

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 2318

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.

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. KERRY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of State
5 Rewards Program Update and Technical Corrections Act
6 of 2012”.

7 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) The Department of State’s existing rewards
2 programs permit the payment of reward for informa-
3 tion leading to the arrest or conviction of—

4 (A) individuals who have committed, or at-
5 tempted or conspired to commit, certain acts of
6 international terrorism;

7 (B) individuals who have committed, or at-
8 tempted or conspired to commit, certain nar-
9 cotics-related offenses; and

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

12 (2) The Department of State considers the re-
13 wards program to be “one of the most valuable as-
14 sets the U.S. Government has in the fight against
15 international terrorism”. Since the program’s incep-
16 tion in 1984, the United States Government has re-
17 warded over 60 people who provided actionable in-
18 formation that, according to the Department of
19 State, prevented international terrorist attacks or
20 helped convict individuals involved in terrorist at-
21 tacks.

22 (3) The program has been credited with pro-
23 viding information in several high-profile cases, in-
24 cluding the arrest of Ramzi Yousef, who was con-
25 victed in the 1993 bombing of the World Trade Cen-

1 ter, the deaths of Uday and Qusay Hussein, who
2 United States military forces located and killed in
3 Iraq after receiving information about their loca-
4 tions, and the arrests or deaths of several members
5 of the Abu Sayyaf group, believed to be responsible
6 for the kidnappings and deaths of United States citi-
7 zens and Filipinos in the Philippines.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the rewards program of the Department of
10 State should be expanded in order to—

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

16 (2) target other individuals indicted by inter-
17 national, hybrid, or mixed tribunals for genocide,
18 war crimes, or crimes against humanity.

19 **SEC. 3. ENHANCED REWARDS AUTHORITY.**

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

22 (1) in subsection (a)(2), by inserting “serious
23 violations of international humanitarian law,
24 transnational organized crime,” after “international
25 narcotics trafficking,”;

1 (2) in subsection (b)—

2 (A) in the matter preceding paragraph (1),
3 by striking “Attorney General” and inserting
4 “heads of other relevant departments or agen-
5 cies”;

6 (B) in paragraphs (4) and (5), by striking
7 “paragraph (1), (2), or (3)” both places it ap-
8 pears and inserting “paragraph (1), (2), (3),
9 (8), or (9)”;

10 (C) in paragraph (6)—

11 (i) by inserting “or transnational or-
12 ganized crime group” after “terrorist orga-
13 nization”; and

14 (ii) by striking “or” at the end;

15 (D) in paragraph (7)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “, including the use
18 by the organization of illicit narcotics pro-
19 duction or international narcotics traf-
20 ficking” and inserting “or transnational
21 organized crime group, including the use
22 by such organization or group of illicit nar-
23 cotics production or international narcotics
24 trafficking”;

1 (ii) in subparagraph (A), by inserting
2 “or transnational organized crime” after
3 “international terrorism”; and

4 (iii) in subparagraph (B)—

5 (I) by inserting “or transnational
6 organized crime group” after “ter-
7 rorist organization”; and

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

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

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

15 “(9) the arrest or conviction in any country of
16 any individual conspiring to participate in or at-
17 tempting to participate in transnational organized
18 crime; or

19 “(10) the arrest or conviction in any country,
20 or the transfer to or conviction by an international
21 criminal tribunal (including a hybrid or mixed tri-
22 bunal), of any foreign national accused of war
23 crimes, crimes against humanity, or genocide, as de-
24 fined under the statute of such tribunal.”;

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

3 “(3) ADVANCE NOTIFICATION FOR INTER-
4 NATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less
5 than 15 days before publicly announcing that a re-
6 ward may be offered for a particular foreign national
7 accused of war crimes, crimes against humanity, or
8 genocide, the Secretary of State shall submit to the
9 appropriate congressional committees a report,
10 which may be submitted in classified form if nec-
11 essary, setting forth the reasons why the arrest or
12 conviction of such foreign national is in the national
13 interests of the United States.”; and

14 (4) in subsection (k)—

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

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

19 “(5) TRANSNATIONAL ORGANIZED CRIME.—The
20 term ‘transnational organized crime’ means—

21 “(A) racketeering activity (as such term is
22 defined in section 1961 of title 18, United
23 States Code) that involves at least one jurisdic-
24 tion outside the United States; or

1 “(B) any other criminal offense punishable
2 by a term of imprisonment of at least four
3 years under Federal, State, or local law that in-
4 volves at least one jurisdiction outside the
5 United States and that is intended to obtain,
6 directly or indirectly, a financial or other mate-
7 rial benefit.

8 “(6) TRANSNATIONAL ORGANIZED CRIME
9 GROUP.—The term ‘transnational organized crime
10 group’ means a group of persons that includes one
11 or more citizens of a foreign country, exists for a pe-
12 riod of time, and acts in concert with the aim of en-
13 gaging in transnational organized crime.”.

14 **SEC. 4. TECHNICAL CORRECTION.**

15 Section 36(e)(1) of the State Department Basic Au-
16 thorities Act of 1956 (22 U.S.C. 2708) is amended by
17 striking “The Secretary shall authorize a reward of
18 \$50,000,000 for the capture or death or information lead-
19 ing to the capture or death of Osama bin Laden.”.

20 **SEC. 5. RULE OF CONSTRUCTION.**

21 Nothing in this Act or the amendments made by this
22 Act shall be construed as authorizing the use of activity
23 precluded under the American Servicemembers’ Protection
24 Act of 2002 (title II of Public Law 107–206; 22 U.S.C.
25 7421 et seq.).

1 **SEC. 6. FUNDING.**

2 The Secretary of State shall use amounts appro-
3 priated or otherwise made available to the Emergencies
4 in the Diplomatic and Consular Services account of the
5 Department of State to pay rewards authorized pursuant
6 to this Act and to carry out other activities related to such
7 rewards authorized under section 36 of the State Depart-
8 ment Basic Authorities Act (22 U.S.C. 2708).