

107TH CONGRESS
1ST SESSION

S. 1775

To prevent plant enterprise terrorism.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2001

Mr. HUTCHINSON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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 (includ-
25 ing any plant part) used for, or that is capable of,
26 propagation, including a tree, a tissue culture, pol-

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

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

“43. Animal and plant enterprise terrorism.”.

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

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

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

17 (2) in subsection (b)—

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

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

22 “(2) EXPLOSIVES OR ARSON.—Whoever in the
 23 course of a violation of subsection (a) maliciously
 24 damages or destroys, or attempts to damage or de-
 25 stroy, by means of fire or an explosive, any building,

1 vehicle, or other real or personal property used by
 2 the animal or plant enterprise shall be imprisoned
 3 for not less than 5 years and not more than 20
 4 years, fined under this title, or both.”; and

5 (C) in paragraph (3), as so redesignated,
 6 by striking “under this title and” and all that
 7 follows through the period and inserting “under
 8 this title, imprisoned for life or for any term of
 9 years, or sentenced to death.”.

10 **SEC. 4. RICO.**

11 Section 1961(1) of title 18, United States Code, is
 12 amended by striking “Section 201” and inserting “Section
 13 43 (relating to animal and plant enterprise terrorism, sec-
 14 tion 201”.

15 **SEC. 5. NATIONAL AGROTERRORISM INCIDENT CLEARING-**
 16 **HOUSE.**

17 (a) IN GENERAL.—The Director shall establish and
 18 maintain a national clearinghouse for information on inci-
 19 dents of crime and terrorism—

20 (1) committed against or directed at any animal
 21 or plant enterprise;

22 (2) committed against or directed at any com-
 23 mercial activity because of the perceived impact or
 24 effect of such commercial activity on the environ-
 25 ment; or

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

5 (b) CLEARINGHOUSE.—The clearinghouse established
6 under subsection (a) shall—

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

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

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

20 (c) SCOPE OF INFORMATION.—The information
21 maintained by the clearinghouse for each incident shall,
22 to the extent practicable, include—

23 (1) the date, time, and place of the incident;

24 (2) details of the incident;

1 (3) any available information on suspects or
2 perpetrators of the incident; and

3 (4) any other relevant information.

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

7 (e) PUBLICITY.—The Director shall publicize the ex-
8 istence of the clearinghouse to law enforcement agencies
9 by appropriate means.

10 (f) RESOURCES.—In establishing and maintaining
11 the clearinghouse, the Director may—

12 (1) through the Attorney General, utilize the re-
13 sources of any other department or agency of the
14 Federal Government; and

15 (2) accept assistance and information from pri-
16 vate organizations or individuals.

17 (g) COORDINATION.—The Director shall carry out
18 the Director’s responsibilities under this section in co-op-
19 eration with the Director of the Bureau of Alcohol, To-
20 bacco, and Firearms.

21 (h) DEFINITIONS.—In this section—

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

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

3 (i) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for each of fiscal years
5 2002 through 2007 such sums as are necessary to carry
6 out this section.

7 **SEC. 6. ANIMAL AND PLANT RESEARCH SECURITY PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—

10 (1) GRANTS AUTHORIZED.—The Director
11 shall—

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

17 (B) develop a comprehensive security re-
18 port for universities, colleges and nonprofit or-
19 ganizations which examines the threat posed by
20 animal and plant enterprise terrorism on re-
21 search activities, and includes strategies for re-
22 ducing this threat, including education, facility
23 hardening, and coordination with law enforce-
24 ment.

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

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

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to carry out this section
14 \$5,000,000 for each of fiscal years 2002, 2003.

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

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