

Calendar No. 537

112TH CONGRESS
2D SESSION**S. 2318****[Report No. 112-232]**

To authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2012

Mr. KERRY (for himself, Mr. BOOZMAN, Mr. COONS, Mr. ISAKSON, Ms. LANDRIEU, Mr. GRAHAM, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

NOVEMBER 13, 2012

Reported by Mr. KERRY, with an amendment

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

A BILL

To authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of State
3 Rewards Program Update and Technical Corrections Act
4 of 2012”.

5 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

6 (a) **FINDINGS.**—Congress makes the following find-
7 ings:

8 (1) The Department of State’s existing rewards
9 programs permit the payment of reward for informa-
10 tion leading to the arrest or conviction of—

11 (A) individuals who have committed, or at-
12 tempted or conspired to commit, certain acts of
13 international terrorism;

14 (B) individuals who have committed, or at-
15 tempted or conspired to commit, certain nar-
16 cotics-related offenses; and

17 (C) individuals who have been indicted by
18 certain international criminal tribunals.

19 (2) The Department of State considers the re-
20 wards program to be “one of the most valuable as-
21 sets the U.S. Government has in the fight against
22 international terrorism”. Since the program’s incep-
23 tion in 1984, the United States Government has re-
24 wardered over 60 people who provided actionable in-
25 formation that, according to the Department of
26 State, prevented international terrorist attacks or

1 helped convict individuals involved in terrorist at-
2 tacks.

3 (3) The program has been credited with pro-
4 viding information in several high-profile cases, in-
5 cluding the arrest of Ramzi Yousef, who was con-
6 victed in the 1993 bombing of the World Trade Cen-
7 ter, the deaths of Uday and Qusay Hussein, who
8 United States military forces located and killed in
9 Iraq after receiving information about their loca-
10 tions, and the arrests or deaths of several members
11 of the Abu Sayyaf group, believed to be responsible
12 for the kidnappings and deaths of United States citi-
13 zens and Filipinos in the Philippines.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the rewards program of the Department of
16 State should be expanded in order to—

17 (1) address the growing threat to important
18 United States interests from transnational criminal
19 activity, such as intellectual property rights piracy,
20 money laundering, trafficking in persons, arms traf-
21 ficking, and cybercrime; and

22 (2) target other individuals indicted by inter-
23 national, hybrid, or mixed tribunals for genocide,
24 war crimes, or crimes against humanity.

1 **SEC. 3. ENHANCED REWARDS AUTHORITY.**

2 Section 36 of the State Department Basic Authorities
3 Act of 1956 (22 U.S.C. 2708) is amended—

4 (1) in subsection (a)(2), by inserting “serious
5 violations of international humanitarian law,
6 transnational organized crime,” after “international
7 narcotics trafficking,”

8 (2) in subsection (b)—

9 (A) in the matter preceding paragraph (1),
10 by striking “Attorney General” and inserting
11 “heads of other relevant departments or agen-
12 cies”;

13 (B) in paragraphs (4) and (5), by striking
14 “paragraph (1), (2), or (3)” both places it ap-
15 pears and inserting “paragraph (1), (2), (3),
16 (8), or (9)”;

17 (C) in paragraph (6)—

18 (i) by inserting “or transnational or-
19 ganized crime group” after “terrorist orga-
20 nization”; and

21 (ii) by striking “or” at the end;

22 (D) in paragraph (7)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “, including the use
25 by the organization of illicit narcotics pro-
26 duction or international narcotics traf-

1 ficking” and inserting “or transnational
 2 organized crime group, including the use
 3 by such organization or group of illicit nar-
 4 cotics production or international narcotics
 5 trafficking”;

6 (ii) in subparagraph (A), by inserting
 7 “or transnational organized crime” after
 8 “international terrorism”; and

9 (iii) in subparagraph (B)—

10 (I) by inserting “or transnational
 11 organized crime group” after “ter-
 12 rorist organization”; and

13 (II) by striking the period at the
 14 end and inserting a semicolon; and

15 (E) by adding at the end the following new
 16 paragraphs:

17 “(8) the arrest or conviction in any country of
 18 any individual for participating in, primarily outside
 19 the United States, transnational organized crime;

20 “(9) the arrest or conviction in any country of
 21 any individual conspiring to participate in or at-
 22 tempting to participate in transnational organized
 23 crime; or

24 “(10) the arrest or conviction in any country,
 25 or the transfer to or conviction by an international

1 criminal tribunal (including a hybrid or mixed tri-
 2 bunal), of any foreign national accused of war
 3 crimes, crimes against humanity, or genocide, as de-
 4 fined under the statute of such tribunal.”;

5 (3) in subsection (g), by adding at the end the
 6 following new paragraph:

7 “(3) ADVANCE NOTIFICATION FOR INTER-
 8 NATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less
 9 than 15 days before publicly announcing that a re-
 10 ward may be offered for a particular foreign national
 11 accused of war crimes, crimes against humanity, or
 12 genocide, the Secretary of State shall submit to the
 13 appropriate congressional committees a report,
 14 which may be submitted in classified form if nec-
 15 essary, setting forth the reasons why the arrest or
 16 conviction of such foreign national is in the national
 17 interests of the United States.”; and

18 (4) in subsection (k)—

19 (A) by redesignating paragraphs (5) and
 20 (6) as paragraphs (7) and (8), respectively; and

21 (B) by inserting after paragraph (4) the
 22 following new paragraphs:

23 “(5) TRANSNATIONAL ORGANIZED CRIME.—The
 24 term ‘transnational organized crime’ means—

“(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

“(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

“(6) **TRANSNATIONAL ORGANIZED CRIME GROUP.**—The term ‘transnational organized crime group’ means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.”.

SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking “The Secretary shall authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.”.

1 **SEC. 5. RULE OF CONSTRUCTION.**

2 Nothing in this Act or the amendments made by this
 3 Act shall be construed as authorizing the use of activity
 4 precluded under the American Servicemembers' Protection
 5 Act of 2002 (title II of Public Law 107–206, 22 U.S.C.
 6 7421 et seq.).

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Department of State*
 9 *Rewards Program Update and Technical Corrections Act*
 10 *of 2012”.*

11 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

12 (a) *FINDINGS.*—Congress makes the following findings:

13 (1) *The Department of State’s existing rewards*
 14 *programs permit the payment of reward for informa-*
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16 (A) *individuals who have committed, or at-*
 17 *tempted or conspired to commit, certain acts of*
 18 *international terrorism;*

19 (B) *individuals who have committed, or at-*
 20 *tempted or conspired to commit, certain nar-*
 21 *cotics-related offenses; and*

22 (C) *individuals who have been indicted by*
 23 *certain international criminal tribunals.*

24 (2) *The Department of State considers the re-*
 25 *wards program to be “one of the most valuable assets*
 26 *the U.S. Government has in the fight against inter-*

1 *national terrorism”. Since the program’s inception in*
2 *1984, the United States Government has rewarded*
3 *over 60 people who provided actionable information*
4 *that, according to the Department of State, prevented*
5 *international terrorist attacks or helped convict indi-*
6 *viduals involved in terrorist attacks.*

7 *(3) The program has been credited with pro-*
8 *viding information in several high-profile cases, in-*
9 *cluding the arrest of Ramzi Yousef, who was convicted*
10 *in the 1993 bombing of the World Trade Center, the*
11 *deaths of Uday and Qusay Hussein, who United*
12 *States military forces located and killed in Iraq after*
13 *receiving information about their locations, and the*
14 *arrests or deaths of several members of the Abu*
15 *Sayyaf group, believed to be responsible for the*
16 *kidnappings and deaths of United States citizens and*
17 *Filipinos in the Philippines.*

18 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
19 *that the rewards program of the Department of State should*
20 *be expanded in order to—*

21 *(1) address the growing threat to important*
22 *United States interests from transnational criminal*
23 *activity, such as intellectual property rights piracy,*
24 *money laundering, trafficking in persons, arms traf-*
25 *ficking, and cybercrime; and*

1 (2) *target other individuals indicted by inter-*
 2 *national, hybrid, or mixed tribunals for genocide, war*
 3 *crimes, or crimes against humanity.*

4 **SEC. 3. ENHANCED REWARDS AUTHORITY.**

5 *Section 36 of the State Department Basic Authorities*
 6 *Act of 1956 (22 U.S.C. 2708) is amended—*

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 8 *violations of international humanitarian law,*
 9 *transnational organized crime,” after “international*
 10 *narcotics trafficking,”;*

11 (2) *in subsection (b)—*

12 (A) *in the matter preceding paragraph (1),*
 13 *by striking “Attorney General” and inserting*
 14 *“heads of other relevant departments or agen-*
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16 (B) *in paragraphs (4) and (5), by striking*
 17 *“paragraph (1), (2), or (3)” both places it ap-*
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21 (i) *by inserting “or transnational or-*
 22 *ganized crime group” after “terrorist orga-*
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 9 *trafficking”;*

10 (ii) *in subparagraph (A), by inserting*
 11 *“or transnational organized crime” after*
 12 *“international terrorism”; and*

13 (iii) *in subparagraph (B)—*

14 (I) *by inserting “or transnational*
 15 *organized crime group” after “terrorist*
 16 *organization”; and*

17 (II) *by striking the period at the*
 18 *end and inserting a semicolon; and*

19 (E) *by adding at the end the following new*
 20 *paragraphs:*

21 “(8) *the arrest or conviction in any country of*
 22 *any individual for participating in, primarily out-*
 23 *side the United States, transnational organized crime;*

24 “(9) *the arrest or conviction in any country of*
 25 *any individual conspiring to participate in or at-*

1 *tempting to participate in transnational organized*
 2 *crime; or*

3 *“(10) the arrest or conviction in any country, or*
 4 *the transfer to or conviction by an international*
 5 *criminal tribunal (including a hybrid or mixed tri-*
 6 *bunal), of any foreign national accused of war crimes,*
 7 *crimes against humanity, or genocide, as defined*
 8 *under the statute of such tribunal.”;*

9 *(3) in subsection (g), by adding at the end the*
 10 *following new paragraph:*

11 *“(3) ADVANCE NOTIFICATION FOR INTER-*
 12 *NATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less*
 13 *than 15 days before publicly announcing that a re-*
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 17 *appropriate congressional committees a report, which*
 18 *may be submitted in classified form if necessary, set-*
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 21 *the United States.”; and*

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 16 *GROUP.*—The term ‘transnational organized crime
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2 *ture or death of Osama bin Laden.”.*

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4 *Nothing in this Act or the amendments made by this*
5 *Act shall be construed as authorizing the use of activity pre-*
6 *cluded under the American Servicemembers’ Protection Act*
7 *of 2002 (title II of Public Law 107–206; 22 U.S.C. 7421*
8 *et seq.).*

9 **SEC. 6. FUNDING.**

10 *The Secretary of State shall use amounts appropriated*
11 *or otherwise made available to the Emergencies in the Dip-*
12 *lomatic and Consular Services account of the Department*
13 *of State to pay rewards authorized pursuant to this Act*
14 *and to carry out other activities related to such rewards*
15 *authorized under section 36 of the State Department Basic*
16 *Authorities Act (22 U.S.C. 2708).*

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