

103^D CONGRESS
1ST SESSION

H. R. 933

To implement for the United States the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1993

Mr. MAZZOLI (for himself and Mr. LANTOS) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To implement for the United States the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

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

3 **SECTION 1. PURPOSE.**

4 It is the purpose of this Act to enact the necessary
5 legislation to implement for the United States the United
6 Nations Convention Against Torture and Other Cruel,
7 Inhumane or Degrading Treatment or Punishment.

1 **SEC. 2. TORTURE.**

2 (a) IN GENERAL.—Part I of title 18, United States
 3 Code, is amended by inserting after chapter 113A the
 4 following new chapter:

5 **“CHAPTER 113B—TORTURE**

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

6 **“§ 2340. Definitions**

7 “As used in this chapter—

8 “(1) ‘torture’ means an act committed by a per-
 9 son acting under the color of law specifically in-
 10 tended to inflict severe physical or mental pain or
 11 suffering (other than pain or suffering incidental to
 12 lawful sanctions) upon another person within his
 13 custody or physical control;

14 “(2) ‘severe mental pain or suffering’ means
 15 the prolonged mental harm caused by or resulting
 16 from—

17 “(A) the intentional infliction or threat-
 18 ened infliction of severe physical pain or suffer-
 19 ing;

20 “(B) the administration or application, or
 21 threatened administration or application, of
 22 mind altering substances or other procedures

1 calculated to disrupt profoundly the senses or
2 the personality;

3 “(C) the threat of imminent death; or

4 “(D) the threat that another person will
5 imminently be subjected to death, severe phys-
6 ical pain or suffering, or the administration or
7 application of mind altering substances or other
8 procedures calculated to disrupt profoundly the
9 senses or personality; and

10 “(3) ‘United States’ includes all areas under
11 the jurisdiction of the United States including any
12 of the places within the provisions of sections 5 and
13 7 of this title and section 101(38) of the Federal
14 Aviation Act of 1958, as amended (49 U.S.C. App.
15 1301(38)).

16 **“§ 2340A. Torture**

17 “(a) Whoever outside the United States commits or
18 attempts to commit torture shall be fined under this title
19 or imprisoned not more than 20 years, or both; and if
20 death results to any person from conduct prohibited by
21 this subsection, shall be punished by death or imprisoned
22 for any term of years or for life.

23 “(b) There is jurisdiction over the prohibited activity
24 in subsection (a) if—

1 “(1) the alleged offender is a national of the
2 United States; or

3 “(2) the alleged offender is present in the Unit-
4 ed States, irrespective of the nationality of the vic-
5 tim or the alleged offender.

6 **“§ 2340B. Exclusive remedies**

7 “Nothing in this chapter shall be construed as pre-
8 cluding the application of State or local laws on the same
9 subject, nor shall anything in this chapter be construed
10 as creating any substantive or procedural right enforceable
11 by law by any party in any civil proceeding.”.

12 (b) CLERICAL AMENDMENT.—The table of chapters
13 for part I of title 18, United States Code, is amended by
14 inserting after the item for chapter 113A the following
15 new item:

“Torture 2340.”.

16 (c) EFFECTIVE DATE.—This section shall take effect
17 on the later of—

18 (1) the date of enactment of this Act; or

19 (2) the date the United States has become a
20 party to the Convention Against Torture and Other
21 Cruel, Inhumane or Degrading Treatment or Pun-
22 ishment.

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