

109TH CONGRESS
1ST SESSION

S. 783

To repeal the sunset on the 2004 material-support enhancements, to increase penalties for providing material support to terrorist groups, to bar from the United States aliens who have received terrorist training, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Mr. KYL (for himself, Mr. CORNYN, and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To repeal the sunset on the 2004 material-support enhancements, to increase penalties for providing material support to terrorist groups, to bar from the United States aliens who have received terrorist training, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Material Support to
5 Terrorism Prohibition Improvements Act of 2005”.

1 **SEC. 2. REPEAL OF SUNSET ON 2004 MATERIAL-SUPPORT**
 2 **ENHANCEMENTS.**

3 Section 6603(g) of the Intelligence Reform and Ter-
 4 rorism Prevention Act of 2004 (18 U.S.C. 2332b note)
 5 is repealed.

6 **SEC. 3. BARRING ENTRY TO THE UNITED STATES FOR REP-**
 7 **RESENTATIVES AND MEMBERS OF TER-**
 8 **RORIST GROUPS AND ALIENS WHO HAVE RE-**
 9 **CEIVED MILITARY-TYPE TRAINING FROM**
 10 **TERRORIST GROUPS.**

11 Section 212(a)(3)(B) of the Immigration and Nation-
 12 ality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

13 (1) in clause (i)—

14 (A) in subclause (IV), by amending item
 15 (aa) to read as follows:

16 “(aa) a terrorist organization as
 17 defined in clause (vi), or”.

18 (B) by striking subclause (V) and inserting
 19 the following:

20 “(V) is a member of a terrorist orga-
 21 nization—

22 “(aa) described in subclause (I)
 23 or (II) of clause (vi); or

24 “(bb) described in clause
 25 (vi)(III), unless the alien can dem-
 26 onstrate by clear and convincing evi-

1 dence that the alien did not know, and
 2 should not reasonably have known,
 3 that the organization was a terrorist
 4 organization,”.

5 (C) in subclause (VI), by striking “or” at
 6 the end;

7 (D) in subclause (VII), by inserting “or”
 8 at the end; and

9 (E) by inserting after subclause (VII) the
 10 following:

11 “(VIII) has received military-type
 12 training (as defined in section 2339D(c)(1)
 13 of title 18, United States Code) from, or
 14 on behalf of, any organization that, at the
 15 time the training was received, was a ter-
 16 rorist organization,”; and

17 (2) in clause (vi), by striking “clause (i)(VI)”
 18 and inserting “subclauses (VI) and (VIII) of clause
 19 (i)”.

20 **SEC. 4. EXPANDED REMOVAL FROM THE UNITED STATES**
 21 **OF ALIENS WHO HAVE RECEIVED MILITARY-**
 22 **TYPE TRAINING FROM TERRORIST GROUPS.**

23 Section 237(a)(4)(E) of the Immigration and Nation-
 24 ality Act (8 U.S.C. 1227(a)(4)(E)) is amended to read as
 25 follows:

1 “(E) RECIPIENT OF MILITARY-TYPE
 2 TRAINING.—Any alien who has received mili-
 3 tary-type training (as defined in section
 4 2339D(c)(1) of title 18, United States Code)
 5 from or on behalf of any organization that, at
 6 the time the training was received, was a ter-
 7 rorist organization (as defined in section
 8 212(a)(3)(B)(vi)), is deportable.”.

9 **SEC. 5. BARRING ENTRY TO AND REMOVING TERRORIST**
 10 **ALIENS FROM THE UNITED STATES BASED**
 11 **ON PRE-ENACTMENT TERRORIST CONDUCT.**

12 The amendments made by sections 3 and 4 of this
 13 Act shall apply to—

14 (1) all aliens subject to removal, deportation, or
 15 exclusion at any time; and

16 (2) acts and conditions constituting a ground
 17 for inadmissibility, excludability, deportation, or re-
 18 moval occurring or existing before, on, or after the
 19 date of enactment of this Act.

20 **SEC. 6. INCREASED PENALTIES FOR PROVIDING MATERIAL**
 21 **SUPPORT TO TERRORIST GROUPS.**

22 (a) PROVIDING MATERIAL SUPPORT TO TERROR-
 23 ISTS.—Section 2339A(a) of title 18, United States Code,
 24 is amended by striking “, imprisoned not more than 15
 25 years,” and all that follows through “life.” and inserting

1 “and imprisoned for not less than 5 years and not more
2 than 25 years, and, if the death of any person results,
3 shall be imprisoned for not less than 15 years or for life.”.

4 (b) PROVIDING MATERIAL SUPPORT OR RESOURCES
5 TO DESIGNATED FOREIGN TERRORIST ORGANIZA-
6 TIONS.—Section 2339B(a) of title 18, United States Code,
7 is amended by striking “or imprisoned not more than 15
8 years,” and all that follows through “life.” and inserting
9 “and imprisoned for not less than 5 years and not more
10 than 25 years, and, if the death of any person results,
11 shall be imprisoned for not less than 15 years or for life.”.

12 (c) RECEIVING MILITARY-TYPE TRAINING FROM A
13 FOREIGN TERRORIST ORGANIZATION.—Section 2339D of
14 title 18, United States Code, is amended by striking “or
15 imprisoned for ten years, or both.” and inserting “and im-
16 prisoned for not less than 3 years and not more than 15
17 years.”.

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