

Public Law 100-606
100th Congress

An Act

To implement the International Convention on the Prevention and Punishment of
Genocide.

Nov. 4, 1988
[S. 1851]

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Convention Implementa-
tion Act of 1987 (the Proxmire Act)".

SEC. 2. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended
by inserting after chapter 50 the following:

Genocide
Convention
Implementation
Act of 1987 (the
Proxmire Act).
18 USC 1091
note.

"CHAPTER 50A—GENOCIDE

"Sec.
1091. Genocide.
1092. Exclusive remedies.
1093. Definitions.

"§ 1091. Genocide

"(a) BASIC OFFENSE.—Whoever, whether in time of peace or in
time of war, in a circumstance described in subsection (d) and with
the specific intent to destroy, in whole or in substantial part, a
national, ethnic, racial, or religious group as such—

"(1) kills members of that group;

"(2) causes serious bodily injury to members of that group;

"(3) causes the permanent impairment of the mental faculties
of members of the group through drugs, torture, or similar
techniques;

"(4) subjects the group to conditions of life that are intended
to cause the physical destruction of the group in whole or in
part;

"(5) imposes measures intended to prevent births within the
group; or

"(6) transfers by force children of the group to another group;
or attempts to do so, shall be punished as provided in subsection (b).

"(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an
offense under subsection (a) is—

"(1) in the case of an offense under subsection (a)(1), a fine of
not more than \$1,000,000 and imprisonment for life; and

"(2) a fine of not more than \$1,000,000 or imprisonment for
not more than twenty years, or both, in any other case.

"(c) INCITEMENT OFFENSE.—Whoever in a circumstance described
in subsection (d) directly and publicly incites another to violate
subsection (a) shall be fined not more than \$500,000 or imprisoned
not more than five years, or both.

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance
referred to in subsections (a) and (c) is that—

“(1) the offense is committed within the United States; or
“(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

“(e) **NONAPPLICABILITY OF CERTAIN LIMITATIONS.**—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

“§ 1092. **Exclusive remedies**

“Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

“§ 1093. **Definitions**

“As used in this chapter—

“(1) the term ‘children’ means the plural and means individuals who have not attained the age of eighteen years;

“(2) the term ‘ethnic group’ means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

“(3) the term ‘incites’ means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

“(4) the term ‘members’ means the plural;

“(5) the term ‘national group’ means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

“(6) the term ‘racial group’ means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

“(7) the term ‘religious group’ means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

“(8) the term ‘substantial part’ means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.”

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 50 the following new item:

"50A. Genocide 1091".

Approved November 4, 1988.

LEGISLATIVE HISTORY—S. 1851 (H.R. 4243):

HOUSE REPORTS: No. 100-566 accompanying H.R. 4243 (Comm. on the Judiciary).

SENATE REPORTS: No. 100-333 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Apr. 25, H.R. 4243 considered and passed House.

Oct. 14, S. 1851 considered and passed Senate.

Oct. 19, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Nov. 4, Presidential remarks.