Public Law 107–197
107th Congress

An Act

To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

June 25, 2002
[H.R. 3275]

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

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

Terrorist Bombings Convention Implementation Act of 2002. 18 USC 2331 note.

SEC. 101. SHORT TITLE.

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2002".

SEC. 102. BOMBING STATUTE.

(a) OFFENSE.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by inserting after section 2332e the following:

"§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

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"(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

"(C) at the time the offense is committed, it is committed—

"(i) on board a vessel flying the flag of another state;

"(ii) on board an aircraft which is registered under the laws of another state; or

"(iii) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) a perpetrator is a national of another state or a stateless person; or

"(F) a victim is a national of another state or a stateless person;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a victim is a national of the United States;

"(C) a perpetrator is found in the United States;

"(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

"(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

"(G) the offense is committed on board an aircraft which is operated by the United States.

"(c) PENALTIES.—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

"(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

"(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

"(2) activities undertaken by military forces of a state in the exercise of their official duties; or

"(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

"(e) DEFINITIONS.—As used in this section, the term—

"(1) 'serious bodily injury' has the meaning given that term in section 1365(g)(3) of this title;

"(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

"(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

"(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

"(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

"(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

"(9) 'other lethal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

"(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

"(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

"(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332e the following:

"2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.".

18 USC 2332f note.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

18 USC 2332f note.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

Suppression of the Financing of Terrorism Convention Implementation Act of 2002. 18 USC 2331 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Suppression of the Financing of Terrorism Convention Implementation Act of 2002".

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

"§ 2339C. Prohibitions against the financing of terrorism

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

"(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

"(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

"(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

"(1) the offense takes place in the United States and—

"(A) a perpetrator was a national of another state or a stateless person;

"(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

"(C) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) was directed toward or resulted in the carrying out of a predicate act against—

"(i) a national of another state; or

"(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

"(G) was directed toward or resulted in the carrying out of a predicate act—

"(i) outside the United States; or

"(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a perpetrator is found in the United States; or

"(C) was directed toward or resulted in the carrying out of a predicate act against—

"(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(ii) any person or property within the United States;

"(iii) any national of the United States or the property of such national; or

"(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

"(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

"(4) the offense is committed on board an aircraft which is operated by the United States; or

"(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

"(c) CONCEALMENT.—Whoever—

"(1)(A) is in the United States; or

"(B) is outside the United States and is a national of the United States or a legal entity organized under the laws

of the United States (including any of its States, districts, commonwealths, territories, or possessions); and

"(2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support, resources, or funds—

"(A) knowing or intending that the support or resources were provided in violation of section 2339B of this title; or

"(B) knowing or intending that any such funds or any proceeds of such funds were provided or collected in violation of subsection (a),

shall be punished as prescribed in subsection (d)(2).

"(d) PENALTIES.—

"(1) SUBSECTION (a).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

"(2) SUBSECTION (c).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

"(e) DEFINITIONS.—In this section—

"(1) the term 'funds' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

"(2) the term 'government facility' means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(3) the term 'proceeds' means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

"(4) the term 'provides' includes giving, donating, and transmitting;

"(5) the term 'collects' includes raising and receiving;

"(6) the term 'predicate act' means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

"(7) the term 'treaty' means—

"(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

"(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

"(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

"(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

"(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

"(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

"(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

"(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

"(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

"(8) the term 'intergovernmental organization' includes international organizations;

"(9) the term 'international organization' has the same meaning as in section 1116(b)(5) of this title;

"(10) the term 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

"(11) the term 'serious bodily injury' has the same meaning as in section 1365(g)(3) of this title;

"(12) the term 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(13) the term 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof.

"(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least $10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

"2339C. Prohibitions against the financing of terrorism.".

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law. 18 USC 2339c note.

SEC. 203. EFFECTIVE DATE. 18 USC 2339c note.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist

Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting "2332f," after "2332d,"; and

(2) striking "or 2339B" and inserting "2339B, or 2339C".

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting "2332f (relating to bombing of public places and facilities)," after "2332b (relating to acts of terrorism transcending national boundaries),"; and

(2) inserting "2339C (relating to financing of terrorism," before "or 2340A (relating to torture)".

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting "2332f," before "or 2340A".

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

"(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.".

Approved June 25, 2002.

LEGISLATIVE HISTORY—H.R. 3275 (S. 1770):

HOUSE REPORTS: No. 107–307 (Comm. on the Judiciary).
CONGRESSIONAL RECORD:
Vol. 147 (2001): Dec. 19, considered and passed House.
Vol. 148 (2002): June 14, considered and passed Senate, amended.
June 18, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):
June 25, Presidential statement.