

107TH CONGRESS  
1ST SESSION

# S. 1659

To provide criminal penalties for communicating false information and hoaxes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 2001

Mr. HUTCHINSON (for himself and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide criminal penalties for communicating false information and hoaxes.

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 “Terrorist Hoax Costs  
5       Recovery Act of 2001”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the expert resources available to the Gov-  
9       ernment to deal with Federal crimes involving actual  
10      or potential chemical, biological, and nuclear weap-  
11      ons are limited;

1           (2) false reporting of such crimes almost invari-  
 2           ably requires the attention of Federal investigative,  
 3           scientific, and public health officers and employees,  
 4           thereby needlessly diverting them from work that is  
 5           vital to the national security and dangerously im-  
 6           pairing the Government's ability to deal with real  
 7           situations;

8           (3) recent episodes amply demonstrate that  
 9           even isolated false reports can have a substantial ad-  
 10          verse effect on interstate and foreign commerce,  
 11          causing needless worry or even panic in the general  
 12          public, and encouraging copycat episodes; and

13          (4) a comprehensive prohibition on such false  
 14          reports is necessary to preserve scarce and vital Fed-  
 15          eral resources, to avoid substantial adverse effects  
 16          on interstate and foreign commerce, and to protect  
 17          the national security of the United States.

18 **SEC. 3. PROHIBITION.**

19          (a) PROHIBITION ON HOAXES.—Chapter 41 of title  
 20 18, United States Code, is amended by adding after sec-  
 21 tion 880 the following:

22 **“§ 881. False information and hoaxes**

23          “(a) CRIMINAL VIOLATION.—Whoever communicates  
 24 information, knowing the information to be false and  
 25 under circumstances in which such information may rea-

1 sonably be believed, concerning the existence of activity  
2 which would constitute a violation of section 175, 229, or  
3 831 shall be fined under this title or imprisoned not more  
4 than 5 years, or both.

5 “(b) CIVIL PENALTY.—Whoever communicates infor-  
6 mation, knowing the information to be false, concerning  
7 the existence of activity which would constitute a violation  
8 of section 175, 229, or 831 is liable to the United States  
9 for a civil penalty of the greater of \$10,000 or the amount  
10 expended by the United States incident to the investiga-  
11 tion of such conduct, including the cost of any response  
12 made by any Federal military or civilian agency to protect  
13 public health or safety.

14 “(c) REIMBURSEMENT OF COSTS.—

15 “(1) CONVICTED DEFENDANT.—The court, in  
16 imposing a sentence on a defendant who has been  
17 convicted of an offense under subsection (a), shall  
18 order the defendant to reimburse the United States  
19 for any expenses incurred by the United States inci-  
20 dent to the investigation of the commission by that  
21 person of such offense, including the cost of any re-  
22 sponse made by any Federal military or civilian  
23 agency to protect public health or safety.

24 “(2) JOINTLY AND SEVERALLY LIABLE.—A  
25 person ordered to reimburse the United States for

1 expenses under this subsection shall be jointly and  
2 severally liable for such expenses with each other  
3 person, if any, who is ordered under this subsection  
4 to reimburse the United States for those expenses.”.

5 (b) CONFORMING AMENDMENT.—The analysis of  
6 chapter 41 of title 18, United States Code, is amended  
7 by adding after the item for section 880 the following:

“881. False information and hoaxes.”.

