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Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 06/25/2002 [H.R. 3275] [771335] [2]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Statement	[Draft re: H.R. 3275]	1	06/25/2002	P5;
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008	Statement	[Draft re: H.R. 3275]	1	06/25/2002	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/25/2002 [H.R. 3275] [771335] [2]

FRC ID:

6359

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4602	
CONNECTION TEL		66212
CONNECTION ID		
ST. TIME	06/24 15:13	
USAGE T	01'52	
PGS. SENT	5	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

Subject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☒	☐	RICE	☒	☐
DANIELS	☐	☒	RIDGE	☒	☐
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PMSubject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

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GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00 P.M., TODAY, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4601	
CONNECTION TEL		69720
CONNECTION ID		
ST. TIME	06/24 15:11	
USAGE T	01'47	
PGS. SENT	5	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM
 Subject: CONVENTIONS

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VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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CONNAUGHTON	☒	☐	RICE	☒	☐
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FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO UIM HUKES X53458 FAX X56148. BY 5:00

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM

Subject: CONVENTIONS

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VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4600	
CONNECTION TEL		62710
CONNECTION ID	CEQ	
ST. TIME	06/24 15:09	
USAGE T	01'49	
PGS. SENT	5	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

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GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO UM HUKES Y52459 FAX Y52449 BY 5:00

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PMSubject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4599
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 06/24 15:07
 USAGE T 01'51
 PGS. SENT 5
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM

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RESPONSE: _____

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4598
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 06/24 15:04
 USAGE T 01'52
 PGS. SENT 5
 RESULT OK

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

Subject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

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PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00 P.M., TODAY, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4597	
CONNECTION TEL		67090
CONNECTION ID	ADMIN	
ST. TIME	06/24 15:02	
USAGE T	01'49	
PGS. SENT	5	
RESULT	OK	

SS/ RM NO. _____

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Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM
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HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PAGE FORWARD COMMENTS DIRECTLY TO THE JIKES YES458 FAX YES448 BY 5:00

WHITE HOUSE STAFFING MEMORANDUM

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RESPONSE: _____

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval
Department of Justice	Approval (Informally)
National Security Council	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Transportation	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Central Intelligence Agency	No comment (Informally)
Department of Defense	No response

Discussion

H.R. 3275 would implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. You sent the Congress a legislative proposal to implement these two conventions on October 25, 2001. The enrolled bill is virtually identical to your proposal.

The International Convention for the Suppression of Terrorist Bombings was adopted by the United Nations General Assembly on December 15, 1997. The Convention was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. More than 60 nations have become parties to the Convention, which entered into force internationally on May 23, 2001. The Convention requires participating nations to criminalize certain attacks on public places committed with explosives or other lethal devices, including biological, chemical, and radiological devices. The Convention also requires that participating nations criminalize conspiracy and attempts to undertake such terrorist attacks. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist bombings as extraditable offenses, if they were not already included.

The International Convention for the Suppression of the Financing of Terrorism was adopted by the United Nations General Assembly on December 9, 1999. The Convention was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. More than 30 nations have become parties to the Convention, which entered into force internationally on April 10, 2002. The Convention requires participating nations to criminalize certain financial transactions made in furtherance of various terrorist activities and to criminalize conspiracy and attempts to undertake such financing. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist financing as an extraditable offense, if it is not already included.

On December 5, 2001, the Senate gave its advice and consent to both of these international conventions. You signed the instruments of ratification on June 18 and April 19, 2002, respectively. The State Department plans to deposit these instruments of ratification at the United Nations promptly once this implementing legislation is enacted. The Conventions would enter into force for the United States 30 days later.

Title I - The Terrorist Bombings Convention Implementation Act of 2002

H.R. 3275 would add a new section to the Federal terrorism statutes that would make terrorist acts covered by the Terrorist Bombings Convention a crime. Specifically, the enrolled bill would make it a crime to unlawfully deliver, place, discharge, or detonate an explosive or other lethal device in public places (including government facilities or public transportation systems) or infrastructure facilities (such as utilities or energy facilities) with the intent to cause: (1) death or serious bodily injury; or (2) extensive destruction of the place or facility, when the destruction results or is likely to result in major economic loss. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would make offenses under this new section punishable by any term of years or for life in prison. If death results from these offenses, they could also be punishable by death.

H.R. 3275 would delineate the jurisdictional bases for the offenses that would be covered under this new section, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. The enrolled bill would provide for certain exemptions to jurisdiction, including activities of armed forces during an armed conflict and activities undertaken by military forces of a nation state in the exercise of its official duties.

This title of the enrolled bill would be effective as of the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

Title II - The Suppression of the Financing of Terrorism Convention Implementation Act of 2002

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H.R. 3275 would delineate the jurisdictional bases for the offenses covered under this title of the bill, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States.

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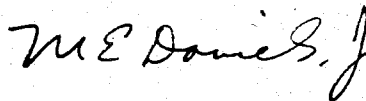
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Conclusion and Recommendations

The Department of State strongly recommends approval of H.R. 3275 and advises that its enactment "will allow the United States to deposit at the United Nations its instruments of ratification" for the two conventions. State notes that the Group of Eight (G-8) countries have made cooperation in combating terrorism a high priority.

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Mitchell E. Daniels, Jr.
Director

Enclosures

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM

Subject: CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☒	☐	RICE	☒	☐
DANIELS	☐	☒	RIDGE	☒	☐
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00 P.M., TODAY, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

CEA has no comment



Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

Subject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
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CALIO	☒	☐	MIERS	☐	☐
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GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00 P.M., TODAY, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

NO COMMENT

RESPONSE:

Phil Sweeney, CEQ
6/24/02

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

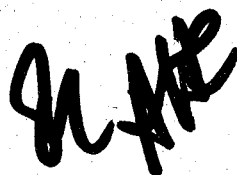
Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PMSubject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD ~~XXXXXXXXXX~~	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☒	☐	RICE	☒	☐
DANIELS	☐	☒	RIDGE	☒	☐
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:



Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget

Approval

Department of State

Approval

Department of Justice

Approval (Informally)

National Security Council

Approval (Informally)

Department of Commerce

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Transportation

No comment (Informally)

Office of National Drug Control Policy

No comment (Informally)

Central Intelligence Agency

No comment (Informally)

Department of Defense

No response

Discussion

H.R. 3275 would implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. You sent the Congress a legislative proposal to implement these two conventions on October 25, 2001. The enrolled bill is virtually identical to your proposal.

The International Convention for the Suppression of Terrorist Bombings was adopted by the United Nations General Assembly on December 15, 1997. The Convention was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. More than 60 nations have become parties to the Convention, which entered into force internationally on May 23, 2001. The Convention requires participating nations to criminalize certain attacks on public places committed with explosives or other lethal devices, including biological, chemical, and radiological devices. The Convention also requires that participating nations criminalize conspiracy and attempts to undertake such terrorist attacks. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist bombings as extraditable offenses, if they were not already included.

The International Convention for the Suppression of the Financing of Terrorism was adopted by the United Nations General Assembly on December 9, 1999. The Convention was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. More than 30 nations have become parties to the Convention, which entered into force internationally on April 10, 2002. The Convention requires participating nations to criminalize certain financial transactions made in furtherance of various terrorist activities and to criminalize conspiracy and attempts to undertake such financing. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist financing as an extraditable offense, if it is not already included.

On December 5, 2001, the Senate gave its advice and consent to both of these international conventions. You signed the instruments of ratification on June 18 and April 19, 2002, respectively. The State Department plans to deposit these instruments of ratification at the United Nations promptly once this implementing legislation is enacted. The Conventions would enter into force for the United States 30 days later.

Title I - The Terrorist Bombings Convention Implementation Act of 2002

H.R. 3275 would add a new section to the Federal terrorism statutes that would make terrorist acts covered by the Terrorist Bombings Convention a crime. Specifically, the enrolled bill would make it a crime to unlawfully deliver, place, discharge, or detonate an explosive or other lethal device in public places (including government facilities or public transportation systems) or infrastructure facilities (such as utilities or energy facilities) with the intent to cause: (1) death or serious bodily injury; or (2) extensive destruction of the place or facility, when the destruction results or is likely to result in major economic loss. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would make offenses under this new section punishable by any term of years or for life in prison. If death results from these offenses, they could also be punishable by death.

H.R. 3275 would delineate the jurisdictional bases for the offenses that would be covered under this new section, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. The enrolled bill would provide for certain exemptions to jurisdiction, including activities of armed forces during an armed conflict and activities undertaken by military forces of a nation state in the exercise of its official duties.

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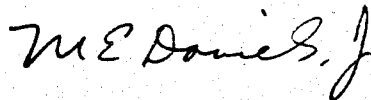
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Conclusion and Recommendations

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We join State and Justice in recommending approval of H.R. 3275, which passed the House by a vote of 381-36 and the Senate by a vote of 83-1.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM

Subject: CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
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CONNAUGHTON	☒	☐	RICE	☒	☐
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HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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June 24, 2002

RESPONSE: The NSC Concurs.

Condoleezza Rice
Condoleezza Rice
Assistant to the President
for National Security

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget

Approval

Department of State

Approval

Department of Justice

Approval (Informally)

National Security Council

Approval (Informally)

Department of Commerce

No objection (Informally)

Department of the Treasury

No objection (Informally)

Department of Transportation

No comment (Informally)

Office of National Drug Control Policy

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Central Intelligence Agency

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Department of Defense

No response

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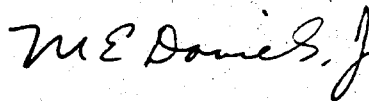
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Mitchell E. Daniels, Jr.
Director

Enclosures

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MYERS	C	N	NSJMM
BANBURY	I	N	NSTNB
EXECSEC	I	N	NSEXS
FICKLIN	I	-	NSJWF
GORDON-HAGERTY	I	N	NSLGH
KURTZ	I	N	NSPBK
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Myers, Steven R. (RECORDS)

From: Mitsler, Elaine (INTL ECON)
Sent: Monday, June 24, 2002 3:35 PM
To: Myers, Joseph M. (OCT)
Cc: @COMBATING TERRORISM; @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
Subject: FW: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]
Importance: High

@International Economic Affairs defers to Jody Myers, per John Cloud. Thanks.

-----Original Message-----

From: Myers, Steven R. (RECORDS)
Sent: Monday, June 24, 2002 3:27 PM
To: @COMBATING TERRORISM
Cc: @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
Subject: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]
Importance: High

Attached is WHR5384 - Implementing Intl Terrorism Conventions

Action: Myers

Concurrence: Andricos, Bellinger, Manuel, Rasmussen

Comments due 5:00pm



WHR5384.tif

Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

Myers, Steven R. (RECORDS)

From: Myers, Joseph M. (OCT)
Sent: Monday, June 24, 2002 3:41 PM
To: Myers, Steven R. (RECORDS); @COMBATING TERRORISM
Cc: @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
Subject: RE: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]

concur for OCT with no changes.

-----Original Message-----

From: Myers, Steven R. (RECORDS)
Sent: Monday, June 24, 2002 3:27 PM
To: @COMBATING TERRORISM
Cc: @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
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<< File: WHR5384.tif >>

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Myers, Steven R. (RECORDS)

From: Luisi, Linda C (LEGISLATIVE)
Sent: Monday, June 24, 2002 3:43 PM
To: Myers, Steven R. (RECORDS); @COMBATING TERRORISM
Cc: @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
Subject: RE: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]

Clear for Legislative.

-----Original Message-----

From: Myers, Steven R. (RECORDS)
Sent: Monday, June 24, 2002 3:27 PM
To: @COMBATING TERRORISM
Cc: @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
Subject: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]
Importance: High

Attached is WHR5384 - Implementing Intl Terrorism Conventions

Action: Myers

Concurrence: Andricos, Bellinger, Manuel, Rasmussen

Comments due 5:00pm
<< File: WHR5384.tif >>

Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

Myers, Steven R. (RECORDS)

From: Wiegmann, John B. (LEGAL)
Sent: Monday, June 24, 2002 5:08 PM
To: Myers, Steven R. (RECORDS); @Legal Advisor
Cc: @West Wing Desk
Subject: RE: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]

We clear.

-----Original Message-----

From: Myers, Steven R. (RECORDS)
Sent: Monday, June 24, 2002 4:38 PM
To: @Legal Advisor
Cc: @West Wing Desk
Subject: FW: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]
Importance: High

Any comments on this one?

Concurrences from
Combating Terrorism
Intl Econ
Legislative

Thanks
Steven

-----Original Message-----

From: Myers, Steven R. (RECORDS)
Sent: Monday, June 24, 2002 3:27 PM
To: @COMBATING TERRORISM
Cc: @Legal Advisor; @Legislative Affairs; @International Economic Affairs; @EXECSEC; @UP; @West Wing Desk
Subject: WHR5384 - Implementing Intl Terrorism Conventions [UNCLASSIFIED, Record]
Importance: High

Attached is WHR5384 - Implementing Intl Terrorism Conventions

Action: Myers

Concurrence: Andricos, Bellinger, Manuel, Rasmussen

Comments due 5:00pm
<< File: WHR5384.tif >>

Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PM

Subject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☒	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☒	☐	RICE	☒	☐
DANIELS	☐	☒	RIDGE	☒	☐
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00 P.M., TODAY, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE:

cc Jay

OK TT

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval
Department of Justice	Approval (Informally)
National Security Council	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Transportation	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Central Intelligence Agency	No comment (Informally)
Department of Defense	No response

Discussion

H.R. 3275 would implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. You sent the Congress a legislative proposal to implement these two conventions on October 25, 2001. The enrolled bill is virtually identical to your proposal.

The International Convention for the Suppression of Terrorist Bombings was adopted by the United Nations General Assembly on December 15, 1997. The Convention was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. More than 60 nations have become parties to the Convention, which entered into force internationally on May 23, 2001. The Convention requires participating nations to criminalize certain attacks on public places committed with explosives or other lethal devices, including biological, chemical, and radiological devices. The Convention also requires that participating nations criminalize conspiracy and attempts to undertake such terrorist attacks. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist bombings as extraditable offenses, if they were not already included.

The International Convention for the Suppression of the Financing of Terrorism was adopted by the United Nations General Assembly on December 9, 1999. The Convention was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. More than 30 nations have become parties to the Convention, which entered into force internationally on April 10, 2002. The Convention requires participating nations to criminalize certain financial transactions made in furtherance of various terrorist activities and to criminalize conspiracy and attempts to undertake such financing. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist financing as an extraditable offense, if it is not already included.

On December 5, 2001, the Senate gave its advice and consent to both of these international conventions. You signed the instruments of ratification on June 18 and April 19, 2002, respectively. The State Department plans to deposit these instruments of ratification at the United Nations promptly once this implementing legislation is enacted. The Conventions would enter into force for the United States 30 days later.

Title I - The Terrorist Bombings Convention Implementation Act of 2002

H.R. 3275 would add a new section to the Federal terrorism statutes that would make terrorist acts covered by the Terrorist Bombings Convention a crime. Specifically, the enrolled bill would make it a crime to unlawfully deliver, place, discharge, or detonate an explosive or other lethal device in public places (including government facilities or public transportation systems) or infrastructure facilities (such as utilities or energy facilities) with the intent to cause: (1) death or serious bodily injury; or (2) extensive destruction of the place or facility, when the destruction results or is likely to result in major economic loss. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would make offenses under this new section punishable by any term of years or for life in prison. If death results from these offenses, they could also be punishable by death.

H.R. 3275 would delineate the jurisdictional bases for the offenses that would be covered under this new section, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. The enrolled bill would provide for certain exemptions to jurisdiction, including activities of armed forces during an armed conflict and activities undertaken by military forces of a nation state in the exercise of its official duties.

This title of the enrolled bill would be effective as of the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

Title II - The Suppression of the Financing of Terrorism Convention Implementation Act of 2002

H.R. 3275 would add a new section to Federal terrorism statutes that would make financial acts covered by the Suppression of the Financing of Terrorism Convention a crime. Specifically, the new section would make it a crime to unlawfully and willfully provide or collect funds with the intention or knowledge that the funds are to be used to carry out: (1) an act which constitutes an offense within the scope of nine international conventions dealing with counterterrorism found in the Annex to the Convention; or (2) any act intended to cause death or serious bodily injury to a civilian or any other person not taking an active part in hostilities in an armed conflict, in order to intimidate a population or to compel a government or an international organization to do or to abstain from doing any act. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would specify that a violation under this section does not require that the funds which are provided or collected actually be used to carry out a terrorist act. The enrolled bill would make these offenses punishable by a fine or by imprisonment for not more than twenty years, or by both.

H.R. 3275 would delineate the jurisdictional bases for the offenses covered under this title of the bill, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States.

H.R. 3275 would make it a crime to conceal or disguise the nature, location, source, ownership, or control of any funds or proceeds provided or collected in support of terrorist activities, as well as any material support or resources provided toward such activities, by any person or legal entity within the United States and by any United States national, or any legal entity created under U.S. law, anywhere in the world. The enrolled bill would make any of these offenses punishable by a fine or by imprisonment for not more than ten years, or by both.

The enrolled bill would also establish a civil penalty of at least \$10,000 against any legal entity in or organized under the laws of the United States, if any person responsible for the management or control of that entity has, in that capacity, committed an offense covered by this title. This civil penalty would be in addition to any other criminal, civil, or administrative liability or penalty allowable under Federal or State law.

This title of the enrolled bill would become effective upon enactment of the bill, except for provisions giving the United States jurisdiction over offenses committed within the United States by perpetrators found outside the United States and offenses committed outside the United States by perpetrators found within the United States. These provisions would be effective as of the date the convention enters into force for the United States.

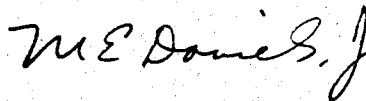
Title III - Ancillary Measures

H.R. 3275 would authorize the civil forfeiture of any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation of any terrorism financing provisions included in the bill. The enrolled bill would add references to the new terrorist bombing and financing provisions contained in the bill to existing provisions of law (such as wiretapping, money laundering, racketeering, and terrorism statutes) in order to assist in Federal enforcement of these crimes.

Conclusion and Recommendations

The Department of State strongly recommends approval of H.R. 3275 and advises that its enactment "will allow the United States to deposit at the United Nations its instruments of ratification" for the two conventions. State notes that the Group of Eight (G-8) countries have made cooperation in combating terrorism a high priority.

We join State and Justice in recommending approval of H.R. 3275, which passed the House by a vote of 381-36 and the Senate by a vote of 83-1.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PMSubject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
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CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☒	☐	RICE	☒	☐
DANIELS	☐	☒	RIDGE	☒	☐
FLEISCHER	☒	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

02 JUN 24 PM 5:19

REMARKS:

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no comment

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget	Approval
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Department of Justice	Approval (Informally)
National Security Council	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Transportation	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Central Intelligence Agency	No comment (Informally)
Department of Defense	No response

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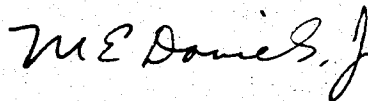
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Mitchell E. Daniels, Jr.
Director

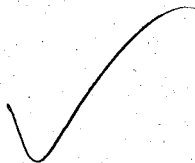
Enclosures

For Immediate Release

June 25, 2002

On Tuesday, June 25, 2002, the President signed into law:

H.R. 3275, the ~~"Terrorist Bombings Convention Implementation Act of 2002"~~, which implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.



One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use, to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

TITLE I—SUPPRESSION OF TERRORIST BOMBINGS

SEC. 101. SHORT TITLE.

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

SEC. 102. BOMBING STATUTE.

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

“§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

“(A) with the intent to cause death or serious bodily injury, or

“(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

“(1) the offense takes place in the United States and—

Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting “2332f,” after “2332d,”; and

(2) striking “or 2339B” and inserting “2339B, or 2339C”.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

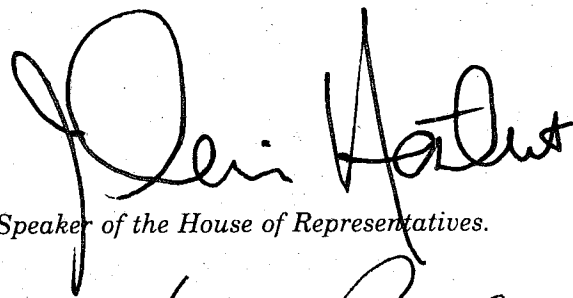
(1) inserting “2332f (relating to bombing of public places and facilities),” after “2332b (relating to acts of terrorism transcending national boundaries),”; and

(2) inserting “2339C (relating to financing of terrorism,” before “or 2340A (relating to torture)”.

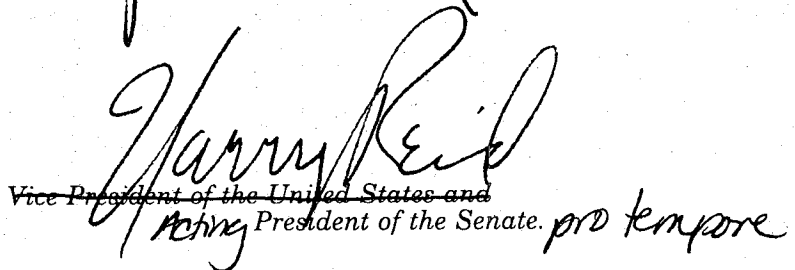
(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting “2332f,” before “or 2340A”.

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

“(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.”.



Speaker of the House of Representatives.

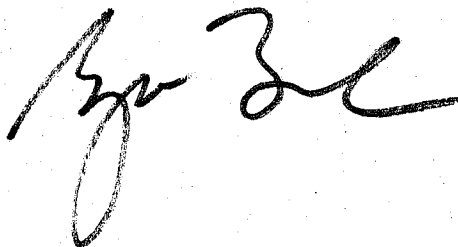


Vice President of the United States and

President of the Senate. pro tempore

APPROVED

JUN 25 2002



THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 25, 2002

STATEMENT BY THE PRESIDENT

Enactment of Implementing Legislation for
International Terrorism Conventions

Earlier today I signed into law the implementing legislation for two very important United Nations international conventions against terrorism: the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. I thank the Congress, especially the Judiciary committees, for its hard work in passing this legislation, which will strengthen our campaign against global terrorism. The Senate gave its advice and consent to ratification of these Conventions last December. Now that this legislation has been enacted, the United States will deposit its instruments of ratification at the United Nations and become a party to these two Conventions.

These two Conventions strengthen international efforts to defeat terrorism of global reach. They underscore -- along with ten other international terrorism conventions -- the broad moral consensus that violence against innocent civilians is a criminal act and must be punished. These Conventions also require parties to them to take practical steps to bring terrorists and their supporters to justice. The Terrorist Bombings Convention creates a new and important mechanism for nations to cooperate in investigating and prosecuting terrorist crimes. The International Convention for the Suppression of the Financing of Terrorism strengthens our continuing efforts to cut off the flow of funds to terrorist groups.

In Canada this week, I will be discussing with leaders from other industrialized nations ways we can ensure that all countries take stronger legal measures against terrorism. In particular, I urge all countries to join us in becoming party to these Conventions and fully adhering to U.N. Security Council Resolutions to stop terrorism, particularly U.N. Security Council Resolution 1373, which denies safe haven to terrorists and prohibits terrorist financing, recruitment, and access to weapons and other support. I will continue to work with other leaders around the world to build a consensus that terrorism, whatever the excuse, is unacceptable. Working together, America and the other freedom-loving nations of the world are moving towards a day when our children can live free from the fear of terrorism and free to achieve their dreams.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 25, 2002

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Office of the Press Secretary

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June 25, 2002

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STATEMENT BY THE PRESIDENT

Enactment of Implementing Legislation for
International Terrorism Conventions

Enacted
Today ~~I am pleased to have~~ signed into law the implementing legislation for two very important United Nations international conventions against terrorism, the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. I thank the Congress, especially the Judiciary committees, for its hard work in passing this legislation, which will strengthen our campaign against global terrorism. The Senate gave its advice and consent to ratification of these Conventions last December. Now that this legislation has been enacted, the United States will deposit its instruments of ratification at the United Nations and become a party to these two Conventions.

These two Conventions strengthen international efforts to defeat terrorism of global reach. They underscore -- along with ten other international terrorism conventions -- the broad moral consensus that violence against innocent civilians is a criminal act and must be punished. These Conventions also require ~~the parties to~~ ^{to} take practical steps to bring terrorists and their supporters to justice. The Terrorist Bombings Convention creates a new and important mechanism for nations to cooperate in investigating and prosecuting terrorist crimes. The International Convention for the Suppression of the Financing of Terrorism strengthens our continuing efforts to cut off the flow of funds to terrorist groups.

In Canada this week, I will be discussing with leaders from other industrialized nations ways we can ensure that all countries take stronger legal measures against terrorism. In particular, I urge all countries to join us in becoming party to these Conventions and fully adhering to U.N. Security Council Resolutions to stop terrorism, particularly U.N. Security Council Resolution 1373, which denies safe haven to terrorists and prohibits terrorist financing, recruitment, and access to weapons and other support. I will continue to work with other leaders around the world to build a consensus that terrorism, whatever the excuse, is unacceptable. Working together, America and the other freedom-loving nations of the world are moving towards a day when our children can live free from the fear of terrorism and free to achieve their dreams.

#

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	[Draft re: H.R. 3275]	1	06/25/2002	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/25/2002 [H.R. 3275] [771335] [2]

FRC ID:

6359

OA Num.:

9466

NARA Num.:

9357

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02, 8:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-25-02, 9:00 AM

STATEMENT BY THE PRESIDENT RE ENACTMENT OF IMPLEMENTING
 Subject: LEGISLATION FOR INTERNATIONAL TERRORISM CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☐	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☒	☐
FLEISCHER	☐	☒	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☒
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO NATALIE WOZNIAK, EXT. 69271, FAX 69270, NO LATER THAN
 9:00 AM TUESDAY, 6-25-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

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WHITE HOUSE STAFFING MEMORANDUM

Date: 6-24-02 3:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-24-02 5:00 PMSubject: ENROLLED BILL H.R. 3275 - IMPLEMENTING INTERNATIONAL TERRORISM
CONVENTIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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BLAKEMAN	☐	☐	JOHNSON	☐	☐
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GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS DIRECTLY TO JIM JUKES, X53458, FAX X56148, BY 5:00 P.M., TODAY, WITH A COPY TO THE STAFF SECRETARY. THANK YOU.

RESPONSE: _____

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval
Department of Justice	Approval (Informally)
National Security Council	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Transportation	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Central Intelligence Agency	No comment (Informally)
Department of Defense	No response

Discussion

H.R. 3275 would implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. You sent the Congress a legislative proposal to implement these two conventions on October 25, 2001. The enrolled bill is virtually identical to your proposal.

The International Convention for the Suppression of Terrorist Bombings was adopted by the United Nations General Assembly on December 15, 1997. The Convention was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. More than 60 nations have become parties to the Convention, which entered into force internationally on May 23, 2001. The Convention requires participating nations to criminalize certain attacks on public places committed with explosives or other lethal devices, including biological, chemical, and radiological devices. The Convention also requires that participating nations criminalize conspiracy and attempts to undertake such terrorist attacks. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist bombings as extraditable offenses, if they were not already included.

The International Convention for the Suppression of the Financing of Terrorism was adopted by the United Nations General Assembly on December 9, 1999. The Convention was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. More than 30 nations have become parties to the Convention, which entered into force internationally on April 10, 2002. The Convention requires participating nations to criminalize certain financial transactions made in furtherance of various terrorist activities and to criminalize conspiracy and attempts to undertake such financing. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist financing as an extraditable offense, if it is not already included.

On December 5, 2001, the Senate gave its advice and consent to both of these international conventions. You signed the instruments of ratification on June 18 and April 19, 2002, respectively. The State Department plans to deposit these instruments of ratification at the United Nations promptly once this implementing legislation is enacted. The Conventions would enter into force for the United States 30 days later.

Title I - The Terrorist Bombings Convention Implementation Act of 2002

H.R. 3275 would add a new section to the Federal terrorism statutes that would make terrorist acts covered by the Terrorist Bombings Convention a crime. Specifically, the enrolled bill would make it a crime to unlawfully deliver, place, discharge, or detonate an explosive or other lethal device in public places (including government facilities or public transportation systems) or infrastructure facilities (such as utilities or energy facilities) with the intent to cause: (1) death or serious bodily injury; or (2) extensive destruction of the place or facility, when the destruction results or is likely to result in major economic loss. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would make offenses under this new section punishable by any term of years or for life in prison. If death results from these offenses, they could also be punishable by death.

H.R. 3275 would delineate the jurisdictional bases for the offenses that would be covered under this new section, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. The enrolled bill would provide for certain exemptions to jurisdiction, including activities of armed forces during an armed conflict and activities undertaken by military forces of a nation state in the exercise of its official duties.

This title of the enrolled bill would be effective as of the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

Title II - The Suppression of the Financing of Terrorism Convention Implementation Act of 2002

H.R. 3275 would add a new section to Federal terrorism statutes that would make financial acts covered by the Suppression of the Financing of Terrorism Convention a crime. Specifically, the new section would make it a crime to unlawfully and willfully provide or collect funds with the intention or knowledge that the funds are to be used to carry out: (1) an act which constitutes an offense within the scope of nine international conventions dealing with counterterrorism found in the Annex to the Convention; or (2) any act intended to cause death or serious bodily injury to a civilian or any other person not taking an active part in hostilities in an armed conflict, in order to intimidate a population or to compel a government or an international organization to do or to abstain from doing any act. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would specify that a violation under this section does not require that the funds which are provided or collected actually be used to carry out a terrorist act. The enrolled bill would make these offenses punishable by a fine or by imprisonment for not more than twenty years, or by both.

H.R. 3275 would delineate the jurisdictional bases for the offenses covered under this title of the bill, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States.

H.R. 3275 would make it a crime to conceal or disguise the nature, location, source, ownership, or control of any funds or proceeds provided or collected in support of terrorist activities, as well as any material support or resources provided toward such activities, by any person or legal entity within the United States and by any United States national, or any legal entity created under U.S. law, anywhere in the world. The enrolled bill would make any of these offenses punishable by a fine or by imprisonment for not more than ten years, or by both.

The enrolled bill would also establish a civil penalty of at least \$10,000 against any legal entity in or organized under the laws of the United States, if any person responsible for the management or control of that entity has, in that capacity, committed an offense covered by this title. This civil penalty would be in addition to any other criminal, civil, or administrative liability or penalty allowable under Federal or State law.

This title of the enrolled bill would become effective upon enactment of the bill, except for provisions giving the United States jurisdiction over offenses committed within the United States by perpetrators found outside the United States and offenses committed outside the United States by perpetrators found within the United States. These provisions would be effective as of the date the convention enters into force for the United States.

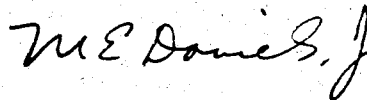
Title III - Ancillary Measures

H.R. 3275 would authorize the civil forfeiture of any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation of any terrorism financing provisions included in the bill. The enrolled bill would add references to the new terrorist bombing and financing provisions contained in the bill to existing provisions of law (such as wiretapping, money laundering, racketeering, and terrorism statutes) in order to assist in Federal enforcement of these crimes.

Conclusion and Recommendations

The Department of State strongly recommends approval of H.R. 3275 and advises that its enactment "will allow the United States to deposit at the United Nations its instruments of ratification" for the two conventions. State notes that the Group of Eight (G-8) countries have made cooperation in combating terrorism a high priority.

We join State and Justice in recommending approval of H.R. 3275, which passed the House by a vote of 381-36 and the Senate by a vote of 83-1.



Mitchell E. Daniels, Jr.
Director

Enclosures

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE:

Statement by the President
(Press Statement Only)

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER:

RECEIVED: (Advance: / /02 Time: a.m./p.m.)
In final: / /02 Time: a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: / /02 Time: a.m./p.m.)
In final: / /02 Time: a.m./p.m.

TO HARRIET MIERS' OFFICE:

(For staffing: / /02 Time: a.m./p.m.)
In final: / /02 Time: a.m./p.m.

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

Date: 6/25/02 Time: 9:52 a.m./p.m.
POSTED: / /02 Time: a.m./p.m.

NOTIFICATIONS:

(Person/time)

NSC (#____), when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

(Person/time)

Ginger Gregory, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time)

(Other)

(Person/time)

(Other)

OTHER INFORMATION:



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 24, 2002

THE DIRECTOR

Clark

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3275 - Implementing International Terrorism Conventions
Sponsor - Rep. Smith (R) Texas

Last Day for Action

June 29, 2002 - Saturday

THE PRESIDENT HAS SEEN

Purpose

Implements the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism.

Agency Recommendations

Office of Management and Budget	Approval
Department of State	Approval
Department of Justice	Approval (Informally)
National Security Council	Approval (Informally)
Department of Commerce	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of Transportation	No comment (Informally)
Office of National Drug Control Policy	No comment (Informally)
Central Intelligence Agency	No comment (Informally)
Department of Defense	No response

Discussion

H.R. 3275 would implement the International Convention for the Suppression of Terrorist Bombings and the International Convention for the Suppression of the Financing of Terrorism. You sent the Congress a legislative proposal to implement these two conventions on October 25, 2001. The enrolled bill is virtually identical to your proposal.

The International Convention for the Suppression of Terrorist Bombings was adopted by the United Nations General Assembly on December 15, 1997. The Convention was signed by the United States on January 12, 1998, and was transmitted to the Senate for its advice and consent to ratification on September 8, 1999. More than 60 nations have become parties to the Convention, which entered into force internationally on May 23, 2001. The Convention requires participating nations to criminalize certain attacks on public places committed with explosives or other lethal devices, including biological, chemical, and radiological devices. The Convention also requires that participating nations criminalize conspiracy and attempts to undertake such terrorist attacks. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist bombings as extraditable offenses, if they were not already included.

The International Convention for the Suppression of the Financing of Terrorism was adopted by the United Nations General Assembly on December 9, 1999. The Convention was signed by the United States on January 10, 2000, and was transmitted to the Senate for its advice and consent to ratification on October 12, 2000. More than 30 nations have become parties to the Convention, which entered into force internationally on April 10, 2002. The Convention requires participating nations to criminalize certain financial transactions made in furtherance of various terrorist activities and to criminalize conspiracy and attempts to undertake such financing. In addition, the Convention effectively amends existing extradition treaties between parties to the Convention to include terrorist financing as an extraditable offense, if it is not already included.

On December 5, 2001, the Senate gave its advice and consent to both of these international conventions. You signed the instruments of ratification on June 18 and April 19, 2002, respectively. The State Department plans to deposit these instruments of ratification at the United Nations promptly once this implementing legislation is enacted. The Conventions would enter into force for the United States 30 days later.

Title I - The Terrorist Bombings Convention Implementation Act of 2002

H.R. 3275 would add a new section to the Federal terrorism statutes that would make terrorist acts covered by the Terrorist Bombings Convention a crime. Specifically, the enrolled bill would make it a crime to unlawfully deliver, place, discharge, or detonate an explosive or other lethal device in public places (including government facilities or public transportation systems) or infrastructure facilities (such as utilities or energy facilities) with the intent to cause: (1) death or serious bodily injury; or (2) extensive destruction of the place or facility, when the destruction results or is likely to result in major economic loss. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would make offenses under this new section punishable by any term of years or for life in prison. If death results from these offenses, they could also be punishable by death.

H.R. 3275 would delineate the jurisdictional bases for the offenses that would be covered under this new section, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States. The enrolled bill would provide for certain exemptions to jurisdiction, including activities of armed forces during an armed conflict and activities undertaken by military forces of a nation state in the exercise of its official duties.

This title of the enrolled bill would be effective as of the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

Title II - The Suppression of the Financing of Terrorism Convention Implementation Act of 2002

H.R. 3275 would add a new section to Federal terrorism statutes that would make financial acts covered by the Suppression of the Financing of Terrorism Convention a crime. Specifically, the new section would make it a crime to unlawfully and willfully provide or collect funds with the intention or knowledge that the funds are to be used to carry out: (1) an act which constitutes an offense within the scope of nine international conventions dealing with counterterrorism found in the Annex to the Convention; or (2) any act intended to cause death or serious bodily injury to a civilian or any other person not taking an active part in hostilities in an armed conflict, in order to intimidate a population or to compel a government or an international organization to do or to abstain from doing any act. Conspiracy and attempts to commit these crimes would also be criminalized. The enrolled bill would specify that a violation under this section does not require that the funds which are provided or collected actually be used to carry out a terrorist act. The enrolled bill would make these offenses punishable by a fine or by imprisonment for not more than twenty years, or by both.

H.R. 3275 would delineate the jurisdictional bases for the offenses covered under this title of the bill, including jurisdiction over perpetrators of offenses abroad who are subsequently found within the United States.

H.R. 3275 would make it a crime to conceal or disguise the nature, location, source, ownership, or control of any funds or proceeds provided or collected in support of terrorist activities, as well as any material support or resources provided toward such activities, by any person or legal entity within the United States and by any United States national, or any legal entity created under U.S. law, anywhere in the world. The enrolled bill would make any of these offenses punishable by a fine or by imprisonment for not more than ten years, or by both.

The enrolled bill would also establish a civil penalty of at least \$10,000 against any legal entity in or organized under the laws of the United States, if any person responsible for the management or control of that entity has, in that capacity, committed an offense covered by this title. This civil penalty would be in addition to any other criminal, civil, or administrative liability or penalty allowable under Federal or State law.

This title of the enrolled bill would become effective upon enactment of the bill, except for provisions giving the United States jurisdiction over offenses committed within the United States by perpetrators found outside the United States and offenses committed outside the United States by perpetrators found within the United States. These provisions would be effective as of the date the convention enters into force for the United States.

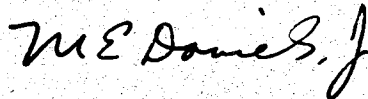
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H.R. 3275 would authorize the civil forfeiture of any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation of any terrorism financing provisions included in the bill. The enrolled bill would add references to the new terrorist bombing and financing provisions contained in the bill to existing provisions of law (such as wiretapping, money laundering, racketeering, and terrorism statutes) in order to assist in Federal enforcement of these crimes.

Conclusion and Recommendations

The Department of State strongly recommends approval of H.R. 3275 and advises that its enactment "will allow the United States to deposit at the United Nations its instruments of ratification" for the two conventions. State notes that the Group of Eight (G-8) countries have made cooperation in combating terrorism a high priority.

We join State and Justice in recommending approval of H.R. 3275, which passed the House by a vote of 381-36 and the Senate by a vote of 83-1.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To implement the International Convention for the Suppression of Terrorist Bombings to strengthen criminal laws relating to attacks on places of public use; to implement the International Convention of the Suppression of the Financing of Terrorism, to combat terrorism and defend the Nation against terrorist acts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**TITLE I—SUPPRESSION OF TERRORIST
BOMBINGS**

SEC. 101. SHORT TITLE.

This title may be cited as the "Terrorist Bombings Convention Implementation Act of 2002".

SEC. 102. BOMBING STATUTE.

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

"§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

"(a) OFFENSES.—

"(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

"(A) with the intent to cause death or serious bodily injury, or

"(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c).

"(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

"(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) if—

"(1) the offense takes place in the United States and—

“(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

“(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

“(C) at the time the offense is committed, it is committed—

“(i) on board a vessel flying the flag of another state;

“(ii) on board an aircraft which is registered under the laws of another state; or

“(iii) on board an aircraft which is operated by the government of another state;

“(D) a perpetrator is found outside the United States;

“(E) a perpetrator is a national of another state or a stateless person; or

“(F) a victim is a national of another state or a stateless person;

“(2) the offense takes place outside the United States and—

“(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

“(B) a victim is a national of the United States;

“(C) a perpetrator is found in the United States;

“(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

“(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

“(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

“(G) the offense is committed on board an aircraft which is operated by the United States.

“(c) PENALTIES.—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

“(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

“(2) activities undertaken by military forces of a state in the exercise of their official duties; or

“(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘serious bodily injury’ has the meaning given that term in section 1365(g)(3) of this title;

"(2) 'national of the United States' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(3) 'state or government facility' includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

"(4) 'intergovernmental organization' includes international organization (as defined in section 1116(b)(5) of this title);

"(5) 'infrastructure facility' means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

"(6) 'place of public use' means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

"(7) 'public transportation system' means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

"(8) 'explosive' has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

"(9) 'other lethal device' means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

"(10) 'military forces of a state' means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

"(11) 'armed conflict' does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

"(12) 'state' has the same meaning as that term has under international law, and includes all political subdivisions thereof."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332e the following:

“2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.

SEC. 103. EFFECTIVE DATE.

Section 102 shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States.

TITLE II—SUPPRESSION OF THE FINANCING OF TERRORISM

SEC. 201. SHORT TITLE.

This title may be cited as the “Suppression of the Financing of Terrorism Convention Implementation Act of 2002”.

SEC. 202. TERRORISM FINANCING STATUTE.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, relating to terrorism, is amended by adding at the end thereof the following new section:

“§ 2339C. Prohibitions against the financing of terrorism

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, in a circumstance described in subsection (c), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

“(A) an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

“(B) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

“(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

“(3) RELATIONSHIP TO PREDICATE ACT.—For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

“(b) JURISDICTION.—There is jurisdiction over the offenses in subsection (a) in the following circumstances—

“(1) the offense takes place in the United States and—

"(A) a perpetrator was a national of another state or a stateless person;

"(B) on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

"(C) on board an aircraft which is operated by the government of another state;

"(D) a perpetrator is found outside the United States;

"(E) was directed toward or resulted in the carrying out of a predicate act against—

"(i) a national of another state; or

"(ii) another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

"(F) was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or

"(G) was directed toward or resulted in the carrying out of a predicate act—

"(i) outside the United States; or

"(ii) within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;

"(2) the offense takes place outside the United States and—

"(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

"(B) a perpetrator is found in the United States; or

"(C) was directed toward or resulted in the carrying out of a predicate act against—

"(i) any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;

"(ii) any person or property within the United States;

"(iii) any national of the United States or the property of such national; or

"(iv) any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;

"(3) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;

"(4) the offense is committed on board an aircraft which is operated by the United States; or

"(5) the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

"(c) CONCEALMENT.—Whoever—

"(1)(A) is in the United States; or

"(B) is outside the United States and is a national of the United States or a legal entity organized under the laws

of the United States (including any of its States, districts, commonwealths, territories, or possessions); and

“(2) knowingly conceals or disguises the nature, location, source, ownership, or control of any material support, resources, or funds—

“(A) knowing or intending that the support or resources were provided in violation of section 2339B of this title; or

“(B) knowing or intending that any such funds or any proceeds of such funds were provided or collected in violation of subsection (a),

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

“(d) PENALTIES.—

“(1) SUBSECTION (a).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.

“(2) SUBSECTION (c).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

“(e) DEFINITIONS.—In this section—

“(1) the term ‘funds’ means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;

“(2) the term ‘government facility’ means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

“(3) the term ‘proceeds’ means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);

“(4) the term ‘provides’ includes giving, donating, and transmitting;

“(5) the term ‘collects’ includes raising and receiving;

“(6) the term ‘predicate act’ means any act referred to in subparagraph (A) or (B) of subsection (a)(1);

“(7) the term ‘treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on December 14, 1973;

“(D) the International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on December 17, 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

“(G) the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

“(H) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

“(I) the International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on December 15, 1997;

“(8) the term ‘intergovernmental organization’ includes international organizations;

“(9) the term ‘international organization’ has the same meaning as in section 1116(b)(5) of this title;

“(10) the term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(11) the term ‘serious bodily injury’ has the same meaning as in section 1365(g)(3) of this title;

“(12) the term ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(13) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof.

“(f) CIVIL PENALTY.—In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least \$10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end thereof the following:

“2339C. Prohibitions against the financing of terrorism.”.

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the scope or applicability of any other Federal or State law.

SEC. 203. EFFECTIVE DATE.

Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States, and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist

Bombing enters into force for the United States, section 202 shall take effect on the date of enactment of this Act.

TITLE III—ANCILLARY MEASURES

SEC. 301. ANCILLARY MEASURES.

(a) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by—

(1) inserting “2332f,” after “2332d,”; and

(2) striking “or 2339B” and inserting “2339B, or 2339C”.

(b) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by—

(1) inserting “2332f (relating to bombing of public places and facilities),” after “2332b (relating to acts of terrorism transcending national boundaries),”; and

(2) inserting “2339C (relating to financing of terrorism,” before “or 2340A (relating to torture)”.

(c) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A of title 18, United States Code, is amended by inserting “2332f,” before “or 2340A”.

(d) FORFEITURE OF FUNDS, PROCEEDS, AND INSTRUMENTALITIES.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following:

“(H) Any property, real or personal, involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 2339C of this title.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*