

107TH CONGRESS
1ST SESSION

H. R. 2060

To prevent plant enterprise terrorism.

IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 2001

Mr. NETHERCUTT introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prevent plant enterprise terrorism.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Agroterrorism Preven-
5 tion Act of 2001”.

6 **SEC. 2. PLANT ENTERPRISE TERRORISM.**

7 (a) IN GENERAL.—Section 43 of title 18, United
8 States Code, is amended—

9 (1) so that the heading for such section reads

1 **“§ 43. Animal and plant enterprise terrorism”;**

2 (2) by striking “animal enterprise” each place
3 it appears and inserting “animal or plant enter-
4 prise”;

5 (3) in subsection (a)(2)—

6 (A) by inserting “plants,” after “includ-
7 ing”;

8 (B) by inserting a comma after “animals”;

9 (4) in subsection (d)(1), by striking “animal en-
10 terprise” and inserting “animal or plant enterprise”;

11 (5) in subsection (d)(1)(A), by inserting “or
12 plants” after “animals”;

13 (6) in subsection (d)(1)(B)—

14 (A) by inserting “botanical exhibit,” after
15 “rodeo”; and

16 (B) by inserting “or plant” after “animal”;
17 and

18 (7) in subsection (d)—

19 (A) by striking “and” at the end of para-
20 graph (3);

21 (B) by striking the period at the end of
22 paragraph (4) and inserting “; and”; and

23 (C) by adding at the end the following:

24 “(5) the term ‘plant’ means any plant (in-
25 cluding any plant part) used for, or that is ca-
26 pable of, propagation, including a tree, a tissue

1 culture, pollen, a shrub, a vine, a cutting, a
2 graft, a scion, a bud, a bulb, a root, a seed, or
3 any plant genetic material contained in bac-
4 teria, plasmids, viruses, viroids, or any vector of
5 biological origin that has been modified for, or
6 is capable of carrying genes into plant cells
7 using transgenic processes.”.

8 (b) CLERICAL AMENDMENT.—The item in the table
9 of sections at the beginning of chapter 3 of title 18, United
10 States Code, that relates to section 43 is amended to read
11 as follows:

“43. Animal and plant enterprise terrorism.”.

12 **SEC. 3. ENHANCEMENT OF PENALTIES FOR ANIMAL AND**
13 **PLANT ENTERPRISE TERRORISM.**

14 Section 43 of title 18, United States Code, is
15 amended—

16 (1) in subsection (a), by striking “one year”
17 and inserting “five years”; and

18 (2) in subsection (b)—

19 (A) by redesignating paragraph (2) as
20 paragraph (3);

21 (B) by inserting after paragraph (1) the
22 following new paragraph (2):

23 “(2) EXPLOSIVES OR ARSON.—Who-
24 ever in the course of a violation of sub-
25 section (a) maliciously damages or de-

1 (2) committed against or directed at any com-
2 mercial activity because of the perceived impact or
3 effect of such commercial activity on the environ-
4 ment; or

5 (3) committed against or directed at any person
6 because of such person's perceived connection with
7 or support of any enterprise or activity described in
8 paragraph (1) or (2).

9 (b) CLEARINGHOUSE.—The clearinghouse established
10 under subsection (a) shall—

11 (1) accept, collect, and maintain information on
12 incidents described in subsection (a) that is sub-
13 mitted to the clearinghouse by Federal, State, and
14 local law enforcement agencies, by law enforcement
15 agencies of foreign countries, and by victims of such
16 incidents;

17 (2) collate and index such information for pur-
18 poses of cross-referencing; and

19 (3) upon request from a Federal, State, or local
20 law enforcement agency, or from a law enforcement
21 agency of a foreign country, provide such informa-
22 tion to assist in the investigation of an incident de-
23 scribed in subsection (a).

1 (c) SCOPE OF INFORMATION.—The information
2 maintained by the clearinghouse for each incident shall,
3 to the extent practicable, include—

- 4 (1) the date, time, and place of the incident;
- 5 (2) details of the incident;
- 6 (3) any available information on suspects or
7 perpetrators of the incident; and
- 8 (4) any other relevant information.

9 (d) DESIGN OF CLEARINGHOUSE.—The clearing-
10 house shall be designed for maximum ease of use by par-
11 ticipating law enforcement agencies.

12 (e) PUBLICITY.—The Director shall publicize the ex-
13 istence of the clearinghouse to law enforcement agencies
14 by appropriate means.

15 (f) RESOURCES.—In establishing and maintaining
16 the clearinghouse, the Director may—

- 17 (1) through the Attorney General, utilize the re-
18 sources of any other department or agency of the
19 Federal Government; and
- 20 (2) accept assistance and information from pri-
21 vate organizations or individuals.

22 (g) COORDINATION.—The Director shall carry out
23 the Director's responsibilities under this section in co-
24 operation with the Director of the Bureau of Alcohol, To-
25 bacco, and Firearms.

1 (h) DEFINITIONS.—In this section—

2 (1) the term “animal or plant enterprise” has
3 the same meaning as in section 43 of title 18,
4 United States Code; and

5 (2) the term “Director” means the Director of
6 the Federal Bureau of Investigation.

7 (i) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated for each of fiscal years
9 2002 through 2007 such sums as are necessary to carry
10 out this section.

11 **SEC. 6. ANIMAL AND PLANT RESEARCH SECURITY PRO-**
12 **GRAMS.**

13 (a) IN GENERAL.—

14 (1) GRANTS AUTHORIZED.—The Director
15 shall—

16 (A) award grants on a competitive basis to
17 colleges and universities for technical assist-
18 ance, threat and risk assessments, and other
19 activities related to improving security at indi-
20 vidual research universities; and

21 (B) develop a comprehensive security re-
22 port for universities, colleges and nonprofit or-
23 ganizations which examines the threat posed by
24 animal and plant enterprise terrorism on re-
25 search activities, and includes strategies for re-

1 ducing this threat, including education, facility
2 hardening, and coordination with law enforce-
3 ment.

4 (2) APPLICATION.—To be eligible to receive a
5 grant under this section a college or university shall
6 submit to the Director an application in such form
7 and containing such information as the Director
8 may require, including information relating to the
9 security needs of the institution.

10 (3) PRIORITY.—In awarding grants under this
11 section, the Director shall give priority to colleges
12 and universities that demonstrate the highest secu-
13 rity needs, as reported in the application submitted
14 under paragraph (2).

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to carry out this section
17 \$5,000,000 for each of fiscal years 2002, 2003.

18 (c) DEFINITION.—In this section, the term “Direc-
19 tor” means the Director of the National Science Founda-
20 tion.

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