

Union Calendar No. 353

108TH CONGRESS
2D SESSION

H. R. 2934

[Report No. 108-588]

To increase criminal penalties relating to terrorist murders, deny Federal benefits to terrorists, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. CARTER introduced the following bill; which was referred to the Committee on the Judiciary

JULY 7, 2004

Additional sponsors: Mrs. MUSGRAVE, Mr. COBLE, Mr. JENKINS, Mr. BARRETT of South Carolina, Mr. NORWOOD, Mr. BONILLA, Mr. THORNBERRY, Mr. WICKER, Mr. PEARCE, Mr. BURGESS, Mr. GERLACH, Mrs. CUBIN, Mr. NEUGEBAUER, Mr. GARRETT of New Jersey, Mr. PORTER, Mr. MCCOTTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. GIBBONS, Mr. EVERETT, Mr. ROGERS of Alabama, Ms. GRANGER, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. BRADY of Texas, Mr. SHIMKUS, Mr. BAKER, Mr. CANNON, Mrs. MILLER of Michigan, Ms. GINNY BROWN-WAITE of Florida, Ms. HARRIS, Mr. COLE, Mr. KLINE, Mr. PETERSON of Pennsylvania, Mr. OTTER, Mr. WELLER, Mr. PUTNAM, Mr. TANCREDO, Mr. HEFLEY, Mr. POMBO, Mr. HAYWORTH, Mr. HENSARLING, Mr. DOOLITTLE, Mr. SULLIVAN, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. DELAY, Mr. TAUZIN, Mr. BARTON of Texas, Mr. SESSIONS, Mr. REYNOLDS, Mr. AKIN, Mr. TURNER of Texas, Mr. BLUNT, Mr. BONNER, Mr. SMITH of Texas, Mr. CRANE, Mr. KELLER, Mr. SCHROCK, Mr. GREENWOOD, Mr. BEAUPREZ, Mr. DEAL of Georgia, Mr. TOM DAVIS of Virginia, Mr. MURPHY, Mr. NUNES, Mr. REHBERG, Mr. FORBES, Mr. MILLER of Florida, Mr. GOODLATTE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. CHOCOLA, Mrs. NORTHUP, Mr. CANTOR, Mr. SHADEGG, Mr. FROST, Mr. GREEN of Wisconsin, Mr. RYUN of Kansas, Mr. CHABOT, Mr. GALLEGLY, Mr. MCHUGH, Mr. CULBERSON, and Mr. FOSSELLA

JULY 7, 2004

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on July 25, 2003]

A BILL

To increase criminal penalties relating to terrorist murders,
deny Federal benefits to terrorists, 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 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Terrorist Penalties En-*
5 *hancement Act of 2004”.*

6 **SEC. 2. PENALTIES FOR TERRORIST OFFENSES RESULTING**
7 **IN DEATH; DENIAL OF FEDERAL BENEFITS TO**
8 **TERRORISTS.**

9 (a) *IN GENERAL.*—Chapter 113B of title 18, United
10 *States Code, is amended by adding at the end the following:*

11 **“§ 2339D. Terrorist offenses resulting in death**

12 “(a) *Whoever, in the course of committing a terrorist*
13 *offense, engages in conduct that results in the death of a*
14 *person, shall be punished by death or imprisoned for any*
15 *term of years or for life.*

16 “(b) *As used in this section, the term ‘terrorist offense’*
17 *means—*

1 “(1) a Federal felony offense that is—

2 “(A) a Federal crime of terrorism as de-
3 fined in section 2332b(g) except to the extent
4 such crime is an offense under section 1363; or

5 “(B) an offense under this chapter, section
6 175, 175b, 229, or 831, or section 236 of the
7 Atomic Energy Act of 1954; or

8 “(2) a Federal offense that is an attempt or con-
9 spiracy to commit an offense described in paragraph
10 (1).

11 **“§2339E. Denial of Federal benefits to terrorists**

12 “(a) An individual or corporation who is convicted of
13 a terrorist offense (as defined in section 2339D) shall, as
14 provided by the court on motion of the Government, be in-
15 eligible for any or all Federal benefits for any term of years
16 or for life.

17 “(b) As used in this section, the term ‘Federal benefit’
18 has the meaning given that term in section 421(d) of the
19 Controlled Substances Act, and also includes any assistance
20 or benefit described in section 115(a) of the Personal Re-
21 sponsibility and Work Opportunity Reconciliation Act of
22 1996, with the same limitations and to the same extent as
23 provided in section 115 of that Act with respect to denials
24 of benefits and assistance to which that section applies.”.

1 (b) *CONFORMING AMENDMENT TO TABLE OF SEC-*
 2 *TIONS.—The table of sections at the beginning of the chapter*
 3 *113B of title 18, United States Code, is amended by adding*
 4 *at the end the following new items:*

“2339D. Terrorist offenses resulting in death.
 “2339E. Denial of federal benefits to terrorists.”.

5 (c) *AGGRAVATING FACTOR IN DEATH PENALTY*
 6 *CASES.—Section 3592(c)(1) of title 18, United States Code,*
 7 *is amended by inserting “section 2339D (terrorist offenses*
 8 *resulting in death),” after “destruction),”.*

9 **SEC. 3. DEATH PENALTY IN CERTAIN AIR PIRACY CASES OC-**
 10 **CURRING BEFORE ENACTMENT OF THE FED-**
 11 **ERAL DEATH PENALTY ACT OF 1994.**

12 *Section 60003 of the Violent Crime Control and Law*
 13 *Enforcement Act of 1994, (Public Law 103–322), is amend-*
 14 *ed, as of the time of its enactment, by adding at the end*
 15 *the following:*

16 “(c) *DEATH PENALTY PROCEDURES FOR CERTAIN*
 17 *PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual*
 18 *convicted of violating section 46502 of title 49, United*
 19 *States Code, or its predecessor, may be sentenced to death*
 20 *in accordance with the procedures established in chapter*
 21 *228 of title 18, United States Code, if for any offense com-*
 22 *mitted before the enactment of the Violent Crime Control*
 23 *and Law Enforcement Act of 1994 (Public Law 103–322),*
 24 *but after the enactment of the Antihijacking Act of 1974*

1 *(Public Law 93–366), it is determined by the finder of fact,*
2 *before consideration of the factors set forth in sections*
3 *3591(a)(2) and 3592(a) and (c) of title 18, United States*
4 *Code, that one or more of the factors set forth in former*
5 *section 46503(c)(2) of title 49, United States Code, or its*
6 *predecessor, has been proven by the Government to exist,*
7 *beyond a reasonable doubt, and that none of the factors set*
8 *forth in former section 46503(c)(1) of title 49, United States*
9 *Code, or its predecessor, has been proven by the defendant*
10 *to exist, by a preponderance of the information. The mean-*
11 *ing of the term ‘especially heinous, cruel, or depraved’, as*
12 *used in the factor set forth in former section*
13 *46503(c)(2)(B)(iv) of title 49, United States Code, or its*
14 *predecessor, shall be narrowed by adding the limiting lan-*
15 *guage ‘in that it involved torture or serious physical abuse*
16 *to the victim’, and shall be construed as when that term*
17 *is used in section 3592(c)(6) of title 18, United States*
18 *Code.”.*

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