the enactment of this Act; or

11 (2) the date the Protocol for the Suppression of
12 Unlawful Acts of Violence at Airports Serving Inter-
13 national Civil Aviation, Supplementary to the Con-
14 vention for the Suppression of Unlawful Acts
15 Against the Safety of Civil Aviation, done at Mon-
16 treal on 23 September 1971, has come into force
17 and the United States has become a party to the
18 Protocol.

19 **SEC. 107. PREVENTING ACTS OF TERRORISM AGAINST CI-**
20 **VILIAN AVIATION.**

21 (a) IN GENERAL.—Chapter 2 of title 18, United
22 States Code, is amended by adding at the end thereof the
23 following new section:

1 **“§ 37. Violations of Federal aviation security regula-**
2 **tions**

3 “Whoever willfully violates a security regulation
4 under part 107 or 108 of title 14, Code of Federal Regula-
5 tions (relating to airport and airline security) issued pur-
6 suant to section 1356 and 1357 of title 49, United States
7 Code, shall be fined under this title or imprisoned for not
8 more than one year, or both.”.

9 (b) TABLE OF SECTIONS.—The table of sections for
10 chapter 2 of title 18, United States Code, is amended by
11 adding at the end thereof the following:

“37. Violation of Federal aviation security regulations.”.

12 **SEC. 108. ECONOMIC TERRORISM TASK FORCE.**

13 (a) ESTABLISHMENT AND PURPOSE.—There is es-
14 tablished an Economic Terrorism Task Force to—

15 (1) assess the threat of terrorist actions di-
16 rected against the United States economy, including
17 actions directed against the United States govern-
18 ment and actions against United States business in-
19 terests;

20 (2) assess the adequacy of existing policies and
21 procedures designed to prevent terrorist actions di-
22 rected against the United States economy; and

23 (3) recommend administrative and legislative
24 actions to prevent terrorist actions directed against
25 the United States economy.

1 (b) MEMBERSHIP.—The Economic Terrorism Task
2 Force shall be chaired by the Secretary of State, or his
3 designee, and consist of the following members:

4 (1) the Director of Central Intelligence;

5 (2) the Director of the Federal Bureau of
6 Investigation;

7 (3) the Director of the United States Secret
8 Service;

9 (4) the Administrator of the Federal Aviation
10 Administration;

11 (5) the Chairman of the Board of Governors of
12 the Federal Reserve;

13 (6) the Under Secretary of the Treasury for
14 Finance; and

15 (7) such other members of the Departments of
16 Defense, Justice, State, Treasury, or any other
17 agency of the United States Government, as the
18 Secretary of State may designate.

19 (c) ADMINISTRATIVE PROVISIONS.—The provisions
20 of the Federal Advisory Committee Act shall not apply
21 with respect to the Economic Terrorism Task Force.

22 (d) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the chairman of the Economic
24 Terrorism Task Force shall submit a report to the Presi-
25 dent and the Congress detailing the findings and rec-

1 ommendations of the task force. If the report of the task
2 force is classified, an unclassified version shall be prepared
3 for public distribution.

4 **SEC. 109. ALIEN WITNESS COOPERATION.**

5 (a) ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-
6 SIFICATION.—Section 101(a)(15) of the Immigration and
7 Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

8 (1) by striking “or” at the end of subparagraph
9 (Q),

10 (2) by striking the period at the end of sub-
11 paragraph (R) and inserting “; or”, and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(S) subject to section 214(j), an alien—

15 “(i) who the Attorney General determines
16 (I) is in possession of critical reliable informa-
17 tion concerning a criminal organization or en-
18 terprise, and (II) is willing to supply such infor-
19 mation to Federal or State law enforcement au-
20 thorities or a Federal or State court of law, and

21 “(ii) whose presence in the United States
22 the Attorney General determines is essential to
23 the success of an authorized criminal investiga-
24 tion or the successful prosecution of an individ-

1 ual involved in the criminal organization or
2 enterprise,
3 and the spouse and minor children of the alien if ac-
4 companying, or following to join, the alien.”.

5 (b) CONDITIONS OF ENTRY.—

6 (1) WAIVER OF GROUNDS FOR EXCLUSION.—
7 Section 212(d) of such Act (8 U.S.C. 1182(d)) is
8 amended by inserting at the beginning the following
9 new paragraph:

10 “(1) The Attorney General may, in his discretion,
11 waive the application of subsection (a) (other than para-
12 graph (3)(E) thereof) in the case of a nonimmigrant de-
13 scribed in section 101(a)(15)(S), if the Attorney General
14 deems it in the national interest. Any such waiver shall
15 be deemed a waiver of any comparable ground for deporta-
16 tion under section 241(a)(1)(A).”.

17 (2) NUMERICAL LIMITATIONS; PERIOD OF AD-
18 MISSION; ETC.—Section 214 of such Act (8 U.S.C.
19 1184) is amended by adding at the end the following
20 new subsection:

21 “(j)(1) The number of aliens who may be provided
22 a visa as nonimmigrants under section 101(a)(15)(S) in
23 any fiscal year may not exceed 100.

1 “(2) No alien may be admitted into the United States
2 as such a nonimmigrant more than 5 years after the date
3 of the enactment of this subsection.

4 “(3) The period of admission of an alien as such a
5 nonimmigrant may not exceed 3 years. Such period may
6 not be extended by the Attorney General.

7 “(4) As a condition for the admission, and continued
8 stay in lawful status, of such a nonimmigrant, the non-
9 immigrant (A) shall report not less often than quarterly
10 to the Commissioner such information concerning the
11 alien’s whereabouts and activities as the Attorney General
12 may require, (B) may not be convicted of any criminal
13 offense in the United States after the date of such admis-
14 sion, and (C) must have executed a form that waives the
15 nonimmigrant’s right to contest, other than on the basis
16 of an application for withholding of deportation, any ac-
17 tion for deportation of the alien instituted before the alien
18 obtains lawful permanent resident status.

19 “(5) The Attorney General shall submit a report an-
20 nually to the Committees on the Judiciary of the House
21 of Representatives and of the Senate concerning (A) the
22 number of such nonimmigrants admitted, (B) the number
23 of successful criminal prosecutions or investigations re-
24 sulting from cooperation of such aliens, (C) the number
25 of such nonimmigrants whose admission has not resulted

1 in successful criminal prosecution or investigation, and
2 (D) the number of such nonimmigrants who have failed
3 to report quarterly (as required under paragraph (4)) or
4 who have been convicted of crimes in the United States
5 after the date of their admission as such a non-
6 immigrant.”.

7 (3) PROHIBITION OF CHANGE OF STATUS.—
8 Section 248(1) of such Act (8 U.S.C. 1258(1)) is
9 amended by striking “or (K)” and inserting “(K), or
10 (S)”.

11 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-
12 TUS.—

13 (1) IN GENERAL.—Section 245 of such Act (8
14 U.S.C. 1255), as amended by section 2(c) of the
15 Armed Forces Immigration Adjustment Act of 1991,
16 is amended by adding at the end the following new
17 subsection:

18 “(h)(1) If, in the opinion of the Attorney General—

19 “(A) a nonimmigrant admitted into the United
20 States under section 101(a)(15)(S) has supplied in-
21 formation described in clauses (i) and (ii) of such
22 section, and

23 “(B) the provision of such information has sub-
24 stantially contributed to the success of an authorized
25 criminal investigation or the successful prosecution

1 of an individual described in clause (ii) of such sec-
2 tion,
3 the Attorney General may adjust the status of the alien
4 (and the spouse and child of the alien if admitted under
5 such section) to that of an alien lawfully admitted for per-
6 manent residence if the alien is not described in section
7 212(a)(3)(E).

8 “(2) Upon the approval of adjustment of status under
9 paragraph (1), the Attorney General shall record the
10 alien’s lawful admission for permanent residence as of the
11 date of such approval and the Secretary of State shall re-
12 duce by one the number of visas authorized to be issued
13 under section 201(d) and 203(b)(4) for the fiscal year
14 then current.”.

15 (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-
16 tion 245(c) of such Act (8 U.S.C. 1255(c)) is
17 amended by striking “or” before “(4)” and by in-
18 serting before the period at the end the following: “;
19 or (5) an alien who was admitted as a nonimmigrant
20 described in section 101(a)(15)(S)”.

21 (d) EXTENDING PERIOD OF DEPORTATION FOR CON-
22 VICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of such
23 Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by insert-
24 ing “(or 10 years in the case of an alien provided lawful

1 permanent resident status under section 245(h))” after
2 “five years”.

3 **SEC. 110. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

4 (a) OFFENSE.—Chapter 113A of title 18, United
5 States Code, is amended by adding the following new
6 section:

7 **“§ 2339A. Providing material support to terrorists**

8 “Whoever, within the United States, provides mate-
9 rial support or resources or conceals or disguises the na-
10 ture, location, source, or ownership of material support or
11 resources, knowing or intending that they are to be used
12 in preparation for, or in carrying out, a violation of section
13 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363,
14 1751, 2280, 2281, 2331, or 2339 of this title, or section
15 902(i) of the Federal Aviation Act of 1958, as amended
16 (49 U.S.C. App. 1472(i)), or in preparation for or carry-
17 ing out the concealment of an escape from the commission
18 of any such violation, shall be fined under this title, im-
19 prisoned not more than ten years, or both. For purposes
20 of this section, the term ‘material support or resources’
21 means currency or other financial securities, financial
22 services, lodging, training, safehouses, false documenta-
23 tion or identification, communications equipment, facili-
24 ties, weapons, lethal substances, explosives, personnel,
25 transportation, and other physical assets, but does not in-

1 clude humanitarian assistance to persons not directly
2 involved in such violations.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 113A of title 18, United States
5 Code, is amended by adding the following:

“2339A. Providing material support to terrorists.”.

6 **SEC. 111. HOMICIDES AND ATTEMPTED HOMICIDES IN-**
7 **VOLVING FIREARMS IN FEDERAL FACILITIES.**

8 Section 930 of title 18, United States Code, is
9 amended by—

10 (a) redesignating subsections (c), (d), (e), and
11 (f) as subsections (d), (e), (f), and (g) respectively;

12 (b) in subsection (a), striking “(c)” and insert-
13 ing “(d)”; and

14 (c) inserting after subsection (b) the following:

15 “(c) Whoever kills or attempts to kill any person in
16 the course of a violation of subsection (a) or (b), or in
17 the course of an attack on a Federal facility involving the
18 use of a firearm or other dangerous weapon, shall—

19 “(1) in the case of a killing constituting murder
20 as defined in section 1111(a) of this title, be pun-
21 ished by death or imprisoned for any term of years
22 or for life; and

23 “(2) in the case of any other killing or an at-
24 tempted killing, be subject to the penalties provided
25 for engaging in such conduct within the special mar-

1 itime and territorial jurisdiction of the United States
2 under sections 1112 and 1113 of this title.”.

3 **SEC. 112. DEATH PENALTY FOR CERTAIN EXPLOSIVES OF-**
4 **FENSES WHEN DEATH RESULTS.**

5 Section 844 of title 18, United States Code, is
6 amended—

7 (1) in subsection (d), by striking “as provided
8 in section 34 of this title”;

9 (2) in subsection (f), by striking “as provided
10 in section 34 of this title”; and

11 (3) in subsection (i), by striking “as provided in
12 section 34 of this title”.

13 **SEC. 113. SENTENCING GUIDELINES INCREASE FOR TER-**
14 **RORIST CRIMES.**

15 The United States Sentencing Commission is directed
16 to amend its sentencing guidelines to provide an increase
17 of not less than three levels in the base offense level for
18 any felony, whether committed within or outside the Unit-
19 ed States, that involves or is intended to promote inter-
20 national terrorism, unless such involvement or intent is
21 itself an element of the crime.

1 **TITLE II—EXPLOSIVES**

2 **SEC. 201. TAGGANTS FOR EXPLOSIVE MATERIALS.**

3 (a) DEFINITIONS.—Section 841 of title 18, United
4 States Code, is amended by adding at the end the
5 following:

6 “(o) ‘Identification taggant’ means any substance
7 which—

8 “(1) is added to an explosive material during
9 the manufacture of the material; and

10 “(2) after detonation—

11 “(A) is retrievable;

12 “(B) permits the identification of the man-
13 ufacturer and the date of manufacture, of the
14 material; and

15 “(C) provides such other information as
16 the Secretary may require.

17 “(p) ‘Detective taggant’ means any substance
18 which—

19 “(1) is added to an explosive material during
20 the manufacture of the material; and

21 “(2) permits the detection of the material be-
22 fore its detonation.”.

23 (b) PROHIBITIONS.—

24 (1) IN GENERAL.—Section 842 of such title is
25 amended by adding at the end the following:

1 “(1) It shall be unlawful for any person knowingly
2 to manufacture any explosive material which does not con-
3 tain an identification taggant which meets standards
4 which shall be promulgated by the Secretary under section
5 847.

6 “(2) It shall be unlawful for any person knowingly
7 to manufacture any explosive material which does not con-
8 tain a detection taggant which meets standards which
9 shall be promulgated by the Secretary under section 847.

10 “(3) It shall be unlawful for any person knowingly
11 to transport, ship, distribute, receive, or otherwise dispose
12 of, or cause to be transported, shipped, distributed, re-
13 ceived, or otherwise disposed of, in interstate or foreign
14 commerce, any explosive material which does not contain
15 an identification taggant which meets standards which
16 shall be promulgated by the Secretary under section 847.
17 The shipment of surplus explosive materials by a private
18 person, from a military establishment where sold, to the
19 purchaser’s place of business, shall be in accordance with
20 regulations which shall be promulgated by the Secretary.

21 “(4) It shall be unlawful for any person knowingly
22 to transport, ship, distribute, receive, or otherwise dispose
23 of, or cause to be transported, shipped, distributed, re-
24 ceived, or otherwise disposed of, in interstate or foreign
25 commerce, any explosive material which does not contain

1 a detection taggant which meets standards which shall be
2 promulgated by the Secretary under section 847. The
3 shipment of surplus explosive materials, by a private per-
4 son from a military establishment where sold, to the pur-
5 chaser's place of business, shall be in accordance with
6 regulations which shall be promulgated by the Secretary.

7 “(5) It shall be unlawful for any person knowingly
8 to import any explosive material which does not contain
9 an identification taggant which meets standards which
10 shall be promulgated by the Secretary under section 847.

11 “(6) It shall be unlawful for any person knowingly
12 to import any explosive material which does not contain
13 a detection taggant which meets standards which shall be
14 promulgated by the Secretary under section 847.

15 “(7) Paragraphs (1) through (6) shall not apply to
16 any explosive material designated by the President or the
17 designee of the President as an explosive material to be
18 used by a department, agency, or instrumentality of the
19 Federal Government for national defense or international
20 security purposes.”.

21 (2) REPORTS ON DESIGNATED EXPLOSIVE MA-
22 TERIALS.—The President or the designee of the
23 President shall promptly report to the Secretary of
24 the Treasury any designation of explosive materials

1 pursuant to section 842(l)(7) of title 18, United
2 States Code.

3 (c) PENALTIES.—Section 844(a) of such title is
4 amended—

5 (1) by inserting “(1)” after “(a)”; and

6 (2) by adding at the end the following:

7 ““(2) Any person who violates section 842(l)(1) shall
8 be fined under this title, imprisoned not more than 10
9 years, or both.”.

10 (d) EXCEPTIONS.—Section 845(a) of such title is
11 amended by adding at the end the following: “Notwith-
12 standing the preceding sentence, section 842(l)(1) shall
13 apply to the matters described in paragraphs (4) and (5)
14 of this subsection.”.

15 (e) EFFECTIVE DATES.—(1) Except as otherwise
16 provided in this section, the amendments made by this sec-
17 tion shall take effect 1 year after the date of the enact-
18 ment of this Act.

19 (2) Paragraph (2) section 842(l) of title 18, United
20 States Code, shall take effect 2 years after such date of
21 enactment.

22 (3) Paragraph (3) of such section shall take effect
23 2 years after such date of enactment.

24 (4) Paragraph (4) of such section shall take effect
25 3 years after such date of enactment.

1 (5) Paragraph (5) of such section shall take effect
2 1 year after such date of enactment.

3 (6) Paragraph (6) of such section shall take effect
4 2 years after such date of enactment.

5 (f) DELAYED EFFECTIVE DATES.—

6 (1) IN GENERAL.—The Secretary of the Treas-
7 ury shall by regulation delay one or more of the ef-
8 fective dates provided for in subsection (e) by exten-
9 sions of not more than one year at a time until the
10 Secretary is satisfied that identification and detec-
11 tion taggants (as defined in section 841 of title 18,
12 United States Code)—

13 (A) are available in sufficient quantity for
14 commercial purposes;

15 (B) will not impair the quality of explosive
16 materials for their intended use;

17 (C) are not unsafe; and

18 (D) will not adversely affect the environ-
19 ment.

20 (2) PRIOR NOTICE TO THE CONGRESS.—The
21 Secretary shall inform the Congress 60 days before
22 delaying the effective date of any provision of law
23 pursuant to paragraph (1), specifying the reasons
24 for the delay, and estimating the time the Secretary
25 expects the provision of law will become effective.

1 **TITLE III—ILLEGAL**
2 **IMMIGRATION**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Immigration
5 Preinspection Act of 1993”.

6 **SEC. 302. PREINSPECTION AT FOREIGN AIRPORTS.**

7 (a) **IN GENERAL.**—The Immigration and Nationality
8 Act is amended by inserting after section 235 the following
9 new section:

10 “PREINSPECTION AT FOREIGN AIRPORTS

11 “SEC. 235A. (a) **ESTABLISHMENT OF ADDITIONAL**
12 **PREINSPECTION STATIONS AT HIGH VOLUME AIR-**
13 **PORTS.**—Subject to subsection (c), not later than 2 years
14 after the date of the enactment of this section, the Attor-
15 ney General, in consultation with the Secretary of State,
16 shall establish and maintain preinspection stations in at
17 least 3 of the foreign airports that are among the 10 for-
18 eign airports which the Attorney General identifies as
19 serving as last points of departure for the greatest num-
20 bers of passengers who arrive from abroad by air at ports
21 of entry within the United States. Such preinspection sta-
22 tions shall be in addition to any preinspection stations es-
23 tablished or authorized to be established prior to the date
24 of the enactment of this section.

1 “(b) ESTABLISHMENT OF ADDITIONAL
2 PREINSPECTION STATIONS AT CERTAIN FOREIGN AIR-
3 PORTS FROM WHICH UNDOCUMENTED ALIENS DEPART
4 FOR THE UNITED STATES.—

5 “(1) REPORTS TO CONGRESS.—Not later than
6 November 1, 1993, and each subsequent November
7 1, the Attorney General shall compile and submit to
8 the Committee on the Judiciary of the House of
9 Representatives and the Committee on the Judiciary
10 of the Senate a report identifying the foreign air-
11 ports which served as last points of departure for
12 aliens who arrived by air at United States ports of
13 entry without valid documentation during the pre-
14 ceding fiscal year. Such report shall indicate the
15 number and nationality of such aliens arriving from
16 each such foreign airport.

17 “(2) ESTABLISHMENT OF ADDITIONAL
18 PREINSPECTION STATIONS.—Subject to subsection
19 (c), not later than November 1, 1995, the Attorney
20 General, in consultation with the Secretary of State,
21 shall establish preinspection stations in at least 3 of
22 the foreign airports that are among the 10 foreign
23 airports identified in the first report submitted
24 under paragraph (1) as serving as the last points of
25 departure for the greatest number of aliens who ar-

1 rive from abroad by air at points of entry within the
2 United States without valid documentation. Such
3 preinspection stations shall be in addition to any
4 preinspection stations established or authorized to be
5 established either under subsection (a) or prior to
6 the date of the enactment of this section.

7 “(3) ESTABLISHMENT OF CARRIER CONSULT-
8 ANT PROGRAM.—The Attorney General shall assign
9 additional immigration officers to any foreign air-
10 port identified in the first report submitted under
11 paragraph (1) which served as a point of departure
12 for a significant number of arrivals at United States
13 ports of entry without valid documentation, but
14 where no preinspection station is established.

15 “(c) CONDITIONS FOR ESTABLISHMENT OF
16 PREINSPECTION.—Prior to the establishment of a
17 preinspection station the Attorney General, in consultation
18 with the Secretary of State, shall ensure that—

19 “(1) employees of the United States stationed
20 at the preinspection station and their accompanying
21 family members will receive appropriate protection,

22 “(2) such employees and their families will not
23 be subject to unreasonable risks to their welfare and
24 safety, and

1 “(3) the country in which the preinspection sta-
2 tion is to be established maintains practices and pro-
3 cedures with respect to asylum seekers and refugees
4 in accordance with the Convention Relating to the
5 Status of Refugees (done at Geneva, July 28, 1951)
6 or the Protocol Relating to the Status of Refugees
7 (done at New York, January 31, 1967).”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 of such Act is amended by inserting after the item relating
10 to section 235 the following new item:

 “Sec. 235A. Preinspection at foreign airports.”.

11 **SEC. 303. VISA WAIVER PROGRAM.**

12 (a) PERMANENCY OF PROGRAM.—Section 217 of the
13 Immigration and Nationality Act (8 U.S.C. 1187) is
14 amended—

15 (1) by amending the section heading to read as
16 follows:

17 “VISA WAIVER PROGRAM FOR CERTAIN VISITORS”;

18 (2) in the heading of subsection (a), (a)(2), and
19 (c) by striking “PILOT” and “PILOT” each place ei-
20 ther appears and inserting “VISA WAIVER” and
21 “VISA WAIVER”, respectively;

22 (3) by striking “pilot” each place it appears
23 and inserting “visa waiver”;

24 (4) in subsection (a)(1) by striking “during the
25 pilot program period (as defined in subsection (e)),”;

1 (5) in subsection (c)(3) by striking “(within the
2 pilot program period) after the initial period”;

3 (6) in subsection (c) by striking paragraph (4);

4 (7) in subsection (e)(1)(A) by striking
5 “(a)(1)(A)” and inserting “(a)(1)”; and

6 (8) by striking subsection (f).

7 (b) ELIMINATION OF REQUIREMENT FOR EXECU-
8 TION OF IMMIGRATION FORMS.—Section 217 of such Act
9 is further amended—

10 (1) in subsection (a) by striking paragraph (3);

11 (2) in subsection (a) by redesignating para-
12 graphs (4) through (7) as paragraphs (3) through
13 (6); and

14 (3) in subsection (e)(1) by striking “subsection
15 (a)(4)” and inserting “subsection (a)(3)”.

16 (c) EXCLUSION AND DEPORTATION OF APPLICANTS
17 FOR ADMISSION UNDER VISA WAIVER PROGRAM.—Sec-
18 tion 217(b) of such Act is amended to read as follows:

19 “(b) EXCLUSION AND DEPORTATION OF APPLICANTS
20 FOR ADMISSION UNDER VISA WAIVER PROGRAM.—

21 “(1) EXCLUSION.—

22 “(A) An immigration officer’s determina-
23 tion that an applicant for admission under this
24 section is not clearly and beyond a doubt enti-
25 tled to land shall constitute a final order of ex-

1 clusion and deportation, enforceable pursuant
2 to section 237. Pending such a determination,
3 the Attorney General may maintain such appli-
4 cant in custody.

5 “(B) The procedure described in section
6 236 shall not apply to an order issued under
7 this paragraph.

8 “(2) DEPORTATION.—

9 “(A) Notwithstanding any other provision
10 of law, an alien admitted to the United States
11 under this section who is determined, pursuant
12 to such regulations as the Attorney General
13 shall prescribe, to be subject to deportation
14 shall be deported pursuant to section 243. An
15 immigration officer’s determination under this
16 subsection shall constitute a final order of de-
17 portation. Pending such determination, the At-
18 torney General may maintain such alien in cus-
19 tody.

20 “(B) The procedure described in section
21 242 shall not apply to an order issued under
22 this paragraph.

23 “(3) REVIEW.—Notwithstanding any other pro-
24 vision of law or the failure of a carrier to provide the
25 notice described in subsection (e)(1)(D), an alien

1 who applies for admission to the United States
2 under this section shall not be entitled—

3 “(A) to review or appeal under this Act of
4 an immigration officer’s determination as to the
5 admissibility of the alien at the port of entry
6 into the United States, or

7 “(B) subject to paragraph (4), to contest
8 an immigration officer’s determination under
9 paragraph (2).

10 “(4) ASYLUM.—The Attorney General shall es-
11 tablish a procedure for an alien who is applying for
12 admission under this section or who has been admit-
13 ted under this section to apply for asylum under
14 section 208.

15 “(5) TREATMENT OF NATIONALS OF VISA
16 WAIVER COUNTRIES.—An alien who—

17 “(A) is a national of a visa waiver program
18 country or claims to be a national of a visa
19 waiver country, and

20 “(B) is not in possession of a valid visa,
21 shall be considered to be an applicant for
22 admission under this section.”.

23 (d) CARRIER AGREEMENTS.—Section 217(e)(1) of
24 such Act is amended—

25 (1) in subparagraph (B) by striking “and”;

1 (2) in subparagraph (C) by striking the period
2 at the end and inserting “; and”; and

3 (3) by inserting after subparagraph (C) the
4 following new subparagraph:

5 “(D) to provide passengers applying for
6 admission to the United States under this sec-
7 tion with written notification that they are not
8 entitled (i) to any appeal or review of an immi-
9 gration officer’s determination of admissibility,
10 or (ii) to contest any action for deportation.”.

11 (e) CLERICAL AMENDMENT.—The item in the table
12 of contents of such Act relating to section 217 is amended
13 to read as follows:

 “Sec. 217. Visa waiver program for certain visitors.”.

14 **SEC. 304. EXPEDITING AIRPORT IMMIGRATION PROCESS-**
15 **ING.**

16 (a) PASSENGER MANIFESTS.—

17 (1) ELECTRONIC PASSENGER MANIFESTS.—Sec-
18 tion 231(a) of the Immigration and Nationality Act
19 (8 U.S.C. 1221(a)) is amended in the first sentence
20 by striking “typewritten” and inserting “electronic,
21 typewritten,”.

22 (2) INFORMATION CONTAINED IN PASSENGER
23 MANIFEST.—Section 231(a) of such Act (8 U.S.C.
24 1221(a)) is further amended by inserting imme-
25 diately before the period at the end of the second

1 sentence “, except that regulations concerning the
2 information contained in such lists may not require
3 information other than the full name, date of birth,
4 passport number, and citizenship of the person
5 transported, and information identifying the flight
6 on which the person was transported”.

7 (b) INSPECTION BY IMMIGRATION OFFICERS.—Sec-
8 tion 235(a) of the Immigration and Nationality Act (8
9 U.S.C. 1225(a)) is amended by adding after the second
10 sentence the following: “Except as the Attorney General
11 may provide, nothing in this section shall be construed as
12 requiring a personal interview in the conduct of an exam-
13 ination or inspection.”.

14 (c) PROVISION OF IMMIGRATION INSPECTION AND
15 PREINSPECTION SERVICES.—

16 (1) IN GENERAL.—Section 286 of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1356) is amend-
18 ed—

19 (A) in subsection (g) by striking “forty-
20 five” and inserting “thirty”; and

21 (B) in subsection (l)—

22 (i) by striking “forty-five” and insert-
23 ing “thirty”; and

24 (ii) by striking “March 31st” and in-
25 serting “January 31st”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply to passengers arriving
3 on or after 60 days after the date of the enactment
4 of this Act.

5 (d) EXPEDITED PROCESS FOR THE INSPECTION OF
6 CITIZENS.—

7 (1) IN GENERAL.—Section 235A of the Immi-
8 gration and Nationality Act, as inserted by section
9 1(a) of this Act, is amended—

10 (A) in the heading, by adding at the end
11 the following: “; EXPEDITED PROCESS FOR THE
12 INSPECTION OF CITIZENS”, and

13 (B) by adding at the end the following new
14 subsection:

15 “(d) EXPEDITED PROCESS FOR THE INSPECTION OF
16 CITIZENS.—Not later than 90 days after the date of the
17 enactment of this section, the Attorney General shall im-
18 plement an expedited process for the inspection of United
19 States citizens upon arrival from abroad by air at ports
20 of entry within the United States. An expedited process
21 shall be maintained except during a national or airport
22 specific security emergency as determined by the Attorney
23 General.”.

24 (2) CLERICAL AMENDMENT.—The item in the
25 table of contents of such Act relating to section

1 235A, as inserted by section 1(b) of this title, is
2 amended to read as follows:

“Sec. 235A. Preinspection at foreign airports; expedited process for the inspection of citizens.”.

3 **TITLE IV—INTERNATIONAL**
4 **TERRORISM**

5 **SEC. 401. PROTECTION OF PARTICIPANTS IN THE REWARDS**
6 **PROGRAM.**

7 Subsection 36(e) of the State Department Basic Au-
8 thorities Act (22 U.S.C. 2708) is amended by inserting
9 “(1)” immediately following “(e)” and by adding the
10 following new paragraph:

11 “(2)(A) Whenever the information which would jus-
12 tify a reward under subsection (a) is furnished by an alien
13 and the Secretary of State and the Attorney General joint-
14 ly determine that the protection of such alien or the alien’s
15 immediate family requires the admission of such alien or
16 aliens to the United States, then such alien, and the
17 alien’s immediate relatives, if necessary, may be issued
18 visas and admitted to the United States for permanent
19 residence, without regard to the requirements of the Immi-
20 gration and Nationality Act (8 U.S.C. 1101 et seq.).

21 “(B) The total number of aliens admitted to the
22 United States under subparagraph (A) shall not exceed
23 25 in any one fiscal year.

1 “(C) For purposes of this paragraph, the term ‘imme-
2 diate relative’ has the same meaning given to such term
3 in section 201(b)(2) of the Immigration and Nationality
4 Act (8 U.S.C. 1151(b)(2)).”.

5 **SEC. 402. PENALTIES FOR INTERNATIONAL TERRORIST**
6 **ACTS.**

7 Section 2331 of title 18, United States Code, as
8 amended by subtitle A of this title, is further amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2) by striking “ten” and
11 inserting “twenty”; and

12 (B) in paragraph (3) by striking “three”
13 and inserting “ten”; and

14 (2) in subsection (c) by striking “five” and in-
15 serting “ten”.

16 **SEC. 403. OFFENSES OF VIOLENCE AGAINST MARITIME**
17 **NAVIGATION OR FIXED PLATFORMS.**

18 Chapter 111 of title 18, United States Code, is
19 amended by adding at the end the following:

20 **“§ 2280. Violence against maritime navigation**

21 “(a) Whoever unlawfully and intentionally—

22 “(1) seizes or exercises control over a ship by
23 force or threat thereof or any other form of intimi-
24 dation;

1 “(2) performs an act of violence against a per-
2 son on board a ship if that act is likely to endanger
3 the safe navigation of that ship;

4 “(3) destroys a ship or causes damage to a ship
5 or to its cargo which is likely to endanger the safe
6 navigation of that ship;

7 “(4) places or causes to be placed on a ship, by
8 any means whatsoever, a device or substance which
9 is likely to destroy that ship, or cause damage to
10 that ship or its cargo which endangers or is likely
11 to endanger the safe navigation of that ship;

12 “(5) destroys or seriously damages maritime
13 navigational facilities or seriously interferes with
14 their operation, if such act is likely to endanger the
15 safe navigation of a ship;

16 “(6) communicates information, knowing the
17 information to be false and under circumstances in
18 which such information may reasonably be believed,
19 thereby endangering the safe navigation of a ship;

20 “(7) injures or kills any person in connection
21 with the commission or the attempted commission of
22 any of the offenses set forth in paragraphs (1)
23 through (6); or

24 “(8) attempts to do any act prohibited under
25 paragraphs (1) through (7);

1 shall be fined under this title or imprisoned not more than
2 twenty years, or both; and if the death of any person re-
3 sults, from conduct prohibited by this subsection, shall be
4 punished by death or imprisoned for any term of years
5 or for life.

6 “(b) Whoever threatens to do any act prohibited
7 under paragraphs (2), (3) or (5) of subsection (a), with
8 apparent determination and will to carry the threat into
9 execution, if the threatened act is likely to endanger the
10 safe navigation of the ship in question, shall be fined
11 under this title or imprisoned not more than five years,
12 or both.

13 “(c) There is jurisdiction over the prohibited activity
14 in subsections (a) and (b)—

15 “(1) in the case of a covered ship, if—

16 “(A) such activity is committed—

17 “(i) by a person engaged in terrorism
18 or who acts on behalf of a terrorist group;

19 “(ii) against or on board a ship flying
20 the flag of the United States at the time
21 the prohibited activity is committed;

22 “(iii) in the United States and the ac-
23 tivity is not prohibited as a crime by the
24 State in which the activity takes place; or

1 “(iv) the activity takes place on a ship
2 flying the flag of a foreign country or out-
3 side the United States, by a national of the
4 United States or by a stateless person
5 whose habitual residence is in the United
6 States;

7 “(B) during the commission of such activ-
8 ity, a national of the United States is seized,
9 threatened, injured or killed; or

10 “(C) the offender is later found in the
11 United States after such activity is committed;

12 “(2) in the case of a ship navigating or sched-
13 uled to navigate solely within the territorial sea or
14 internal waters of a country other than the United
15 States, if the offender is later found in the United
16 States after such activity is committed; and

17 “(3) in the case of any vessel, if such activity
18 is committed in an attempt to compel the United
19 States to do or abstain from doing any act.

20 “(d) As used in this section, the term—

21 “(1) the term ‘ship’ means a vessel of any type
22 whatsoever not permanently attached to the sea-bed,
23 including dynamically supported craft, submersibles
24 or any other floating craft; but such term does not
25 include a warship, a ship owned or operated by a

1 government when being used as a naval auxiliary or
2 for customs or police purposes, or a ship which has
3 been withdrawn from navigation or laid up;

4 “(2) the term ‘covered ship’ means a ship that
5 is navigating or is scheduled to navigate into,
6 through or from waters beyond the outer limit of the
7 territorial sea of a single country or a lateral limit
8 of that country’s territorial sea with an adjacent
9 country;

10 “(3) the term ‘national of the United States’
11 has the meaning given such term in section
12 101(a)(22) of the Immigration and Nationality Act
13 (8 U.S.C. 1101(a)(22));

14 “(4) the term ‘territorial sea of the United
15 States’ means all waters extending seaward to 12
16 nautical miles from the baselines of the United
17 States determined in accordance with international
18 law; and

19 “(5) the term ‘United States’, when used in a
20 geographical sense, includes the Commonwealth of
21 Puerto Rico, the Commonwealth of the Northern
22 Marianas Islands and all territories and possessions
23 of the United States.

24 **“§ 2281. Violence against maritime fixed platforms**

25 “(a) Whoever unlawfully and intentionally—

1 “(1) seizes or exercises control over a fixed
2 platform by force or threat thereof or any other
3 form of intimidation;

4 “(2) performs an act of violence against a per-
5 son on board a fixed platform if that act is likely to
6 endanger its safety;

7 “(3) destroys a fixed platform or causes dam-
8 age to it which is likely to endanger its safety;

9 “(4) places or causes to be placed on a fixed
10 platform, by any means whatsoever, a device or sub-
11 stance which is likely to destroy that fixed platform
12 or likely to endanger its safety;

13 “(5) injures or kills any person in connection
14 with the commission or the attempted commission of
15 any of the offenses set forth in paragraphs (1)
16 through (4); or

17 “(6) attempts to do anything prohibited under
18 paragraphs (1) through (5);

19 shall be fined under this title or imprisoned not more than
20 twenty years, or both; and if death results to any person
21 from conduct prohibited by this subsection, shall be pun-
22 ished by death or imprisoned for any term of years or for
23 life.

24 “(b) Whoever threatens to do anything prohibited
25 under paragraphs (2) or (3) of subsection (a), with appar-

1 ent determination and will to carry the threat into execu-
2 tion, if the threatened act is likely to endanger the safety
3 of the fixed platform, shall be fined under this title or
4 imprisoned not more than five years, or both.

5 “(c) There is jurisdiction over the prohibited activity
6 in subsections (a) and (b) if—

7 “(1) such activity is committed against or on
8 board a fixed platform—

9 “(A) that is located on the continental
10 shelf of the United States, if—

11 “(i) by a person engaged in terrorism
12 or who acts on behalf of a terrorist group;
13 or

14 “(ii) if the activity is not prohibited as
15 a crime by the State in which the activity
16 takes place;

17 “(B) that is located on the continental
18 shelf of another country, by a national of the
19 United States or by a stateless person whose
20 habitual residence is in the United States; or

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

23 “(2) during the commission of such activity
24 against or on board a fixed platform located on a

1 continental shelf, a national of the United States is
2 seized, threatened, injured or killed; or

3 “(3) such activity is committed against or on
4 board a fixed platform located outside the United
5 States and beyond the continental shelf of the Unit-
6 ed States and the offender is later found in the
7 United States.

8 “(d) As used in this section, the term—

9 “(1) ‘continental shelf’ means the sea-bed and
10 subsoil of the submarine areas that extend beyond a
11 country’s territorial sea to the limits provided by
12 customary international law as reflected in Article
13 76 of the 1982 Convention on the Law of the Sea;

14 “(2) ‘fixed platform’ means an artificial island,
15 installation or structure permanently attached to the
16 sea-bed for the purpose of exploration or exploitation
17 of resources or for other economic purposes;

18 “(3) ‘national of the United States’ has the
19 meaning given such term in section 101(a)(22) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(22));

22 “(4) ‘territorial sea of the United States’ means
23 all waters extending seaward to 12 nautical miles
24 from the baselines of the United States determined
25 in accordance with international law; and

1 “(5) ‘United States’, when used in a geographi-
2 cal sense, includes the Commonwealth of Puerto
3 Rico, the Commonwealth of the Northern Marianas
4 Islands and all territories and possessions of the
5 United States.”.

6 **SEC. 404. CLERICAL AMENDMENTS.**

7 The table of sections at the beginning of chapter 111
8 of title 18, United States Code, is amended by adding at
9 the end thereof the following:

 “2280. Violence against maritime navigation.

 “2281. Violence against maritime fixed platforms.”.

10 **SEC. 405. EFFECTIVE DATES.**

11 This subtitle and the amendments made by this sub-
12 title shall take effect on the later of—

13 (1) the date of the enactment of this Act; or

14 (2)(A) in the case of section 2280 of title 18,
15 United States Code, the date the Convention for the
16 Suppression of Unlawful Acts Against the Safety of
17 Maritime Navigation has come into force and the
18 United States has become a party to that Conven-
19 tion; and

20 (B) in the case of section 2281 of title 18,
21 United States Code, the date the Protocol for the
22 Suppression of Unlawful Acts Against the Safety of
23 Fixed Platforms Located on the Continental Shelf

1 has come into force and the United States has
2 become a party to that Protocol.

3 **SEC. 406. TERRITORIAL SEA EXTENDING TO TWELVE MILES**
4 **INCLUDED IN SPECIAL MARITIME AND TER-**
5 **RITORIAL JURISDICTION.**

6 The Congress hereby declares that all the territorial
7 sea of the United States, as defined by Presidential Proc-
8 lamation 5928 of December 27, 1988, is part of the Unit-
9 ed States, subject to its sovereignty, and, for purposes of
10 Federal criminal jurisdiction, is within the special mari-
11 time and territorial jurisdiction of the United States wher-
12 ever that term is used in title 18, United States Code.

13 **SEC. 407. ASSIMILATED CRIMES IN EXTENDED TERRI-**
14 **TORIAL SEA.**

15 Section 13 of title 18, United States Code (relating
16 to the adoption of State laws for areas within Federal
17 jurisdiction), is amended by—

18 (1) inserting after “title” in subsection (a) the
19 following: “or on, above, or below any portion of the
20 territorial sea of the United States not within the
21 territory of any State, Territory, Possession, or
22 District”; and

23 (2) inserting at the end thereof the following
24 new subsection:

1 “(c) Whenever any waters of the territorial sea of the
2 United States lie outside the territory of any State, Terri-
3 tory, Possession, or District, such waters (including the
4 airspace above and the seabed and subsoil below, and arti-
5 ficial islands and fixed structures erected thereon) shall
6 be deemed for purposes of subsection (a) to lie within the
7 area of that State, Territory, Possession, or District it
8 would lie within if the boundaries of such State, Territory,
9 Possession, or District were extended seaward to the outer
10 limit of the territorial sea of the United States.”.

11 **SEC. 408. JURISDICTION OVER CRIMES AGAINST UNITED**
12 **STATES NATIONALS ON CERTAIN FOREIGN**
13 **SHIPS.**

14 Section 7 of title 18, United States Code (relating
15 to the special maritime and territorial jurisdiction of the
16 United States), is amended by inserting at the end thereof
17 the following new paragraph:

18 “(8) To the extent permitted by international law,
19 any foreign vessel during a voyage having a scheduled de-
20 parture from or arrival in the United States with respect
21 to an offense committed by or against a national of the
22 United States.”.

1 **SEC. 409. TORTURE.**

2 (a) IN GENERAL.—Part I of title 18, United States
3 Code, is amended by inserting after chapter 113A the fol-
4 lowing new chapter:

5 **“CHAPTER 113B—TORTURE**

“Sec.
2340. Definitions.
2340A. Torture.
2340B. Exclusive remedies.

6 **“§ 2340. Definitions**

7 “As used in this chapter—

8 “(1) ‘torture’ means an act committed by a per-
9 son acting under the color of law specifically in-
10 tended to inflict severe physical or mental pain or
11 suffering (other than pain or suffering incidental to
12 lawful sanctions) upon another person within his
13 custody or physical control.

14 “(2) ‘severe mental pain or suffering’ means
15 the prolonged mental harm caused by or resulting
16 from: (a) the intentional infliction or threatened in-
17 fliction of severe physical pain or suffering; (b) the
18 administration or application, or threatened adminis-
19 tration or application, of mind altering substances or
20 other procedures calculated to disrupt profoundly
21 the senses or the personality; (c) the threat of immi-
22 nent death; or (d) the threat that another person
23 will imminently be subjected to death, severe phys-

1 ical pain or suffering, or the administration or appli-
2 cation of mind altering substances or other proce-
3 dures calculated to disrupt profoundly the senses or
4 personality.

5 “(3) ‘United States’ includes all areas under
6 the jurisdiction of the United States including any
7 of the places within the provisions of sections 5 and
8 7 of this title and section 101(38) of the Federal
9 Aviation Act of 1958, as amended (49 U.S.C. App.
10 1301(38)).

11 **“§ 2340A. Torture**

12 “(a) Whoever outside the United States commits or
13 attempts to commit torture shall be fined under this title
14 or imprisoned not more than twenty years, or both; and
15 if death results to any person from conduct prohibited by
16 this subsection, shall be punished by death or imprisoned
17 for any term of years or for life.

18 “(b) There is jurisdiction over the prohibited activity
19 in subsection (a) if: (1) the alleged offender is a national
20 of the United States; or (2) the alleged offender is present
21 in the United States, irrespective of the nationality of the
22 victim or the alleged offender.

23 **“§ 2340B. Exclusive remedies**

24 “Nothing in this chapter shall be construed as pre-
25 cluding the application of State or local laws on the same

1 subject, nor shall anything in this chapter be construed
 2 as creating any substantive or procedural right enforceable
 3 by law by any party in any civil proceeding.”.

4 (b) CLERICAL AMENDMENT.—The table of chapters
 5 for part I of title 18, United States Code, is amended by
 6 inserting after the item for chapter 113A the following
 7 new item:

“**113B. Torture** **2340.**”.

8 (c) EFFECTIVE DATE.—This section shall take effect
 9 on the later of—

10 (1) the date of enactment of this section; or

11 (2) the date the United States has become a
 12 party to the Convention Against Torture and Other
 13 Cruel, Inhuman or Degrading Treatment or
 14 Punishment.

15 **SEC. 410. COUNTERFEITING UNITED STATES CURRENCY**
 16 **ABROAD.**

17 (a) IN GENERAL.—Chapter 25 of title 18, United
 18 States Code, is amended by adding before section 471 the
 19 following new section:

20 **“§ 470. Counterfeit acts committed outside the Unit-**
 21 **ed States**

22 “Whoever, outside the United States, engages in the
 23 act of—

1 “(1) making, dealing, or possessing any coun-
2 terfeit obligation or other security of the United
3 States; or

4 “(2) making, dealing, or possessing any plate,
5 stone, or other thing, or any part thereof, used to
6 counterfeit such obligation or security,
7 if such act would constitute a violation of section 471, 473,
8 or 474 of this title if committed within the United States,
9 shall be fined under this title, imprisoned for not more
10 than 15 years, or both.”.

11 (b) TABLE OF SECTIONS.—The table of sections for
12 chapter 25 of title 18, United States Code, is amended
13 by adding before section 471 the following:

“471. Counterfeit acts committed outside the United States.”.

14 (c) TABLE OF CHAPTERS.—The table of chapters at
15 the beginning of part I of title 18, United States Code,
16 is amended by striking the item for chapter 25 and
17 inserting the following:

“**25. Counterfeiting and forgery** **470**”.

18 **SEC. 411. TERRORIST DEATH PENALTY ACT.**

19 Section 2332(a)(1) of title 18 of the United States
20 Code is amended to read as follows:

21 “(1)(A) if the killing is murder as defined in
22 section 1111(a) of this title, be fined under this title,
23 punished by death or imprisonment for any term of
24 years or for life, or both;”.

1 **SEC. 412. FOREIGN MURDER OF UNITED STATES NATION-**
2 **ALS.**

3 (a) IN GENERAL.—Chapter 51 of title 18, United
4 States Code, is amended by adding at the end thereof the
5 following new section:

6 **“§ 1118. Foreign murder of United States nationals**

7 “(a) Whoever, being a national of the United States,
8 kills or attempts to kill a national of the United States
9 while such national is outside the United States but within
10 the jurisdiction of another country shall be punished as
11 provided under sections 1111, 1112, and 1113 of this title.

12 “(b) No prosecution may be instituted against any
13 person under this section except upon the written approval
14 of the Attorney General, the Deputy Attorney General, or
15 an Assistant Attorney General, which function of approv-
16 ing prosecutions may not be delegated. No prosecution
17 shall be approved if prosecution has been previously un-
18 dertaken by a foreign country for the same act or
19 omission.

20 “(c) No prosecution shall be approved under this sec-
21 tion unless the Attorney General, in consultation with the
22 Secretary of State, determines that the act or omission
23 took place in a country in which the person is no longer
24 present, and the country lacks the ability to lawfully se-
25 cure the person’s return. A determination by the Attorney

1 General under this subsection is not subject to judicial re-
2 view.

3 “(d) As used in this section, the term ‘national of
4 the United States’ has the meaning given such term in
5 section 101(a)(22) of the Immigration and Nationality Act
6 (8 U.S.C. 1101(a)(22)).”.

7 (b) CONFORMING AMENDMENT.—Section 1117 of
8 title 18, United States Code, is amended by striking “or
9 1116” and inserting “1116, or 1118”.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 51 of title 18, United States
12 Code, is amended by adding at the end the following new
13 item:

“1118. Foreign murder of United States nationals.”.

14 **TITLE V—AUTHORIZATIONS TO**
15 **EXPAND COUNTER-TERROR-**
16 **IST OPERATIONS**

17 **SEC. 501. AUTHORIZATIONS OF APPROPRIATIONS.**

18 There is authorized to be appropriated in each of the
19 fiscal years 1992, 1993 and 1994, in addition to any other
20 amounts specified in appropriations Acts, for counter-ter-
21 rorist operations and programs:

22 (1) for the Federal Bureau of Investigation,
23 \$20,000,000;

24 (2) for the Department of State, \$5,000,000;

1 (3) for the United States Customs Service,
2 \$5,000,000;

3 (4) for the United States Secret Service,
4 \$2,500,000;

5 (5) for the Bureau of Alcohol, Tobacco and
6 Firearms, \$10,000,000;

7 (6) for the Federal Aviation Administration,
8 \$2,500,000;

9 (7) for the Immigration and Naturalization
10 Service, \$5,000,000; and

11 (8) for grants to state and local law enforce-
12 ment agencies, to be administered by the Office of
13 Justice Programs in the Department of Justice, in
14 consultation with the Federal Bureau of Investiga-
15 tion, \$25,000,000.

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