

Union Calendar No. 185

107TH CONGRESS
1ST SESSION

H. R. 3275

[Report No. 107-307]

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2001

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on the Judiciary

NOVEMBER 29, 2001

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on November 9, 2001]

A BILL

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, government**
13 **facilities, public transportation systems**
14 **and infrastructure facilities**

15 **“(a) OFFENSES.—**

16 **“(1) IN GENERAL.—Whoever unlawfully delivers,**
17 **places, discharges, or detonates an explosive or other**
18 **lethal device in, into, or against a place of public use,**
19 **a state or government facility, a public transpor-**
20 **tation 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,**
25 **where such destruction results in or is likely to**

1 *result in major economic loss, shall be punished*
2 *as prescribed in subsection (c).*

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

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

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

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

15 “*(B) the offense is committed in an attempt*
16 *to compel another state or the United States to*
17 *do or abstain from doing any act;*

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

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

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

24 “*(iii) on board an aircraft which is*
25 *operated by the government of another state;*

1 “(D) a perpetrator is found outside the
2 United States;

3 “(E) a perpetrator is a national of another
4 state or a stateless person; or

5 “(F) a victim is a national of another state
6 or a stateless person;

7 “(2) the offense takes place outside the United
8 States and—

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

12 “(B) a victim is a national of the United
13 States;

14 “(C) a perpetrator is found in the United
15 States;

16 “(D) the offense is committed in an attempt
17 to compel the United States to do or abstain
18 from doing any act;

19 “(E) the offense is committed against a
20 state or government facility of the United States,
21 including an embassy or other diplomatic or
22 consular premises of the United States;

23 “(F) the offense is committed on board a
24 vessel flying the flag of the United States or an
25 aircraft which is registered under the laws of the

1 *United States at the time the offense is com-*
2 *mitted; or*

3 “(G) *the offense is committed on board an*
4 *aircraft which is operated by the United States.*

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

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

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

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

16 “(3) *offenses committed within the United*
17 *States, where the alleged offender and the victims are*
18 *United States citizens and the alleged offender is*
19 *found in the United States, or where jurisdiction is*
20 *predicated solely on the nationality of the victims or*
21 *the alleged offender and the offense has no substantial*
22 *effect on interstate or foreign commerce.*

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

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

1 “(2) ‘national of the United States’ has the
2 meaning given that term in section 101(a)(22) of the
3 Immigration and Nationality Act (8 U.S.C.
4 1101(a)(22));

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

13 “(4) ‘intergovernmental organization’ includes
14 international organization (as defined in section
15 1116(b)(5) of this title);

16 “(5) ‘infrastructure facility’ means any publicly
17 or privately owned facility providing or distributing
18 services for the benefit of the public, such as water,
19 sewage, energy, fuel, or communications;

20 “(6) ‘place of public use’ means those parts of
21 any building, land, street, waterway, or other location
22 that are accessible or open to members of the public,
23 whether continuously, periodically, or occasionally,
24 and encompasses any commercial, business, cultural,
25 historical, educational, religious, governmental, enter-

1 *tainment, recreational, or similar place that is so ac-*
2 *cessible or open to the public;*

3 *“(7) ‘public transportation system’ means all fa-*
4 *ilities, conveyances, and instrumentalities, whether*
5 *publicly or privately owned, that are used in or for*
6 *publicly available services for the transportation of*
7 *persons or cargo;*

8 *“(8) ‘explosive’ has the meaning given in section*
9 *844(j) of this title insofar that it is designed, or has*
10 *the capability, to cause death, serious bodily injury,*
11 *or substantial material damage;*

12 *“(9) ‘other legal device’ means any weapon or*
13 *device that is designed or has the capability to cause*
14 *death, serious bodily injury, or substantial damage to*
15 *property through the release, dissemination, or im-*
16 *pect of toxic chemicals, biological agents, or toxins (as*
17 *those terms are defined in section 178 of this title) or*
18 *radiation or radioactive material;*

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

1 “(11) ‘armed conflict’ does not include internal
2 disturbances and tensions, such as riots, isolated, and
3 sporadic acts of violence, and other acts of a similar
4 nature; and

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

8 (b) *CLERICAL AMENDMENT.*—The table of sections at
9 the beginning of chapter 113B of title 18, United States
10 Code, is amended by adding after the item relating to sec-
11 tion 2332e the following:

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

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

15 **SEC. 103. EFFECTIVE DATE.**

16 Section 102 of this title shall become effective on the
17 date that the International Convention for the Suppression
18 of Terrorist Bombings enters into force for the United
19 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 Fi-*
5 *nancing of Terrorism Convention Implementation Act of*
6 *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 used,*
18 *or with the knowledge that such funds are to be used,*
19 *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 context,*
4 *is to intimidate a population, or to compel a*
5 *government or an international organization to*
6 *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 sub-*
11 *section (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 under*
20 *the laws of the United States (including any of its*
21 *States, districts, commonwealths, territories, or pos-*
22 *sessions), knowingly conceals or disguises the nature,*
23 *the location, the source, or the ownership or control*
24 *of any material support or resources provided in vio-*
25 *lation of section 2339B of this chapter, or of any*

1 *funds provided or collected in violation of subsection*
2 *(a) or any proceeds of such funds, shall be punished*
3 *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 sub-*
7 *section (d)(2).*

8 “(c) *JURISDICTION.*—There is jurisdiction over the of-
9 *fenses in subsection (a) in the following circumstances—*

10 “(1) *the offense takes place in the United States*
11 *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 an-*
15 *other 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 operated*
19 *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 the*
23 *carrying out of a predicate act against—*

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

1 “(ii) another state or a government fa-
2 cility of such state, including its embassy or
3 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 international
8 organization to do or abstain from doing any
9 act; or

10 “(G) was directed toward or resulted in the
11 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 con-
15 ducted in, or the results thereof affected,
16 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 diplo-
5 matic 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, districts,
14 commonwealths, territories, or possessions;

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

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

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

25 “(d) PENALTIES.—

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

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

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

8 “(1) the term ‘funds’ means assets of every kind,
9 *wh*ether tangible or intangible, movable or immovable,
10 *h*owever acquired, and legal documents or instruments
11 *in* any form, including electronic or digital, evidenc-
12 *ing* title to, or interest in, such assets, including coin,
13 *cu*rrency, bank credits, travelers checks, bank checks,
14 *m*oney orders, shares, securities, bonds, drafts, and
15 *l*etters of credit;

16 “(2) the term ‘government facility’ means any
17 *per*manent or temporary facility or conveyance that
18 *is* used or occupied by representatives of a state, mem-
19 *bers* of a government, the legislature, or the judiciary,
20 *or* by officials or employees of a state or any other
21 *pu*blic authority or entity or by employees or officials
22 *of* an intergovernmental organization in connection
23 *with* their official duties;

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

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

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

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

11 “(7) the term ‘treaty’ means—

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

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

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

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

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

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

6 “(F) *the Protocol for the Suppression of Un-*
7 *lawful 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, iso-
6 lated and sporadic acts of violence, and other acts of
7 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 manage-
24 ment or control of that legal entity has, in that capacity,
25 committed an offense set forth in subsection (a).”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 113B of title 18, United States*
 3 *Code, is amended by adding at the end thereof the following:*
 “2339C. *Prohibitions against the financing of terrorism.*”.

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

7 **SEC. 203. EFFECTIVE DATE.**

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

18 **TITLE III—ANCILLARY**
 19 **MEASURES**

20 **SEC. 301. ANCILLARY MEASURES.**

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

- 23 (1) *inserting “2332f,” after “2332d,”; and*
 24 (2) *striking “or 2339B” and inserting “2339B,*
 25 *or 2339C”.*

1 (b) *FEDERAL CRIME OF TERRORISM.*—Section
2 *2332b(g)(5)(B)* of title 18, United States Code, is amended
3 *by—*

4 (1) *inserting “2332f (relating to bombing of pub-*
5 *lic places and facilities),” after “2332b (relating to*
6 *acts of terrorism transcending national boundaries),”;*
7 *and*

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

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

13 (d) *FORFEITURE OF FUNDS, PROCEEDS, AND INSTRU-*
14 *MENTALITIES.*—Section *981(a)(1)* of title 18, United States
15 Code, is amended by adding at the end thereof the following
16 *new subparagraph:*

17 “(H) *Any property, real or personal, involved in*
18 *a violation or attempted violation, or which con-*
19 *stitutes or is derived from proceeds traceable to a vio-*
20 *lation, of section 2339C of this title.”.*

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[Report No. 107-307]

A BILL

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NOVEMBER 29, 2001

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