

112TH CONGRESS
2D SESSION

S. 2318

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

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

7 (A) individuals who have committed, or at-
8 tempted or conspired to commit, certain acts of
9 international terrorism;

10 (B) individuals who have committed, or at-
11 tempted or conspired to commit, certain nar-
12 cotics-related offenses; and

13 (C) individuals who have been indicted by
14 certain international criminal tribunals.

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

25 (3) The program has been credited with pro-
26 viding information in several high-profile cases, in-

1 including the arrest of Ramzi Yousef, who was con-
2 victed in the 1993 bombing of the World Trade Cen-
3 ter, the deaths of Uday and Qusay Hussein, who
4 United States military forces located and killed in
5 Iraq after receiving information about their loca-
6 tions, and the arrests or deaths of several members
7 of the Abu Sayyaf group, believed to be responsible
8 for the kidnappings and deaths of United States citi-
9 zens and Filipinos in the Philippines.

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

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

18 (2) target other individuals indicted by inter-
19 national, hybrid, or mixed tribunals for genocide,
20 war crimes, or crimes against humanity.

21 **SEC. 3. ENHANCED REWARDS AUTHORITY.**

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

24 (1) in subsection (a)(2), by inserting “serious
25 violations of international humanitarian law,

1 transnational organized crime,” after “international
2 narcotics trafficking,”;

3 (2) in subsection (b)—

4 (A) in the matter preceding paragraph (1),
5 by striking “Attorney General” and inserting
6 “heads of other relevant departments or agen-
7 cies”;

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

12 (C) in paragraph (6)—

13 (i) by inserting “or transnational or-
14 ganized crime group” after “terrorist orga-
15 nization”; and

16 (ii) by striking “or” at the end;

17 (D) in paragraph (7)—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “, including the use
20 by the organization of illicit narcotics pro-
21 duction or international narcotics traf-
22 ficking” and inserting “or transnational
23 organized crime group, including the use
24 by such organization or group of illicit nar-

1 coties production or international narcotics
2 trafficking”;

3 (ii) in subparagraph (A), by inserting
4 “or transnational organized crime” after
5 “international terrorism”; and

6 (iii) in subparagraph (B)—

7 (I) by inserting “or transnational
8 organized crime group” after “ter-
9 rorist organization”; and

10 (II) by striking the period at the
11 end and inserting a semicolon; and

12 (E) by adding at the end the following new
13 paragraphs:

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

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

21 “(10) the arrest or conviction in any country,
22 or the transfer to or conviction by an international
23 criminal tribunal (including a hybrid or mixed tri-
24 bunal), of any foreign national accused of war

1 crimes, crimes against humanity, or genocide, as de-
2 fined under the statute of such tribunal.”;

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

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

16 (4) in subsection (k)—

17 (A) by redesignating paragraphs (5) and
18 (6) as paragraphs (7) and (8), respectively; and

19 (B) by inserting after paragraph (4) the
20 following new paragraphs:

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

23 “(A) racketeering activity (as such term is
24 defined in section 1961 of title 18, United

1 States Code) that involves at least one jurisdic-
2 tion outside the United States; or

3 “(B) any other criminal offense punishable
4 by a term of imprisonment of at least four
5 years under Federal, State, or local law that in-
6 volves at least one jurisdiction outside the
7 United States and that is intended to obtain,
8 directly or indirectly, a financial or other mate-
9 rial benefit.

10 “(6) TRANSNATIONAL ORGANIZED CRIME
11 GROUP.—The term ‘transnational organized crime
12 group’ means a group of persons that includes one
13 or more citizens of a foreign country, exists for a pe-
14 riod of time, and acts in concert with the aim of en-
15 gaging in transnational organized crime.”.

16 **SEC. 4. TECHNICAL CORRECTION.**

17 Section 36(e)(1) of the State Department Basic Au-
18 thorities Act of 1956 (22 U.S.C. 2708) is amended by
19 striking “The Secretary shall authorize a reward of
20 \$50,000,000 for the capture or death or information lead-
21 ing to the capture or death of Osama bin Laden.”.

22 **SEC. 5. RULE OF CONSTRUCTION.**

23 Nothing in this Act or the amendments made by this
24 Act shall be construed as authorizing the use of activity
25 precluded under the American Servicemembers’ Protection

- 1 Act of 2002 (title II of Public Law 107–206; 22 U.S.C.
- 2 7421 et seq.).

