

In the Senate of the United States,

October 14 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 4660) entitled “An Act to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—DEPARTMENT OF***
2 ***STATE REWARDS PROGRAM***

3 ***SEC. 101. REVISION OF PROGRAM.***

4 *Section 36 of the State Department Basic Authorities*
5 *Act of 1956 (22 U.S.C. 2708) is amended to read as follows:*

6 ***“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.***

7 ***“(a) ESTABLISHMENT.—***

1 “(1) *IN GENERAL.*—*There is established a pro-*
2 *gram for the payment of rewards to carry out the*
3 *purposes of this section.*

4 “(2) *PURPOSE.*—*The rewards program shall be*
5 *designed to assist in the prevention of acts of inter-*
6 *national terrorism, international narcotics traffick-*
7 *ing, and other related criminal acts.*

8 “(3) *IMPLEMENTATION.*—*The rewards program*
9 *shall be administered by the Secretary of State, in*
10 *consultation, as appropriate, with the Attorney Gen-*
11 *eral.*

12 “(b) *REWARDS AUTHORIZED.*—*In the sole discretion*
13 *of the Secretary (except as provided in subsection (c)(2))*
14 *and in consultation, as appropriate, with the Attorney Gen-*
15 *eral, the Secretary may pay a reward to any individual*
16 *who furnishes information leading to—*

17 “(1) *the arrest or conviction in any country of*
18 *any individual for the commission of an act of inter-*
19 *national terrorism against a United States person or*
20 *United States property;*

21 “(2) *the arrest or conviction in any country of*
22 *any individual conspiring or attempting to commit*
23 *an act of international terrorism against a United*
24 *States person or United States property;*

1 “(3) the arrest or conviction in any country of
2 any individual for committing, primarily outside the
3 territorial jurisdiction of the United States, any nar-
4 cotics-related offense if that offense involves or is a
5 significant part of conduct that involves—

6 “(A) a violation of United States narcotics
7 laws such that the individual would be a major
8 violation of such laws;

9 “(B) the killing or kidnapping of—

10 “(i) any officer, employee, or contract
11 employee of the United States Government
12 while such individual is engaged in official
13 duties, or on account of that individual’s of-
14 ficial duties, in connection with the enforce-
15 ment of United States narcotics laws or the
16 implementing of United States narcotics
17 control objectives; or

18 “(ii) a member of the immediate fam-
19 ily of any such individual on account of
20 that individual’s official duties, in connec-
21 tion with the enforcement of United States
22 narcotics laws or the implementing of
23 United States narcotics control objectives; or

24 “(C) an attempt or conspiracy to commit
25 any act described in subparagraph (A) or (B);

1 “(4) the arrest or conviction in any country of
2 any individual aiding or abetting in the commission
3 of an act described in paragraph (1), (2), or (3); or

4 “(5) the prevention, frustration, or favorable res-
5 olution of an act described in paragraph (1), (2), or
6 (3).

7 “(c) COORDINATION.—

8 “(1) PROCEDURES.—To ensure that the payment
9 of rewards pursuant to this section does not duplicate
10 or interfere with the payment of informants or the ob-
11 taining of evidence or information, as authorized to
12 the Department of Justice, the offering, administra-
13 tion, and payment of rewards under this section, in-
14 cluding procedures for—

15 “(A) identifying individuals, organizations,
16 and offenses with respect to which rewards will
17 be offered;

18 “(B) the publication of rewards;

19 “(C) the offering of joint rewards with for-
20 eign governments;

21 “(D) the receipt and analysis of data; and

22 “(E) the payment and approval of pay-
23 ment,

1 *shall be governed by procedures developed by the Sec-*
2 *retary of State, in consultation with the Attorney*
3 *General.*

4 “(2) *PRIOR APPROVAL OF ATTORNEY GENERAL*
5 *REQUIRED.—Before making a reward under this sec-*
6 *tion in a matter over which there is Federal criminal*
7 *jurisdiction, the Secretary of State shall obtain the*
8 *concurrence of the Attorney General.*

9 “(d) *FUNDING.—*

10 “(1) *AUTHORIZATION OF APPROPRIATIONS.—*
11 *Notwithstanding section 102 of the Foreign Relations*
12 *Authorization Act, Fiscal Years 1986 and 1987 (Pub-*
13 *lic Law 99–93; 99 Stat. 408), but subject to para-*
14 *graph (2), there are authorized to be appropriated to*
15 *the Department of State from time to time such*
16 *amounts as may be necessary to carry out this sec-*
17 *tion.*

18 “(2) *LIMITATION.—No amount of funds may be*
19 *appropriated under paragraph (1) which, when added*
20 *to the unobligated balance of amounts previously ap-*
21 *propriated to carry out this section, would cause such*
22 *amounts to exceed \$15,000,000.*

23 “(3) *ALLOCATION OF FUNDS.—To the maximum*
24 *extent practicable, funds made available to carry out*
25 *this section should be distributed equally for the pur-*

pose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

“(4) *PERIOD OF AVAILABILITY.*—Amounts appropriated under paragraph (1) shall remain available until expended.

“(e) *LIMITATIONS AND CERTIFICATION.*—

“(1) *MAXIMUM AMOUNT.*—No reward paid under this section may exceed \$5,000,000.

“(2) *APPROVAL.*—A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

“(3) *CERTIFICATION FOR PAYMENT.*—Any reward granted under this section shall be approved and certified for payment by the Secretary.

“(4) *NONDELEGATION OF AUTHORITY.*—The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

“(5) *PROTECTION MEASURES.*—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

1 “(f) *INELIGIBILITY.*—An officer or employee of any en-
2 tity of Federal, State, or local government or of a foreign
3 government who, while in the performance of his or her offi-
4 cial duties, furnishes information described in subsection
5 (b) shall not be eligible for a reward under this section.

6 “(g) *REPORTS.*—

7 “(1) *REPORTS ON PAYMENT OF REWARDS.*—Not
8 later than 30 days after the payment of any reward
9 under this section, the Secretary shall submit a report
10 to the appropriate congressional committees with re-
11 spect to such reward. The report, which may be sub-
12 mitted in classified form if necessary, shall specify the
13 amount of the reward paid, to whom the reward was
14 paid, and the acts with respect to which the reward
15 was paid. The report shall also discuss the signifi-
16 cance of the information for which the reward was
17 paid in dealing with those acts.

18 “(2) *ANNUAL REPORTS.*—Not later than 60 days
19 after the end of each fiscal year, the Secretary shall
20 submit a report to the appropriate congressional com-
21 mittees with respect to the operation of the rewards
22 program. The report shall provide information on the
23 total amounts expended during the fiscal year ending
24 in that year to carry out this section, including

1 *amounts expended to publicize the availability of re-*
 2 *wards.*

3 “(h) *PUBLICATION REGARDING REWARDS OFFERED*
 4 *BY FOREIGN GOVERNMENTS.*—*Notwithstanding any other*
 5 *provision of this section, in the sole discretion of the Sec-*
 6 *retary, the resources of the rewards program shall be avail-*
 7 *able for the publication of rewards offered by foreign govern-*
 8 *ments regarding acts of international terrorism which do*
 9 *not involve United States persons or property or a violation*
 10 *of the narcotics laws of the United States.*

11 “(i) *DETERMINATIONS OF THE SECRETARY.*—*A deter-*
 12 *mination made by the Secretary under this section shall*
 13 *be final and conclusive and shall not be subject to judicial*
 14 *review.*

15 “(j) *DEFINITIONS.*—*As used in this section:*

16 “(1) *ACT OF INTERNATIONAL TERRORISM.*—*The*
 17 *term ‘act of international terrorism’ includes—*

18 “(A) *any act substantially contributing to*
 19 *the acquisition of unsafeguarded special nuclear*
 20 *material (as defined in paragraph (8) of section*
 21 *830 of the Nuclear Proliferation Prevention Act*
 22 *of 1994 (22 U.S.C. 3201 note)) or any nuclear*
 23 *explosive device (as defined in paragraph (4) of*
 24 *that section) by an individual, group, or non-nu-*

1 clear-weapon state (as defined in paragraph (5)
2 of that section); and

3 “(B) any act, as determined by the Sec-
4 retary, which materially supports the conduct of
5 international terrorism, including the counter-
6 feiting of United States currency or the illegal
7 use of other monetary instruments by an indi-
8 vidual, group, or country supporting inter-
9 national terrorism as determined for purposes of
10 section 6(j)(1)(A) of the Export Administration
11 Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

12 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term ‘appropriate congressional commit-
14 tees’ means the Committee on International Relations
15 of the House of Representatives and the Committee on
16 Foreign Relations of the Senate.

17 “(3) MEMBER OF THE IMMEDIATE FAMILY.—The
18 term ‘member of the immediate family’, with respect
19 to an individual, includes—

20 “(A) a spouse, parent, brother, sister, or
21 child of the individual;

22 “(B) a person with respect to whom the in-
23 dividual stands in loco parentis; and

24 “(C) any person not covered by subpara-
25 graph (A) or (B) who is living in the individ-

1 ual’s household and is related to the individual
2 by blood or marriage.

3 “(4) *REWARDS PROGRAM*.—The term ‘rewards
4 program’ means the program established in subsection
5 (a)(1).

6 “(5) *UNITED STATES NARCOTICS LAWS*.—The
7 term ‘United States narcotics laws’ means the laws of
8 the United States for the prevention and control of il-
9 licit trafficking in controlled substances (as such term
10 is defined in section 102(6) of the Controlled Sub-
11 stances Act (21 U.S.C. 802(6))).

12 “(6) *UNITED STATES PERSON*.—The term
13 ‘United States person’ means—

14 “(A) a citizen or national of the United
15 States; and

16 “(B) an alien lawfully present in the
17 United States.”.

18 **SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIV-**
19 **VIDUALS SOUGHT FOR SERIOUS VIOLATIONS**
20 **OF INTERNATIONAL HUMANITARIAN LAW RE-**
21 **LATING TO THE FORMER YUGOSLAVIA.**

22 (a) *AUTHORITY*.—In the sole discretion of the Sec-
23 retary of State (except as provided in subsection (b)(2)) and
24 in consultation, as appropriate, with the Attorney General,

1 *the Secretary may pay a reward to any individual who*
2 *furnishes information leading to—*

3 *(1) the arrest or conviction in any country, or*

4 *(2) the transfer to, or conviction by, the Inter-*
5 *national Criminal Tribunal for the Former Yugo-*
6 *slavia,*

7 *of any individual who is the subject of an indictment con-*
8 *firmed by a judge of such tribunal for serious violations*
9 *of international humanitarian law as defined under the*
10 *statute of such tribunal.*

11 *(b) PROCEDURES.—*

12 *(1) To ensure that the payment of rewards pur-*
13 *suant to this section does not duplicate or interfere*
14 *with the payment of informants or the obtaining of*
15 *evidence or information, as authorized to the Depart-*
16 *ment of Justice, subject to paragraph (3), the offering,*
17 *administration, and payment of rewards under this*
18 *section, including procedures for—*

19 *(A) identifying individuals, organizations,*
20 *and offenses with respect to which rewards will*
21 *be offered;*

22 *(B) the publication of rewards;*

23 *(C) the offering of joint rewards with for-*
24 *ign governments;*

25 *(D) the receipt and analysis of data; and*

1 (E) the payment and approval of payment,
2 shall be governed by procedures developed by the
3 Secretary of State, in consultation with the At-
4 torney General.

5 (2) Before making a reward under this section in
6 a matter over which there is Federal criminal juris-
7 diction, the Secretary of State shall obtain the concur-
8 rence of the Attorney General.

9 (3) Rewards under this section shall be subject to
10 any requirements or limitations that apply to re-
11 wards under section 36 of the State Department
12 Basic Authorities Act of 1956 (22 U.S.C. 2708) with
13 respect to the ineligibility of government employees
14 for rewards, maximum reward amount, and proce-
15 dures for the approval and certification of rewards for
16 payment.

17 (c) REFERENCE.—For the purposes of subsection (a),
18 the statute of the International Criminal Tribunal for the
19 Former Yugoslavia means the Annex to the Report of the
20 Secretary General of the United Nations pursuant to para-
21 graph 2 of Security Council Resolution 827 (1993) (S/
22 25704).

23 (d) DETERMINATION OF THE SECRETARY.—A deter-
24 mination made by the Secretary of State under this section

1 *shall be final and conclusive and shall not be subject to judi-*
 2 *cial review.*

3 (e) *PRIORITY.*—*Rewards under this section may be*
 4 *paid from funds authorized to carry out section 36 of the*
 5 *State Department Basic Authorities Act of 1956 (22*
 6 *U.S.C.). In the Administration and payment of rewards*
 7 *under the rewards program of section 36 of the State De-*
 8 *partment Basic Authorities Act of 1956 (22 U.S.C.), the*
 9 *Secretary of State shall ensure that priority is given for*
 10 *payments to individuals described in section 36 of that Act*
 11 *and that funds paid under this section are paid only after*
 12 *any and all due and payable demands are met under sec-*
 13 *tion 36 of that Act.*

14 (f) *REPORTS.*—*The Secretary shall inform the appro-*
 15 *priate committees of rewards paid under this section in the*
 16 *same manner as required by section 36(g) of the State De-*
 17 *partment Basic Authorities Act of 1956 (22 U.S.C.).*

18 ***TITLE II—EXTRADITION TREA-***
 19 ***TIES INTERPRETATION ACT***
 20 ***OF 1998***

21 ***SEC. 201. SHORT TITLE.***

22 *This title may be cited as the “Extradition Treaties*
 23 *Interpretation Act of 1998”.*

24 ***SEC. 202. FINDINGS.***

25 *Congress finds that—*

1 (1) *each year, several hundred children are kid-*
2 *napped by a parent in violation of law, court order,*
3 *or legally binding agreement and brought to, or taken*
4 *from, the United States;*

5 (2) *until the mid-1970's, parental abduction gen-*
6 *erally was not considered a criminal offense in the*
7 *United States;*

8 (3) *since the mid-1970's, United States criminal*
9 *law has evolved such that parental abduction is now*
10 *a criminal offense in each of the 50 States and the*
11 *District of Columbia;*

12 (4) *in enacting the International Parental Kid-*
13 *napping Crime Act of 1993 (Public Law 103-173;*
14 *107 Stat. 1998; 18 U.S.C. 1204), Congress recognized*
15 *the need to combat parental abduction by making the*
16 *act of international parental kidnapping a Federal*
17 *criminal offense;*

18 (5) *many of the extradition treaties to which the*
19 *United States is a party specifically list the offenses*
20 *that are extraditable and use the word "kidnapping",*
21 *but it has been the practice of the United States not*
22 *to consider the term to include parental abduction be-*
23 *cause these treaties were negotiated by the United*
24 *States prior to the development in United States*
25 *criminal law described in paragraphs (3) and (4);*

1 (6) *the more modern extradition treaties to*
2 *which the United States is a party contain dual*
3 *criminality provisions, which provide for extradition*
4 *where both parties make the offense a felony, and*
5 *therefore it is the practice of the United States to con-*
6 *sider such treaties to include parental abduction if*
7 *the other foreign state party also considers the act of*
8 *parental abduction to be a criminal offense; and*

9 (7) *this circumstance has resulted in a disparity*
10 *in United States extradition law which should be rec-*
11 *tified to better protect the interests of children and*
12 *their parents.*

13 **SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.**

14 *For purposes of any extradition treaty to which the*
15 *United States is a party, Congress authorizes the interpre-*
16 *tation of the terms “kidnaping” and “kidnapping” to in-*
17 *clude parental kidnapping.*

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 4660

AMENDMENT