

In the Senate of the United States,

June 14, 2002.

Resolved, That the bill from the House of Representatives (H.R. 3275) entitled “An Act to implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—SUPPRESSION OF***
2 ***TERRORIST BOMBINGS***

3 ***SEC. 101. SHORT TITLE.***

4 *This title may be cited as the “Terrorist Bombings*
5 *Convention Implementation Act of 2002’.*

1 **SEC. 102. BOMBING STATUTE.**

2 (a) *OFFENSE.*—Chapter 113B of title 18, United
3 States Code, relating to terrorism, is amended by inserting
4 after section 2332e the following:

5 **“§ 2332f. Bombings of places of public use, government**
6 **facilities, public transportation systems**
7 **and infrastructure facilities**

8 “(a) *OFFENSES.*—

9 “(1) *IN GENERAL.*—Whoever unlawfully delivers,
10 places, discharges, or detonates an explosive or other
11 lethal device in, into, or against a place of public use,
12 a state or government facility, a public transpor-
13 tation system, or an infrastructure facility—

14 “(A) *with the intent to cause death or seri-*
15 *ous bodily injury, or*

16 “(B) *with the intent to cause extensive de-*
17 *struction of such a place, facility, or system,*
18 *where such destruction results in or is likely to*
19 *result in major economic loss,*

20 *shall be punished as prescribed in subsection (c).*

21 “(2) *ATTEMPTS AND CONSPIRACIES.*—Whoever
22 attempts or conspires to commit an offense under
23 paragraph (1) shall be punished as prescribed in sub-
24 section (c).

25 “(b) *JURISDICTION.*—There is jurisdiction over the of-
26 fenses in subsection (a) if—

1 “(1) the offense takes place in the United States
2 and—

3 “(A) the offense is committed against an-
4 other state or a government facility of such state,
5 including its embassy or other diplomatic or
6 consular premises of that state;

7 “(B) the offense is committed in an attempt
8 to compel another state or the United States to
9 do or abstain from doing any act;

10 “(C) at the time the offense is committed, it
11 is committed—

12 “(i) on board a vessel flying the flag of
13 another state;

14 “(ii) on board an aircraft which is reg-
15 istered under the laws of another state; or

16 “(iii) on board an aircraft which is
17 operated by the government of another state;

18 “(D) a perpetrator is found outside the
19 United States;

20 “(E) a perpetrator is a national of another
21 state or a stateless person; or

22 “(F) a victim is a national of another state
23 or a stateless person;

24 “(2) the offense takes place outside the United
25 States and—

1 “(A) a perpetrator is a national of the
2 United States or is a stateless person whose ha-
3 bitual residence is in the United States;

4 “(B) a victim is a national of the United
5 States;

6 “(C) a perpetrator is found in the United
7 States;

8 “(D) the offense is committed in an attempt
9 to compel the United States to do or abstain
10 from doing any act;

11 “(E) the offense is committed against a
12 state or government facility of the United States,
13 including an embassy or other diplomatic or
14 consular premises of the United States;

15 “(F) the offense is committed on board a
16 vessel flying the flag of the United States or an
17 aircraft which is registered under the laws of the
18 United States at the time the offense is com-
19 mitted; or

20 “(G) the offense is committed on board an
21 aircraft which is operated by the United States.

22 “(c) *PENALTIES*.—Whoever violates this section shall
23 be punished as provided under section 2332a(a) of this title.

24 “(d) *EXEMPTIONS TO JURISDICTION*.—This section
25 does not apply to—

1 “(1) *the activities of armed forces during an*
2 *armed conflict, as those terms are understood under*
3 *the law of war, which are governed by that law,*

4 “(2) *activities undertaken by military forces of a*
5 *state in the exercise of their official duties; or*

6 “(3) *offenses committed within the United*
7 *States, where the alleged offender and the victims are*
8 *United States citizens and the alleged offender is*
9 *found in the United States, or where jurisdiction is*
10 *predicated solely on the nationality of the victims or*
11 *the alleged offender and the offense has no substantial*
12 *effect on interstate or foreign commerce.*

13 “(e) *DEFINITIONS.—As used in this section, the term—*

14 “(1) *‘serious bodily injury’ has the meaning*
15 *given that term in section 1365(g)(3) of this title;*

16 “(2) *‘national of the United States’ has the*
17 *meaning given that term in section 101(a)(22) of the*
18 *Immigration and Nationality Act (8 U.S.C.*
19 *1101(a)(22));*

20 “(3) *‘state or government facility’ includes any*
21 *permanent or temporary facility or conveyance that*
22 *is used or occupied by representatives of a state, mem-*
23 *bers of Government, the legislature or the judiciary or*
24 *by officials or employees of a state or any other public*
25 *authority or entity or by employees or officials of an*

1 *intergovernmental organization in connection with*
2 *their official duties;*

3 “(4) ‘intergovernmental organization’ includes
4 *international organization (as defined in section*
5 *1116(b)(5) of this title);*

6 “(5) ‘infrastructure facility’ means any publicly
7 *or privately owned facility providing or distributing*
8 *services for the benefit of the public, such as water,*
9 *sewage, energy, fuel, or communications;*

10 “(6) ‘place of public use’ means those parts of
11 *any building, land, street, waterway, or other location*
12 *that are accessible or open to members of the public,*
13 *whether continuously, periodically, or occasionally,*
14 *and encompasses any commercial, business, cultural,*
15 *historical, educational, religious, governmental, enter-*
16 *tainment, recreational, or similar place that is so ac-*
17 *cessible or open to the public;*

18 “(7) ‘public transportation system’ means all fa-
19 *cilities, conveyances, and instrumentalities, whether*
20 *publicly or privately owned, that are used in or for*
21 *publicly available services for the transportation of*
22 *persons or cargo;*

23 “(8) ‘explosive’ has the meaning given in section
24 *844(j) of this title insofar that it is designed, or has*

1 *the capability, to cause death, serious bodily injury,*
2 *or substantial material damage;*

3 “(9) ‘other lethal device’ means any weapon or
4 *device that is designed or has the capability to cause*
5 *death, serious bodily injury, or substantial damage to*
6 *property through the release, dissemination, or im-*
7 *pect of toxic chemicals, biological agents, or toxins (as*
8 *those terms are defined in section 178 of this title) or*
9 *radiation or radioactive material;*

10 “(10) ‘military forces of a state’ means the
11 *armed forces of a state which are organized, trained,*
12 *and equipped under its internal law for the primary*
13 *purpose of national defense or security, and persons*
14 *acting in support of those armed forces who are under*
15 *their formal command, control, and responsibility;*

16 “(11) ‘armed conflict’ does not include internal
17 *disturbances and tensions, such as riots, isolated and*
18 *sporadic acts of violence, and other acts of a similar*
19 *nature; and*

20 “(12) ‘state’ has the same meaning as that term
21 *has under international law, and includes all polit-*
22 *ical subdivisions thereof.”.*

23 (b) *CLERICAL AMENDMENT.—The table of sections at*
24 *the beginning of chapter 113B of title 18, United States*

1 *Code, is amended by inserting after section 2332e the fol-*
 2 *lowing:*

“2332f. Bombings of places of public use, government facilities, public transpor-
tation systems and infrastructure facilities.”.

3 *(c) DISCLAIMER.—Nothing contained in this section is*
 4 *intended to affect the applicability of any other Federal or*
 5 *State law which might pertain to the underlying conduct.*

6 **SEC. 103. EFFECTIVE DATE.**

7 *Section 102 shall take effect on the date that the Inter-*
 8 *national Convention for the Suppression of Terrorist Bomb-*
 9 *ings enters into force for the United States.*

10 **TITLE II—SUPPRESSION OF THE**
 11 **FINANCING OF TERRORISM**

12 **SEC. 201. SHORT TITLE.**

13 *This title may be cited as the “Suppression of the Fi-*
 14 *nanicing of Terrorism Convention Implementation Act of*
 15 *2002’.*

16 **SEC. 202. TERRORISM FINANCING STATUTE.**

17 *(a) IN GENERAL.—Chapter 113B of title 18, United*
 18 *States Code, relating to terrorism, is amended by adding*
 19 *at the end thereof the following new section:*

20 **“§2339C. Prohibitions against the financing of ter-**
 21 **rorism**

22 **“(a) OFFENSES.—**

23 **“(1) IN GENERAL.—Whoever, in a circumstance**
 24 **described in subsection (c), by any means, directly or**

1 *indirectly, unlawfully and willfully provides or col-*
 2 *lects funds with the intention that such funds be used,*
 3 *or with the knowledge that such funds are to be used,*
 4 *in full or in part, in order to carry out—*

5 *“(A) an act which constitutes an offense*
 6 *within the scope of a treaty specified in sub-*
 7 *section (e)(7), as implemented by the United*
 8 *States, or*

9 *“(B) any other act intended to cause death*
 10 *or serious bodily injury to a civilian, or to any*
 11 *other person not taking an active part in the*
 12 *hostilities in a situation of armed conflict, when*
 13 *the purpose of such act, by its nature or context,*
 14 *is to intimidate a population, or to compel a*
 15 *government or an international organization to*
 16 *do or to abstain from doing any act,*
 17 *shall be punished as prescribed in subsection (d)(1).*

18 *“(2) ATTEMPTS AND CONSPIRACIES.—Whoever*
 19 *attempts or conspires to commit an offense under*
 20 *paragraph (1) shall be punished as prescribed in sub-*
 21 *section (d)(1).*

22 *“(3) RELATIONSHIP TO PREDICATE ACT.—For*
 23 *an act to constitute an offense set forth in this sub-*
 24 *section, it shall not be necessary that the funds were*
 25 *actually used to carry out a predicate act.*

1 “(b) *JURISDICTION*.—*There is jurisdiction over the of-*
2 *fenses in subsection (a) in the following circumstances—*

3 “(1) *the offense takes place in the United States*
4 *and—*

5 “(A) *a perpetrator was a national of an-*
6 *other state or a stateless person;*

7 “(B) *on board a vessel flying the flag of an-*
8 *other state or an aircraft which is registered*
9 *under the laws of another state at the time the*
10 *offense is committed;*

11 “(C) *on board an aircraft which is operated*
12 *by the government of another state;*

13 “(D) *a perpetrator is found outside the*
14 *United States;*

15 “(E) *was directed toward or resulted in the*
16 *carrying out of a predicate act against—*

17 “(i) *a national of another state; or*

18 “(ii) *another state or a government fa-*
19 *cility of such state, including its embassy or*
20 *other diplomatic or consular premises of*
21 *that state;*

22 “(F) *was directed toward or resulted in the*
23 *carrying out of a predicate act committed in an*
24 *attempt to compel another state or international*

1 *organization to do or abstain from doing any*
2 *act; or*

3 “(G) *was directed toward or resulted in the*
4 *carrying out of a predicate act—*

5 “(i) *outside the United States; or*

6 “(ii) *within the United States, and ei-*
7 *ther the offense or the predicate act was con-*
8 *ducted in, or the results thereof affected,*
9 *interstate or foreign commerce;*

10 “(2) *the offense takes place outside the United*
11 *States and—*

12 “(A) *a perpetrator is a national of the*
13 *United States or is a stateless person whose ha-*
14 *bitual residence is in the United States;*

15 “(B) *a perpetrator is found in the United*
16 *States; or*

17 “(C) *was directed toward or resulted in the*
18 *carrying out of a predicate act against—*

19 “(i) *any property that is owned,*
20 *leased, or used by the United States or by*
21 *any department or agency of the United*
22 *States, including an embassy or other diplo-*
23 *matic or consular premises of the United*
24 *States;*

1 “(ii) any person or property within
2 the United States;

3 “(iii) any national of the United
4 States or the property of such national; or

5 “(iv) any property of any legal entity
6 organized under the laws of the United
7 States, including any of its States, districts,
8 commonwealths, territories, or possessions;

9 “(3) the offense is committed on board a vessel
10 flying the flag of the United States or an aircraft
11 which is registered under the laws of the United
12 States at the time the offense is committed;

13 “(4) the offense is committed on board an air-
14 craft which is operated by the United States; or

15 “(5) the offense was directed toward or resulted
16 in the carrying out of a predicate act committed in
17 an attempt to compel the United States to do or ab-
18 stain from doing any act.

19 “(c) CONCEALMENT.—Whoever—

20 “(1)(A) is in the United States; or

21 “(B) is outside the United States and is a na-
22 tional of the United States or a legal entity organized
23 under the laws of the United States (including any
24 of its States, districts, commonwealths, territories, or
25 possessions); and

1 “(2) knowingly conceals or disguises the nature,
2 location, source, ownership, or control of any material
3 support, resources, or funds—

4 “(A) knowing or intending that the support
5 or resources were provided in violation of section
6 2339B of this title; or

7 “(B) knowing or intending that any such
8 funds or any proceeds of such funds were pro-
9 vided or collected in violation of subsection (a);
10 shall be punished as prescribed in subsection (d)(2).

11 “(d) *PENALTIES.*—

12 “(1) *SUBSECTION (A).*—Whoever violates sub-
13 section (a) shall be fined under this title, imprisoned
14 for not more than 20 years, or both.

15 “(2) *SUBSECTION (C).*—Whoever violates sub-
16 section (c) shall be fined under this title, imprisoned
17 for not more than 10 years, or both.

18 “(e) *DEFINITIONS.*—In this section—

19 “(1) the term ‘funds’ means assets of every kind,
20 whether tangible or intangible, movable or immovable,
21 however acquired, and legal documents or instruments
22 in any form, including electronic or digital, evidenc-
23 ing title to, or interest in, such assets, including coin,
24 currency, bank credits, travelers checks, bank checks,

1 *money orders, shares, securities, bonds, drafts, and*
2 *letters of credit;*

3 *“(2) the term ‘government facility’ means any*
4 *permanent or temporary facility or conveyance that*
5 *is used or occupied by representatives of a state, mem-*
6 *bers of a government, the legislature, or the judiciary,*
7 *or by officials or employees of a state or any other*
8 *public authority or entity or by employees or officials*
9 *of an intergovernmental organization in connection*
10 *with their official duties;*

11 *“(3) the term ‘proceeds’ means any funds derived*
12 *from or obtained, directly or indirectly, through the*
13 *commission of an offense set forth in subsection (a);*

14 *“(4) the term ‘provides’ includes giving, donat-*
15 *ing, and transmitting;*

16 *“(5) the term ‘collects’ includes raising and re-*
17 *ceiving;*

18 *“(6) the term ‘predicate act’ means any act re-*
19 *ferred to in subparagraph (A) or (B) of subsection*
20 *(a)(1);*

21 *“(7) the term ‘treaty’ means—*

22 *“(A) the Convention for the Suppression of*
23 *Unlawful Seizure of Aircraft, done at The Hague*
24 *on December 16, 1970;*

1 “(B) the Convention for the Suppression of
2 Unlawful Acts against the Safety of Civil Avia-
3 tion, done at Montreal on September 23, 1971;

4 “(C) the Convention on the Prevention and
5 Punishment of Crimes against Internationally
6 Protected Persons, including Diplomatic Agents,
7 adopted by the General Assembly of the United
8 Nations on December 14, 1973;

9 “(D) the International Convention against
10 the Taking of Hostages, adopted by the General
11 Assembly of the United Nations on December 17,
12 1979;

13 “(E) the Convention on the Physical Protec-
14 tion of Nuclear Material, adopted at Vienna on
15 March 3, 1980;

16 “(F) the Protocol for the Suppression of Un-
17 lawful Acts of Violence at Airports Serving
18 International Civil Aviation, supplementary to
19 the Convention for the Suppression of Unlawful
20 Acts against the Safety of Civil Aviation, done
21 at Montreal on February 24, 1988;

22 “(G) the Convention for the Suppression of
23 Unlawful Acts against the Safety of Maritime
24 Navigation, done at Rome on March 10, 1988;

1 “(H) the Protocol for the Suppression of
2 Unlawful Acts against the Safety of Fixed Plat-
3 forms located on the Continental Shelf, done at
4 Rome on March 10, 1988; or

5 “(I) the International Convention for the
6 Suppression of Terrorist Bombings, adopted by
7 the General Assembly of the United Nations on
8 December 15, 1997;

9 “(8) the term ‘intergovernmental organization’
10 includes international organizations;

11 “(9) the term ‘international organization’ has
12 the same meaning as in section 1116(b)(5) of this
13 title;

14 “(10) the term ‘armed conflict’ does not include
15 internal disturbances and tensions, such as riots, iso-
16 lated and sporadic acts of violence, and other acts of
17 a similar nature;

18 “(11) the term ‘serious bodily injury’ has the
19 same meaning as in section 1365(g)(3) of this title;

20 “(12) the term ‘national of the United States’
21 has the meaning given that term in section
22 101(a)(22) of the Immigration and Nationality Act
23 (8 U.S.C. 1101(a)(22)); and

1 “(13) the term ‘state’ has the same meaning as
2 that term has under international law, and includes
3 all political subdivisions thereof.

4 “(f) *CIVIL PENALTY.*—In addition to any other crimi-
5 nal, civil, or administrative liability or penalty, any legal
6 entity located within the United States or organized under
7 the laws of the United States, including any of the laws
8 of its States, districts, commonwealths, territories, or pos-
9 sessions, shall be liable to the United States for the sum
10 of at least \$10,000, if a person responsible for the manage-
11 ment or control of that legal entity has, in that capacity,
12 committed an offense set forth in subsection (a).”.

13 (b) *CLERICAL AMENDMENT.*—The table of sections at
14 the beginning of chapter 113B of title 18, United States
15 Code, is amended by adding at the end thereof the following:

“2339C. Prohibitions against the financing of terrorism.”.

16 (c) *DISCLAIMER.*—Nothing contained in this section is
17 intended to affect the scope or applicability of any other
18 Federal or State law.

19 **SEC. 203. EFFECTIVE DATE.**

20 Except for paragraphs (1)(D) and (2)(B) of section
21 2339C(b) of title 18, United States Code, which shall become
22 effective on the date that the International Convention for
23 the Suppression of the Financing of Terrorism enters into
24 force for the United States, and for the provisions of section
25 2339C(e)(7)(I) of title 18, United States Code, which shall

1 *become effective on the date that the International Conven-*
 2 *tion for the Suppression of Terrorist Bombing enters into*
 3 *force for the United States, section 202 shall take effect on*
 4 *the date of enactment of this Act.*

5 **TITLE III—ANCILLARY** 6 **MEASURES**

7 **SEC. 301. ANCILLARY MEASURES.**

8 (a) *WIRETAP PREDICATES.*—Section 2516(1)(q) of
 9 *title 18, United States Code, is amended by—*

- 10 (1) *inserting “2332f,” after “2332d,”; and*
 11 (2) *striking “or 2339B” and inserting “2339B,*
 12 *or 2339C”.*

13 (b) *FEDERAL CRIME OF TERRORISM.*—Section
 14 *2332b(g)(5)(B) of title 18, United States Code, is amended*
 15 *by—*

- 16 (1) *inserting “2332f (relating to bombing of pub-*
 17 *lic places and facilities),” after “2332b (relating to*
 18 *acts of terrorism transcending national boundaries),”;*
 19 *and*
 20 (2) *inserting “2339C (relating to financing of*
 21 *terrorism,” before “or 2340A (relating to torture)”.*

22 (c) *PROVIDING MATERIAL SUPPORT TO TERRORISTS*
 23 *PREDICATE.*—Section 2339A of title 18, United States
 24 *Code, is amended by inserting “2332f,” before “or 2340A”.*

1 (d) *FORFEITURE OF FUNDS, PROCEEDS, AND INSTRU-*
2 *MENTALITIES.*—Section 981(a)(1) of title 18, United States
3 *Code, is amended by adding at the end the following:*

4 “(H) *Any property, real or personal, in-*
5 *volved in a violation or attempted violation, or*
6 *which constitutes or is derived from proceeds*
7 *traceable to a violation, of section 2339C of this*
8 *title.”.*

Attest:

Secretary.

107TH CONGRESS
2D SESSION

H. R. 3275

AMENDMENT