



Legislative Bulletin.....July 21, 2005

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H.R. 3199 — Amendments to the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 – PART II

H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005, is scheduled to be considered on the House floor on Thursday, July 21, 2005, subject to a structured rule ([H. RES.369](#)). Below are the summaries of the remaining amendments (11-20) made in order under the rule. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released earlier this morning.

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11. Schiff/Coble/Forbes (D-CA/R-NC/R-VA) #44: Expands the current list of federal crimes constituting “entry into the United States by false pretenses” to include using a vessel to smuggle terrorists or dangerous material. Increases from 5 to 10 years the maximum prison sentence for offenders of this law if “an attempt to commit a felony.” Provides for criminal sanctions for an operator of a vessel that a) knowingly disobeys an order by a federal law enforcement officer to heave (move a ship in a specified direction) that vessel, b) resists or prevents a federal officer from boarding a vessel (that is duly authorized by federal law); or c) intentionally provides false information to a federal law enforcement officer during a boarding regarding the vessel’s “destination, origin, ownership, registration, nationality, cargo, or crew.” Makes it a criminal offense to place a device or dangerous substance in U.S. waters that is likely to destroy or damage a vessel or its cargo, or damage or alter any aid to maritime navigation which endangers the safe navigation of a ship. Increases penalties for smugglers who misrepresent illicit cargo.

12. Coble (R-NC) #12: Amends the Contraband Cigarette Trafficking Act (18 U.S.C. 2341 et seq.) (CCTA), which makes it unlawful for any person knowingly to ship, possess, sell, distribute or purchase contraband cigarettes. The CCTA would be amended by: (1) extending its provisions to cover contraband smokeless tobacco; (2) reducing the number of cigarettes that trigger application of the CCTA from 60,000 to 10,000 cigarettes; (3) imposing reporting requirements on persons, except for tribal governments, who engage in delivery sales of more than 10,000 cigarettes or 500 single-unit cans or packages of smokeless tobacco in a single month; (4) requiring the destruction of cigarettes and smokeless tobacco seized and forfeited

under the CCTA; and (5) authorizing state and local governments, and certain persons holding federal tobacco permits, to bring causes of action against violators of the CCTA.

13. Carter (R-TX) #15: Amends the Federal criminal code to apply the death penalty or life imprisonment for a terrorist offense that results in death, terrorist offenses which create grave risk of death, and to certain terror related crimes involving nuclear and weapons of mass destruction threats to the United States. The amendment also denies Federal benefits to individuals convicted of a terrorist offense.

14. Hart (R-PA) #9: Increases the penalties for activities constituting terrorism financing from \$11,000 to \$50,000 per unlawful transaction and criminal sentences from 10 to 20 years. Provides for additional terrorism-financing offenses (such as the use of Hawalas) as predicate offenses to money laundering statutes. Adds provisions to seize assets of persons committing terrorist acts against foreign countries or international organizations. Clarifies the law regarding transactions involving criminal proceeds and provides for technical corrections.

Hawalas are alternative remittance or banking systems that tend to exist outside of traditional financing streams and rely more on interpersonal communications than on tangible financial instruments. To learn more, visit this website:

<http://www.interpol.int/Public/FinancialCrime/MoneyLaundering/hawala/>.

15. Jackson-Lee (D-TX) #40: Allows the attachment of property and the enforcement of judgment against a judgment debtor (one that has been convicted) that has engaged in planning or perpetrating any act of domestic or international terrorism under 18 USC 981.

16. Hyde (R-IL) #11: Establishes a new criminal offense of narco-terrorism, which prohibits any person from manufacturing, distributing or possessing with intent to distribute a controlled substance, flunitrazepam (commonly referred to as a “date-rape” drug), or listed chemical, or attempting or conspiring to do so, knowing or intending that such activity, directly or indirectly, aids, or provides support, resources or anything of value to: (a) a foreign terrorist organization; or (b) any person or group involved in the planning, preparation for, or carrying out of a terrorist offense.

The penalty for such an offense is a mandatory minimum of 20 years and a maximum of life. The provision states Congress’ intent to establish broad extra-territorial jurisdiction to enforce this new criminal offense, and makes it clear that the government need not prove that the defendant knew that an organization is a designated “foreign terrorist organization.” The provision also defines the terms “anything of pecuniary value,” “terrorist offense,” and “terrorist organization.”

17. Meeks (D-NY) #34: The amendment states several findings, including that, “Money services businesses have had more difficulty in obtaining and maintaining banking services since the passage of the USA Patriot Act, and that on April 26, 2005, the Financial Crimes Enforcement Network in the Department of the Treasury (FinCEN) offered guidance to money service businesses on obtaining and maintaining banking services.” The amendment expresses the sense of Congress that, “depository institutions and money services businesses

should follow the guidance offered by FinCEN for the purpose of giving money services businesses full access to banking services and ensuring that money services businesses remain in the mainstream financial system and can be full players in providing important financial services to their customers and be fully cooperative in the fight against terrorist financing and money laundering.”

18. Sessions (R-TX) #61: Prohibits interference with or disabling, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce (or any air navigation facility aiding in the navigation of such aircraft).

19. Paul (R-TX) #43: Expresses the sense of Congress that “the federal government should not investigate an American citizen for alleged criminal conduct solely on the basis of the citizen’s membership in a nonviolent political organization or the fact that the citizen was engaging in other lawful political activity.”

20. Lowey/Sweeney (D-NY/R-NY) #37: Strikes section 1014(c) of PL 107-56 (grant program for state and local preparedness support) as it applies to Homeland Security Grant Funding. Adds, as a new section of the bill, the full text of H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. H.R. 1544 passed the House on May 12, 2005, by a vote of 409-10. To view the RSC Leg Bulletin on this H.R. 1544, click: <http://johnshadegg.house.gov/rsc/LB%2005-12-05--first%20responder%20AMENDMENTS.pdf>