

S.L.C.
Touky
11 am
1/25/08
SRS
AM

AMENDMENT NO.

Calendar No.

Purpose: To prohibit the rewarding of suicide bombings and to penalize the provision of material support to designated foreign terrorist organizations.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 2248

AMENDMENT No. 3925

To ar	By	<u>Kyl</u>	.978,
t			Act,
ε	To:		
		<u>S. 2248</u>	
		<u>6</u>	
Refi		Page(s)	and

OFFICE OF THE CLERK

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. ____ . PREVENTION AND DETERRENCE OF TERRORIST**
- 3 **SUICIDE BOMBINGS.**
- 4 (a) OFFENSE OF REWARDING OR FACILITATING
- 5 INTERNATIONAL TERRORIST ACTS.—
- 6 (1) IN GENERAL.—Chapter 113B of title 18,
- 7 United States Code, is amended by adding at the
- 8 end the following:

1 **“§ 2339E. Providing material support to international**
2 **terrorism**

3 “(a) DEFINITIONS.—In this section:

4 “(1) The term ‘facility of interstate or foreign
5 commerce’ has the same meaning as in section
6 1958(b)(2).

7 “(2) The term ‘international terrorism’ has the
8 same meaning as in section 2331.

9 “(3) The term ‘material support or resources’
10 has the same meaning as in section 2339A(b).

11 “(4) The term ‘perpetrator of an act’ includes
12 any person who—

13 “(A) commits the act;

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

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

18 “(5) The term ‘serious bodily injury’ has the
19 same meaning as in section 1365.

20 “(b) PROHIBITION.—Whoever, in a circumstance de-
21 scribed in subsection (c), provides, or attempts or con-
22 spires to provide, material support or resources to the per-
23 petrator of an act of international terrorism, or to a family
24 member or other person associated with such perpetrator,
25 with the intent to facilitate, reward, or encourage that act
26 or other acts of international terrorism, shall be fined

1 under this title, imprisoned for any term of years or for
2 life, or both, and, if death results, shall be imprisoned for
3 any term of years not less than 10 or for life.

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

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

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

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

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

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

22 “(6) an offender intends to facilitate, reward, or
23 encourage an act of international terrorism that oc-
24 curs in part within the United States and is de-

1 signed to influence the policy or affect the conduct
2 of a foreign government;

3 “(7) an offender intends to facilitate, reward, or
4 encourage an act of international terrorism that
5 causes or is designed to cause death or serious bod-
6 ily injury to a national of the United States while
7 that national is outside the United States, or sub-
8 stantial damage to the property of a legal entity or-
9 ganized under the laws of the United States (includ-
10 ing any of its States, districts, commonwealths, ter-
11 ritories, or possessions) while that property is out-
12 side of the United States;

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

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

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENTS.—

3 (A) TABLE OF SECTIONS.—The table of
4 sections for chapter 113B of title 18, United
5 States Code, is amended by adding at the end
6 the following:

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

7 (B) OTHER AMENDMENT.—Section
8 2332b(g)(5)(B)(i) of title 18, United States
9 Code, is amended by inserting “2339E (relating
10 to providing material support to international
11 terrorism),” before “or 2340A (relating to tor-
12 ture)”.

13 (b) INCREASED PENALTIES FOR PROVIDING MATE-
14 RIAL SUPPORT TO TERRORISTS.—

15 (1) PROVIDING MATERIAL SUPPORT TO DES-
16 IGNATED FOREIGN TERRORIST ORGANIZATIONS.—
17 Section 2339B(a) of title 18, United States Code, is
18 amended by striking “15 years” and inserting “30
19 years”.

20 (2) PROVIDING MATERIAL SUPPORT OR RE-
21 SOURCES IN AID OF A TERRORIST CRIME.—Section
22 2339A(a) of title 18, United States Code, is amend-
23 ed by striking “imprisoned not more than 15 years”
24 and all that follows through “life.” and inserting

1 “imprisoned for any term of years or for life, or
2 both, and, if the death of any person results, shall
3 be imprisoned for any term of years not less than
4 10 or for life.”.

5 (3) RECEIVING MILITARY-TYPE TRAINING FROM
6 A FOREIGN TERRORIST ORGANIZATION.—Section
7 2339D(a) of title 18, United States Code, is amend-
8 ed by striking “ten years” and inserting “25 years”.

9 (4) ADDITION OF ATTEMPTS AND CONSPIR-
10 ACIES TO AN OFFENSE RELATING TO MILITARY
11 TRAINING.—Section 2339D(a) of title 18, United
12 States Code, is amended by inserting “, or attempts
13 or conspires to receive,” after “receives”.