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112TH CONGRESS
2D SESSION

S. 2318

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2012

Referred to the Committee on Foreign Affairs

AN ACT

To authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of State Rewards Program Update and Technical Corrections Act of 2012''.

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of State's existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—

(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;

(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and

(C) individuals who have been indicted by certain international criminal tribunals.

(2) The Department of State considers the rewards program to be ''one of the most valuable assets the U.S. Government has in the fight against international terrorism''. Since the program's inception in 1984, the United States Government has rewarded over 60 people who provided actionable information that, according to the Department of State, prevented international terrorist attacks or

helped convict individuals involved in terrorist attacks.

(3) The program has been credited with providing information in several high-profile cases, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group, believed to be responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

SEC. 3. ENHANCED REWARDS AUTHORITY.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting ''serious violations of international humanitarian law, transnational organized crime,'' after ''international narcotics trafficking,'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''heads of other relevant departments or agencies'';

(B) in paragraphs (4) and (5), by striking ''paragraph (1), (2), or (3)'' both places it appears and inserting ''paragraph (1), (2), (3), (8), or (9)'';

(C) in paragraph (6)—

(i) by inserting ''or transnational organized crime group'' after ''terrorist organization''; and

(ii) by striking ''or'' at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking '', including the use by the organization of illicit narcotics production or international narcotics traf-

ficking'' and inserting ''or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking'';

(ii) in subparagraph (A), by inserting ''or transnational organized crime'' after ''international terrorism''; and

(iii) in subparagraph (B)—

(I) by inserting ''or transnational organized crime group'' after ''terrorist organization''; and

(II) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

''(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

''(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

''(10) the arrest or conviction in any country, or the transfer to or conviction by an international

criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.'';

(3) in subsection (g), by adding at the end the following new paragraph:

''(3) ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.''; and

(4) in subsection (k)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

''(5) TRANSNATIONAL ORGANIZED CRIME.—The term 'transnational organized crime' means—

"(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

"(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

"(6) TRANSNATIONAL ORGANIZED CRIME GROUP.—The term 'transnational organized crime group' means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.".

SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking "The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.".

SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002 (title II of Public Law 107–206; 22 U.S.C. 7421 et seq.).

SEC. 6. FUNDING.

The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708).

Passed the Senate December 19, 2012.

Attest: NANCY ERICKSON,

Secretary.