

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3275

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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

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## 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.*