

112TH CONGRESS
2D SESSION

S. 2318

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2012

Referred to the Committee on Foreign Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

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

11 (A) individuals who have committed, or at-
12 tempted or conspired to commit, certain acts of
13 international terrorism;

14 (B) individuals who have committed, or at-
15 tempted or conspired to commit, certain nar-
16 cotics-related offenses; and

17 (C) individuals who have been indicted by
18 certain international criminal tribunals.

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

1 helped convict individuals involved in terrorist at-
2 tacks.

3 (3) The program has been credited with pro-
4 viding information in several high-profile cases, in-
5 cluding the arrest of Ramzi Yousef, who was con-
6 victed in the 1993 bombing of the World Trade Cen-
7 ter, the deaths of Uday and Qusay Hussein, who
8 United States military forces located and killed in
9 Iraq after receiving information about their loca-
10 tions, and the arrests or deaths of several members
11 of the Abu Sayyaf group, believed to be responsible
12 for the kidnappings and deaths of United States citi-
13 zens and Filipinos in the Philippines.

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

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

22 (2) target other individuals indicted by inter-
23 national, hybrid, or mixed tribunals for genocide,
24 war crimes, or crimes against humanity.

1 **SEC. 3. ENHANCED REWARDS AUTHORITY.**

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

4 (1) in subsection (a)(2), by inserting “serious
5 violations of international humanitarian law,
6 transnational organized crime,” after “international
7 narcotics trafficking,”;

8 (2) in subsection (b)—

9 (A) in the matter preceding paragraph (1),
10 by striking “Attorney General” and inserting
11 “heads of other relevant departments or agen-
12 cies”;

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

17 (C) in paragraph (6)—

18 (i) by inserting “or transnational or-
19 ganized crime group” after “terrorist orga-
20 nization”; and

21 (ii) by striking “or” at the end;

22 (D) in paragraph (7)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “, including the use
25 by the organization of illicit narcotics pro-
26 duction or international narcotics traf-

ficking” and inserting “or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking”;

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

(iii) in subparagraph (B)—

(I) by inserting “or transnational organized crime group” after “terrorist organization”; and

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

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

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

“(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

“(10) the arrest or conviction in any country, or the transfer to or conviction by an international

criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.”;

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

“(3) ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.”; and

(4) in subsection (k)—

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

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

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

1 “(A) racketeering activity (as such term is
 2 defined in section 1961 of title 18, United
 3 States Code) that involves at least one jurisdic-
 4 tion outside the United States; or

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

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

18 **SEC. 4. TECHNICAL CORRECTION.**

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

1 **SEC. 5. RULE OF CONSTRUCTION.**

2 Nothing in this Act or the amendments made by this
3 Act shall be construed as authorizing the use of activity
4 precluded under the American Servicemembers' Protection
5 Act of 2002 (title II of Public Law 107–206; 22 U.S.C.
6 7421 et seq.).

7 **SEC. 6. FUNDING.**

8 The Secretary of State shall use amounts appro-
9 priated or otherwise made available to the Emergencies
10 in the Diplomatic and Consular Services account of the
11 Department of State to pay rewards authorized pursuant
12 to this Act and to carry out other activities related to such
13 rewards authorized under section 36 of the State Depart-
14 ment Basic Authorities Act (22 U.S.C. 2708).

Passed the Senate December 19, 2012.

Attest:

NANCY ERICKSON,
Secretary.