

108TH CONGRESS
2D SESSION

H. R. 4942

To prohibit certain forms of material support for terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. GREEN of Wisconsin introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit certain forms of material support for terrorism, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Material Support to
5 Terrorism Prohibition Enhancement Act of 2004”.

6 **SEC. 2. RECEIVING MILITARY-TYPE TRAINING FROM A FOR-**
7 **EIGN TERRORIST ORGANIZATION.**

8 (a) PROHIBITION AS TO CITIZENS AND RESI-
9 DENTS.—Chapter 113B of title 18, United States Code,

1 is amended by adding after section 2339C the following
2 new section:

3 **“§ 2339D. Receiving military-type training from a for-**
4 **eign terrorist organization**

5 “(a) OFFENSE.—Whoever knowingly receives mili-
6 tary-type training from or on behalf of any organization
7 designated at the time of the training by the Secretary
8 of State under section 219(a)(1) of the Immigration and
9 Nationality Act as a foreign terrorist organization shall
10 be fined under this title or imprisoned for ten years, or
11 both. To violate this subsection, a person must have
12 knowledge that the organization is a designated terrorist
13 organization (as defined in subsection (c)(4)), that the or-
14 ganization has engaged or engages in terrorist activity (as
15 defined in section 212 of the Immigration and Nationality
16 Act), or that the organization has engaged or engages in
17 terrorism (as defined in section 140(d)(2) of the Foreign
18 Relations Authorization Act, Fiscal Years 1988 and
19 1989).

20 “(b) EXTRATERRITORIAL JURISDICTION.—There is
21 extraterritorial Federal jurisdiction over an offense under
22 this section. There is jurisdiction over an offense under
23 subsection (a) if—

24 “(1) an offender is a national of the United
25 States (as defined in 101(a)(22) of the Immigration

1 and Nationality Act) or an alien lawfully admitted
2 for permanent residence in the United States (as de-
3 fined in section 101(a)(20) of the Immigration and
4 Nationality Act);

5 “(2) an offender is a stateless person whose ha-
6 bitual residence is in the United States;

7 “(3) after the conduct required for the offense
8 occurs an offender is brought into or found in the
9 United States, even if the conduct required for the
10 offense occurs outside the United States;

11 “(4) the offense occurs in whole or in part with-
12 in the United States;

13 “(5) the offense occurs in or affects interstate
14 or foreign commerce;

15 “(6) an offender aids or abets any person over
16 whom jurisdiction exists under this paragraph in
17 committing an offense under subsection (a) or con-
18 spires with any person over whom jurisdiction exists
19 under this paragraph to commit an offense under
20 subsection (a).

21 “(c) DEFINITIONS.—As used in this section—

22 “(1) the term ‘military-type training’ includes
23 training in means or methods that can cause death
24 or serious bodily injury, destroy or damage property,
25 or disrupt services to critical infrastructure, or train-

1 ing on the use, storage, production, or assembly of
2 any explosive, firearm or other weapon, including
3 any weapon of mass destruction (as defined in sec-
4 tion 2232a(c)(2));

5 “(2) the term ‘serious bodily injury’ has the
6 meaning given that term in section 1365(h)(3);

7 “(3) the term ‘critical infrastructure’ means
8 systems and assets vital to national defense, national
9 security, economic security, public health or safety
10 including both regional and national infrastructure.
11 Critical infrastructure may be publicly or privately
12 owned; examples of critical infrastructure include
13 gas and oil production, storage, or delivery systems,
14 water supply systems, telecommunications networks,
15 electrical power generation or delivery systems, fi-
16 nancing and banking systems, emergency services
17 (including medical, police, fire, and rescue services),
18 and transportation systems and services (including
19 highways, mass transit, airlines, and airports); and

20 “(4) the term ‘foreign terrorist organization’
21 means an organization designated as a terrorist or-
22 ganization under section 219(a)(1) of the Immigra-
23 tion and Nationality Act.”.

24 (b) INADMISSIBILITY OF ALIENS WHO HAVE RE-
25 CEIVED MILITARY-TYPE TRAINING FROM TERRORIST OR-

1 ORGANIZATIONS.—Section 212(a)(3)(B)(i) of the Immigra-
 2 tion and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is
 3 amended—

4 (1) in subclauses (V) and (VI), by striking “or”
 5 at the end;

6 (2) in subclause (VII), by adding “or” at the
 7 end; and

8 (3) by inserting after subclause (VII) the fol-
 9 lowing:

10 “(VIII) has received military-type
 11 training (as defined in section
 12 2339D(c)(1) of title 18, United States
 13 Code) from or on behalf of any orga-
 14 nization that, at the time the training
 15 was received, was a terrorist organiza-
 16 tion under section 212(a)(3)(B)(vi);”.

17 (c) INADMISSIBILITY OF REPRESENTATIVES AND
 18 MEMBERS OF TERRORIST ORGANIZATIONS.—Section
 19 212(a)(3)(B)(i) of the Immigration and Nationality Act
 20 (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

21 (1) in subclause (IV), by amending item (aa) to
 22 read as follows:

23 “(aa) a terrorist organiza-
 24 tion, as defined in clause (vi),
 25 or”; and

1 (2) by amending subclause (V) to read as fol-
2 lows:

3 “(V) is a member of a terrorist
4 organization, as defined in subclause
5 (I) or (II) of clause (vi), or of an or-
6 ganization which the alien knows or
7 should have known is a terrorist orga-
8 nization,”.

9 (d) DEPORTATION OF ALIENS WHO HAVE RECEIVED
10 MILITARY-TYPE TRAINING FROM TERRORIST ORGANIZA-
11 TIONS.—Section 237(a)(4) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1227(a)(4)) is amended by adding
13 at the end the following:

14 “(E) RECIPIENT OF MILITARY-TYPE
15 TRAINING.—Any alien who has received mili-
16 tary-type training (as defined in section
17 2339d(c)(1) of title 18, United States Code)
18 from or on behalf of any organization that, at
19 the time the training was received, was a ter-
20 rorist organization, as defined in section
21 212(a)(3)(b)(vi), is deportable.”.

22 (e) RETROACTIVE APPLICATION.—The amendments
23 made by subsections (b), (c), and (d) shall apply to the
24 receipt of military training occurring before, on, or after
25 the date of the enactment of this Act.

1 **SEC. 3. PROVIDING MATERIAL SUPPORT TO TERRORISM.**

2 (a) ADDITIONS TO OFFENSE OF PROVIDING MATE-
3 RIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of
4 title 18, United States Code, is amended—

5 (1) by designating the first sentence as para-
6 graph (1);

7 (2) by designating the second sentence as para-
8 graph (3);

9 (3) by inserting after paragraph (1) as so des-
10 ignated by this subsection the following:

11 “(2)(A) Whoever in a circumstance described in
12 subparagraph (B) provides material support or re-
13 sources or conceals or disguises the nature, location,
14 source, or ownership of material support or re-
15 sources, knowing or intending that they are to be
16 used in preparation for, or in carrying out, an act
17 of international or domestic terrorism (as defined in
18 section 2331), or in preparation for, or in carrying
19 out, the concealment or escape from the commission
20 of any such act, or attempts or conspires to do so,
21 shall be punished as provided under paragraph (1)
22 for an offense under that paragraph.

23 “(B) The circumstances referred to in subpara-
24 graph (A) are any of the following:

25 “(i) The offense occurs in or affects inter-
26 state or foreign commerce.

1 “(ii) The act of terrorism is an act of
2 international or domestic terrorism that violates
3 the criminal law of the United States.

4 “(iii) The act of terrorism is an act of do-
5 mestic terrorism that appears to be intended to
6 influence the policy, or affect the conduct, of
7 the Government of the United States or a for-
8 eign government.

9 “(iv) An offender, acting within the United
10 States or outside the territorial jurisdiction of
11 the United States, is a national of the United
12 States (as defined in section 101(a)(22) of the
13 Immigration and Nationality Act, an alien law-
14 fully admitted for permanent residence in the
15 United States (as defined in section 101(a)(20)
16 of the Immigration and Nationality Act , or a
17 stateless person whose habitual residence is in
18 the United States, and the act of terrorism is
19 an act of international terrorism that appears
20 to be intended to influence the policy, or affect
21 the conduct, of the Government of the United
22 States or a foreign government.

23 “(v) An offender, acting within the United
24 States, is an alien, and the act of terrorism is
25 an act of international terrorism that appears

1 to be intended to influence the policy, or affect
2 the conduct, of the Government of the United
3 States or a foreign government.

4 “(vi) An offender, acting outside the terri-
5 torial jurisdiction of the United States, is an
6 alien and the act of terrorism is an act of inter-
7 national terrorism that appears to be intended
8 to influence the policy of, or affect the conduct
9 of, the Government of the United States.

10 “(vii) An offender aids or abets any person
11 over whom jurisdiction exists under this para-
12 graph in committing an offense under this
13 paragraph or conspires with any person over
14 whom jurisdiction exists under this paragraph
15 to commit an offense under this paragraph.”;
16 and

17 (4) by inserting “act or” after “underlying”.

18 (b) DEFINITIONS.—Section 2339A(b) of title 18,
19 United States Code, is amended—

20 (1) by striking “In this” and inserting “(1) In
21 this”;

22 (2) by inserting “any property, tangible or in-
23 tangible, or service, including” after “means”;

24 (3) by inserting “(one or more individuals who
25 may be or include oneself)” after “personnel”;

1 (4) by inserting “and” before “transportation”;

2 (5) by striking “and other physical assets”; and

3 (6) by adding at the end the following:

4 “(2) As used in this subsection, the term ‘training’
5 means instruction or teaching designed to impart a spe-
6 cific skill, as opposed to general knowledge, and the term
7 ‘expert advice or assistance’ means advice or assistance
8 derived from scientific, technical or other specialized
9 knowledge.”.

10 (c) ADDITION TO OFFENSE OF PROVIDING MATE-
11 RIAL SUPPORT TO TERRORIST ORGANIZATIONS.—Section
12 2339B(a)(1) of title 18, United States Code, is amend-
13 ed—

14 (1) by striking “, within the United States or
15 subject to the jurisdiction of the United States,” and
16 inserting “in a circumstance described in paragraph
17 (2)” ; and

18 (2) by adding at the end the following: “To vio-
19 late this paragraph, a person must have knowledge
20 that the organization is a designated terrorist orga-
21 nization (as defined in subsection (g)(6)), that the
22 organization has engaged or engages in terrorist ac-
23 tivity (as defined in section 212(a)(3)(B) of the Im-
24 migration and Nationality Act, or that the organiza-
25 tion has engaged or engages in terrorism (as defined

1 in section 140(d)(2) of the Foreign Relations Au-
2 thorization Act, Fiscal Years 1988 and 1989.”.

3 (d) FEDERAL AUTHORITY.—Section 2339B(d) of
4 title 18 is amended—

5 (1) by inserting “(1)” before “There”; and

6 (2) by adding at the end the following:

7 “(2) The circumstances referred to in paragraph (1)
8 are any of the following:

9 “(A) An offender is a national of the United
10 States (as defined in section 101(a)(22) of the Im-
11 migration and Nationality Act (8 U.S.C.
12 1101(a)(22)) or an alien lawfully admitted for per-
13 manent residence in the United States (as defined in
14 section 101(a)(20) of the Immigration and Nation-
15 ality Act.

16 “(B) An offender is a stateless person whose
17 habitual residence is in the United States.

18 “(C) After the conduct required for the offense
19 occurs an offender is brought into or found in the
20 United States, even if the conduct required for the
21 offense occurs outside the United States.

22 “(D) The offense occurs in whole or in part
23 within the United States.

24 “(E) The offense occurs in or affects interstate
25 or foreign commerce.

1 “(F) An offender aids or abets any person over
2 whom jurisdiction exists under this paragraph in
3 committing an offense under subsection (a) or con-
4 spires with any person over whom jurisdiction exists
5 under this paragraph to commit an offense under
6 subsection (a).”.

7 (e) DEFINITION.—Paragraph (4) of section
8 2339B(g) of title 18, United States Code, is amended to
9 read as follows:

10 “(4) the term ‘material support or resources’
11 has the same meaning given that term in section
12 2339A;”.

13 (f) ADDITIONAL PROVISIONS.—Section 2339B of
14 title 18, United States Code, is amended by adding at the
15 end the following:

16 “(h) PROVISION OF PERSONNEL.—No person may be
17 prosecuted under this section in connection with the term
18 ‘personnel’ unless that person has knowingly provided, at-
19 tempted to provide, or conspired to provide a foreign ter-
20 rorist organization with one or more individuals (who may
21 be or include himself) to work under that terrorist organi-
22 zation’s direction or control or to organize, manage, super-
23 vise, or otherwise direct the operation of that organization.
24 Individuals who act entirely independently of the foreign
25 terrorist organization to advance its goals or objectives

1 shall not be considered to be working under the foreign
2 terrorist organization’s direction and control.

3 “(i) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion shall be construed or applied so as to abridge the ex-
5 ercise of rights guaranteed under the First Amendment
6 to the Constitution of the United States.”.

7 **SEC. 4. FINANCING OF TERRORISM.**

8 (a) **FINANCING TERRORISM.**—Section 2339c(c)(2) of
9 title 18, United States Code, is amended—

10 (1) by striking “, resources, or funds” and in-
11 serting “or resources, or any funds or proceeds of
12 such funds”;

13 (2) in subparagraph (A), by striking “were pro-
14 vided” and inserting “are to be provided, or knowing
15 that the support or resources were provided,”; and

16 (3) in subparagraph (B)—

17 (A) by striking “or any proceeds of such
18 funds”; and

19 (B) by striking “were provided or col-
20 lected” and inserting “are to be provided or col-
21 lected, or knowing that the funds were provided
22 or collected,”.

23 (b) **DEFINITIONS.**—Section 2339c(e) of title 18,
24 United States Code, is amended—

- 1 (1) by striking “and” at the end of paragraph
2 (12);
3 (2) by redesignating paragraph (13) as para-
4 graph (14); and
5 (3) by inserting after paragraph (12) the fol-
6 lowing:
7 “(13) the term ‘material support or resources’
8 has the same meaning given that term in section
9 2339B(g)(4) of this title; and”.

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