

107TH CONGRESS
2D SESSION

S. 1770

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

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).

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

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

7 “(1) the offense takes place in the United
 8 States and—

9 “(A) the offense is committed against an-
 10 other state or a government facility of such
 11 state, including its embassy or other diplomatic
 12 or consular premises of that state;

13 “(B) the offense is committed in an at-
 14 tempt to compel another state or the United
 15 States to do or abstain from doing any act;

16 “(C) at the time the offense is committed,
 17 it is committed—

18 “(i) on board a vessel flying the flag
 19 of another state;

20 “(ii) on board an aircraft which is
 21 registered under the laws of another state;

22 or

23 “(iii) on board an aircraft which is op-
 24 erated by the government of another state;

1 “(D) a perpetrator is found outside the
2 United States;

3 “(E) a perpetrator is a national of another
4 state or a stateless person; or

5 “(F) a victim is a national of another state
6 or a stateless person;

7 “(2) the offense takes place outside the United
8 States and—

9 “(A) a perpetrator is a national of the
10 United States or is a stateless person whose ha-
11 bitual residence is in the United States;

12 “(B) a victim is a national of the United
13 States;

14 “(C) a perpetrator is found in the United
15 States;

16 “(D) the offense is committed in an at-
17 tempt to compel the United States to do or ab-
18 stain from doing any act;

19 “(E) the offense is committed against a
20 state or government facility of the United
21 States, including an embassy or other diplo-
22 matic or consular premises of the United
23 States;

24 “(F) the offense is committed on board a
25 vessel flying the flag of the United States or an

1 aircraft which is registered under the laws of
2 the United States at the time the offense is
3 committed; or

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

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

9 “(d) EXEMPTIONS TO JURISDICTION.—This section
10 does not apply to—

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

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

16 “(3) offenses committed within the United
17 States, where the alleged offender and the victims
18 are United States citizens and the alleged offender
19 is found in the United States, or where jurisdiction
20 is predicated solely on the nationality of the victims
21 or the alleged offender and the offense has no sub-
22 stantial effect on interstate or foreign commerce.

23 “(e) DEFINITIONS.—As used in this section, the
24 term—

1 “(1) ‘serious bodily injury’ has the meaning
2 given that term in section 1365(g)(3) of this title;

3 “(2) ‘national of the United States’ has the
4 meaning given that term in section 101(a)(22) of
5 the Immigration and Nationality Act (8 U.S.C.
6 1101(a)(22));

7 “(3) ‘state or government facility’ includes any
8 permanent or temporary facility or conveyance that
9 is used or occupied by representatives of a state,
10 members of Government, the legislature or the judi-
11 ciary or by officials or employees of a state or any
12 other public authority or entity or by employees or
13 officials of an intergovernmental organization in con-
14 nection with their official duties;

15 “(4) ‘intergovernmental organization’ includes
16 international organization (as defined in section
17 1116(b)(5) of this title);

18 “(5) ‘infrastructure facility’ means any publicly
19 or privately owned facility providing or distributing
20 services for the benefit of the public, such as water,
21 sewage, energy, fuel, or communications;

22 “(6) ‘place of public use’ means those parts of
23 any building, land, street, waterway, or other loca-
24 tion that are accessible or open to members of the
25 public, whether continuously, periodically, or occa-

1 sionally, and encompasses any commercial, business,
2 cultural, historical, educational, religious, govern-
3 mental, entertainment, recreational, or similar place
4 that is so accessible or open to the public;

5 “(7) ‘public transportation system’ means all
6 facilities, conveyances, and instrumentalities, wheth-
7 er publicly or privately owned, that are used in or
8 for publicly available services for the transportation
9 of persons or cargo;

10 “(8) ‘explosive’ has the meaning given in sec-
11 tion 844(j) of this title insofar that it is designed,
12 or has the capability, to cause death, serious bodily
13 injury, or substantial material damage;

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

21 “(10) ‘military forces of a state’ means the
22 armed forces of a state which are organized, trained,
23 and equipped under its internal law for the primary
24 purpose of national defense or security, and persons
25 acting in support of those armed forces who are

1 under their formal command, control, and responsi-
 2 bility;

3 “(11) ‘armed conflict’ does not include internal
 4 disturbances and tensions, such as riots, isolated
 5 and sporadic acts of violence, and other acts of a
 6 similar nature; and

7 “(12) ‘state’ has the same meaning as that
 8 term has under international law, and includes all
 9 political subdivisions thereof.”.

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

“2332f. Bombings of places of public use, government facilities, public transpor-
 tation systems and infrastructure facilities.”.

14 (c) DISCLAIMER.—Nothing contained in this section
 15 is intended to affect the applicability of any other Federal
 16 or State law which might pertain to the underlying con-
 17 duct.

18 **SEC. 103. EFFECTIVE DATE.**

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

1 **TITLE II—SUPPRESSION OF THE** 2 **FINANCING OF TERRORISM**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Suppression of the
 5 Financing of Terrorism Convention Implementation Act
 6 of 2002”.

7 **SEC. 202. TERRORISM FINANCING STATUTE.**

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

11 **“§ 2339C. Prohibitions against the financing of ter-** 12 **rorism**

13 “(a) OFFENSES.—

14 “(1) IN GENERAL.—Whoever, in a circumstance
 15 described in subsection (c), by any means, directly or
 16 indirectly, unlawfully and willfully provides or col-
 17 lects funds with the intention that such funds be
 18 used, or with the knowledge that such funds are to
 19 be used, in full or in part, in order to carry out—

20 “(A) an act which constitutes an offense
 21 within the scope of a treaty specified in sub-
 22 section (e)(7), as implemented by the United
 23 States, or

24 “(B) any other act intended to cause death
 25 or serious bodily injury to a civilian, or to any

1 other person not taking an active part in the
 2 hostilities in a situation of armed conflict, when
 3 the purpose of such act, by its nature or con-
 4 text, is to intimidate a population, or to compel
 5 a government or an international organization
 6 to do or to abstain from doing any act,
 7 shall be punished as prescribed in subsection (d)(1).

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

12 “(3) RELATIONSHIP TO PREDICATE ACT.—For
 13 an act to constitute an offense set forth in this sub-
 14 section, it shall not be necessary that the funds were
 15 actually used to carry out a predicate act.

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

18 “(1) the offense takes place in the United
 19 States and—

20 “(A) a perpetrator was a national of an-
 21 other state or a stateless person;

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

1 “(C) on board an aircraft which is oper-
2 ated by the government of another state;

3 “(D) a perpetrator is found outside the
4 United States;

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

7 “(i) a national of another state; or

8 “(ii) another state or a government
9 facility of such state, including its embassy
10 or other diplomatic or consular premises of
11 that state;

12 “(F) was directed toward or resulted in the
13 carrying out of a predicate act committed in an
14 attempt to compel another state or inter-
15 national organization to do or abstain from
16 doing any act; or

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

19 “(i) outside the United States; or

20 “(ii) within the United States, and ei-
21 ther the offense or the predicate act was
22 conducted in, or the results thereof af-
23 fected, interstate or foreign commerce;

24 “(2) the offense takes place outside the United
25 States and—

1 “(A) a perpetrator is a national of the
2 United States or is a stateless person whose ha-
3 bitual residence is in the United States;

4 “(B) a perpetrator is found in the United
5 States; or

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

8 “(i) any property that is owned,
9 leased, or used by the United States or by
10 any department or agency of the United
11 States, including an embassy or other dip-
12 lomatic or consular premises of the United
13 States;

14 “(ii) any person or property within
15 the United States;

16 “(iii) any national of the United
17 States or the property of such national; or

18 “(iv) any property of any legal entity
19 organized under the laws of the United
20 States, including any of its States, dis-
21 tricts, commonwealths, territories, or pos-
22 sessions;

23 “(3) the offense is committed on board a vessel
24 flying the flag of the United States or an aircraft

1 which is registered under the laws of the United
2 States at the time the offense is committed;

3 “(4) the offense is committed on board an air-
4 craft which is operated by the United States; or

5 “(5) the offense was directed toward or resulted
6 in the carrying out of a predicate act committed in
7 an attempt to compel the United States to do or ab-
8 stain from doing any act.

9 “(c) CONCEALMENT.—Whoever—

10 “(1)(A) is in the United States; or

11 “(B) is outside the United States and is a na-
12 tional of the United States or a legal entity orga-
13 nized under the laws of the United States (including
14 any of its States, districts, commonwealths, terri-
15 tories, or possessions); and

16 “(2) knowingly conceals or disguises the nature,
17 location, source, ownership, or control of any mate-
18 rial support, resources, or funds—

19 “(A) knowing or intending that the sup-
20 port or resources were provided in violation of
21 section 2339B of this title; or

22 “(B) knowing or intending that any such
23 funds or any proceeds of such funds were pro-
24 vided or collected in violation of subsection (a);

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

1 “(d) PENALTIES.—

2 “(1) SUBSECTION (A).—Whoever violates sub-
3 section (a) shall be fined under this title, imprisoned
4 for not more than 20 years, or both.

5 “(2) SUBSECTION (C).—Whoever violates sub-
6 section (c) shall be fined under this title, imprisoned
7 for not more than 10 years, or both.

8 “(e) DEFINITIONS.—In this section—

9 “(1) the term ‘funds’ means assets of every
10 kind, whether tangible or intangible, movable or im-
11 movable, however acquired, and legal documents or
12 instruments in any form, including electronic or dig-
13 ital, evidencing title to, or interest in, such assets,
14 including coin, currency, bank credits, travelers
15 checks, bank checks, money orders, shares, securi-
16 ties, bonds, drafts, and letters of credit;

17 “(2) the term ‘government facility’ means any
18 permanent or temporary facility or conveyance that
19 is used or occupied by representatives of a state,
20 members of a government, the legislature, or the ju-
21 diciary, or by officials or employees of a state or any
22 other public authority or entity or by employees or
23 officials of an intergovernmental organization in con-
24 nection with their official duties;

1 “(3) the term ‘proceeds’ means any funds de-
 2 rived from or obtained, directly or indirectly,
 3 through the commission of an offense set forth in
 4 subsection (a);

5 “(4) the term ‘provides’ includes giving, donat-
 6 ing, and transmitting;

7 “(5) the term ‘collects’ includes raising and re-
 8 ceiving;

9 “(6) the term ‘predicate act’ means any act re-
 10 ferred to in subparagraph (A) or (B) of subsection
 11 (a)(1);

12 “(7) the term ‘treaty’ means—

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

16 “(B) the Convention for the Suppression of
 17 Unlawful Acts against the Safety of Civil Avia-
 18 tion, done at Montreal on September 23, 1971;

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

24 “(D) the International Convention against
 25 the Taking of Hostages, adopted by the General

1 Assembly of the United Nations on December
2 17, 1979;

3 “(E) the Convention on the Physical Pro-
4 tection of Nuclear Material, adopted at Vienna
5 on March 3, 1980;

6 “(F) the Protocol for the Suppression of
7 Unlawful Acts of Violence at Airports Serving
8 International Civil Aviation, supplementary to
9 the Convention for the Suppression of Unlawful
10 Acts against the Safety of Civil Aviation, done
11 at Montreal on February 24, 1988;

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

15 “(H) the Protocol for the Suppression of
16 Unlawful Acts against the Safety of Fixed Plat-
17 forms located on the Continental Shelf, done at
18 Rome on March 10, 1988; or

19 “(I) the International Convention for the
20 Suppression of Terrorist Bombings, adopted by
21 the General Assembly of the United Nations on
22 December 15, 1997;

23 “(8) the term ‘intergovernmental organization’
24 includes international organizations;

1 “(9) the term ‘international organization’ has
 2 the same meaning as in section 1116(b)(5) of this
 3 title;

4 “(10) the term ‘armed conflict’ does not include
 5 internal disturbances and tensions, such as riots,
 6 isolated and sporadic acts of violence, and other acts
 7 of a similar nature;

8 “(11) the term ‘serious bodily injury’ has the
 9 same meaning as in section 1365(g)(3) of this title;

10 “(12) the term ‘national of the United States’
 11 has the meaning given that term in section
 12 101(a)(22) of the Immigration and Nationality Act
 13 (8 U.S.C. 1101(a)(22)); and

14 “(13) the term ‘state’ has the same meaning as
 15 that term has under international law, and includes
 16 all political subdivisions thereof.

17 “(f) CIVIL PENALTY.—In addition to any other crimi-
 18 nal, civil, or administrative liability or penalty, any legal
 19 entity located within the United States or organized under
 20 the laws of the United States, including any of the laws
 21 of its States, districts, commonwealths, territories, or pos-
 22 sessions, shall be liable to the United States for the sum
 23 of at least \$10,000, if a person responsible for the man-
 24 agement or control of that legal entity has, in that capac-
 25 ity, committed an offense set forth in subsection (a).”.

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

“2339C. Prohibitions against the financing of terrorism.”.

5 (c) DISCLAIMER.—Nothing contained in this section
 6 is intended to affect the scope or applicability of any other
 7 Federal or State law.

8 **SEC. 203. EFFECTIVE DATE.**

9 Except for paragraphs (1)(D) and (2)(B) of section
 10 2339C(b) of title 18, United States Code, which shall be-
 11 come effective on the date that the International Conven-
 12 tion for the Suppression of the Financing of Terrorism
 13 enters into force for the United States, and for the provi-
 14 sions of section 2339C(e)(7)(I) of title 18, United States
 15 Code, which shall become effective on the date that the
 16 International Convention for the Suppression of Terrorist
 17 Bombing enters into force for the United States, section
 18 202 shall take effect on the date of enactment of this Act.

19 **TITLE III—ANCILLARY**
 20 **MEASURES**

21 **SEC. 301. ANCILLARY MEASURES.**

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

24 (1) inserting “2332f,” after “2332d,”; and

1 (2) striking “or 2339B” and inserting “2339B,
2 or 2339C”.

3 (b) FEDERAL CRIME OF TERRORISM.—Section
4 2332b(g)(5)(B) of title 18, United States Code, is amend-
5 ed by—

6 (1) inserting “2332f (relating to bombing of
7 public places and facilities),” after “2332b (relating
8 to acts of terrorism transcending national bound-
9 aries),”; and

10 (2) inserting “2339C (relating to financing of
11 terrorism,” before “or 2340A (relating to torture)”.

12 (c) PROVIDING MATERIAL SUPPORT TO TERRORISTS
13 PREDICATE.—Section 2339A of title 18, United States
14 Code, is amended by inserting “2332f,” before “or
15 2340A”.

16 (d) FORFEITURE OF FUNDS, PROCEEDS, AND IN-
17 STRUMENTALITIES.—Section 981(a)(1) of title 18, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 “(H) Any property, real or personal, in-
21 volved in a violation or attempted violation, or
22 which constitutes or is derived from proceeds

- 1 traceable to a violation, of section 2339C of this
- 2 title.”.

Passed the Senate June 14, 2002.

Attest:

Secretary.

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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.