

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2318

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2012

Referred to the Committee on Foreign Affairs

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## 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.

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

1 **SECTION 1. SHORT TITLE.**

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

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

6 (a) FINDINGS.—Congress makes the following find-  
7 ings:

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

11 (A) individuals who have committed, or at-  
12 tempted or conspired to commit, certain acts of  
13 international terrorism;

14 (B) individuals who have committed, or at-  
15 tempted or conspired to commit, certain nar-  
16 cotics-related offenses; and

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

19 (2) The Department of State considers the re-  
20 wards program to be “one of the most valuable as-  
21 sets the U.S. Government has in the fight against  
22 international terrorism”. Since the program’s incep-  
23 tion in 1984, the United States Government has re-  
24 warded over 60 people who provided actionable in-  
25 formation that, according to the Department of  
26 State, prevented international terrorist attacks or

1       helped convict individuals involved in terrorist at-  
2       tacks.

3           (3) The program has been credited with pro-  
4       viding information in several high-profile cases, in-  
5       cluding the arrest of Ramzi Yousef, who was con-  
6       victed in the 1993 bombing of the World Trade Cen-  
7       ter, the deaths of Uday and Qusay Hussein, who  
8       United States military forces located and killed in  
9       Iraq after receiving information about their loca-  
10      tions, and the arrests or deaths of several members  
11      of the Abu Sayyaf group, believed to be responsible  
12      for the kidnappings and deaths of United States citi-  
13      zens and Filipinos in the Philippines.

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

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

22           (2) target other individuals indicted by inter-  
23      national, hybrid, or mixed tribunals for genocide,  
24      war crimes, or crimes against humanity.

1 **SEC. 3. ENHANCED REWARDS AUTHORITY.**

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

4 (1) in subsection (a)(2), by inserting “serious  
5 violations of international humanitarian law,  
6 transnational organized crime,” after “international  
7 narcotics trafficking,”;

8 (2) in subsection (b)—

9 (A) in the matter preceding paragraph (1),  
10 by striking “Attorney General” and inserting  
11 “heads of other relevant departments or agen-  
12 cies”;

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

17 (C) in paragraph (6)—

18 (i) by inserting “or transnational or-  
19 ganized crime group” after “terrorist orga-  
20 nization”; and

21 (ii) by striking “or” at the end;

22 (D) in paragraph (7)—

23 (i) in the matter preceding subpara-  
24 graph (A), by striking “, including the use  
25 by the organization of illicit narcotics pro-  
26 duction or international narcotics traf-

1           ficking” and inserting “or transnational  
2           organized crime group, including the use  
3           by such organization or group of illicit nar-  
4           cotics production or international narcotics  
5           trafficking”;

6                   (ii) in subparagraph (A), by inserting  
7           “or transnational organized crime” after  
8           “international terrorism”; and

9                   (iii) in subparagraph (B)—

10                   (I) by inserting “or transnational  
11           organized crime group” after “ter-  
12           rorist organization”; and

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

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

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

20                   “(9) the arrest or conviction in any country of  
21           any individual conspiring to participate in or at-  
22           tempting to participate in transnational organized  
23           crime; or

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

1 criminal tribunal (including a hybrid or mixed tri-  
2 bunal), of any foreign national accused of war  
3 crimes, crimes against humanity, or genocide, as de-  
4 fined under the statute of such tribunal.”;

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

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

18 (4) in subsection (k)—

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

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

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

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

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

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

18 **SEC. 4. TECHNICAL CORRECTION.**

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

1 **SEC. 5. RULE OF CONSTRUCTION.**

2       Nothing in this Act or the amendments made by this  
3 Act shall be construed as authorizing the use of activity  
4 precluded under the American Servicemembers' Protection  
5 Act of 2002 (title II of Public Law 107–206; 22 U.S.C.  
6 7421 et seq.).

7 **SEC. 6. FUNDING.**

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

Passed the Senate December 19, 2012.

Attest:

NANCY ERICKSON,  
*Secretary.*