

110TH CONGRESS
1ST SESSION

H. R. 3147

To provide additional tools and tough penalties to fight terrorism and protect
America's national security.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2007

Mrs. WILSON of New Mexico introduced the following bill; which was referred
to the Committee on the Judiciary

A BILL

To provide additional tools and tough penalties to fight
terrorism and protect America's national security.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Counter-Terrorism and
5 National Security Act of 2007".

1 **SEC. 2. PROVIDING MATERIAL SUPPORT TO FACILITATE,**
2 **REWARD, OR ENCOURAGE ACTS OF TER-**
3 **RORISM.**

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 facilitate, re-**
8 **ward, or encourage acts of terrorism**

9 “(a) PROHIBITION.—Whoever, in a circumstance pro-
10 vided in subsection (b) provides, or attempts or conspires
11 or agrees to provide, material support or resources to the
12 perpetrator of an act of international terrorism, to a fam-
13 ily member of such perpetrator, or to any other person,
14 with the intent to facilitate, reward, or encourage that act
15 or other acts of international terrorism, shall be fined
16 under this title or imprisoned not more than 15 years, or
17 both, and, if death results, shall be imprisoned for any
18 term of years or for life.

19 “(b) JURISDICTIONAL BASES.—A circumstance re-
20 ferred to in subsection (a) is—

21 “(1) the offense occurs in or affects interstate
22 or foreign commerce;

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

25 “(3) an offender intends to facilitate, reward, or
26 encourage an act of international terrorism that af-

1 fects interstate or foreign commerce or would have
2 affected interstate or foreign commerce had it been
3 consummated;

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

7 “(5) an offender intends to facilitate, reward, or
8 encourage an act of international terrorism that is
9 designed to influence the policy or affect the conduct
10 of the United States Government;

11 “(6) an offender intends to facilitate, reward, or
12 encourage an act of international terrorism that oc-
13 curs in part within the United States and is de-
14 signed to influence the policy or affect the conduct
15 of a foreign government;

16 “(7) an offender intends to facilitate, reward, or
17 encourage an act of international terrorism that
18 causes or is designed to cause death or serious bod-
19 ily injury to a national of the United States while
20 that national is outside the United States, or sub-
21 stantial damage to the property of a legal entity or-
22 ganized under the laws of the United States (includ-
23 ing any of its States, districts, commonwealths, ter-
24 ritories, or possessions) while that property is out-
25 side of the United States;

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

6 “(9) the offense occurs in whole or in part out-
7 side of the United States, and an offender is a na-
8 tional of the United States, a stateless person whose
9 habitual residence is in the United States, or a legal
10 entity organized under the laws of the United States
11 (including any of its States, districts, common-
12 wealths, territories, or possessions).

13 “(c) DEFINITIONS.—For purposes of this section:

14 “(1) the term ‘material support or resources’
15 has the same meaning as in section 2339A(b) of this
16 title;

17 “(2) the term ‘the perpetrator of an act’ in-
18 cludes—

19 “(A) any person who commits the act;

20 “(B) any person who aids, abets, counsels,
21 commands, induces, or procures its commission;
22 and

23 “(C) any person who attempts, plans, or
24 conspires to commit the act;

1 “(3) the term ‘international terrorism’ has the
2 same meaning as in section 2331 of this title;

3 “(4) the term ‘facility of interstate or foreign
4 commerce’ has the same meaning as in section
5 1958(b)(2) of this title;

6 “(5) the term ‘serious bodily injury’ has the
7 same meaning as in section 1365 of this title; and

8 “(6) the term ‘national of the United States’
9 has the same meaning as in section 101(a)(22) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1101(a)(22)).”.

12 (b) CHAPTER ANALYSIS.—The chapter analysis for
13 chapter 113B of title 18, United States Code, is amended
14 by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.
“2339E. Providing material support to facilitate, reward, or encourage acts of
terrorism.”.

15 (c) DEFINITIONS.—Section 2332b(g)(5)(B)(i) of title
16 18, United States Code is amended by striking all fol-
17 lowing “2339C” and inserting the following: “(relating to
18 financing of terrorism), 2339E (relating to providing ma-
19 terial support to facilitate, reward, or encourage acts of
20 terrorism), or 2340A (relating to torture) of this title;”.

1 **SEC. 3. PROHIBITING ATTEMPTS AND CONSPIRACIES TO**
2 **OBTAIN MILITARY-TYPE TRAINING FROM A**
3 **FOREIGN TERRORIST ORGANIZATION.**

4 Section 2339D(a) of title 18, United States Code, is
5 amended by inserting “, or attempts or conspires to do
6 so,” after “foreign terrorist organization”.

7 **SEC. 4. KIDNAPPING AND RAPE OVERSEAS.**

8 Section 2332 of title 18, United States Code, is
9 amended by—

10 (1) redesignating the subsections (c) and (d) as
11 subsections (d) and (e), respectively;

12 (2) inserting the following new subsection (c):

13 “(c) KIDNAPPING.—Whoever outside the United
14 States unlawfully seizes, confines, inveigles, decoys, kid-
15 naps, abducts, or carries away, or attempts or conspires
16 to seize, confine, inveigle, decoy, kidnap, abduct, or carry
17 away, a national of the United States, shall be fined under
18 this title, punished by imprisonment for any term of years
19 or for life, or both, and if the death of any person results,
20 shall be fined under this title, punished by death or impris-

21 onment for any term of years or for life, or both.”; and
22 (3) in subsection (d) (as redesignated), by—

23 (A) inserting “(as defined in section 1365
24 of this title, including any conduct that, if the
25 conduct occurred in the special maritime and
26 territorial jurisdiction of the United States,

1 would violate section 2241 or 2242 of this
2 title)” after “injury” in paragraphs (1) and (2);
3 and

4 (B) striking “ten” and inserting “25”.

5 **SEC. 5. HOSTAGE TAKING.**

6 Section 1203 of title 18, United States Code, is
7 amended to read as follows:

8 **“§ 1203. Hostage taking**

9 “(a) Whoever, whether inside or outside the United
10 States, seizes or detains and threatens to kill, to injure,
11 or to continue to detain without lawful authority—

12 “(1) any officer or employee of the United
13 States or of any agency in any branch of the United
14 States Government (including any member of the
15 uniformed services) while such officer or employee is
16 engaged in or on account of the performance of offi-
17 cial duties, or any person assisting such an officer
18 or employee in the performance of such duties or on
19 account of that assistance, or whoever attempts or
20 conspires to do so; or

21 “(2) except as provided in subsection (b) of this
22 section, another person in order to compel a third
23 person or a governmental organization to do or ab-
24 stain from doing any act as an explicit or implicit

1 condition for the release of the person detained, or
2 whoever attempts or conspires to do so,
3 shall be punished by imprisonment for any term of years
4 or for life and, if the death of any person results, shall
5 be punished by death or life imprisonment.

6 “(b)(1) It is not an offense under subsection (a)(2)
7 if the conduct required for the offense occurred outside
8 the United States unless—

9 “(A) the offender or the person seized or de-
10 tained is a national of the United States;

11 “(B) the offender is found in the United States;
12 or

13 “(C) the governmental organization sought to
14 be compelled is the Government of the United
15 States.

16 “(2) It is not an offense under subsection (a)(2) if
17 the conduct required for the offense occurred inside the
18 United States, each alleged offender and each person
19 seized or detained are nationals of the United States, and
20 each alleged offender is found in the United States, unless
21 the governmental organization sought to be compelled is
22 the Government of the United States.

23 “(c) As used in this section, the term ‘national of the
24 United States’ has the meaning given such term in section

1 101(a)(22) of the Immigration and Nationality Act (8
2 U.S.C. 1101(a)(22)).”.

3 **SEC. 6. INTERFERENCE WITH FLIGHT CREW OR THREAT TO**
4 **SAFETY OF AIRCRAFT.**

5 Section 46504 of title 49, United States Code, is
6 amended by—

7 (1) amending the heading for such section to
8 read as follows: “Interference with flight crew or
9 threat to safety of aircraft.”; and

10 (2) designating the existing language as sub-
11 section (a), and adding at the end the following:

12 “(b) An individual on an aircraft in the special air-
13 craft jurisdiction of the United States who knowingly or
14 recklessly takes any action that poses a serious threat to
15 the safety of the aircraft or other individuals on the air-
16 craft, shall be fined under title 18, imprisoned for not
17 more than 10 years, or both.”.

18 **SEC. 7. INCREASED PENALTIES FOR PROVIDING MATERIAL**
19 **SUPPORT TO TERRORISTS.**

20 Section 2339D of title 18, United States Code, is
21 amended by striking “or imprisoned for ten years, or
22 both.” and inserting “and imprisoned for not less than
23 3 years and not more than 15 years.”.

1 **SEC. 8. DENIAL OF FEDERAL BENEFITS TO CONVICTED**
2 **TERRORISTS.**

3 (a) IN GENERAL.—Chapter 113B of title 18, United
4 States Code, as amended by this title, is amended by add-
5 ing at the end the following:

6 **“SEC. 2339F. DENIAL OF FEDERAL BENEFITS TO TERROR-**
7 **ISTS.**

8 “(a) IN GENERAL.—Any individual who is convicted
9 of a Federal crime of terrorism (as defined in section
10 2332b(g)) shall, as provided by the court on motion of
11 the Government, be ineligible for any or all Federal bene-
12 fits for any term of years or for life.

13 “(b) FEDERAL BENEFIT DEFINED.—In this section,
14 ‘Federal benefit’ has the meaning given that term in sec-
15 tion 421(d) of the Controlled Substances Act (21 U.S.C.
16 862(d)).”.

17 (b) CONFORMING AMENDMENT.—The table of sec-
18 tions for chapter 113B of title 18, United States Code,
19 is amended by adding at the end the following:

“Sec. 2339F. Denial of Federal benefits to terrorists.”.

20 **SEC. 9. IMPROVE INVESTIGATION OF TERRORIST CRIMES.**

21 (a) MULTIDISTRICT SEARCH WARRANTS IN TER-
22 RORISM INVESTIGATIONS.—Rule 41(b)(3) of the Federal
23 Rules of Criminal Procedure is amended to read as fol-
24 lows:

1 “(3) a magistrate judge—in an investigation
2 of—

3 “(A) international terrorism or domestic
4 terrorism (as those terms are defined in section
5 2331 of title 18, United States Code), or a Fed-
6 eral crime of terrorism (as defined in section
7 2332b(g)(5) of title 18, United States Code); or

8 “(B) an offense under section 1001 or
9 1505 of title 18, United States Code, relating
10 to information or purported information con-
11 cerning a Federal crime of terrorism (as de-
12 fined in section 2332b(g)(5) of title 18, United
13 States Code), having authority in any district in
14 which activities related to the Federal crime of
15 terrorism or offense may have occurred, may
16 issue a warrant for a person or property within
17 or outside that district.”.

18 (b) INCREASED PENALTIES FOR OBSTRUCTION OF
19 JUSTICE IN TERRORISM CASES.—Sections 1001(a) and
20 1505 of title 18, United States Code, are amended by
21 striking “8 years” and inserting “10 years”.

22 **SEC. 10. SOLICITATION TO COMMIT A CRIME OF VIOLENCE**
23 **OR TERRORISM.**

24 Section 373 of title 18, United States Code, is
25 amended—

1 (1) in subsection (a), by—

2 (A) inserting “or a Federal crime of ter-
3 rorism as defined in section 2332b(g)(5),” after
4 “in violation of the laws of the United States,”;
5 and

6 (B) inserting “or persons” after “another
7 person”;

8 (2) in subsection (c), by—

9 (A) inserting “or persons” after “the per-
10 son”;

11 (B) striking “he” and inserting “they” in
12 the phrase “because he lacked”;

13 (C) striking “he was” and inserting “they
14 were” in the phrase “because he was incom-
15 petent”;

16 (D) striking “he is” and inserting “they
17 are” in the phrase “because he is immune”;
18 and

19 (E) striking “is” from “is not subject to
20 prosecution”; and

21 (3) in the title by inserting the words “**OR**
22 **TERRORISM**” after “**SOLICITATION TO COMMIT**
23 **A CRIME OF VIOLENCE**”.

1 **SEC. 11. TERRORIST OFFENSE RESULTING IN DEATH.**

2 (a) NEW OFFENSE.—Chapter 113B of title 18,
3 United States Code, is amended by adding at the end the
4 following:

5 **“§ 2339E. Terrorist offenses resulting in death**

6 “(a) Whoever, in the course of committing a terrorist
7 offense, engages in conduct that results in the death of
8 a person, shall be punished by death or imprisoned for
9 any term of years or for life.

10 “(b) As used in this section, the term ‘terrorist of-
11 fense’ means—

12 “(1) a felony offense that is—

13 “(A) a Federal crime of terrorism as de-
14 fined in section 2332b(g), other than an offense
15 under section 1363; or

16 “(B) an offense under this chapter, section
17 175, 175b, 229, or 831, or section 236 of the
18 Atomic Energy Act of 1954; or

19 “(2) a Federal offense that is an attempt or
20 conspiracy to commit an offense described in para-
21 graph (1).”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 113B of title 18, United
24 States Code, is amended by adding at the end the fol-
25 lowing new item:

“2339E. Terrorist offenses resulting in death.”.

1 **SEC. 12. DEATH PENALTY FOR CERTAIN TERROR RELATED**
2 **CRIMES.**

3 (a) PARTICIPATION IN NUCLEAR AND WEAPONS OF
4 MASS DESTRUCTION THREATS TO THE UNITED
5 STATES.—Section 832(c) of title 18, United States Code,
6 is amended by inserting “punished by death if death re-
7 sults to any person from the offense, or” after “shall be”.

8 (b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—
9 Section 2332g(c)(3) of title 18, United States Code, is
10 amended by inserting “punished by death or” after “shall
11 be”.

12 (c) ATOMIC WEAPONS.—The last sentence of section
13 222 b. of the Atomic Energy Act of 1954 (42 U.S.C.
14 2272) is amended by inserting “death or” before “impris-
15 onment for life” the last place it appears.

16 (d) RADIOLOGICAL DISPERSAL DEVICES.—Section
17 2332h(c)(3) of title 18, United States Code, is amended
18 by inserting “death or” before “imprisonment for life”.

19 (e) VARIOLA VIRUS.—Section 175c(c)(3) of title 18,
20 United States Code, is amended by inserting “death or”
21 before “imprisonment for life”.

22 **SEC. 13. INCREASE IN CERTAIN PENALTIES.**

23 (a) SECTION 2332(b)(1).—Section 2332(b)(1) of title
24 18, United States Code, is amended by striking “20
25 years” and inserting “30 years”.

1 (b) SECTION 2332(c).—Section 2332(c) of title 18,
2 United States Code, is amended by striking “ten years”
3 and inserting “20 years”.

4 (c) SECTION 2339C(d).—Section 2339C(d) of title
5 18, United States Code, is amended—

6 (1) in paragraph (1), by striking “20 years”
7 and inserting “30 years”; and

8 (2) in paragraph (2), by striking “10 years”
9 and inserting “20 years”.

10 **SEC. 14. MODERNIZATION OF STATE OF MIND REQUIRE-**
11 **MENT FOR SECTION 2339C OFFENSES.**

12 Section 2339C of title 18, United States Code, is
13 amended by striking “unlawfully and wilfully” and insert-
14 ing “knowingly”.

15 **SEC. 15. WIRETAP PREDICATE.**

16 Section 2516(q) of title 18, United States Code, is
17 amended by striking “section 2332” and all that follows
18 through “2339C” and inserting “chapter 113B”.

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