

CRS Report for Congress

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“Terrorism” and Related Terms in Statute and Regulation: Selected Language

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Summary

Congress is considering revised definitions of “terrorism” and related terms in the context of the proposed “Anti-Terrorism Act of 2001.” While the proposed definitions relate to criminal law and immigration law, hundreds of other federal statutes and regulations already define “terrorism” and related terms in a variety of other contexts. However, these statutes and regulations ultimately refer to an extremely small set of statutory definitions, current criminal law and immigration definitions being among them. This report provides the current text of these fundamental definitions. The report will be updated as action on new antiterrorism law proceeds.

Proposed versions of the “Anti-Terrorism Act of 2001,” now pending before Congress, would expand definitions of “terrorism” and related terms under immigration law and criminal law. Hundreds of other federal statutes and regulations also reference “terrorism” for their own purposes. These federal statutes and regulations range from the Department of Justice’s guidelines on the “Victims of Crime Act Compensation Grant Program,” to the Department of Commerce’s regulations restricting exports to terrorists, to the federal statute requiring the Secretary of State to transmit an annual report on international terrorist acts.² Although most of these statutory and regulatory provisions are formally accompanied by definitions of terrorism and related terms, the same statutory definitions are repeatedly used by direct reference or incorporation of identical language. In fact, there are only a few original definitions of terrorism and related terms, most of which would be expanded under various versions of the proposed “Anti-Terrorism Act.” Following is the text of the existing fundamental statutory definitions organized by United States Code title.

¹ This short report was prepared under the general supervision of Larry M. Eig, Legislative Attorney, American Law Division.

² Other illustrative statutes referencing “terrorism” include 10 USC §829, requiring the Secretary of Defense to submit all programs and activities of the Department’s combating terrorism program as a part of the President’s annual budget, 15 USC §1681u, requiring banks to disclose certain financial information on terrorists to the FBI for counterintelligence purposes, and 42 USCS § 14503, waiving general limitations on the liability of government and non-profit volunteers for volunteers who have committed terrorist acts.

1. 8 U.S.C. § 1182. Excludable Aliens

(a) (3) (B) (ii). As used in this Act [authorizing deportation of aliens who have engaged in terrorist activity] the term "**terrorist activity**" means any activity which is unlawful under the laws of the place where it is committed (or which, if committed in the United States, would be unlawful under the laws of the United States or any State) and which involves any of the following:

(I) The hijacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).

(II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.

(III) A violent attack upon an internationally protected person...or upon the liberty of such a person.

(IV) An assassination.

(V) The use of any –

(a) biological agent, chemical agent, or nuclear weapon or device, or

(b) explosive or firearm (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.

(VI) A threat, attempt, or conspiracy to do any of the foregoing.

(iii) Engage in terrorist activity defined. As used in this Act, the term "**engage in terrorist activity**" means to commit, in an individual capacity or as a member of an organization, an act of terrorist activity or an act which the actor knows, or reasonably should know, affords material support to any individual, organization, or government in conducting a terrorist activity at any time, including any of the following acts:

(I) The preparation or planning of a terrorist activity.

(II) The gathering of information on potential targets for terrorist activity.

(III) The providing of any type of material support, including a safe house, transportation, communications, funds, false documentation or identification, weapons, explosives, or training, to any individual the actor knows or has reason to believe has committed or plans to commit a terrorist activity.

(IV) The soliciting of funds or other things of value for terrorist activity or for any terrorist organization.

(V) The solicitation of any individual for membership in a terrorist organization, terrorist government, or to engage in a terrorist activity.

2. 18 U.S.C. § 921. Definitions [relating to firearms]

(a) As used in this chapter [addressing crimes involving firearms] –

(22) [T]he term "**terrorism**" means activity, directed against United States persons, which –

(A) is committed by an individual who is not a national or permanent resident alien of the United States;

(B) involves violent acts or acts dangerous to human life which would be a criminal violation if committed within the jurisdiction of the United States; and

(C) is intended–

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnaping.

3. 18 U.S.C. § 2331. Definitions [relating to the crime of terrorism]

As used in this chapter [addressing the criminal implications of terrorism] --

(1) the term "**international terrorism**" means activities that--

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended –

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnaping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum

4. 18 U.S.C. § 3077. Definitions [relating to rewards for information concerning terrorist acts and espionage].

As used in this chapter [authorizing rewards for providing certain information about terrorist acts], the term--

(1) "**act of terrorism**" means an activity that –

(A) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and

(B) appears to be intended –

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnaping;

5. 22 U.S.C. § 2656f. Annual Country Reports on Terrorism

(d) As used in this section [requiring the Secretary of State to transmit an annual report on international terrorist acts]–

(1) the term "**international terrorism**" means terrorism involving citizens or the territory of more than 1 country;

(2) the term "**terrorism**" means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents; and

(3) the term "**terrorist group**" means any group practicing, or which has significant subgroups which practice, international terrorism.