

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish an offense for rewarding or facilitating international terrorist acts.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

(no.) _____

(title) _____

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KYL

Viz:

1 At the appropriate place, insert the following:

2 **SEC. _____. OFFENSE OF REWARDING OR FACILITATING**
3 **INTERNATIONAL TERRORIST ACTS.**

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

7 **“§ 2339E. Providing material support to international**
8 **terrorism**

9 “(a) DEFINITIONS.—In this section:

10 “(1) FACILITY OF INTERSTATE OR FOREIGN
11 COMMERCE.—The term ‘facility of interstate or for-

1 eign commerce’ has the meaning given that term in
2 section 1958(b)(2).

3 “(2) MATERIAL SUPPORT OR RESOURCES.—The
4 term ‘material support or resources’ has the mean-
5 ing given that term in section 2339A(b).

6 “(3) PERPETRATOR OF AN ACT.—The term
7 ‘perpetrator of an act’ includes any person who—

8 “(A) commits the act;

9 “(B) aids, abets, counsels, commands, in-
10 duces, or procures its commission; or

11 “(C) attempts, plots, or conspires to com-
12 mit the act.

13 “(4) SERIOUS BODILY INJURY.—The term ‘seri-
14 ous bodily injury’ has the meaning given that term
15 in section 1365.

16 “(b) PROHIBITION.—Whoever, in a circumstance de-
17 scribed in subsection (c), provides, or attempts or con-
18 spires to provide, material support or resources to the per-
19 petrator of an act of international terrorism, or to a family
20 member or other person associated with such perpetrator,
21 with the intent to facilitate, reward, or encourage that act
22 or other acts of international terrorism, shall be fined
23 under this title, imprisoned not more than 25 years, or
24 both, and, if death results, shall be imprisoned for any
25 term of years or for life.

1 “(c) JURISDICTIONAL BASES.—A circumstance re-
2 ferred to in subsection (b) is that—

3 “(1) the offense occurs in or affects interstate
4 or foreign commerce;

5 “(2) the offense involves the use of the mails or
6 a facility of interstate or foreign commerce;

7 “(3) an offender intends to facilitate, reward, or
8 encourage an act of international terrorism that af-
9 fects interstate or foreign commerce or would have
10 affected interstate or foreign commerce had it been
11 consummated;

12 “(4) an offender intends to facilitate, reward, or
13 encourage an act of international terrorism that vio-
14 lates the criminal laws of the United States;

15 “(5) an offender intends to facilitate, reward, or
16 encourage an act of international terrorism that is
17 designed to influence the policy or affect the conduct
18 of the United States Government;

19 “(6) an offender intends to facilitate, reward, or
20 encourage an act of international terrorism that oc-
21 curs in part within the United States and is de-
22 signed to influence the policy or affect the conduct
23 of a foreign government;

24 “(7) an offender intends to facilitate, reward, or
25 encourage an act of international terrorism that

1 causes or is designed to cause death or serious bod-
2 ily injury to a national of the United States while
3 that national is outside the United States, or sub-
4 stantial damage to the property of a legal entity or-
5 ganized under the laws of the United States (includ-
6 ing any of its States, districts, commonwealths, ter-
7 ritories, or possessions) while that property is out-
8 side of the United States;

9 “(8) the offense occurs in whole or in part with-
10 in the United States, and an offender intends to fa-
11 cilitate, reward or encourage an act of international
12 terrorism that is designed to influence the policy or
13 affect the conduct of a foreign government; or

14 “(9) the offense occurs in whole or in part out-
15 side of the United States, and an offender is a na-
16 tional of the United States, a stateless person whose
17 habitual residence is in the United States, or a legal
18 entity organized under the laws of the United States
19 (including any of its States, districts, common-
20 wealths, territories, or possessions).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 (1) TABLE OF SECTIONS.—The table of sections
23 for chapter 113B of title 18, United States Code, is
24 amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.
“2339E. Providing material support to international terrorism.”.

1 (2) OTHER AMENDMENT.—Section
2 2332b(g)(5)(B)(i) of title 18, United States Code, is
3 amended by inserting “2339E (relating to providing
4 material support to international terrorism),” before
5 “or 2340A (relating to torture)”.