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1ST SESSION

H. R. 3275

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18), 2001

Received; read twice and referred to the Committee on the Judiciary

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.

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

3 **TITLE I—SUPPRESSION OF**
 4 **TERRORIST BOMBINGS**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Terrorist Bombings
 7 Convention Implementation Act of 2001”.

8 **SEC. 102. BOMBING STATUTE.**

9 (a) OFFENSE.—Chapter 113B of title 18, United
 10 States Code, relating to terrorism, is amended by inserting
 11 after section 2332e the following new section:

12 **“§ 2332f. Bombings of places of public use, govern-**
 13 **ment facilities, public transportation sys-**
 14 **tems and infrastructure facilities**

15 “(a) OFFENSES.—

16 “(1) IN GENERAL.—Whoever unlawfully deliv-
 17 ers, places, discharges, or detonates an explosive or
 18 other lethal device in, into, or against a place of
 19 public use, a state or government facility, a public
 20 transportation system, or an infrastructure facility—

21 “(A) with the intent to cause death or seri-
 22 ous bodily injury, or

23 “(B) with the intent to cause extensive de-
 24 struction of such a place, facility, or system,

1 where such destruction results in or is likely to
2 result in major economic loss,
3 shall be punished as prescribed in subsection (c).

4 “(2) ATTEMPTS AND CONSPIRACIES.—Whoever
5 attempts or conspires to commit an offense under
6 paragraph (1) shall be punished as prescribed in
7 subsection (c).

8 “(b) JURISDICTION.—There is jurisdiction over the
9 offenses in subsection (a) if—

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

12 “(A) the offense is committed against an-
13 other state or a government facility of such
14 state, including its embassy or other diplomatic
15 or consular premises of that state;

16 “(B) the offense is committed in an at-
17 tempt to compel another state or the United
18 States to do or abstain from doing any act;

19 “(C) at the time the offense is committed,
20 it is committed—

21 “(i) on board a vessel flying the flag
22 of another state;

23 “(ii) on board an aircraft which is
24 registered under the laws of another state;

25 or

1 “(iii) on board an aircraft which is op-
2 erated by the government of another state;

3 “(D) a perpetrator is found outside the
4 United States;

5 “(E) a perpetrator is a national of another
6 state or a stateless person; or

7 “(F) a victim is a national of another state
8 or a stateless person;

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

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

14 “(B) a victim is a national of the United
15 States;

16 “(C) a perpetrator is found in the United
17 States;

18 “(D) the offense is committed in an at-
19 tempt to compel the United States to do or ab-
20 stain from doing any act;

21 “(E) the offense is committed against a
22 state or government facility of the United
23 States, including an embassy or other diplo-
24 matic or consular premises of the United
25 States;

1 “(F) the offense is committed on board a
2 vessel flying the flag of the United States or an
3 aircraft which is registered under the laws of
4 the United States at the time the offense is
5 committed; or

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

8 “(c) PENALTIES.—Whoever violates this section shall
9 be imprisoned for any term of years or for life, and if
10 death results from the violation, shall be punished by
11 death or imprisoned for any term of years or for life.

12 “(d) EXEMPTIONS TO JURISDICTION.—This section
13 does not apply to—

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

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

19 “(3) offenses committed within the United
20 States, where the alleged offender and the victims
21 are United States citizens and the alleged offender
22 is found in the United States, or where jurisdiction
23 is predicated solely on the nationality of the victims
24 or the alleged offender and the offense has no sub-
25 stantial effect on interstate or foreign commerce.

1 “(e) DEFINITIONS.—As used in this section, the
2 term—

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

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

9 “(3) ‘state or government facility’ includes any
10 permanent or temporary facility or conveyance that
11 is used or occupied by representatives of a state,
12 members of Government, the legislature or the judi-
13 ciary or by officials or employees of a state or any
14 other public authority or entity or by employees or
15 officials of an intergovernmental organization in con-
16 nection with their official duties;

17 “(4) ‘intergovernmental organization’ includes
18 international organization (as defined in section
19 1116(b)(5) of this title);

20 “(5) ‘infrastructure facility’ means any publicly
21 or privately owned facility providing or distributing
22 services for the benefit of the public, such as water,
23 sewage, energy, fuel, or communications;

24 “(6) ‘place of public use’ means those parts of
25 any building, land, street, waterway, or other loca-

1 tion that are accessible or open to members of the
2 public, whether continuously, periodically, or occa-
3 sionally, and encompasses any commercial, business,
4 cultural, historical, educational, religious, govern-
5 mental, entertainment, recreational, or similar place
6 that is so accessible or open to the public;

7 “(7) ‘public transportation system’ means all
8 facilities, conveyances, and instrumentalities, wheth-
9 er publicly or privately owned, that are used in or
10 for publicly available services for the transportation
11 of persons or cargo;

12 “(8) ‘explosive’ has the meaning given in sec-
13 tion 844(j) of this title insofar that it is designed,
14 or has the capability, to cause death, serious bodily
15 injury, or substantial material damage;

16 “(9) ‘other lethal device’ means any weapon or
17 device that is designed or has the capability to cause
18 death, serious bodily injury, or substantial damage
19 to property through the release, dissemination, or
20 impact of toxic chemicals, biological agents or toxins
21 (as those terms are defined in section 178 of this
22 title), or radiation or radioactive material;

23 “(10) ‘military forces of a state’ means the
24 armed forces of a state which are organized, trained,
25 and equipped under its internal law for the primary

1 purpose of national defense or security, and persons
2 acting in support of those armed forces who are
3 under their formal command, control, and responsi-
4 bility;

5 “(11) ‘armed conflict’ does not include internal
6 disturbances and tensions, such as riots, isolated
7 and sporadic acts of violence, and other acts of a
8 similar nature; and

9 “(12) ‘state’ has the same meaning as that
10 term has under international law, and includes all
11 political subdivisions thereof.”

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

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

16 (c) DISCLAIMER.—Nothing contained in this section
17 is intended to affect the applicability of any other Federal
18 or State law which might pertain to the underlying con-
19 duct.

20 **SEC. 103. EFFECTIVE DATE.**

21 Section 102 of this title shall become effective on the
22 date that the International Convention for the Suppres-
23 sion of Terrorist Bombings enters into force for the
24 United States.

1 **TITLE II—SUPPRESSION OF THE**
2 **FINANCING OF TERRORISM**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Suppression of the
5 Financing of Terrorism Convention Implementation Act
6 of 2001”.

7 **SEC. 202. TERRORISM FINANCING STATUTE.**

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

11 **“§ 2339C. Prohibitions against the financing of ter-**
12 **rorism**

13 “(a) OFFENSES.—

14 “(1) IN GENERAL.—Whoever, in a circumstance
15 described in subsection (c), by any means, directly or
16 indirectly, unlawfully and willfully provides or col-
17 lects funds with the intention that such funds be
18 used, or with the knowledge that such funds are to
19 be used, in full or in part, in order to carry out—

20 “(A) an act which constitutes an offense
21 within the scope of a treaty specified in sub-
22 section (e)(7), as implemented by the United
23 States, or

24 “(B) any other act intended to cause death
25 or serious bodily injury to a civilian, or to any

1 other person not taking an active part in the
2 hostilities in a situation of armed conflict, when
3 the purpose of such act, by its nature or con-
4 text, is to intimidate a population, or to compel
5 a government or an international organization
6 to do or to abstain from doing any act,
7 shall be punished as prescribed in subsection (d)(1).

8 “(2) ATTEMPTS AND CONSPIRACIES.—Whoever
9 attempts or conspires to commit an offense under
10 paragraph (1) shall be punished as prescribed in
11 subsection (d)(1).

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

16 “(b) CONCEALMENT.—

17 “(1) IN GENERAL.—Whoever, in the United
18 States, or outside the United States and a national
19 of the United States or a legal entity organized
20 under the laws of the United States (including any
21 of its States, districts, commonwealths, territories,
22 or possessions), knowingly conceals or disguises the
23 nature, the location, the source, or the ownership or
24 control of any material support or resources pro-
25 vided in violation of section 2339B of this chapter,

1 or of any funds provided or collected in violation of
2 subsection (a) or any proceeds of such funds, shall
3 be punished as prescribed in subsection (d)(2).

4 “(2) ATTEMPTS AND CONSPIRACIES.—Whoever
5 attempts or conspires to commit an offense under
6 paragraph (1) shall be punished as prescribed in
7 subsection (d)(2).

8 “(c) JURISDICTION.—There is jurisdiction over the
9 offenses in subsection (a) in the following circumstances—

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

12 “(A) a perpetrator was a national of an-
13 other state or a stateless person;

14 “(B) on board a vessel flying the flag of
15 another state or an aircraft which is registered
16 under the laws of another state at the time the
17 offense is committed;

18 “(C) on board an aircraft which is oper-
19 ated by the government of another state;

20 “(D) a perpetrator is found outside the
21 United States;

22 “(E) was directed toward or resulted in
23 the carrying out of a predicate act against—

24 “(i) a national of another state; or

1 “(ii) another state or a government
2 facility of such state, including its embassy
3 or other diplomatic or consular premises of
4 that state;

5 “(F) was directed toward or resulted in the
6 carrying out of a predicate act committed in an
7 attempt to compel another state or inter-
8 national organization to do or abstain from
9 doing any act; or

10 “(G) was directed toward or resulted in
11 the carrying out of a predicate act—

12 “(i) outside the United States; or

13 “(ii) within the United States, and ei-
14 ther the offense or the predicate act was
15 conducted in, or the results thereof af-
16 fected, interstate or foreign commerce;

17 “(2) the offense takes place outside the United
18 States and—

19 “(A) a perpetrator is a national of the
20 United States or is a stateless person whose ha-
21 bitual residence is in the United States;

22 “(B) a perpetrator is found in the United
23 States; or

24 “(C) was directed toward or resulted in the
25 carrying out of a predicate act against—

1 “(i) any property that is owned,
2 leased, or used by the United States or by
3 any department or agency of the United
4 States, including an embassy or other dip-
5 lomatic or consular premises of the United
6 States;

7 “(ii) any person or property within
8 the United States;

9 “(iii) any national of the United
10 States or the property of such national; or

11 “(iv) any property of any legal entity
12 organized under the laws of the United
13 States, including any of its States, dis-
14 tricts, commonwealths, territories, or pos-
15 sessions;

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

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

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

1 “(d) PENALTIES.—

2 “(1) Whoever violates subsection (a) shall be
3 fined under this title, imprisoned for not more than
4 20 years, or both.

5 “(2) Whoever violates subsection (b) shall be
6 fined under this title, imprisoned for not more than
7 10 years, or both.

8 “(e) DEFINITIONS.—As used in this section—

9 “(1) the term ‘funds’ means assets of every
10 kind, whether tangible or intangible, movable or im-
11 movable, however acquired, and legal documents or
12 instruments in any form, including electronic or dig-
13 ital, evidencing title to, or interest in, such assets,
14 including coin, currency, bank credits, travelers
15 checks, bank checks, money orders, shares, securi-
16 ties, bonds, drafts, and letters of credit;

17 “(2) the term ‘government facility’ means any
18 permanent or temporary facility or conveyance that
19 is used or occupied by representatives of a state,
20 members of a government, the legislature, or the ju-
21 diciary, or by officials or employees of a state or any
22 other public authority or entity or by employees or
23 officials of an intergovernmental organization in con-
24 nection with their official duties;

1 “(3) the term ‘proceeds’ means any funds de-
2 rived from or obtained, directly or indirectly,
3 through the commission of an offense set forth in
4 subsection (a);

5 “(4) the term ‘provides’ includes giving, donat-
6 ing, and transmitting;

7 “(5) the term ‘collects’ includes raising and re-
8 ceiving;

9 “(6) the term ‘predicate act’ means any act re-
10 ferred to in subparagraph (A) or (B) of subsection
11 (a)(1);

12 “(7) the term ‘treaty’ means—

13 “(A) the Convention for the Suppression of
14 Unlawful Seizure of Aircraft, done at The
15 Hague on December 16, 1970;

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

19 “(C) the Convention on the Prevention and
20 Punishment of Crimes against Internationally
21 Protected Persons, including Diplomatic
22 Agents, adopted by the General Assembly of the
23 United Nations on December 14, 1973;

24 “(D) the International Convention against
25 the Taking of Hostages, adopted by the General

1 Assembly of the United Nations on December
2 17, 1979;

3 “(E) the Convention on the Physical Pro-
4 tection of Nuclear Material, adopted at Vienna
5 on March 3, 1980;

6 “(F) the Protocol for the Suppression of
7 Unlawful Acts of Violence at Airports Serving
8 International Civil Aviation, supplementary to
9 the Convention for the Suppression of Unlawful
10 Acts against the Safety of Civil Aviation, done
11 at Montreal on February 24, 1988;

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

15 “(H) the Protocol for the Suppression of
16 Unlawful Acts against the Safety of Fixed Plat-
17 forms located on the Continental Shelf, done at
18 Rome on March 10, 1988; or

19 “(I) the International Convention for the
20 Suppression of Terrorist Bombings, adopted by
21 the General Assembly of the United Nations on
22 December 15, 1997;

23 “(8) the term ‘intergovernmental organization’
24 includes international organizations;

1 “(9) the term ‘international organization’ has
2 the same meaning as in section 1116(b)(5) of this
3 title;

4 “(10) the term ‘armed conflict’ does not include
5 internal disturbances and tensions, such as riots,
6 isolated and sporadic acts of violence, and other acts
7 of a similar nature;

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

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

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

17 “(f) CIVIL PENALTY.—In addition to any other crimi-
18 nal, civil, or administrative liability or penalty, any legal
19 entity located within the United States or organized under
20 the laws of the United States, including any of the laws
21 of its States, districts, commonwealths, territories, or pos-
22 sessions, shall be liable to the United States for the sum
23 of at least \$10,000, if a person responsible for the man-
24 agement or control of that legal entity has, in that capac-
25 ity, committed an offense set forth in subsection (a).”.

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

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

5 (c) DISCLAIMER.—Nothing contained in this section
6 is intended to affect the scope or applicability of any other
7 Federal or State law.

8 **SEC. 203. EFFECTIVE DATE.**

9 Except for sections 2339C(e)(1)(D) and (2)(B) of
10 title 18, United States Code, which shall become effective
11 on the date that the International Convention for the Sup-
12 pression of the Financing of Terrorism enters into force
13 for the United States, and for the provisions of section
14 2339C(e)(7)(I) of title 18, United States Code, which shall
15 become effective on the date that the International Con-
16 vention for the Suppression of Terrorist Bombing enters
17 into force for the United States, section 202 of this title
18 shall be effective upon enactment.

19 **TITLE III—ANCILLARY**
20 **MEASURES**

21 **SEC. 301. ANCILLARY MEASURES.**

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

24 (1) inserting “2332f,” after “2332d,”; and

1 (2) striking “or 2339B” and inserting “2339B,
2 or 2339C”.

3 (b) FEDERAL CRIME OF TERRORISM.—Section
4 2332b(g)(5)(B) of title 18, United States Code, is amend-
5 ed by—

6 (1) inserting “2332f (relating to bombing of
7 public places and facilities),” after “2332b (relating
8 to acts of terrorism transcending national bound-
9 aries),”; and

10 (2) inserting “2339C (relating to financing of
11 terrorism),” before “or 2340A (relating to torture)”.

12 (c) PROVIDING MATERIAL SUPPORT TO TERRORISTS
13 PREDICATE.—Section 2339A of title 18, United States
14 Code, is amended by inserting “2332f,” before “or
15 2340A”.

16 (d) FORFEITURE OF FUNDS, PROCEEDS, AND IN-
17 STRUMENTALITIES.—Section 981(a)(1) of title 18, United
18 States Code, is amended by adding at the end thereof the
19 following new subparagraph:

20 “(H) Any property, real or personal, involved in
21 a violation or attempted violation, or which con-

1 stitutes or is derived from proceeds traceable to a
2 violation, of section 2339C of this title.”.

Passed the House of Representatives December 19,
2001.

Attest:

JEFF TRANDAHL,

Clerk.