

Calendar No. 645

108TH CONGRESS
2D SESSION**S. 2679**

To strengthen anti-terrorism investigative tools, promote information sharing,
punish terrorist offenses, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2004

Mr. KYL (for himself, Mr. CORNYN, Mr. NICKLES, Mr. CHAMBLISS, Mr. SESSIONS, Mr. FRIST, and Mr. McCONNELL) introduced the following bill;
which was read the first time

JULY 19, 2004

Read the second time and placed on the calendar

A BILL

To strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses, 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; AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Tools to Fight Terrorism Act of 2004”.

- 1 (b) TABLE OF CONTENTS.—The table of contents is
 2 as follows:

Sec. 1. Short title; and table of contents.

TITLE I—ANTI-TERRORISM INVESTIGATIVE TOOLS IMPROVEMENT ACT

- Sec. 101. Short title.
 Sec. 102. Fisa warrants for lone-wolf terrorists.
 Sec. 103. Adding terrorist offenses to statutory presumption of no bail.
 Sec. 104. Making terrorists eligible for lifetime post-release supervision.
 Sec. 105. Judicially enforceable subpoenas in terrorism investigations.
 Sec. 106. Hoaxes relating to terrorist offenses.
 Sec. 107. Increased penalties for obstruction of justice in terrorism cases.
 Sec. 108. Automatic permission for ex parte requests for protection under the
classified information procedures act.
 Sec. 109. Use of fisa information in immigration proceedings.
 Sec. 110. Expanded death penalty for terrorist murders.
 Sec. 111. Denial of Federal benefits to convicted terrorists.
 Sec. 112. Uniform standards for information sharing across Federal agencies.
 Sec. 113. Authorization to share national-security and grand-jury information
with State and local governments.
 Sec. 114. Providing material support to terrorism.
 Sec. 115. Receiving military-type training from a foreign terrorist organization.
 Sec. 116. Weapons of mass destruction.
 Sec. 117. Participation in nuclear and weapons of mass destruction threats to
the United States.

TITLE II—PREVENTION OF TERRORIST ACCESS TO SPECIAL WEAPONS ACT

- Sec. 201. Short title.
 Sec. 202. Missile systems designed to destroy aircraft.
 Sec. 203. Atomic weapons.
 Sec. 204. Radiological dispersal devices.
 Sec. 205. Variola virus.
 Sec. 206. Interception of communications.
 Sec. 207. Amendments to section 2332b(g)(5)(B) of title 18, United States
Code.
 Sec. 208. Amendments to section 1956(c)(7)(D) of title 18, United States
Code.
 Sec. 209. Export licensing process.
 Sec. 210. Clerical amendments.

TITLE III—RAILROAD CARRIERS AND MASS TRANSPORTATION PROTECTION ACT

- Sec. 301. Short title.
 Sec. 302. Attacks against railroad carriers and mass transportation systems.

TITLE IV—REDUCING CRIME AND TERRORISM AT AMERICA'S SEAPORTS ACT

- Sec. 401. Short title.
 Sec. 402. Entry by false pretenses to any seaport.

- Sec. 403. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.
- Sec. 404. Use of a dangerous weapon or explosive on a passenger vessel.
- Sec. 405. Criminal sanctions for violence against maritime navigation, placement of destructive devices, and malicious dumping.
- Sec. 406. Transportation of dangerous materials and terrorists.
- Sec. 407. Destruction or interference with vessels or maritime facilities.
- Sec. 408. Theft of interstate or foreign shipments or vessels.
- Sec. 409. Increased penalties for noncompliance with manifest requirements.
- Sec. 410. Stowaways on vessels or aircraft.
- Sec. 411. Bribery affecting port security.

TITLE V—COMBATING MONEY LAUNDERING AND TERRORIST FINANCING ACT

- Sec. 501. Short title.
- Sec. 502. Specified activities for money laundering.
- Sec. 503. Illegal money transmitting businesses.
- Sec. 504. Assets of persons committing terrorist acts against foreign countries or international organizations.
- Sec. 505. Money laundering through informal value transfer systems.
- Sec. 506. Financing of terrorism.
- Sec. 507. Miscellaneous and technical amendments.

1 **TITLE I—ANTI-TERRORISM IN-** 2 **VESTIGATIVE TOOLS IM-** 3 **PROVEMENT ACT**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Anti-terrorism Inves-

6 tigative Tools Improvement Act of 2004”.

7 **SEC. 102. FISA WARRANTS FOR LONE-WOLF TERRORISTS.**

8 Section 101(b)(1) of the Foreign Intelligence Surveil-

9 lance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by

10 adding at the end the following:

11 “(C) engages in international terrorism or

12 activities in preparation therefore; or”.

1 **SEC. 103. ADDING TERRORIST OFFENSES TO STATUTORY**
 2 **PRESUMPTION OF NO BAIL.**

3 Section 3142 of title 18, United States Code, is
 4 amended—

5 (1) in the flush language at the end of sub-
 6 section (e) by inserting before the period at the end
 7 the following: “, or an offense listed in section
 8 2332b(g)(5)(B) of title 18 of the United States
 9 Code, if the Attorney General certifies that the of-
 10 fense appears by its nature or context to be intended
 11 to intimidate or coerce a civilian population, to influ-
 12 ence the policy of a government by intimidation or
 13 coercion, or to affect the conduct of a government by
 14 mass destruction, assassination, or kidnaping, or an
 15 offense involved in or related to domestic or inter-
 16 national terrorism as defined in section 2331 of title
 17 18 of the United States Code”; and

18 (2) in subsections (f)(1)(A) and (g)(1), by in-
 19 serting after “violence” the following: “or an offense
 20 listed in section 2332b(g)(5)(B) of title 18 of the
 21 United States Code, if the Attorney General certifies
 22 that the offense appears by its nature or context to
 23 be intended to intimidate or coerce a civilian popu-
 24 lation, to influence the policy of a government by in-
 25 timidation or coercion, or to affect the conduct of a
 26 government by mass destruction, assassination, or

1 kidnaping, or an offense involved in or related to do-
 2 mestic or international terrorism as defined in sec-
 3 tion 2331 of title 18 of the United States Code,”.

4 **SEC. 104. MAKING TERRORISTS ELIGIBLE FOR LIFETIME**
 5 **POST-RELEASE SUPERVISION.**

6 Section 3583(j) of title 18, United States Code, is
 7 amended by striking “, the commission” and all that fol-
 8 lows through “person,”.

9 **SEC. 105. JUDICIALLY ENFORCEABLE SUBPOENAS IN TER-**
 10 **RORISM INVESTIGATIONS.**

11 (a) IN GENERAL.—Chapter 113B of title 18, United
 12 States Code, is amended by inserting after section 2332f
 13 the following:

14 **“§ 2332g. Judicially enforceable terrorism subpoenas**

15 **“(a) AUTHORIZATION OF USE.—**

16 **“(1) IN GENERAL.—**In any investigation con-
 17 cerning a Federal crime of terrorism (as defined
 18 under section 2332b(g)(5)), the Attorney General
 19 may issue in writing and cause to be served a sub-
 20 poena requiring the production of any records or
 21 other materials that the Attorney General finds rel-
 22 evant to the investigation, or requiring testimony by
 23 the custodian of the materials to be produced con-
 24 cerning the production and authenticity of those ma-
 25 terials.

1 “(2) CONTENTS.—A subpoena issued under
2 paragraph (1) shall describe the records or items re-
3 quired to be produced and prescribe a return date
4 within a reasonable period of time within which the
5 records or items can be assembled and made avail-
6 able.

7 “(3) ATTENDANCE OF WITNESSES AND PRO-
8 Duction OF RECORDS.—

9 “(A) IN GENERAL.—The attendance of
10 witnesses and the production of records may be
11 required from any place in any State, or in any
12 territory or other place subject to the jurisdic-
13 tion of the United States at any designated
14 place of hearing.

15 “(B) LIMITATION.—A witness shall not be
16 required to appear at any hearing more than
17 500 miles distant from the place where he was
18 served with a subpoena.

19 “(C) REIMBURSEMENT.—Witnesses sum-
20 moned under this section shall be paid the same
21 fees and mileage that are paid to witnesses in
22 the courts of the United States.

23 “(b) SERVICE.—

1 “(1) IN GENERAL.—A subpoena issued under
2 this section may be served by any person designated
3 in the subpoena as the agent of service.

4 “(2) SERVICE OF SUBPOENA.—

5 “(A) NATURAL PERSON.—Service of a sub-
6 poena upon a natural person may be made by
7 personal delivery of the subpoena to that per-
8 son, or by certified mail with return receipt re-
9 quested.

10 “(B) BUSINESS ENTITIES AND ASSOCIA-
11 TIONS.—Service of a subpoena may be made
12 upon a domestic or foreign corporation, or upon
13 a partnership or other unincorporated associa-
14 tion that is subject to suit under a common
15 name, by delivering the subpoena to an officer,
16 to a managing or general agent, or to any other
17 agent authorized by appointment or by law to
18 receive service of process.

19 “(C) PROOF OF SERVICE.—The affidavit of
20 the person serving the subpoena entered by that
21 person on a true copy thereof shall be sufficient
22 proof of service.

23 “(c) ENFORCEMENT.—

24 “(1) IN GENERAL.—In the case of the contu-
25 macy by, or refusal to obey a subpoena issued to,

1 any person, the Attorney General may invoke the aid
2 of any court of the United States within the jurisdic-
3 tion of which the investigation is carried on, or the
4 subpoenaed person resides, carries on business, or
5 may be found, to compel compliance with the sub-
6 poena.

7 “(2) ORDER.—A court of the United States de-
8 scribed under paragraph (1) may issue an order re-
9 quiring the subpoenaed person, in accordance with
10 the subpoena, to appear, to produce records, or to
11 give testimony touching the matter under investiga-
12 tion. Any failure to obey the order of the court may
13 be punished by the court as contempt thereof.

14 “(3) SERVICE OF PROCESS.—Any process under
15 this subsection may be served in any judicial district
16 in which the person may be found.

17 “(d) NONDISCLOSURE REQUIREMENT.—

18 “(1) IN GENERAL.—If the Attorney General
19 certifies that otherwise there may result a danger to
20 the national security of the United States, no person
21 shall disclose to any other person that a subpoena
22 was received or records were provided pursuant to
23 this section, other than to—

1 “(A) those persons to whom such disclo-
2 sure is necessary in order to comply with the
3 subpoena;

4 “(B) an attorney to obtain legal advice
5 with respect to testimony or the production of
6 records in response to the subpoena; or

7 “(C) other persons as permitted by the At-
8 torney General.

9 “(2) NOTICE OF NONDISCLOSURE REQUIRE-
10 MENT.—The subpoena, or an officer, employee, or
11 agency of the United States in writing, shall notify
12 the person to whom the subpoena is directed of the
13 nondisclosure requirements under paragraph (1).

14 “(3) FURTHER APPLICABILITY OF NONDISCLO-
15 SURE REQUIREMENTS.—Any person who receives a
16 disclosure under this subsection shall be subject to
17 the same prohibitions on disclosure under paragraph
18 (1).

19 “(4) ENFORCEMENT OF NONDISCLOSURE RE-
20 QUIREMENT.—Whoever knowingly violates para-
21 graphs (1) or (3) shall be imprisoned for not more
22 than 1 year, and if the violation is committed with
23 the intent to obstruct an investigation or judicial
24 proceeding, shall be imprisoned for not more than 5
25 years.

1 “(5) TERMINATION OF NONDISCLOSURE RE-
2 QUIREMENT.—If the Attorney General concludes
3 that a nondisclosure requirement no longer is justi-
4 fied by a danger to the national security of the
5 United States, an officer, employee, or agency of the
6 United States shall notify the relevant person that
7 the prohibition of disclosure is no longer applicable.

8 “(e) JUDICIAL REVIEW.—

9 “(1) IN GENERAL.—At any time before the re-
10 turn date specified in a summons issued under this
11 section, the person or entity summoned may, in the
12 United States district court for the district in which
13 that person or entity does business or resides, peti-
14 tion for an order modifying or setting aside the sum-
15 mons.

16 “(2) MODIFICATION OF NONDISCLOSURE RE-
17 QUIREMENT.—Any court described under paragraph
18 (1) may modify or set aside a nondisclosure require-
19 ment imposed under subsection (d) at the request of
20 a person to whom a subpoena has been directed, un-
21 less there is reason to believe that the nondisclosure
22 requirement is justified because otherwise there may
23 result a danger to the national security of the
24 United States.

1 “(3) REVIEW OF GOVERNMENT SUBMISSIONS.—

2 In all proceedings under this subsection, the court
3 shall review the submission of the Federal Govern-
4 ment, which may include classified information, ex
5 parte and in camera.

6 “(f) IMMUNITY FROM CIVIL LIABILITY.—Any per-
7 son, including officers, agents, and employees of a non-
8 natural person, who in good faith produce the records or
9 items requested in a subpoena, shall not be liable in any
10 court of any State or the United States to any customer
11 or other person for such production, or for nondisclosure
12 of that production to the customer or other person.

13 “(g) GUIDELINES.—The Attorney General shall, by
14 rule, establish such guidelines as are necessary to ensure
15 the effective implementation of this section.”.

16 (b) AMENDMENT TO TABLE OF SECTIONS.—The
17 table of sections of chapter 113B of title 18, United States
18 Code, is amended by inserting after the item relating to
19 section 2332f the following:

“2332g. Judicially enforceable terrorism subpoenas.”.

20 **SEC. 106. HOAXES RELATING TO TERRORIST OFFENSES.**

21 (a) PROHIBITION ON HOAXES.—Chapter 47 of title
22 18, United States Code, is amended by inserting after sec-
23 tion 1037 the following:

24 **“§ 1038. False information and hoaxes**

25 “(a) CRIMINAL VIOLATION.—

1 “(1) IN GENERAL.—Whoever engages in any
2 conduct with intent to convey false or misleading in-
3 formation under circumstances where such informa-
4 tion may reasonably be believed, and where such in-
5 formation indicates that an activity has taken, is
6 taking, or will take place that would constitute an
7 offense listed under section 2332b(g)(5)(B) of this
8 title—

9 “(A) be fined under this title or impris-
10 oned not more than 5 years, or both;

11 “(B) if serious bodily injury (as defined in
12 section 1365 of this title, including any conduct
13 that, if the conduct occurred in the special mar-
14 itime and territorial jurisdiction of the United
15 States, would violate section 2241 or 2242 of
16 this title) results, be fined under this title or
17 imprisoned not more than 25 years, or both;
18 and

19 “(C) if death results, shall be punished by
20 death or imprisoned for any term of years or
21 for life.

22 “(2) ARMED FORCES.—Whoever, without lawful
23 authority, makes a false statement, with intent to
24 convey false or misleading information, about the
25 death, injury, capture, or disappearance of a mem-

1 ber of the Armed Forces of the United States during
2 a war or armed conflict in which the United States
3 is engaged, shall—

4 “(A) be fined under this title or impris-
5 oned not more than 5 years, or both;

6 “(B) if serious bodily injury (as defined in
7 section 1365 of this title, including any conduct
8 that, if the conduct occurred in the special mar-
9 itime and territorial jurisdiction of the United
10 States, would violate section 2241 or 2242 of
11 this title) results, be fined under this title or
12 imprisoned not more than 25 years, or both;
13 and

14 “(C) if death results, shall be punished by
15 death or imprisoned for any term of years or
16 for life.

17 “(b) CIVIL ACTION.—Whoever knowingly engages in
18 any conduct with intent to convey false or misleading in-
19 formation under circumstances where such information
20 may reasonably be believed and where such information
21 indicates that an activity has taken, is taking, or will take
22 place that would constitute a violation of chapter 2, 10,
23 11B, 39, 40, 44, 111, or 113B of this title, section 236
24 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or
25 section 46502, the second sentence of section 46504, sec-

1 tion 46505 (b)(3) or (c), section 46506 if homicide or at-
 2 tempted homicide is involved, or section 60123(b) of title
 3 49 is liable in a civil action to any party incurring expenses
 4 incident to any emergency or investigative response to that
 5 conduct, for those expenses.

6 “(c) REIMBURSEMENT.—

7 “(1) IN GENERAL.—The court, in imposing a
 8 sentence on a defendant who has been convicted of
 9 an offense under subsection (a), shall order the de-
 10 fendant to reimburse any party incurring expenses
 11 incident to any emergency or investigative response
 12 to that conduct, for those expenses.

13 “(2) LIABILITY.—A person ordered to make re-
 14 imbursement under this subsection shall be jointly
 15 and severally liable for such expenses with each
 16 other person, if any, who is ordered to make reim-
 17 bursement under this subsection for the same ex-
 18 penses.

19 “(3) CIVIL JUDGMENT.—An order of reim-
 20 bursement under this subsection shall, for the pur-
 21 poses of enforcement, be treated as a civil judgment.

22 “(d) ACTIVITIES OF LAW ENFORCEMENT.—This sec-
 23 tion shall not prohibit any lawfully authorized investiga-
 24 tive, protective, or intelligence activity of a law enforce-
 25 ment agency of the United States, a State, or political sub-

1 division of a State, or of an intelligence agency of the
2 United States.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 of chapter 47 of title 18, United States Code, is amended
5 by adding after the item relating to section 1037 the fol-
6 lowing:

“1038. False information and hoaxes.”.

7 **SEC. 107. INCREASED PENALTIES FOR OBSTRUCTION OF**
8 **JUSTICE IN TERRORISM CASES.**

9 (a) ENHANCED PENALTY.—Sections 1001(a) and
10 1505 of title 18, United States Code, are amended by
11 striking “be fined under this title or imprisoned not more
12 than 5 years, or both” and inserting “be fined under this
13 title, imprisoned not more than 5 years or, if the matter
14 relates to international or domestic terrorism (as defined
15 in section 2331), imprisoned not more than 10 years, or
16 both”.

17 (b) SENTENCING GUIDELINES.—Not later than 30
18 days after the date of enactment of this section, the
19 United States Sentencing Commission shall amend the
20 Sentencing Guidelines to provide for an increased offense
21 level for an offense under sections 1001(a) and 1505 of
22 title 18, United States Code, if the offense involves a mat-
23 ter relating to international or domestic terrorism, as de-
24 fined in section 2331 of such title.

1 **SEC. 108. AUTOMATIC PERMISSION FOR EX PARTE RE-**
 2 **QUESTS FOR PROTECTION UNDER THE CLAS-**
 3 **SIFIED INFORMATION PROCEDURES ACT.**

4 The second sentence of section 4 of the Classified In-
 5 formation Procedures Act (18 U.S.C. App. 3) is amend-
 6 ed—

7 (1) by striking “may” and inserting “shall”;
 8 and

9 (2) by striking “a written statement to be in-
 10 spected” and inserting “a statement to be consid-
 11 ered”.

12 **SEC. 109. USE OF FISA INFORMATION IN IMMIGRATION**
 13 **PROCEEDINGS.**

14 The following provisions of the Foreign Intelligence
 15 Surveillance Act of 1978 are each amended by inserting
 16 “(other than in civil proceedings or other civil matters
 17 under the immigration laws (as that term is defined in
 18 section 101(a)(17) of the Immigration and Nationality Act
 19 (8 U.S.C. 1101(a)(17)))” after “authority of the United
 20 States”:

21 (1) Subsections (c), (e), and (f) of section 106
 22 (50 U.S.C. 1806).

23 (2) Subsections (d), (f), and (g) of section 305
 24 (50 U.S.C. 1825).

25 (3) Subsections (c), (e), and (f) of section 405
 26 (50 U.S.C. 1845).

1 **SEC. 110. EXPANDED DEATH PENALTY FOR TERRORIST**
 2 **MURDERS.**

3 (a) IN GENERAL.—Chapter 113B of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 2339D. Terrorist offenses resulting in death**

7 “(a) PENALTY.—A person who, in the course of com-
 8 mitting a terrorist offense, engages in conduct that results
 9 in the death of a person, shall be punished by death, or
 10 imprisoned for any term of years or for life.

11 “(b) TERRORIST OFFENSE DEFINED.—In this sec-
 12 tion, the term ‘terrorist offense’ means—

13 “(1) international or domestic terrorism as de-
 14 fined in section 2331;

15 “(2) a Federal crime of terrorism as defined in
 16 section 2332b(g);

17 “(3) an offense under—

18 “(A) this chapter;

19 “(B) section 175, 175b, 229, or 831; or

20 “(C) section 236 of the Atomic Energy Act
 21 of 1954 (42 U.S.C. 2284); or

22 “(4) an attempt or conspiracy to commit an of-
 23 fense described in paragraph (1), (2), or (3).”.

1 (b) CHAPTER ANALYSIS.—The table of sections of
 2 chapter 113B of title 18, United States Code, is amended
 3 by inserting at the end the following:

“2339D. Terrorist offenses resulting in death.”.

4 (c) AGGRAVATING FACTORS.—

5 (1) IN GENERAL.—Section 3591(a)(1) of title
 6 18, United States Code, is amended by striking “or
 7 section 2381” and inserting “, 2339D, or 2381”.

8 (2) CONFORMING AMENDMENT.—Section
 9 3592(b) of title 18, United States Code, is amend-
 10 ed—

11 (A) in the section heading, by striking
 12 “AND TREASON” and inserting “, TREASON,
 13 AND TERRORISM”; and

14 (B) in paragraph (1)—

15 (i) in the section heading, by striking
 16 “OR TREASON” and inserting “, TREASON,
 17 OR TERRORISM”; and

18 (ii) by striking “or treason” and in-
 19 serting “, treason, or terrorism”.

20 (d) DEATH PENALTY IN CERTAIN AIR PIRACY
 21 CASES.—Section 60003(b) of the Violent Crime Control
 22 and Law Enforcement Act of 1994, (Public Law 103–
 23 322), is amended, as of the time of its enactment, by add-
 24 ing at the end the following:

1 “(2) DEATH PENALTY PROCEDURES FOR CER-
2 TAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An
3 individual convicted of violating section 46502 of
4 title 49, United States Code, or its predecessor, may
5 be sentenced to death in accordance with the proce-
6 dures established in chapter 228 of title 18, United
7 States Code, if for any offense committed before the
8 enactment of the Violent Crime Control and Law
9 Enforcement Act of 1994 (Public Law 103–322),
10 but after the enactment of the Antihijacking Act of
11 1974 (Public Law 93–366), it is determined by the
12 finder of fact, before consideration of the factors set
13 forth in sections 3591(a)(2) and 3592(a) and (c) of
14 title 18, United States Code, that one or more of the
15 factors set forth in former section 46503(c)(2) of
16 title 49, United States Code, or its predecessor, has
17 been proven by the Government to exist, beyond a
18 reasonable doubt, and that none of the factors set
19 forth in former section 46503(c)(1) of title 49,
20 United States Code, or its predecessor, has been
21 proven by the defendant to exist, by a preponderance
22 of the information. The meaning of the term ‘espe-
23 cially heinous, cruel, or depraved’, as used in the
24 factor set forth in former section 46503(c)(2)(B)(iv)
25 of title 49, United States Code, or its predecessor,

1 shall be narrowed by adding the limiting language
 2 ‘in that it involved torture or serious physical abuse
 3 to the victim’, and shall be construed as when that
 4 term is used in section 3592(c)(6) of title 18, United
 5 States Code.”.

6 **SEC. 111. DENIAL OF FEDERAL BENEFITS TO CONVICTED**
 7 **TERRORISTS.**

8 (a) IN GENERAL.—Chapter 113B of title 18, United
 9 States Code, as amended by this Act, is further amended
 10 by adding at the end the following:

11 **“§ 2339E. Denial of Federal benefits to terrorists**

12 “(a) IN GENERAL.—Any individual who is convicted
 13 of a Federal crime of terrorism (as defined in section
 14 2332b(g)) shall, as provided by the court on motion of
 15 the Government, be ineligible for any or all Federal bene-
 16 fits for any term of years or for life.

17 “(b) FEDERAL BENEFIT DEFINED.—As used in this
 18 section, ‘Federal benefit’ has the meaning given that term
 19 in section 421(d) of the Controlled Substances Act (21
 20 U.S.C. 862(d)).”.

21 (b) CHAPTER ANALYSIS.—The table of sections of
 22 chapter 113B of title 18, United States Code, is amended
 23 by inserting at the end the following:

“2339E. Denial of Federal benefits to terrorists.”.

1 **SEC. 112. UNIFORM STANDARDS FOR INFORMATION SHAR-**
 2 **ING ACROSS FEDERAL AGENCIES.**

3 (a) TELEPHONE RECORDS.—Section 2709(d) of title
 4 18, United States Code, is amended by striking “for for-
 5 eign” and all that follows through “such agency”.

6 (b) CONSUMER INFORMATION UNDER 15 U.S.C.
 7 1681u.—Section 625(f) of the Fair Credit Reporting Act
 8 (15 U.S.C. 1681u(f)) is amended to read as follows:

9 “(f) DISSEMINATION OF INFORMATION.—The Fed-
 10 eral Bureau of Investigation may disseminate information
 11 obtained pursuant to this section only as provided in
 12 guidelines approved by the Attorney General.”.

13 (c) CONSUMER INFORMATION UNDER 15 U.S.C.
 14 1681v.—Section 626 of the Fair Credit Reporting Act (15
 15 U.S.C. 1681v) is amended—

16 (1) by redesignating subsections (d) and (e) as
 17 subsections (e) and (f), respectively; and

18 (2) by inserting after subsection (c) the fol-
 19 lowing:

20 “(d) DISSEMINATION OF INFORMATION.—The Fed-
 21 eral Bureau of Investigation may disseminate information
 22 obtained pursuant to this section only as provided in
 23 guidelines approved by the Attorney General.”.

24 (d) FINANCIAL RECORDS.—Section 1114(a)(5)(B) of
 25 the Right to Financial Privacy Act (12 U.S.C.

1 3414(a)(5)(B)) is amended by striking “for foreign” and
 2 all that follows through “such agency”.

3 (e) RECORDS CONCERNING CERTAIN GOVERNMENT
 4 EMPLOYEES.—Section 802(e) of the National Security
 5 Act of 1947 (50 U.S.C. 436(e)) is amended—

6 (1) by striking “An agency” and inserting the
 7 following: “The Federal Bureau of Investigation
 8 may disseminate records or information received
 9 pursuant to a request under this section only as pro-
 10 vided in guidelines approved by the Attorney Gen-
 11 eral. Any other agency”; and

12 (2) in paragraph (3), by striking “clearly”.

13 **SEC. 113. AUTHORIZATION TO SHARE NATIONAL-SECURITY**
 14 **AND GRAND-JURY INFORMATION WITH**
 15 **STATE AND LOCAL GOVERNMENTS.**

16 (a) INFORMATION OBTAINED IN NATIONAL SECUR-
 17 ITY INVESTIGATIONS.—Section 203(d) of the USA PA-
 18 TRIOT ACT (50 U.S.C. 403–5d) is amended—

19 (1) in paragraph (1), by striking “criminal in-
 20 vestigation” each place it appears and inserting
 21 “criminal or national security investigation”; and

22 (2) by amending paragraph (2) to read as fol-
 23 lows:

24 “(2) DEFINITIONS.—As used in this sub-
 25 section—

1 “(A) the term ‘foreign intelligence informa-
2 tion’ means—

3 “(i) information, whether or not con-
4 cerning a United States person, that re-
5 lates to the ability of the United States to
6 protect against—

7 “(I) actual or potential attack or
8 other grave hostile acts of a foreign
9 power or an agent of a foreign power;

10 “(II) sabotage or international
11 terrorism by a foreign power or an
12 agent of a foreign power; or

13 “(III) clandestine intelligence ac-
14 tivities by an intelligence service or
15 network of a foreign power or by an
16 agent of a foreign power; or

17 “(ii) information, whether or not con-
18 cerning a United States person, with re-
19 spect to a foreign power or foreign terri-
20 tory that relates to—

21 “(I) the national defense or the
22 security of the United States; or

23 “(II) the conduct of the foreign
24 affairs of the United States; and

1 “(B) the term ‘national security investiga-
2 tion’—

3 “(i) means any investigative activity
4 to protect the national security; and

5 “(ii) includes—

6 “(I) counterintelligence and the
7 collection of intelligence (as defined in
8 section 3 of the National Security Act
9 of 1947 (50 U.S.C. 401a)); and

10 “(II) the collection of foreign in-
11 telligence information.”.

12 (b) RULE AMENDMENTS.—Rule 6(e) of the Federal
13 Rules of Criminal Procedure is amended—

14 (1) in paragraph (3)—

15 (A) in subparagraph (A)(ii), by striking
16 “or state subdivision or of an Indian tribe” and
17 inserting “, state subdivision, Indian tribe, or
18 foreign government”;

19 (B) in subparagraph (D)—

20 (i) by inserting after the first sentence
21 the following: “An attorney for the govern-
22 ment may also disclose any grand-jury
23 matter involving a threat of actual or po-
24 tential attack or other grave hostile acts of
25 a foreign power or an agent of a foreign

1 power, domestic or international sabotage,
2 domestic or international terrorism, or
3 clandestine intelligence gathering activities
4 by an intelligence service or network of a
5 foreign power or by an agent of a foreign
6 power, within the United States or else-
7 where, to any appropriate Federal, State,
8 state subdivision, Indian tribal, or foreign
9 government official for the purpose of pre-
10 venting or responding to such a threat.”;
11 and

12 (ii) in clause (i)—

13 (I) by striking “federal”; and

14 (II) by adding at the end the fol-
15 lowing: “Any State, state subdivision,
16 Indian tribal, or foreign government
17 official who receives information
18 under Rule 6(e)(3)(D) may use the
19 information only consistent with such
20 guidelines as the Attorney General
21 and Director of Central Intelligence
22 shall jointly issue.”; and

23 (C) in subparagraph (E)—

24 (i) by redesignating clauses (iii) and
25 (iv) as clauses (iv) and (v), respectively;

1 (ii) by inserting after clause (ii) the
 2 following:

3 “(iii) at the request of the govern-
 4 ment, when sought by a foreign court or
 5 prosecutor for use in an official criminal
 6 investigation; ”; and

7 (iii) in clause (iv), as redesignated—

8 (I) by striking “state or Indian
 9 tribal” and inserting “State, Indian
 10 tribal, or foreign”; and

11 (II) by striking “or Indian tribal
 12 official” and inserting “Indian tribal,
 13 or foreign government official”; and

14 (2) in paragraph (7), by inserting “, or of
 15 guidelines jointly issued by the Attorney General and
 16 Director of Central Intelligence pursuant to Rule 6,”
 17 after “Rule 6”.

18 (c) CONFORMING AMENDMENT.—Section 203(c) of
 19 the USA PATRIOT ACT (18 U.S.C. 2517 note) is
 20 amended by striking “Rule 6(e)(3)(C)(i)(V) and (VI)” and
 21 inserting “Rule 6(e)(3)(D)”.

22 **SEC. 114. PROVIDING MATERIAL SUPPORT TO TERRORISM.**

23 (a) IN GENERAL.—Section 2339A(a) of title 18,
 24 United States Code, is amended—

1 (1) by striking “Whoever” and inserting the fol-
2 lowing:

3 “(1) IN GENERAL.—Any person who”;

4 (2) by striking “A violation” and inserting the
5 following:

6 “(3) PROSECUTION.—A violation”;

7 (3) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) ADDITIONAL OFFENSE.—

10 “(A) IN GENERAL.—Any person who pro-
11 vides material support or resources or conceals
12 or disguises the nature, location, source, or
13 ownership of material support or resources,
14 knowing or intending that they are to be used
15 in preparation for, or in carrying out, an act of
16 international or domestic terrorism, or in the
17 preparation for, or in carrying out, the conceal-
18 ment or escape from the commission of any
19 such act, or attempts or conspires to do so,
20 shall be punished as provided under paragraph
21 (1) for an offense under that paragraph.

22 “(B) JURISDICTION.—There is Federal ju-
23 risdiction over an offense under this paragraph
24 if—

1 “(i) the offense occurs in or affects
2 interstate or foreign commerce;

3 “(ii) the act of terrorism is an act of
4 international or domestic terrorism that
5 violates the criminal law of the United
6 States;

7 “(iii) the act of terrorism is an act of
8 domestic terrorism that appears to be in-
9 tended to influence the policy, or affect the
10 conduct, of the Government of the United
11 States or a foreign government;

12 “(iv) the act of terrorism is an act of
13 international terrorism that appears to be
14 intended to influence the policy, or affect
15 the conduct, of the Government of the
16 United States or a foreign government,
17 and an offender, acting within the United
18 States or outside the territorial jurisdiction
19 of the United States, is—

20 “(I) a national of the United
21 States (as defined in section
22 101(a)(22) of the Immigration and
23 Nationality Act (8 U.S.C.
24 1101(a)(22));

1 “(II) an alien lawfully admitted
2 for permanent residence in the United
3 States (as defined in section
4 101(a)(20) of such Act); or

5 “(III) a stateless person whose
6 habitual residence is in the United
7 States;

8 “(v) the act of terrorism is an act of
9 international terrorism that appears to be
10 intended to influence the policy, or affect
11 the conduct, of the Government of the
12 United States or a foreign government,
13 and an offender, acting within the United
14 States, is an alien;

15 “(vi) the act of terrorism is an act of
16 international terrorism that appears to be
17 intended to influence the policy, or affect
18 the conduct, of the Government of the
19 United States, and an offender, acting out-
20 side the territorial jurisdiction of the
21 United States, is an alien; or

22 “(vii) an offender aids or abets any
23 person over whom jurisdiction exists under
24 this paragraph in committing an offense
25 under this paragraph or conspires with any

1 person over whom jurisdiction exists under
2 this paragraph to commit an offense under
3 this paragraph.”; and

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

5 (b) DEFINITIONS.—Section 2339A(b) of title 18,
6 United States Code, is amended to read as follows—

7 “(b) DEFINITIONS.—As used in this section—

8 “(1) the term ‘material support or resources’
9 means any property (tangible or intangible) or serv-
10 ice, including currency or monetary instruments or
11 financial securities, financial services, lodging, train-
12 ing, expert advice or assistance, safehouses, false
13 documentation or identification, communications
14 equipment, facilities, weapons, lethal substances, ex-
15 plosives, personnel (1 or more individuals who may
16 be or include oneself), and transportation, except
17 medicine or religious materials;

18 “(2) the term ‘training’ means instruction or
19 teaching designed to impart a specific skill, rather
20 than general knowledge; and

21 “(3) the term ‘expert advice or assistance’
22 means advice or assistance derived from scientific,
23 technical, or other specialized knowledge.”.

1 (c) MATERIAL SUPPORT TO FOREIGN TERRORIST
 2 ORGANIZATION.—Section 2339B(a)(1) of title 18, United
 3 States Code, is amended—

4 (1) by striking “Whoever, within the United
 5 States or subject to the jurisdiction of the United
 6 States,” and inserting the following:

7 “(A) IN GENERAL.—Any person who”; and

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

9 “(B) KNOWLEDGE REQUIREMENT.—A per-
 10 son cannot violate this paragraph unless the
 11 person has knowledge that the organization re-
 12 ferred to in subparagraph (A)—

13 “(i) is a terrorist organization;

14 “(ii) has engaged or engages in ter-
 15 rorist activity (as defined in section
 16 212(a)(3)(B) of the Immigration and Na-
 17 tionality Act (8 U.S.C. 1182(a)(3)(B)); or

18 “(iii) has engaged or engages in ter-
 19 rorism (as defined in section 140(d)(2) of
 20 the Foreign Relations Authorization Act,
 21 Fiscal Years 1988 and 1989 (22 U.S.C.
 22 2656f(d)(2)).”.

23 (d) JURISDICTION.—Section 2339B(d) of title 18,
 24 United States Code, is amended to read as follows:

25 “(d) JURISDICTION.—

1 “(1) IN GENERAL.—There is jurisdiction over
2 an offense under subsection (a) if—

3 “(A) an offender is a national of the
4 United States (as defined in section 101(a)(22)
5 of the Immigration and Nationality Act (8
6 U.S.C. 1101(a)(22)) or an alien lawfully admit-
7 ted for permanent residence in the United
8 States (as defined in section 101(a)(20) of such
9 Act);

10 “(B) an offender is a stateless person
11 whose habitual residence is in the United
12 States;

13 “(C) an offender is brought in or found in
14 the United States after the conduct required for
15 the offense occurs, even if such conduct occurs
16 outside the United States;

17 “(D) the offense occurs in whole or in part
18 within the United States;

19 “(E) the offense occurs in or affects inter-
20 state or foreign commerce; or

21 “(F) an offender aids or abets any person,
22 over whom jurisdiction exists under this para-
23 graph, in committing an offense under sub-
24 section (a) or conspires with any person, over

1 whom jurisdiction exists under this paragraph,
2 to commit an offense under subsection (a).

3 “(2) EXTRATERRITORIAL JURISDICTION.—

4 There is extraterritorial Federal jurisdiction over an
5 offense under this section.”.

6 (e) PROVISION OF PERSONNEL.—Section 2339B of
7 title 18, United States Code, is amended—

8 (1) by redesignating subsection (g) as sub-
9 section (h); and

10 (2) by adding after subsection (f) the following:

11 “(g) PROVISION OF PERSONNEL.—No person may be
12 prosecuted under this section in connection with the term
13 ‘personnel’ unless that person has knowingly provided, at-
14 tempted to provide, or conspired to provide a foreign ter-
15 rorist organization with 1 or more individuals (who may
16 be or include that person) to work under that terrorist
17 organization’s direction or control or to organize, manage,
18 supervise, or otherwise direct the operation of that organi-
19 zation. Any person who acts entirely independently of the
20 foreign terrorist organization to advance its goals or objec-
21 tives shall not be considered to be working under the for-
22 eign terrorist organization’s direction or control.”.

1 **SEC. 115. RECEIVING MILITARY TYPE TRAINING FROM A**
 2 **FOREIGN TERRORIST ORGANIZATION.**

3 (a) PROHIBITION AS TO CITIZENS AND RESI-
 4 DENTS.—

5 (1) IN GENERAL.—Chapter 113B of title 18,
 6 United States Code, is amended by adding after sec-
 7 tion 2339C the following:

8 **“§ 2339E. Receiving military-type training from a for-**
 9 **foreign terrorist organization**

10 “(a) OFFENSE.—

11 “(1) IN GENERAL.—Whoever knowingly receives
 12 military-type training from or on behalf of any orga-
 13 nization designated at the time of the training by
 14 the Secretary of State under section 219(a)(1) of
 15 the Immigration and Nationality Act (8 U.S.C.
 16 1189(a)(1)) as a foreign terrorist organization, shall
 17 be fined under this title, imprisoned for ten years,
 18 or both.

19 “(2) KNOWLEDGE REQUIREMENT.—To violate
 20 paragraph (1), a person must have knowledge that
 21 the organization is a designated terrorist organiza-
 22 tion (as defined in subsection (c)(4)), that the orga-
 23 nization has engaged or engages in terrorist activity
 24 (as defined in section 212 of the Immigration and
 25 Nationality Act (8 U.S.C. 1182(a)(3)(B)), or that
 26 the organization has engaged or engages in ter-

1 rorism (as defined in section 140(d)(2) of the For-
2 eign Relations Authorization Act, Fiscal Years 1988
3 and 1989 (22 U.S.C. 2656f(d)(2)).

4 “(b) JURISDICTION.—

5 “(1) IN GENERAL.—There is jurisdiction over
6 an offense under subsection (a) if—

7 “(A) an offender is a national of the
8 United States (as defined in 101(a)(22) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1101(a)(22)), or an alien lawfully admitted for
11 permanent residence in the United States (as de-
12 fined in section 101(a)(20) of the Immigration
13 and Nationality Act (8 U.S.C. 1101(a)(20));

14 “(B) an offender is a stateless person
15 whose habitual residence is in the United
16 States;

17 “(C) after the conduct required for the of-
18 fense occurs an offender is brought into or
19 found in the United States, even if the conduct
20 required for the offense occurs outside the
21 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 inter-
25 state or foreign commerce; and

1 “(F) an offender aids or abets any person
 2 over whom jurisdiction exists under this para-
 3 graph in committing an offense under sub-
 4 section (a), or conspires with any person over
 5 whom jurisdiction exists under this paragraph
 6 to commit an offense under subsection (a).

7 “(2) EXTRATERRITORIAL JURISDICTION.—
 8 There is extraterritorial Federal jurisdiction over an
 9 offense under this section.

10 “(c) DEFINITIONS.—In this section:

11 “(1) MILITARY-TYPE TRAINING.—The term
 12 ‘military-type training’ means training in means or
 13 methods that can cause death or serious bodily in-
 14 jury, destroy or damage property, or disrupt services
 15 to critical infrastructure, or training on the use,
 16 storage, production, or assembly of any explosive,
 17 firearm or other weapon, including any weapon of
 18 mass destruction (as defined in section 2232a(c)(2)).

19 “(2) SERIOUS BODILY INJURY.—The term ‘seri-
 20 ous bodily injury’ has the meaning given that term
 21 in section 1365(h)(3).

22 “(3) CRITICAL INFRASTRUCTURE.—The term
 23 ‘critical infrastructure’ means systems and assets
 24 vital to national defense, national security, economic
 25 security, public health, or safety, including both re-

1 regional and national infrastructure. Critical infra-
 2 structure may be publicly or privately owned. Exam-
 3 ples of critical infrastructure include gas and oil pro-
 4 duction, storage, or delivery systems, water supply
 5 systems, telecommunications networks, electrical
 6 power generation or delivery systems, financing and
 7 banking systems, emergency services (including med-
 8 ical, police, fire, and rescue services), and transpor-
 9 tation systems and services (including highways,
 10 mass transit, airlines, and airports).

11 “(4) FOREIGN TERRORIST ORGANIZATION.—
 12 The term ‘foreign terrorist organization’ means an
 13 organization designated as a terrorist organization
 14 under section 219 (a)(1) of the Immigration and
 15 Nationality Act (8 U.S.C. 1189(a)(1)).”.

16 (2) TECHNICAL AND CONFORMING AMEND-
 17 MENT.—The table of sections for chapter 113B of
 18 title 18, United States Code, is amended by adding
 19 at the end the following:

“2339E. Receiving military-type training from a foreign terrorist organization.”.

20 (b) INADMISSIBILITY OF ALIENS WHO HAVE RE-
 21 CEIVED MILITARY-TYPE TRAINING FROM TERRORIST OR-
 22 GANIZATIONS.—Section 212(a)(3)(B)(i) of the Immigra-
 23 tion and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is
 24 amended—

1 (1) by striking “is inadmissible. An alien who
 2 is an officer, official, representative, or spokesman of
 3 the Palestine Liberation Organization is considered,
 4 for purposes of this chapter, to be engaged in a ter-
 5 rorist activity.”; and

6 (2) by inserting after subclause (VII) the fol-
 7 lowing:

8 “(VIII) has received military-type
 9 training (as defined in section
 10 2339D(c)(1) of title 18, United States
 11 Code) from or on behalf of any orga-
 12 nization that, at the time the training
 13 was received, was a terrorist organiza-
 14 tion under section 212(a)(3)(B)(vi),
 15 is inadmissible. An alien who is an officer,
 16 official, representative, or spokesman of
 17 the Palestine Liberation Organization is
 18 considered, for purposes of this chapter, to
 19 be engaged in a terrorist activity.”.

20 (c) INADMISSABILITY OF REPRESENTATIVES AND
 21 MEMBERS OF TERRORIST ORGANIZATIONS.—Section
 22 212(a)(3)(B)(i) of the Immigration and Nationality Act
 23 (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

24 (1) in subclause (IV), by striking item (aa) and
 25 inserting the following:

1 “(aa) a terrorist organiza-
 2 tion as defined under section
 3 212(a)(3)(B)(vi), or”; and

4 (2) by striking subclause (V) and inserting the
 5 following:

6 “(V) is a member of—

7 “(aa) a terrorist organiza-
 8 tion as defined under section
 9 212(a)(3)(B)(vi); or

10 “(bb) an organization which
 11 the alien knows or should have
 12 known is a terrorist organiza-
 13 tion,”.

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

19 “(E) RECIPIENT OF MILITARY-TYPE
 20 TRAINING.—Any alien who has received mili-
 21 tary-type training (as defined in section
 22 2339D(c)(1) of title 18, United States Code)
 23 from or on behalf of any organization that, at
 24 the time the training was received, was a ter-

1 rorist organization under section
2 212(a)(3)(B)(vi), is deportable.”.

3 (e) RETROACTIVE APPLICATION.—The amendments
4 made by subsections (b), (c), and (d) of this section shall
5 apply to the receipt of military training occurring before,
6 on, or after the date of enactment of this Act.

7 **SEC. 116. WEAPONS OF MASS DESTRUCTION.**

8 (a) EXPANSION OF JURISDICTIONAL BASES AND
9 SCOPE.—Section 2332a of title 18, United States Code,
10 is amended—

11 (1) in subsection (a)—

12 (A) by striking paragraph (2) and insert-
13 ing the following:

14 “(2)(A) against any person or property within
15 the United States, and—

16 “(B)(i) the mail or any facility of interstate or
17 foreign commerce is used in furtherance of the of-
18 fense;

19 “(ii) such property is used in interstate or for-
20 eign commerce or in an activity that affects inter-
21 state or foreign commerce;

22 “(iii) any perpetrator travels in or causes an-
23 other to travel in interstate or foreign commerce in
24 furtherance of the offense; or

1 “(iv) the offense, or the results of the offense,
2 affect interstate or foreign commerce, or, in the case
3 of a threat, attempt, or conspiracy, would have af-
4 fected interstate or foreign commerce;”;

5 (B) in paragraph (3), by striking the
6 comma at the end and inserting “; or”; and

7 (C) by adding at the end the following:

8 “(4) against any property within the United
9 States that is owned, leased, or used by a foreign
10 government,”; and

11 (2) in subsection (c)—

12 (A) in paragraph (1), by striking “and” at
13 the end;

14 (B) in paragraph (2), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(3) the term ‘property’ includes all real and
18 personal property.”.

19 (b) RESTORATION OF THE COVERAGE OF CHEMICAL
20 WEAPONS.—

21 (1) IN GENERAL.—Section 2332a of title 18,
22 United States Code, as amended by this Act, is fur-
23 ther amended by—

24 (A) in the section heading, by striking
25 “**CERTAIN**”;

1 (B) in subsection (a), by striking “(other
 2 than a chemical weapon as that term is defined
 3 in section 229F)”; and

4 (C) in subsection (b), by striking “(other
 5 than a chemical weapon (as that term is de-
 6 fined in section 229F))”.

7 (2) TECHNICAL AND CONFORMING AMEND-
 8 MENT.—The table of sections for chapter 113B of
 9 title 18, United States Code, is amended in the mat-
 10 ter relating to section 2332a by striking “certain”.

11 (c) EXPANSION OF CATEGORIES OF RESTRICTED
 12 PERSONS SUBJECT TO PROHIBITIONS RELATING TO SE-
 13 LECT AGENTS.—Section 175b(d)(2) of title 18, United
 14 States Code, is amended—

15 (1) in subparagraph (G)—

16 (A) by inserting “(i)” after “(G)”;

17 (B) by striking “or” after the semicolon;

18 and

19 (C) by adding at the end the following:

20 “(ii) acts for or on behalf of, or operates
 21 subject to the direction or control of, a govern-
 22 ment or official of a country described in this
 23 subparagraph;”; and

24 (2) in subparagraph (H), by striking the period
 25 and inserting “; or”; and

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

2 “(I) is a member of, acts for or on behalf
3 of, or operates subject to the direction or con-
4 trol of, a terrorist organization (as that term is
5 defined under section 212(a)(3)(B)(vi) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1182(a)(3)(B)(vi))).”.

8 (d) CONFORMING AMENDMENT TO REGULATIONS.—

9 (1) IN GENERAL.—Section 175b(a)(1) of title
10 18, United States Code, is amended by striking “as
11 a select agent in Appendix A” and all that follows
12 through the period and inserting “as a non-overlap
13 or overlap select biological agent or toxin in sections
14 73.4 and 73.5 of title 42, Code of Federal Regula-
15 tions, pursuant to section 351A of the Public Health
16 Service Act, and is not excluded under sections 73.4
17 and 73.5 or exempted under section 73.6 of title 42,
18 Code of Federal Regulations.”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall take effect on the date that
21 sections 73.4, 73.5, and 73.6 of title 42, Code of
22 Federal Regulations, become effective.

1 **SEC. 117. PARTICIPATION IN NUCLEAR AND WEAPONS OF**
 2 **MASS DESTRUCTION THREATS TO THE**
 3 **UNITED STATES.**

4 (a) ATOMIC ENERGY ACT.—Section 57(b) of the
 5 Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) is
 6 amended by striking “in the production of any special nu-
 7 clear material” and inserting “or participate in the devel-
 8 opment or production of any special nuclear material or
 9 atomic weapon”.

10 (b) NUCLEAR WEAPON AND WMD THREATS.—

11 (1) IN GENERAL.—Chapter 39 of title 18,
 12 United States Code, is amended by adding at the
 13 end the following:

14 **“§ 838. Participation in nuclear and weapons of mass**
 15 **destruction threats to the United States**

16 “(a) IN GENERAL.—Whoever, within the United
 17 States, or subject to the jurisdiction of the United States,
 18 willfully participates in or provides material support or re-
 19 sources (as that term is defined under section 2339A) to
 20 a nuclear weapons program, or other weapons of mass de-
 21 struction program of a foreign terrorist power, or attempts
 22 or conspires to do so, shall be imprisoned for not more
 23 than 20 years.

24 “(b) JURISDICTION.—There is extraterritorial Fed-
 25 eral jurisdiction over an offense under this section.

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

1 “(1) FOREIGN TERRORIST POWER.—The term
2 ‘foreign terrorist power’ means a terrorist organiza-
3 tion designated under section 219 of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1189), or a state
5 sponsor of terrorism designated under section 6(j) of
6 the Export Administration Act of 1979 (50 U.S.C.
7 App. 2405), or section 620A of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2371).

9 “(2) NUCLEAR WEAPON.—The term ‘nuclear
10 weapon’ means any weapon that contains or uses
11 nuclear material (as that term is defined under sec-
12 tion 831(f)(1)).

13 “(3) NUCLEAR WEAPONS PROGRAM.—The term
14 ‘nuclear weapons program’ means a program or plan
15 for the development, acquisition, or production of
16 any nuclear weapon or weapons.

17 “(4) WEAPONS OF MASS DESTRUCTION PRO-
18 GRAM.—The term ‘weapons of mass destruction pro-
19 gram’ means a program or plan for the development,
20 acquisition, or production of any weapon or weapons
21 of mass destruction (as that term is defined in sec-
22 tion 2332a(c)).”.

23 (2) TECHNICAL AND CONFORMING AMEND-
24 MENT.—The table of sections for chapter 39 of title

1 18, United States Code, is amended by adding at
2 the end the following:

“Sec. 838. Participation in nuclear and weapons of mass destruction
threats to the United States.”.

3 (c) ACT OF TERRORISM TRANSCENDING NATIONAL
4 BOUNDARIES.—Section 2332b(g)(5)(B)(i) of title 18,
5 United States Code, is amended by inserting “832 (relat-
6 ing to participation in nuclear and weapons of mass de-
7 struction threats to the United States)” after “nuclear
8 materials),”.

9 **TITLE II—PREVENTION OF TER-**
10 **RORIST ACCESS TO SPECIAL**
11 **WEAPONS ACT**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “Prevention of Ter-
14 rorist Access to Special Weapons Act of 2004”.

15 **SEC. 202. MISSILE SYSTEMS DESIGNED TO DESTROY AIR-**
16 **CRAFT.**

17 Chapter 113B of title 18, United States Code, is
18 amended by adding after section 2332g, as added by this
19 Act, the following:

20 **“§ 2332h. Missile systems designed to destroy aircraft**

21 “(a) UNLAWFUL CONDUCT.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (3), it shall be unlawful for any person to
24 knowingly produce, construct, otherwise acquire,

1 transfer directly or indirectly, receive, possess, im-
2 port, export, or use, or possess and threaten to
3 use—

4 “(A) an explosive or incendiary rocket or
5 missile that is guided by any system designed to
6 enable the rocket or missile to—

7 “(i) seek or proceed toward energy ra-
8 diated or reflected from an aircraft or to-
9 ward an image locating an aircraft; or

10 “(ii) otherwise direct or guide the
11 rocket or missile to an aircraft;

12 “(B) any device designed or intended to
13 launch or guide a rocket or missile described in
14 subparagraph (A); or

15 “(C) any part or combination of parts de-
16 signed or redesigned for use in assembling or
17 fabricating a rocket, missile, or device described
18 in subparagraph (A) or (B).

19 “(2) NONWEAPON.—Paragraph (1)(A) does not
20 apply to any device that is neither designed nor re-
21 designed for use as a weapon.

22 “(3) EXCLUDED CONDUCT.—This subsection
23 does not apply with respect to—

24 “(A) conduct by or under the authority of
25 the United States or any department or agency

1 thereof or of a State or any department or
2 agency thereof; or

3 “(B) conduct pursuant to the terms of a
4 contract with the United States or any depart-
5 ment or agency thereof or with a State or any
6 department or agency thereof.

7 “(b) JURISDICTION.—Conduct prohibited by sub-
8 section (a) is within the jurisdiction of the United States
9 if—

10 “(1) the offense occurs in or affects interstate
11 or foreign commerce;

12 “(2) the offense occurs outside of the United
13 States and is committed by a national of the United
14 States;

15 “(3) the offense is committed against a national
16 of the United States while the national is outside the
17 United States;

18 “(4) the offense is committed against any prop-
19 erty that is owned, leased, or used by the United
20 States or by any department or agency of the United
21 States, whether the property is within or outside the
22 United States; or

23 “(5) an offender aids or abets any person over
24 whom jurisdiction exists under this subsection in
25 committing an offense under this section or con-

1 spires with any person over whom jurisdiction exists
 2 under this subsection to commit an offense under
 3 this section.

4 “(c) CRIMINAL PENALTIES.—

5 “(1) IN GENERAL.—Any person who violates, or
 6 attempts or conspires to violate, subsection (a) shall
 7 be fined not more than \$2,000,000 and shall be sen-
 8 tenced to a term of imprisonment not less than 30
 9 years or to imprisonment for life.

10 “(2) LIFE IMPRISONMENT.—Any person who,
 11 in the course of a violation of subsection (a), uses,
 12 attempts or conspires to use, or possesses and
 13 threatens to use, any item or items described in sub-
 14 section (a), shall be fined not more than \$2,000,000
 15 and imprisoned for life.

16 “(3) DEATH PENALTY.—If the death of another
 17 results from a person’s violation of subsection (a),
 18 the person shall be fined not more than \$2,000,000
 19 and punished by death or imprisoned for life.

20 “(d) DEFINITION.—As used in this section, the term
 21 ‘aircraft’ has the definition set forth in section
 22 40102(a)(6) of title 49, United States Code.”.

23 **SEC. 203. ATOMIC WEAPONS.**

24 (a) PROHIBITIONS.—Section 92 of the Atomic En-
 25 ergy Act of 1954 (42 U.S.C. 2122) is amended by—

1 (1) inserting at the beginning “a.” before “It”;

2 (2) inserting “knowingly” after “for any person
3 to”;

4 (3) striking “or” before “export”;

5 (4) striking “transfer or receive in interstate or
6 foreign commerce,” before “manufacture”;

7 (5) inserting “receive,” after “acquire,”;

8 (6) inserting “, or use, or possess and threaten
9 to use,” before “any atomic weapon”;

10 (7) inserting at the end the following:

11 “b. Conduct prohibited by subsection a. is within the
12 jurisdiction of the United States if—

13 “(1) the offense occurs in or affects interstate
14 or foreign commerce; the offense occurs outside of
15 the United States and is committed by a national of
16 the United States;

17 “(2) the offense is committed against a national
18 of the United States while the national is outside the
19 United States;

20 “(3) the offense is committed against any prop-
21 erty that is owned, leased, or used by the United
22 States or by any department or agency of the United
23 States, whether the property is within or outside the
24 United States; or

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

7 (b) VIOLATIONS.—Section 222 of the Atomic Energy
 8 Act of 1954 (42 U.S.C. 2272) is amended by—

9 (1) inserting at the beginning “a.” before
 10 “Whoever”;

11 (2) striking “, 92,”; and

12 (3) inserting at the end the following:

13 “b. Any person who violates, or attempts or conspires
 14 to violate, section 92 shall be fined not more than
 15 \$2,000,000 and sentenced to a term of imprisonment not
 16 less than 30 years or to imprisonment for life. Any person
 17 who, in the course of a violation of section 92, uses, at-
 18 tempts or conspires to use, or possesses and threatens to
 19 use, any atomic weapon shall be fined not more than
 20 \$2,000,000 and imprisoned for life. If the death of an-
 21 other results from a person’s violation of section 92, the
 22 person shall be fined not more than \$2,000,000 and pun-
 23 ished by death or imprisoned for life.”.

1 **SEC. 204. RADIOLOGICAL DISPERSAL DEVICES.**

2 Chapter 113B of title 18, United States Code, is
3 amended by adding after section 2332h, as added by this
4 Act, the following:

5 **“§ 2332i. Radiological dispersal devices**

6 “(a) UNLAWFUL CONDUCT.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), it shall be unlawful for any person to
9 knowingly produce, construct, otherwise acquire,
10 transfer directly or indirectly, receive, possess, im-
11 port, export, or use, or possess and threaten to
12 use—

13 “(A) any weapon that is designed or in-
14 tended to release radiation or radioactivity at a
15 level dangerous to human life; or

16 “(B) any device or other object that is ca-
17 pable of and designed or intended to endanger
18 human life through the release of radiation or
19 radioactivity.

20 “(2) EXCEPTION.—This subsection does not
21 apply with respect to—

22 “(A) conduct by or under the authority of
23 the United States or any department or agency
24 thereof; or

1 “(B) conduct pursuant to the terms of a
2 contract with the United States or any depart-
3 ment or agency thereof.

4 “(b) JURISDICTION.—Conduct prohibited by sub-
5 section (a) is within the jurisdiction of the United States
6 if—

7 “(1) the offense occurs in or affects interstate
8 or foreign commerce;

9 “(2) the offense occurs outside of the United
10 States and is committed by a national of the United
11 States;

12 “(3) the offense is committed against a national
13 of the United States while the national is outside the
14 United States;

15 “(4) the offense is committed against any prop-
16 erty that is owned, leased, or used by the United
17 States or by any department or agency of the United
18 States, whether the property is within or outside the
19 United States; or

20 “(5) an offender aids or abets any person over
21 whom jurisdiction exists under this subsection in
22 committing an offense under this section or con-
23 spires with any person over whom jurisdiction exists
24 under this subsection to commit an offense under
25 this section.

1 “(c) CRIMINAL PENALTIES.—

2 “(1) IN GENERAL.—Any person who violates, or
3 attempts or conspires to violate, subsection (a) shall
4 be fined not more than \$2,000,000 and shall be sen-
5 tenced to a term of imprisonment not less than 30
6 years or to imprisonment for life.

7 “(2) LIFE IMPRISONMENT.—Any person who,
8 in the course of a violation of subsection (a), uses,
9 attempts or conspires to use, or possesses and
10 threatens to use, any item or items described in sub-
11 section (a), shall be fined not more than \$2,000,000
12 and imprisoned for life.

13 “(3) DEATH PENALTY.—If the death of another
14 results from a person’s violation of subsection (a),
15 the person shall be fined not more than \$2,000,000
16 and punished by death or imprisoned for life.”.

17 **SEC. 205. VARIOLA VIRUS.**

18 Chapter 10 of title 18, United States Code, is amend-
19 ed by inserting after section 175b the following:

20 **“§ 175c. Variola virus**

21 “(a) UNLAWFUL CONDUCT.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), it shall be unlawful for any person to
24 knowingly produce, engineer, synthesize, acquire,
25 transfer directly or indirectly, receive, possess, im-

1 port, export, or use, or possess and threaten to use,
2 variola virus.

3 “(2) EXCEPTION.—This subsection does not
4 apply to conduct by, or under the authority of, the
5 Secretary of Health and Human Services.

6 “(b) JURISDICTION.—Conduct prohibited by sub-
7 section (a) is within the jurisdiction of the United States
8 if—

9 “(1) the offense occurs in or affects interstate
10 or foreign commerce;

11 “(2) the offense occurs outside of the United
12 States and is committed by a national of the United
13 States;

14 “(3) the offense is committed against a national
15 of the United States while the national is outside the
16 United States;

17 “(4) the offense is committed against any prop-
18 erty that is owned, leased, or used by the United
19 States or by any department or agency of the United
20 States, whether the property is within or outside the
21 United States; or

22 “(5) an offender aids or abets any person over
23 whom jurisdiction exists under this subsection in
24 committing an offense under this section or con-
25 spires with any person over whom jurisdiction exists

1 under this subsection to commit an offense under
2 this section.

3 “(c) CRIMINAL PENALTIES.—

4 “(1) IN GENERAL.—Any person who violates, or
5 attempts or conspires to violate, subsection (a) shall
6 be fined not more than \$2,000,000 and shall be sen-
7 tenced to a term of imprisonment not less than 30
8 years or to imprisonment for life.

9 “(2) LIFE IMPRISONMENT.—Any person who,
10 in the course of a violation of subsection (a), uses,
11 attempts or conspires to use, or possesses and
12 threatens to use, any item or items described in sub-
13 section (a), shall be fined not more than \$2,000,000
14 and imprisoned for life.

15 “(3) DEATH PENALTY.—If the death of another
16 results from a person’s violation of subsection (a),
17 the person shall be fined not more than \$2,000,000
18 and punished by death or imprisoned for life.

19 “(d) DEFINITION.—As used in this section, the term
20 ‘variola virus’ means a virus that can cause human small-
21 pox or any derivative of the variola major virus that con-
22 tains more than 85 percent of the gene sequence of the
23 variola major virus or the variola minor virus.”.

1 **SEC. 206. INTERCEPTION OF COMMUNICATIONS.**

2 Section 2516(1) of title 18, United States Code, is
3 amended—

4 (1) in paragraph (a), by inserting “2122 and”
5 after “sections”;

6 (2) in paragraph (c), by inserting “section 175c
7 (relating to variola virus),” after “section 175 (relat-
8 ing to biological weapons),”; and

9 (3) in paragraph (q), by inserting “2332g,
10 2332h,” after “2332f.”

11 **SEC. 207. AMENDMENTS TO SECTION 2332b(g)(5)(B) OF**
12 **TITLE 18, UNITED STATES CODE.**

13 Section 2332b(g)(5)(B) of title 18, United States
14 Code, is amended—

15 (1) in clause (i)—

16 (A) by inserting before “2339 (relating to
17 harboring terrorists)” the following: “2332h
18 (relating to missile systems designed to destroy
19 aircraft), 2332i (relating to radiological dis-
20 persal devices),”; and

21 (B) by inserting “175c (relating to variola
22 virus),” after “175 or 175b (relating to biologi-
23 cal weapons),”; and

24 (2) in clause (ii)—

1 (A) by striking “section” and inserting
 2 “sections 92 (relating to prohibitions governing
 3 atomic weapons) or”; and

4 (B) by inserting “2122 or” before “2284”.

5 **SEC. 208. AMENDMENTS TO SECTION 1956(c)(7)(D) OF TITLE**
 6 **18, UNITED STATES CODE.**

7 Section 1956(c)(7)(D), title 18, United States Code,
 8 is amended—

9 (1) by inserting after “section 152 (relating to
 10 concealment of assets; false oaths and claims; brib-
 11 ery),” the following: “section 175c (relating to the
 12 variola virus),”;

13 (2) by inserting after “section 2332(b) (relating
 14 to international terrorist acts transcending national
 15 boundaries),” the following: “section 2332h (relating
 16 to missile systems designed to destroy aircraft), sec-
 17 tion 2332i (relating to radiological dispersal de-
 18 vices),”; and

19 (3) striking “or” after “any felony violation of
 20 the Foreign Agents Registration Act of 1938,” and
 21 after “any felony violation of the Foreign Corrupt
 22 Practices Act”, striking “;” and inserting “, or sec-
 23 tion 92 of the Atomic Energy Act of 1954 (42
 24 U.S.C. 2122) (relating to prohibitions governing
 25 atomic weapons)”.

1 **SEC. 209. EXPORT LICENSING PROCESS.**

2 Section 38(g)(1)(A) of the Arms Export Control Act
3 (22 U.S.C. 2778) is amended—

4 (1) by striking “or” before “(xi)”; and

5 (2) by inserting after clause (xi) the following:

6 “or (xii) section 3, 4, 5, and 6 of the Prevention of
7 Terrorist Access to Destructive Weapons Act of
8 2004, relating to missile systems designed to destroy
9 aircraft (18 U.S.C. 2332g), prohibitions governing
10 atomic weapons (42 U.S.C. 2122), radiological dis-
11 persal devices (18 U.S.C. 2332h), and variola virus
12 (18 U.S.C. 175b);”.

13 **SEC. 210. CLERICAL AMENDMENTS.**

14 (a) CHAPTER 113B.—The table of sections for chap-
15 ter 113B of title 18, United States Code, is amended by
16 inserting the following after the item for section 2332g,
17 as added by this Act:

“Sec. 2332h. Missile systems designed to destroy aircraft.
“Sec. 2332i. Radiological dispersal devices.”.

18 (b) CHAPTER 10.—The table of sections for chapter
19 10 of title 18, United States Code, is amended by inserting
20 the following item after the item for section 175b:

“Sec. 175c. Variola virus.”.

1 **TITLE III—RAILROAD CARRIERS**
 2 **AND MASS TRANSPORTATION**
 3 **PROTECTION ACT**

4 **SEC. 301. SHORT TITLE.**

5 This title may be cited as the “Railroad Carriers and
 6 Mass Transportation Protection Act of 2004”.

7 **SEC. 302. ATTACKS AGAINST RAILROAD CARRIERS AND**
 8 **MASS TRANSPORTATION SYSTEMS.**

9 (a) IN GENERAL.—Chapter 97 of title 18, United
 10 States Code, is amended by striking sections 1992 through
 11 1993 and inserting the following:

12 **“§ 1992. Terrorist attacks and other violence against**
 13 **railroad carriers and against mass trans-**
 14 **portation systems on land, on water, or**
 15 **through the air**

16 “(a) GENERAL PROHIBITIONS.—Whoever, in a cir-
 17 cumstance described in subsection (c), knowingly—

18 “(1) wrecks, derails, sets fire to, or disables
 19 railroad on-track equipment or a mass transpor-
 20 tation vehicle;

21 “(2) with intent to endanger the safety of any
 22 passenger or employee of a railroad carrier or mass
 23 transportation provider, or with a reckless disregard
 24 for the safety of human life, and without previously
 25 obtaining the permission of the railroad carrier—

1 “(A) places any biological agent or toxin,
2 destructive substance, or destructive device in,
3 upon, or near railroad on-track equipment or a
4 mass transportation vehicle; or

5 “(B) releases a hazardous material or a bi-
6 ological agent or toxin on or near the property
7 of a railroad carrier or mass transportation pro-
8 vider;

9 “(3) sets fire to, undermines, makes unwork-
10 able, unusable, or hazardous to work on or use, or
11 places any biological agent or toxin, destructive sub-
12 stance, or destructive device in, upon, or near any—

13 “(A) tunnel, bridge, viaduct, trestle, track,
14 electromagnetic guideway, signal, station, depot,
15 warehouse, terminal, or any other way, struc-
16 ture, property, or appurtenance used in the op-
17 eration of, or in support of the operation of, a
18 railroad carrier, without previously obtaining
19 the permission of the railroad carrier, and with
20 intent to, or knowing or having reason to know
21 such activity would likely, derail, disable, or
22 wreck railroad on-track equipment; or

23 “(B) garage, terminal, structure, track,
24 electromagnetic guideway, supply, or facility
25 used in the operation of, or in support of the

1 operation of, a mass transportation vehicle,
2 without previously obtaining the permission of
3 the mass transportation provider, and with in-
4 tent to, or knowing or having reason to know
5 such activity would likely, derail, disable, or
6 wreck a mass transportation vehicle used, oper-
7 ated, or employed by a mass transportation pro-
8 vider;

9 “(4) removes an appurtenance from, damages,
10 or otherwise impairs the operation of a railroad sig-
11 nal system or mass transportation signal or dis-
12 patching system, including a train control system,
13 centralized dispatching system, or highway-railroad
14 grade crossing warning signal, without authorization
15 from the rail carrier or mass transportation pro-
16 vider;

17 “(5) with intent to endanger the safety of any
18 passenger or employee of a railroad carrier or mass
19 transportation provider or with a reckless disregard
20 for the safety of human life, interferes with, dis-
21 ables, or incapacitates any dispatcher, driver, cap-
22 tain, locomotive engineer, railroad conductor, or
23 other person while the person is employed in dis-
24 patching, operating, or maintaining railroad on-track
25 equipment or a mass transportation vehicle;

1 “(6) engages in conduct, including the use of a
2 dangerous weapon, with the intent to cause death or
3 serious bodily injury to any person who is on the
4 property of a railroad carrier or mass transportation
5 provider that is used for railroad or mass transpor-
6 tation purposes;

7 “(7) conveys false information, knowing the in-
8 formation to be false, concerning an attempt or al-
9 leged attempt that was made, is being made, or is
10 to be made, to engage in a violation of this sub-
11 section; or

12 “(8) attempts, threatens, or conspires to engage
13 in any violation of any of paragraphs (1) through
14 (8);

15 shall be fined under this title or imprisoned not more than
16 20 years, or both.

17 “(b) AGGRAVATED OFFENSE.—Whoever commits an
18 offense under subsection (a) of this section in a cir-
19 cumstance in which—

20 “(1) the railroad on-track equipment or mass
21 transportation vehicle was carrying a passenger or
22 employee at the time of the offense;

23 “(2) the railroad on-track equipment or mass
24 transportation vehicle was carrying high-level radio-

1 active waste or spent nuclear fuel at the time of the
2 offense;

3 “(3) the railroad on-track equipment or mass
4 transportation vehicle was carrying a hazardous ma-
5 terial at the time of the offense that—

6 “(A) was required to be placarded under
7 subpart F of part 172 of title 49, Code of Fed-
8 eral Regulations; and

9 “(B) is identified as class number 3, 4, 5,
10 6.1, or 8 and packing group I or packing group
11 II, or class number 1, 2, or 7 under the haz-
12 ardous materials table of section 172.101 of
13 title 49, Code of Federal Regulations; or

14 “(4) the offense results in the death of any per-
15 son;

16 shall be fined under this title or imprisoned for any term
17 of years or life, or both. In the case of a violation described
18 in paragraph (2), the term of imprisonment shall be not
19 less than 30 years; and, in the case of a violation described
20 in paragraph (4), the offender shall be fined under this
21 title and imprisoned for life and be subject to the death
22 penalty.

23 “(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A
24 circumstance referred to in subsection (a) is any of the
25 following:

1 “(1) Any of the conduct required for the offense
2 is, or, in the case of an attempt, threat, or con-
3 spiracy to engage in conduct, the conduct required
4 for the completed offense would be, engaged in, on,
5 against, or affecting a mass transportation provider
6 or railroad carrier engaged in or affecting interstate
7 or foreign commerce.

8 “(2) Any person travels or communicates across
9 a State line in order to commit the offense, or trans-
10 ports materials across a State line in aid of the com-
11 mission of the offense.

12 “(d) NONAPPLICABILITY.—Subsection (a) does not
13 apply to the conduct with respect to a destructive sub-
14 stance or destructive device that is also classified under
15 chapter 51 of title 49 as a hazardous material in com-
16 merce if the conduct—

17 “(1) complies with chapter 51 of title 49 and
18 regulations, exemptions, approvals, and orders
19 issued under that chapter, or

20 “(2) constitutes a violation, other than a crimi-
21 nal violation, of chapter 51 of title 49 or a regula-
22 tion or order issued under that chapter.

23 “(e) DEFINITIONS.—In this section—

24 “(1) the term ‘biological agent’ has the meaning
25 given to that term in section 178(1);

1 “(2) the term ‘dangerous weapon’ means a
2 weapon, device, instrument, material, or substance,
3 animate or inanimate, that is used for, or is readily
4 capable of, causing death or serious bodily injury, in-
5 cluding a pocket knife with a blade of less than 2½
6 inches in length and a box cutter;

7 “(3) the term ‘destructive device’ has the mean-
8 ing given to that term in section 921(a)(4);

9 “(4) the term ‘destructive substance’ means an
10 explosive substance, flammable material, infernal
11 machine, or other chemical, mechanical, or radio-
12 active device or material, or matter of a combustible,
13 contaminative, corrosive, or explosive nature, except
14 that the term ‘radioactive device’ does not include
15 any radioactive device or material used solely for
16 medical, industrial, research, or other peaceful pur-
17 poses;

18 “(5) the term ‘hazardous material’ has the
19 meaning given to that term in chapter 51 of title 49;

20 “(6) the term ‘high-level radioactive waste’ has
21 the meaning given to that term in section 2(12) of
22 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
23 10101(12));

24 “(7) the term ‘mass transportation’ has the
25 meaning given to that term in section 5302(a)(7) of

1 title 49, except that the term includes school bus,
2 charter, and sightseeing transportation;

3 “(8) the term ‘on-track equipment’ means a
4 carriage or other contrivance that runs on rails or
5 electromagnetic guideways;

6 “(9) the term ‘railroad on-track equipment’
7 means a train, locomotive, tender, motor unit,
8 freight or passenger car, or other on-track equip-
9 ment used, operated, or employed by a railroad car-
10 rier;

11 “(10) the term ‘railroad’ has the meaning given
12 to that term in chapter 201 of title 49;

13 “(11) the term ‘railroad carrier’ has the mean-
14 ing given to that term in chapter 201 of title 49;

15 “(12) the term ‘serious bodily injury’ has the
16 meaning given to that term in section 1365;

17 “(13) the term ‘spent nuclear fuel’ has the
18 meaning given to that term in section 2(23) of the
19 Nuclear Waste Policy Act of 1982 (42 U.S.C.
20 10101(23));

21 “(14) the term ‘State’ has the meaning given to
22 that term in section 2266;

23 “(15) the term ‘toxin’ has the meaning given to
24 that term in section 178(2); and

(1) The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

14 (B) by striking the items relating to sec-
15 tions 1992 and 1993; and

“1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.”

“97. Railroad carriers and mass transportation systems on land, on water, or through the air 1991”.

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(A) in section 2332b(g)(5)(B)(i), by striking “1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems),” and inserting “1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),”;

(B) in section 2339A, by striking “1993,”; and

(C) in section 2516(1)(c) by striking “1992 (relating to wrecking trains),” and inserting “1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),”.

TITLE IV—REDUCING CRIME AND TERRORISM AT AMERICA’S SEAPORTS ACT

SEC. 401. SHORT TITLE.

This title may be cited as the “Reducing Crime and Terrorism at America’s Seaports Act of 2004”.

SEC. 402. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by striking “or” at
3 the end;

4 (B) by redesignating paragraph (3) as
5 paragraph (4); and

6 (C) by inserting after paragraph (2) the
7 following:

8 “(3) any secure or restricted area (as that term
9 is defined under section 2285(c)) of any seaport;
10 or”;

11 (2) in subsection (b)(1), by striking “5” and in-
12 serting “10”;

13 (3) in subsection (c)(1), by inserting “, captain
14 of the seaport,” after “airport authority”; and

15 (4) in the section heading, by inserting “or sea-
16 port” after “airport”.

17 (b) TECHNICAL AND CONFORMING AMENDMENT.—

18 The table of sections for chapter 47 of title 18 is amended
19 by striking the matter relating to section 1036 and insert-
20 ing the following:

“1036. Entry by false pretenses to any real property, vessel, or aircraft of the
United States or secure area of any airport or seaport.”.

21 (c) DEFINITION OF SEAPORT.—Chapter 1 of title 18,
22 United States Code, is amended by adding at the end the
23 following:

1 **“§ 25. Definition of seaport.**

2 “As used in this title, the term ‘seaport’ means all
3 piers, wharves, docks, and similar structures to which a
4 vessel may be secured, areas of land, water, or land and
5 water under and in immediate proximity to such struc-
6 tures, and buildings on or contiguous to such structures,
7 and the equipment and materials on such structures or
8 in such buildings.”.

9 (d) TECHNICAL AND CONFORMING AMENDMENT.—
10 The table of sections for chapter 1 of title 18 is amended
11 by inserting after the matter relating to section 24 the
12 following:

“25. Definition of seaport.”.

13 **SEC. 403. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE**
14 **TO, OBSTRUCTION OF BOARDING, OR PRO-**
15 **VIDING FALSE INFORMATION.**

16 (a) OFFENSE.—Chapter 109 of title 18, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 2237. Criminal sanctions for failure to heave to, ob-**
20 **struction of boarding, or providing false**
21 **information**

22 “(a)(1) It shall be unlawful for the master, operator,
23 or person in charge of a vessel of the United States, or
24 a vessel subject to the jurisdiction of the United States,

1 to knowingly fail to obey an order by an authorized Fed-
2 eral law enforcement officer to heave to that vessel.

3 “(2) It shall be unlawful for any person on board a
4 vessel of the United States, or a vessel subject to the juris-
5 diction of the United States, to—

6 “(A) forcibly resist, oppose, prevent, impede, in-
7 timidate, or interfere with a boarding or other law
8 enforcement action authorized by any Federal law,
9 or to resist a lawful arrest; or

10 “(B) provide information to a Federal law en-
11 forcement officer during a boarding of a vessel re-
12 garding the vessel’s destination, origin, ownership,
13 registration, nationality, cargo, or crew, which that
14 person knows is false.

15 “(b) This section does not limit the authority of a
16 customs officer under section 581 of the Tariff Act of
17 1930 (19 U.S.C. 1581), or any other provision of law en-
18 forced or administered by the Secretary of the Treasury
19 or the Undersecretary for Border and Transportation Se-
20 curity of the Department of Homeland Security, or the
21 authority of any Federal law enforcement officer under
22 any law of the United States, to order a vessel to stop
23 or heave to.

24 “(c) A foreign nation may consent or waive objection
25 to the enforcement of United States law by the United

1 States under this section by radio, telephone, or similar
 2 oral or electronic means. Consent or waiver may be proven
 3 by certification of the Secretary of State or the designee
 4 of the Secretary of State.

5 “(d) In this section—

6 “(1) the term ‘Federal law enforcement officer’
 7 has the meaning given the term in section 115(c);

8 “(2) the term ‘heave to’ means to cause a vessel
 9 to slow, come to a stop, or adjust its course or speed
 10 to account for the weather conditions and sea state
 11 to facilitate a law enforcement boarding;

12 “(3) the term ‘vessel subject to the jurisdiction
 13 of the United States’ has the meaning given the
 14 term in section 2(c) of the Maritime Drug Law En-
 15 forcement Act (46 App. U.S.C. 1903(b)); and

16 “(4) the term ‘vessel of the United States’ has
 17 the meaning given the term in section 2(c) of the
 18 Maritime Drug Law Enforcement Act (46 App.
 19 U.S.C. 1903(b)).

20 “(e) Any person who intentionally violates the provi-
 21 sions of this section shall be fined under this title, impris-
 22 oned for not more than 5 years, or both.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of sections for chapter 109, title 18, United

1 States Code, is amended by inserting after the item for
 2 section 2236 the following:

“2237. Criminal sanctions for failure to heave to, obstruction of boarding, or
 providing false information.”.

3 **SEC. 404. USE OF A DANGEROUS WEAPON OR EXPLOSIVE**
 4 **ON A PASSENGER VESSEL.**

5 Section 1993 of title 18, United States Code, is
 6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by inserting “, pas-
 9 senger vessel,” after “transportation vehicle”;

10 (B) in paragraphs (2)—

11 (i) by inserting “, passenger vessel,”
 12 after “transportation vehicle”; and

13 (ii) by inserting “or owner of the pas-
 14 senger vessel” after “transportation pro-
 15 vider” each place that term appears;

16 (C) in paragraph (3)—

17 (i) by inserting “, passenger vessel,”
 18 after “transportation vehicle” each place
 19 that term appears; and

20 (ii) by inserting “or owner of the pas-
 21 senger vessel” after “transportation pro-
 22 vider” each place that term appears;

23 (D) in paragraph (5)—

1 (i) by inserting “, passenger vessel,”
2 after “transportation vehicle”; and

3 (ii) by inserting “or owner of the pas-
4 senger vessel” after “transportation pro-
5 vider”; and

6 (E) in paragraph (6), by inserting “or
7 owner of a passenger vessel” after “transpor-
8 tation provider” each place that term appears;

9 (2) in subsection (b)(1), by inserting “, pas-
10 senger vessel,” after “transportation vehicle”; and

11 (3) in subsection (c)—

12 (A) by redesignating paragraph (6)
13 through (8) as paragraphs (7) through (9); and

14 (B) by inserting after paragraph (5) the
15 following:

16 “(6) the term ‘passenger vessel’ has the mean-
17 ing given that term in section 2101(22) of title 46,
18 United States Code, and includes a small passenger
19 vessel, as that term is defined under section
20 2101(35) of that title.”.

1 **SEC. 405. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST**
2 **MARITIME NAVIGATION, PLACEMENT OF DE-**
3 **STRUCTIVE DEVICES, AND MALICIOUS DUMP-**
4 **ING.**

5 (a) VIOLENCE AGAINST MARITIME NAVIGATION.—

6 Section 2280(a) of title 18, United States Code, is amend-
7 ed—

8 (1) in paragraph (1)—

9 (A) in subparagraph (H), by striking
10 “(G)” and inserting “(H)”;

11 (B) by redesignating subparagraphs (F),
12 (G), and (H) as subparagraphs (G), (H), and
13 (I), respectively; and

14 (C) by inserting after subparagraph (E)
15 the following:

16 “(F) destroys, seriously damages, alters,
17 moves, or tampers with any aid to maritime
18 navigation maintained by the Saint Lawrence
19 Seaway Development Corporation under the au-
20 thority of section 4 of the Act of May 13, 1954
21 (33 U.S.C. 984), by the Coast Guard pursuant
22 to section 81 of title 14, United States Code, or
23 lawfully maintained under authority granted by
24 the Coast Guard pursuant to section 83 of title
25 14, United States Code, if such act endangers

1 or is likely to endanger the safe navigation of
 2 a ship;” and

3 (2) in paragraph (2) by striking “(C) or (E)”
 4 and inserting “(C), (E), or (F)”.

5 (b) PLACEMENT OF DESTRUCTIVE DEVICES.—

6 (1) IN GENERAL.—Chapter 111 of title 18,
 7 United States Code, is amended by adding after sec-
 8 tion 2280 the following:

9 **“§ 2280A. Devices or substances in waters of the**
 10 **United States likely to destroy or damage**
 11 **ships or to interfere with maritime com-**
 12 **merce**

13 “(a) A person who knowingly places, or causes to be
 14 placed, in navigable waters of the United States, by any
 15 means, a device or substance which is likely to destroy or
 16 cause damage to a vessel or its cargo, or cause interference
 17 with the safe navigation of vessels, or interference with
 18 maritime commerce, such as by damaging or destroying
 19 marine terminals, facilities, and any other marine struc-
 20 ture or entity used in maritime commerce, with the intent
 21 of causing such destruction or damage, or interference
 22 with the safe navigation of vessels or with maritime com-
 23 merce, shall be fined under this title, imprisoned for any
 24 term of years or for life, or both; and if the death of any

1 person results from conduct prohibited under this sub-
 2 section, may be punished by death.

3 “(b) Nothing in this section shall be construed to
 4 apply to otherwise lawfully authorized and conducted ac-
 5 tivities of the United States Government.”.

6 (2) TECHNICAL AND CONFORMING AMEND-
 7 MENT.—The table of sections for chapter 111 of
 8 title 18, United States Code, is amended by adding
 9 after the item related to section 2280 the following:

“2280A. Devices or substances in waters of the United States likely to destroy
 or damage ships or to interfere with maritime commerce.”.

10 (c) MALICIOUS DUMPING.—

11 (1) IN GENERAL.—Chapter 111 of title 18,
 12 United States Code, is amended by adding at the
 13 end the following:

14 **“§ 2282. Knowing discharge or release**

15 “(a) ENDANGERMENT OF HUMAN LIFE.—Any per-
 16 son who knowingly discharges or releases oil, a hazardous
 17 material, a noxious liquid substance, or any other dan-
 18 gerous substance into the navigable waters of the United
 19 States or the adjoining shoreline with the intent to endan-
 20 ger human life, health, or welfare shall be fined under this
 21 title and imprisoned for any term of years or for life.

22 “(b) ENDANGERMENT OF MARINE ENVIRONMENT.—
 23 Any person who knowingly discharges or releases oil, a
 24 hazardous material, a noxious liquid substance, or any

1 other dangerous substance into the navigable waters of the
2 United States or the adjacent shoreline with the intent
3 to endanger the marine environment shall be fined under
4 this title, imprisoned not more than 30 years, or both.

5 “(c) DEFINITIONS.—In this section:

6 “(1) DISCHARGE.—The term ‘discharge’ means
7 any spilling, leaking, pumping, pouring, emitting,
8 emptying, or dumping.

9 “(2) HAZARDOUS MATERIAL.—The term ‘haz-
10 arduous material’ has the meaning given the term in
11 section 2101(14) of title 46, United States Code.

12 “(3) MARINE ENVIRONMENT.—The term ‘ma-
13 rine environment’ has the meaning given the term in
14 section 2101(15) of title 46, United States Code.

15 “(4) NAVIGABLE WATERS.—The term ‘navi-
16 gable waters’ has the meaning given the term in sec-
17 tion 1362(7) of title 33, and also includes the terri-
18 torial sea of the United States as described in Presi-
19 dential Proclamation 5928 of December 27, 1988.

20 “(5) NOXIOUS LIQUID SUBSTANCE.—The term
21 ‘noxious liquid substance’ has the meaning given the
22 term in the MARPOL Protocol defined in section
23 2(1) of the Act to Prevent Pollution from Ships (33
24 U.S.C. 1901(a)(3)).”.

1 (2) TECHNICAL AND CONFORMING AMEND-
 2 MENT.—The table of sections for chapter 111 of
 3 title 18, United States Code, is amended by adding
 4 at the end the following:

“2282. Knowing discharge or release.”.

5 **SEC. 406. TRANSPORTATION OF DANGEROUS MATERIALS**
 6 **AND TERRORISTS.**

7 (a) TRANSPORTATION OF DANGEROUS MATERIALS
 8 AND TERRORISTS.—Chapter 111 of title 18, as amended
 9 by section 5 of this Act, is amended by adding at the end
 10 the following:

11 **“§ 2283. Transportation of explosive, biological, chem-**
 12 **ical, or radioactive or nuclear materials**

13 “(a) IN GENERAL.—Any person who knowingly and
 14 willfully transports aboard any vessel within the United
 15 States, on the high seas, or having United States nation-
 16 ality, an explosive or incendiary device, biological agent,
 17 chemical weapon, or radioactive or nuclear material, know-
 18 ing that any such item is intended to be used to commit
 19 an offense listed under section 2332b(g)(5)(B), shall be
 20 fined under this title, imprisoned for any term of years
 21 or for life, or both; and if the death of any person results
 22 from conduct prohibited by this subsection, may be pun-
 23 ished by death.

24 “(b) DEFINITIONS.—In this section:

1 “(1) BIOLOGICAL AGENT.—The term ‘biological
2 agent’ means any biological agent, toxin, or vector
3 (as those terms are defined in section 178).

4 “(2) BY-PRODUCT MATERIAL.—The term ‘by-
5 product material’ has the meaning given that term
6 in section 11(e) of the Atomic Energy Act of 1954
7 (42 U.S.C. 2014(e)).

8 “(3) CHEMICAL WEAPON.—The term ‘chemical
9 weapon’ has the meaning given that term in section
10 229F.

11 “(4) EXPLOSIVE OR INCENDIARY DEVICE.—The
12 term ‘explosive or incendiary device’ has the mean-
13 ing given the term in section 232(5).

14 “(5) NUCLEAR MATERIAL.—The term ‘nuclear
15 material’ has the meaning given that term in section
16 831(f)(1).

17 “(6) RADIOACTIVE MATERIAL.—The term ‘ra-
18 dioactive material’ means—

19 “(A) source material and special nuclear
20 material, but does not include natural or de-
21 pleted uranium;

22 “(B) nuclear by-product material;

23 “(C) material made radioactive by bom-
24 bardment in an accelerator; or

25 “(D) all refined isotopes of radium.

1 “(7) SOURCE MATERIAL.—The term ‘source
2 material’ has the meaning given that term in section
3 11(z) of the Atomic Energy Act of 1954 (42 U.S.C.
4 2014(z)).

5 “(8) SPECIAL NUCLEAR MATERIAL.—The term
6 ‘special nuclear material’ has the meaning given that
7 term in section 11(aa) of the Atomic Energy Act of
8 1954 (42 U.S.C. 2014(aa)).

9 **“§ 2284. Transportation of terrorists**

10 “(a) IN GENERAL.—Any person who knowingly and
11 willfully transports any terrorist aboard any vessel within
12 the United States, on the high seas, or having United
13 States nationality, knowing that the transported person
14 is a terrorist, shall be fined under this title, imprisoned
15 for any term of years or for life, or both.

16 “(b) DEFINED TERM.—In this section, the term ‘ter-
17 rorist’ means any person who intends to commit, or is
18 avoiding apprehension after having committed, an offense
19 listed under section 2332b(g)(5)(B).”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—
21 The table of sections for chapter 111 of title 18, United
22 States Code, as amended by this Act, is amended by add-
23 ing at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nu-
clear materials.

“2284. Transportation of terrorists.”.

1 **SEC. 407. DESTRUCTION OR INTERFERENCE WITH VESSELS**
 2 **OR MARITIME FACILITIES.**

3 (a) IN GENERAL.—Title 18, United States Code, is
 4 amended by inserting after chapter 111 the following:

5 **“CHAPTER 111A—DESTRUCTION OF, OR**
 6 **INTERFERENCE WITH, VESSELS OR**
 7 **MARITIME FACILITIES**

“Sec.

“2290. Jurisdiction and scope.

“2291. Destruction of vessel or maritime facility.

“2292. Imparting or conveying false information.

“2293. Bar to prosecution.

8 **“§2290. Jurisdiction and scope**

9 “(a) JURISDICTION.—There is jurisdiction over an of-
 10 fense under this chapter if the prohibited activity takes
 11 place—

12 “(1) within the United States or within waters
 13 subject to the jurisdiction of the United States; or

14 “(2) outside United States and—

15 “(A) an offender or a victim is a national
 16 of the United States (as that term is defined
 17 under section 101(a)(22) of the Immigration
 18 and Nationality Act (8 U.S.C. 1101(a)(22));

19 “(B) the activity involves a vessel in which
 20 a national of the United States was on board;
 21 or

22 “(C) the activity involves a vessel of the
 23 United States (as that term is defined under

1 section 2(c) of the Maritime Drug Law En-
2 forcement Act (42 App. U.S.C. 1903(c)).

3 “(b) SCOPE.—Nothing in this chapter shall apply to
4 otherwise lawful activities carried out by or at the direc-
5 tion of the United States Government.

6 **“§ 2291. Destruction of vessel or maritime facility**

7 “(a) OFFENSE.—Whoever willfully—

8 “(1) sets fire to, damages, destroys, disables, or
9 wrecks any vessel;

10 “(2) places or causes to be placed a destructive
11 device, as defined in section 921(a)(4), or destruc-
12 tive substance, as defined in section 13, in, upon, or
13 in proximity to, or otherwise makes or causes to be
14 made unworkable or unusable or hazardous to work
15 or use, any vessel, or any part or other materials used
16 or intended to be used in connection with the oper-
17 ation of a vessel;

18 “(3) sets fire to, damages, destroys, or disables
19 or places a destructive device or substance in, upon,
20 or in proximity to, any maritime facility, including
21 but not limited to, any aid to navigation, lock, canal,
22 or vessel traffic service facility or equipment, or
23 interferes by force or violence with the operation of
24 such facility, if such action is likely to endanger the
25 safety of any vessel in navigation;

1 “(4) sets fire to, damages, destroys, or disables
2 or places a destructive device or substance in, upon,
3 or in proximity to, any appliance, structure, prop-
4 erty, machine, or apparatus, or any facility or other
5 material used, or intended to be used, in connection
6 with the operation, maintenance, loading, unloading,
7 or storage of any vessel or any passenger or cargo
8 carried or intended to be carried on any vessel;

9 “(5) performs an act of violence against or in-
10 capacitates any individual on any vessel, if such act
11 of violence or incapacitation is likely to endanger the
12 safety of the vessel or those on board;

13 “(6) performs an act of violence against a per-
14 son that causes or is likely to cause serious bodily
15 injury, as defined in section 1365, in, upon, or in
16 proximity to, any appliance, structure, property, ma-
17 chine, or apparatus, or any facility or other material
18 used, or intended to be used, in connection with the
19 operation, maintenance, loading, unloading, or stor-
20 age of any vessel or any passenger or cargo carried
21 or intended to be carried on any vessel;

22 “(7) communicates information, knowing the
23 information to be false and under circumstances in
24 which such information may reasonably be believed,

1 thereby endangering the safety of any vessel in navi-
2 gation; or

3 “(8) attempts or conspires to do anything pro-
4 hibited under paragraphs (1) through (7):

5 shall be fined under this title or imprisoned not more than
6 20 years, or both.

7 “(b) LIMITATION.—Subsection (a) shall not apply to
8 any person that is engaging in otherwise lawful activity,
9 such as normal repair and salvage activities, and the law-
10 ful transportation of hazardous materials.

11 “(c) PENALTY.—Whoever is fined or imprisoned
12 under subsection (a) as a result of an act involving a vessel
13 that, at the time of the violation, carried high-level radio-
14 active waste (as that term is defined in section 2(12) of
15 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
16 10101(12)) or spent nuclear fuel (as that term is defined
17 in section 2(23) of the Nuclear Waste Policy Act of 1982
18 (42 U.S.C. 10101(23))), shall be fined under title 18, im-
19 prisoned for a term up to life, or both.

20 “(d) PENALTY WHEN DEATH RESULTS.—Whoever is
21 convicted of any crime prohibited by subsection (a), which
22 has resulted in the death of any person, shall be subject
23 also to the death penalty or to imprisonment for life.

24 “(e) THREATS.—Whoever willfully imparts or con-
25 veys any threat to do an act which would violate this chap-

1 ter, with an apparent determination and will to carry the
 2 threat into execution, shall be fined under this title, im-
 3 prisoned not more than 5 years, or both, and is liable for
 4 all costs incurred as a result of such threat.

5 **“§ 2292. Imparting or conveying false information**

6 “(a) IN GENERAL.—Whoever imparts or conveys or
 7 causes to be imparted or conveyed false information,
 8 knowing the information to be false, concerning an at-
 9 tempt or alleged attempt being made or to be made, to
 10 do any act which would be a crime prohibited by this chap-
 11 ter or by chapter 111 of this title, shall be subject to a
 12 civil penalty of not more than \$5,000, which shall be re-
 13 coverable in a civil action brought in the name of the
 14 United States.

15 “(b) MALICIOUS CONDUCT.—Whoever willfully and
 16 maliciously, or with reckless disregard for the safety of
 17 human life, imparts or conveys or causes to be imparted
 18 or conveyed false information, knowing the information to
 19 be false, concerning an attempt or alleged attempt to do
 20 any act which would be a crime prohibited by this chapter
 21 or by chapter 111 of this title, shall be fined under this
 22 title, imprisoned not more than 5 years, or both.

23 “(c) JURISDICTION.—

1 “(1) IN GENERAL.—Except as provided under
2 paragraph (2), section 2290(a) shall not apply to
3 any offense under this section.

4 “(2) JURISDICTION.—Jurisdiction over an of-
5 fense under this section shall be determined in ac-
6 cordance with the provisions applicable to the crime
7 prohibited by this chapter, or by chapter 2, 97, or
8 111 of this title, to which the imparted or conveyed
9 false information relates, as applicable.

10 **“§ 2293. Bar to prosecution**

11 “(a) IN GENERAL.—It is a bar to prosecution under
12 this chapter if—

13 “(1) the conduct in question occurred within
14 the United States in relation to a labor dispute, and
15 such conduct is prohibited as a felony under the law
16 of the State in which it was committed; or

17 “(2) such conduct is prohibited as a mis-
18 demeanor under the law of the State in which it was
19 committed.

20 “(b) DEFINITIONS.—In this section:

21 “(1) LABOR DISPUTE.—The term “labor dis-
22 pute” has the same meaning given that term in sec-
23 tion 113(c) of the Norris-LaGuardia Act (29 U.S.C.
24 113(c)).

1 “(2) STATE.—The term “State” means a State
2 of the United States, the District of Columbia, and
3 any commonwealth, territory, or possession of the
4 United States.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of chapters at the beginning of title 18, United
7 States Code, is amended by inserting after the item for
8 chapter 111 the following:

 “111A. Destruction of, or interference with, vessels or maritime facilities 2290”.

9 **SEC. 408. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS**
10 **OR VESSELS.**

11 (a) THEFT OF INTERSTATE OR FOREIGN SHIP-
12 MENTS.—Section 659 of title 18, United States Code, is
13 amended—

14 (1) in the first undesignated paragraph—

15 (A) by inserting “trailer,” after
16 “motortruck,”;

17 (B) by inserting “air cargo container,”
18 after “aircraft,”; and

19 (C) by inserting “, or from any intermodal
20 container, trailer, container freight station,
21 warehouse, or freight consolidation facility,”
22 after “air navigation facility”;

23 (2) in the fifth undesignated paragraph, by
24 striking “one year” and inserting “3 years”; and

1 (3) by inserting after the first sentence in the
2 eighth undesignated paragraph the following: “For
3 purposes of this section, goods and chattel shall be
4 construed to be moving as an interstate or foreign
5 shipment at all points between the point of origin
6 and the final destination (as evidenced by the waybill
7 or other shipping document of the shipment), re-
8 gardless of any temporary stop while awaiting
9 transshipment or otherwise.”.

10 (b) STOLEN VESSELS.—

11 (1) IN GENERAL.—Section 2311 of title 18,
12 United States Code, is amended by adding at the
13 end the following:

14 “‘Vessel’ means any watercraft or other contrivance
15 used or designed for transportation or navigation on,
16 under, or immediately above, water.”.

17 (2) TRANSPORTATION AND SALE OF STOLEN
18 VESSELS.—Sections 2312 and 2313 of title 18,
19 United States Code, are each amended by striking
20 “motor vehicle or aircraft” and inserting “motor ve-
21 hicle, vessel, or aircraft”.

22 (c) REVIEW OF SENTENCING GUIDELINES.—Pursu-
23 ant to section 994 of title 28, United States Code, the
24 United States Sentencing Commission shall review the
25 Federal Sentencing Guidelines to determine whether sen-

1 tencing enhancement is appropriate for any offense under
 2 section 659 or 2311 of title 18, United States Code, as
 3 amended by this Act.

4 (d) ANNUAL REPORT OF LAW ENFORCEMENT AC-
 5 TIVITIES.—The Attorney General shall annually submit to
 6 Congress a report, which shall include an evaluation of
 7 law enforcement activities relating to the investigation and
 8 prosecution of offenses under section 659 of title 18,
 9 United States Code, as amended by this Act.

10 (e) REPORTING OF CARGO THEFT.—The Attorney
 11 General shall take the steps necessary to ensure that re-
 12 ports of cargo theft collected by Federal, State, and local
 13 officials are reflected as a separate category in the Uni-
 14 form Crime Reporting System, or any successor system,
 15 by no later than December 31, 2005.

16 **SEC. 409. INCREASED PENALTIES FOR NONCOMPLIANCE**
 17 **WITH MANIFEST REQUIREMENTS.**

18 (a) REPORTING, ENTRY, CLEARANCE REQUIRE-
 19 MENTS.—Section 436(b) of the Tariff Act of 1930 (19
 20 U.S.C. 1436(b)) is amended by—

21 (1) striking “or aircraft pilot” and inserting “,
 22 aircraft pilot, operator, owner of such vessel, vehicle
 23 or aircraft or any other responsible party (including
 24 non-vessel operating common carriers)”;

1 (2) striking “\$5,000” and inserting “\$10,000”;
2 and

3 (3) striking “\$10,000” and inserting
4 “\$25,000”.

5 (b) CRIMINAL PENALTY.—Section 436(c) of the Tar-
6 iff Act of 1930 (19 U.S.C. 1436(c)) is amended by strik-
7 ing “\$2,000” and inserting “\$10,000”.

8 (c) FALSITY OR LACK OF MANIFEST.—Section
9 584(a)(1) of the Tariff Act of 1930 (19 U.S.C.
10 1584(a)(1)) is amended by striking “\$1,000” in each
11 place it occurs and inserting “\$10,000”.

12 **SEC. 410. STOWAWAYS ON VESSELS OR AIRCRAFT.**

13 Section 2199 of title 18, United States Code, is
14 amended by striking “Shall be fined under this title or
15 imprisoned not more than one year, or both.” and insert-
16 ing the following:

17 “(1) shall be fined under this title, imprisoned
18 not more than 5 years, or both;

19 “(2) if the person commits an act proscribed by
20 this section, with the intent to commit serious bodily
21 injury, and serious bodily injury occurs (as defined
22 under section 1365, including any conduct that, if
23 the conduct occurred in the special maritime and
24 territorial jurisdiction of the United States, would
25 violate section 2241 or 2242) to any person other

1 than a participant as a result of a violation of this
 2 section, shall be fined under this title, imprisoned
 3 not more than 20 years, or both; and

4 “(3) if an individual commits an act proscribed
 5 by this section, with the intent to cause death, and
 6 if the death of any person other than a participant
 7 occurs as a result of a violation of this section, shall
 8 be fined under this title, imprisoned for any number
 9 of years or for life, or both.”.

10 **SEC. 411. BRIBERY AFFECTING PORT SECURITY.**

11 (a) IN GENERAL.—Chapter 11 of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 **“§ 226. Bribery affecting port security**

15 “(a) IN GENERAL.—Whoever knowingly—

16 “(1) directly or indirectly, corruptly gives, of-
 17 fers, or promises anything of value to any public or
 18 private person, with intent—

19 “(A) to commit international or domestic
 20 terrorism (as that term is defined under section
 21 2331);

22 “(B) to influence any action or any person
 23 to commit or aid in committing, or collude in,
 24 or allow, any fraud, or make opportunity for

1 the commission of any fraud affecting any se-
 2 cure or restricted area or seaport; or

3 “(C) to induce any official or person to do
 4 or omit to do any act in violation of the fidu-
 5 ciary duty of such official or person which af-
 6 fects any secure or restricted area or seaport;
 7 or

8 “(2) directly or indirectly, corruptly demands,
 9 seeks, receives, accepts, or agrees to receive or ac-
 10 cept anything of value personally or for any other
 11 person or entity in return for—

12 “(A) being influenced in the performance
 13 of any official act affecting any secure or re-
 14 stricted area or seaport; and

15 “(B) knowing that such influence will be
 16 used to commit, or plan to commit, inter-
 17 national or domestic terrorism

18 “shall be fined under this title, imprisoned not more than
 19 15 years, or both.

20 “(b) DEFINITION.—In this section, the term ‘secure
 21 or restricted area’ has the meaning given that term in sec-
 22 tion 2285(c).”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 The table of sections for chapter 11 of title 18, United

1 States Code, is amended by adding at the end the fol-
 2 lowing:

“226. Bribery affecting port security.”.

3 **TITLE V—COMBATING MONEY**
 4 **LAUNDERING AND TER-**
 5 **RORIST FINANCING ACT**

6 **SEC. 501. SHORT TITLE.**

7 This title may be cited as the “Combating Money
 8 Laundering and Terrorist Financing Act of 2004”.

9 **SEC. 502. SPECIFIED ACTIVITIES FOR MONEY LAUNDERING.**

10 (a) RICO DEFINITIONS.—Section 1961(1) of title
 11 18, United States Code, is amended—

12 (1) in subparagraph (A), by inserting “bur-
 13 glary, embezzlement,” after “robbery,”;

14 (2) in subparagraph (B), by—

15 (A) inserting “section 1960 (relating to il-
 16 legal money transmitters),” before “sections
 17 2251”;

18 (B) striking “1591” and inserting “1592”;

19 (C) inserting “and 1470” after “1461–
 20 1465”; and

21 (D) inserting “2252A,” after “2252,”;

22 (3) in subparagraph (D), by striking “fraud in
 23 the sale of securities” and inserting “fraud in the
 24 purchase or sale of securities”; and

1 (4) in subparagraph (F), by inserting “and
2 274A” after “274”.

3 (b) MONETARY INVESTMENTS.—Section
4 1956(c)(7)(D) of title 18, United States Code, is amended
5 by—

6 (1) inserting “, or section 2339C (relating to fi-
7 nancing of terrorism)” before “of this title”; and

8 (2) striking “or any felony violation of the For-
9 eign Corrupt Practices Act” and inserting “any fel-
10 ony violation of the Foreign Corrupt Practices Act,
11 or any violation of section 208 of the Social Security
12 Act (42 U.S.C. 408) (relating to obtaining funds
13 through misuse of a social security number)”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) MONETARY INSTRUMENTS.—Section
16 1956(e) of title 18, United States Code, is amended
17 to read as follows:

18 “(e) Violations of this section may be investigated by
19 such components of the Department of Justice as the At-
20 torney General may direct, and by such components of the
21 Department of the Treasury as the Secretary of the Treas-
22 ury may direct, as appropriate, and, with respect to of-
23 fenses over which the Department of Homeland Security
24 has jurisdiction, by such components of the Department
25 of Homeland Security as the Secretary of Homeland Secu-

1 rity may direct, with respect to the offenses over which
 2 the Social Security Administration has jurisdiction, as the
 3 Commissioner of Social Security may direct, and with re-
 4 spect to offenses over which the United States Postal
 5 Service has jurisdiction, as the Postmaster General may
 6 direct. The authority under this subsection of the Sec-
 7 retary of the Treasury, the Secretary of Homeland Secu-
 8 rity, the Commissioner of Social Security, and the Post-
 9 master General shall be exercised in accordance with an
 10 agreement which shall be entered into by the Secretary
 11 of the Treasury, the Secretary of Homeland Security, the
 12 Commissioner of Social Security, the Postmaster General,
 13 and the Attorney General. Violations of this section involv-
 14 ing offenses described in subsection (c)(7)(E) may be in-
 15 vestigated by such components of the Department of Jus-
 16 tice as the Attorney General may direct, and the National
 17 Enforcement Investigations Center of the Environmental
 18 Protection Agency.”.

19 (2) PROPERTY FROM UNLAWFUL ACTIVITY.—

20 Section 1957(e) of title 18, United States Code, is
 21 amended to read as follows:

22 “(e) Violations of this section may be investigated by
 23 such components of the Department of Justice as the At-
 24 torney General may direct, and by such components of the
 25 Department of the Treasury as the Secretary of the Treas-

1 ury may direct, as appropriate, and, with respect to of-
 2 fenses over which the Department of Homeland Security
 3 has jurisdiction, by such components of the Department
 4 of Homeland Security as the Secretary of Homeland Secu-
 5 rity may direct, and, with respect to offenses over which
 6 the United States Postal Service has jurisdiction, by the
 7 Postmaster General. The authority under this subsection
 8 of the Secretary of the Treasury, the Secretary of Home-
 9 land Security, and the Postmaster General shall be exer-
 10 cised in accordance with an agreement which shall be en-
 11 tered into by the Secretary of the Treasury, the Secretary
 12 of Homeland Security, the Postmaster General, and the
 13 Attorney General.”.

14 **SEC. 503. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

15 (a) TECHNICAL AMENDMENTS.—Section 1960 of
 16 title 18, United States Code, is amended—

17 (1) in the caption by striking “unlicensed” and
 18 inserting “illegal”;

19 (2) in subsection (a), by striking “unlicensed”
 20 and inserting “illegal”;

21 (3) in subsection (b)(1), by striking “unli-
 22 censed” and inserting “illegal”; and

23 (4) in subsection (b)(1)(C), by striking “to be
 24 used to be used” and inserting “to be used”.

1 (b) PROHIBITION OF UNLICENSED MONEY TRANS-
 2 MITTING BUSINESSES.—Section 1960(b)(1)(B) of title 18,
 3 United States Code, is amended by inserting the following
 4 before the semicolon: “, whether or not the defendant
 5 knew that the operation was required to comply with such
 6 registration requirements”.

7 (c) AUTHORITY TO INVESTIGATE.—Section 1960 of
 8 title 18, United States Code, is amended by adding at the
 9 end the following:

10 “(c) Violations of this section may be investigated by
 11 the Attorney General, the Secretary of the Treasury, and
 12 the Secretary of the Department of Homeland Security.”.

13 **SEC. 504. ASSETS OF PERSONS COMMITTING TERRORIST**
 14 **ACTS AGAINST FOREIGN COUNTRIES OR**
 15 **INTERNATIONAL ORGANIZATIONS.**

16 Section 981(a)(1)(G) of title 18, United States Code,
 17 is amended by—

- 18 (1) striking “or” at the end of clause (ii);
- 19 (2) striking the period at the end of clause (iii)
- 20 and inserting “; or”; and
- 21 (3) inserting after clause (iii) the following:
- 22 “(iv) of any individual, entity, or or-
- 23 ganization engaged in planning or perpe-
- 24 trating any act of international terrorism
- 25 (as defined in section 2331) against any

1 international organization (as defined in
2 section 209 of the State Department Basic
3 Authorities Act of 1956 (22 U.S.C.
4 4309(b))) or against any foreign govern-
5 ment. Where the property sought for for-
6 feiture is located beyond the territorial
7 boundaries of the United States, an act in
8 furtherance of such planning or perpetra-
9 tion must have occurred within the juris-
10 diction of the United States.”.

11 **SEC. 505. MONEY LAUNDERING THROUGH INFORMAL**
12 **VALUE TRANSFER SYSTEMS.**

13 Section 1956(a) of title 18, United States Code, is
14 amended by adding at the end the following:

15 “(4) A transaction described in paragraph (1), or a
16 transportation, transmission, or transfer described in
17 paragraph (2) shall be deemed to involve the proceeds of
18 specified unlawful activity, if the transaction, transpor-
19 tation, transmission, or transfer is part of a single plan
20 or arrangement whose purpose is described in either of
21 those paragraphs and one part of such plan or arrange-
22 ment actually involves the proceeds of specified unlawful
23 activity.”.

1 **SEC. 506. FINANCING OF TERRORISM.**

2 (a) CONCEALMENT.—Section 2339C(c)(2) of title 18,
3 United States Code, is amended to read as follows:

4 “(2) knowingly conceals or disguises the nature,
5 location, source, ownership, or control of any mate-
6 rial support, or resources, or any funds or proceeds
7 of such funds—

8 “(A) knowing or intending that the sup-
9 port or resources are to be provided, or knowing
10 that the support or resources were provided, in
11 violation of section 2339B; or

12 “(B) knowing or intending that any such
13 funds are to be provided or collected, or know-
14 ing that the funds were provided or collected, in
15 violation of subsection (a),

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

18 (b) DEFINITION.—Section 2339C(e) of title 18,
19 United States Code, is amended—

20 (1) in paragraph (12), by striking “and” at the
21 end;

22 (2) by redesignating paragraph (13) as para-
23 graph (14); and

24 (3) by inserting after paragraph (12) the fol-
25 lowing:

1 “(13) the term ‘material support or resources’
 2 has the same meaning as in section 2339B(g)(4);
 3 and”.

4 **SEC. 507. MISCELLANEOUS AND TECHNICAL AMENDMENTS.**

5 (a) **CRIMINAL FORFEITURE.**—Section 982(b) of title
 6 18, United States Code, is amended in subsection (b)(2),
 7 by striking “The substitution” and inserting “With re-
 8 spect to a forfeiture under subsection (a)(1), the substi-
 9 tution”.

10 (b) **TECHNICAL AMENDMENTS TO SECTIONS 1956**
 11 **AND 1957.**—

12 (1) **UNLAWFUL ACTIVITY.**—Section
 13 1956(e)(7)(F) of title 18, United States Code, is
 14 amended by inserting “, as defined in section 24”
 15 before the period.

16 (2) **PROPERTY FROM UNLAWFUL ACTIVITY.**—
 17 Section 1957 of title 18, United States Code, is
 18 amended—

19 (A) in subsection (a), by striking “engages
 20 or attempts to engage in” and inserting “con-
 21 ducts or attempts to conduct”; and

22 (B) in subsection (f), by inserting the fol-
 23 lowing after paragraph (3):

24 “(4) the term ‘conducts’ has the same meaning
 25 as it does for purposes of section 1956 of this title.”.

1 (c) OBSTRUCTION OF JUSTICE.—Section
2 1510(b)(3)(B) of title 18, United States Code, is amended
3 by striking “or” the first time it appears and inserting
4 “, a subpoena issued pursuant to section 1782 of title 28,
5 or”.

6 (d) INTERNATIONAL TERRORISM.—Section
7 2332b(g)(5)(B) of title 18, United States Code, is amend-
8 ed by inserting “)” after “2339C (relating to financing
9 of terrorism”.

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108TH CONGRESS
2D Session

S. 2679

A BILL

To strengthen anti-terrorism investigative tools, promote information sharing, punish terrorist offenses, and for other purposes.

JULY 19, 2004

Read the second time and placed on the calendar