

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1642

To prohibit narco-terrorists from aiding and supporting terrorists and  
terrorist organizations.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2005

Mr. CORNYN introduced the following bill; which was read twice and referred  
to the Committee on the Judiciary

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## A BILL

To prohibit narco-terrorists from aiding and supporting  
terrorists and terrorist organizations.

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. PROHIBITION OF NARCO-TERRORISM.**

4 Part A of the Controlled Substance Import and Ex-  
5 port Act (21 U.S.C. 951 et seq.) is amended by inserting  
6 after section 1010 the following:

7 “NARCO-TERRORISTS WHO AID AND SUPPORT  
8 TERRORISTS OR TERRORIST ORGANIZATIONS

9 “SEC. 1010A. (a) PROHIBITED ACTS.—It shall be  
10 unlawful, in a circumstance described in subsection (c),

1 to manufacture, distribute, import, export, or possess with  
2 intent to distribute or manufacture a controlled substance,  
3 or to attempt or conspire to do so, knowing or intending  
4 that such activity, directly or indirectly, aid or provide  
5 support, resources, or anything of pecuniary value to—

6 “(1) a terrorist organization; or

7 “(2) any person or group involved in the plan-  
8 ning, preparation for, or carrying out of, a terrorist  
9 offense.

10 “(b) PENALTIES.—Whoever violates subsection (a)—

11 “(1) shall be fined under title 18, United States  
12 Code, imprisoned for not less than 20 years and not  
13 more than life, or both; and

14 “(2) shall be sentenced to a term of supervised  
15 release of not less than 5 years.

16 “(c) JURISDICTION.—There is jurisdiction over an of-  
17 fense under this section if—

18 “(1) the prohibited drug activity or the terrorist  
19 offense is in violation of the criminal laws of the  
20 United States;

21 “(2) the offense or the prohibited drug activity  
22 occurs in or affects interstate or foreign commerce;

23 “(3) the offense, the prohibited drug activity, or  
24 the terrorist offense involves the use of the mails or  
25 a facility of interstate or foreign commerce;

1           “(4) the terrorist offense occurs in or affects  
2 interstate or foreign commerce or would have oc-  
3 curred in or affected interstate or foreign commerce  
4 had it been consummated;

5           “(5) an offender provides anything of pecuniary  
6 value to a terrorist organization;

7           “(6) an offender provides anything of pecuniary  
8 value for a terrorist offense that is designed to influ-  
9 ence the policy or affect the conduct of the United  
10 States Government;

11           “(7) an offender provides anything of pecuniary  
12 value for a terrorist offense that occurs in part with-  
13 in the United States and is designed to influence the  
14 policy or affect the conduct of a foreign government;

15           “(8) an offender provides anything of pecuniary  
16 value for a terrorist offense—

17           “(A) that causes or is designed to cause  
18 death or serious bodily injury to a national of  
19 the United States while that national is outside  
20 the United States; or

21           “(B) that causes or is designed to cause  
22 substantial damage to the property of a legal  
23 entity organized under the laws of the United  
24 States (including any of its States, districts,  
25 commonwealths, territories, or possessions)

1           while that property is outside of the United  
2           States;

3           “(9) the offense occurs in whole or in part with-  
4           in the United States and an offender provides any-  
5           thing of pecuniary value for a terrorist offense that  
6           is designed to influence the policy or affect the con-  
7           duct of a foreign government;

8           “(10) the offense or the prohibited drug activity  
9           occurs in whole or in part outside of the United  
10          States (including on the high seas), and a pepe-  
11          trator of the offense or the prohibited drug activity  
12          is a national of the United States or a legal entity  
13          organized under the laws of the United States (in-  
14          cluding any of its States, districts, commonwealths,  
15          territories, or possessions); or

16          “(11) after the conduct required for the offense  
17          occurs, an offender is brought into or found in the  
18          United States, even if the conduct required for the  
19          offense occurs outside the United States.

20          “(d) **PROOF REQUIREMENTS.**—In a prosecution for  
21 a violation of subsection (a), the Government shall not be  
22 required to prove that any defendant knew that an organi-  
23 zation was designated as a foreign terrorist organization  
24 under section 219 of the Immigration and Nationality Act  
25 (8 U.S.C. 1189).

1       “(e) DEFINITIONS.—In this section, the following  
2 definitions shall apply:

3           “(1) ANYTHING OF PECUNIARY VALUE.—The  
4 term ‘anything of pecuniary value’ has the meaning  
5 given the term in section 1958(b)(1) of title 18,  
6 United States Code.

7           “(2) TERRORIST OFFENSE.—The term ‘ter-  
8 rorist offense’ means—

9           “(A) an act which constitutes an offense  
10 within the scope of a treaty, as defined under  
11 section 2339C(e)(7) of title 18, United States  
12 Code, which has been implemented by the  
13 United States; or

14           “(B) any other act intended to cause death  
15 or serious bodily injury to a civilian, or to any  
16 other person not taking an active part in the  
17 hostilities in a situation of armed conflict, when  
18 the purpose of such act, by its nature or con-  
19 text, is to intimidate a population, or to compel  
20 a government or an international organization  
21 to do or to abstain from doing any act.

22           “(3) TERRORIST ORGANIZATION.—The term  
23 ‘terrorist organization’ has the meaning given the

1 term in section 212(a)(3)(B)(vi) of the Immigration  
2 and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).”.

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