

107TH CONGRESS  
2D SESSION

# S. 1770

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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.

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

1                   **TITLE I—SUPPRESSION OF**  
2                   **TERRORIST BOMBINGS**

3                   **SEC. 101. SHORT TITLE.**

4                   This title may be cited as the “Terrorist Bombings  
5                   Convention Implementation Act of 2002”.

6                   **SEC. 102. BOMBING STATUTE.**

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

10                  **“§ 2332f. Bombings of places of public use, govern-  
11                   ment facilities, public transportation sys-  
12                   tems and infrastructure facilities**

13                  “(a) OFFENSES.—

14                  “(1) IN GENERAL.—Whoever unlawfully deliv-  
15                  ers, places, discharges, or detonates an explosive or  
16                  other lethal device in, into, or against a place of  
17                  public use, a state or government facility, a public  
18                  transportation system, or an infrastructure facility—

19                  “(A) with the intent to cause death or seri-  
20                  ous bodily injury, or

21                  “(B) with the intent to cause extensive de-  
22                  struction of such a place, facility, or system,  
23                  where such destruction results in or is likely to  
24                  result in major economic loss,

25                  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, whether  
7 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 interna-  
15               tional 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               omatic 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;

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)(B) of title 18, United States Code, is amend-  
5 ed by—

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.*

107TH CONGRESS  
2D SESSION

**S. 1770**

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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.