

Statement by Rep. Jerrold Nadler
Jackson-Lee Material Support Amendment to H.R. 3845
November 5, 2009

I move to strike the last word.

Mr. Chairman, while I understand and respect the humanitarian concerns that motivate the Gentlelady to offer this amendment, it's effect would be far from humanitarian, and I must, therefore, oppose it.

The amendment would add food and water in the case of a natural disaster to the items excepted from the definition of “material support or resources” in section 2339A of the Criminal Code. That list of exceptions is currently limited to medical supplies and religious materials.

The issue is not the definition, however, it is the prohibition in the previous subsection. It prohibits providing “material support or resources” or “conceal[ing] or disguis[ing] the nature, location, source, or ownership of material support or resources KNOWING OR INTENDING THAT THEY ARE TO BE USED IN PREPARATION FOR, OR IN CARRYING OUT” variety of very serious terrorism-related offences.

This list includes murder, manslaughter, arson, use of biological weapons, hostage taking, conspiracy to kill, maim, or injure persons or damage property.

This is not, by any stretch of the imagination, a humanitarian purpose, even if the nature of the items have humanitarian uses. It is not even a matter of the nature of the

recipient or whether it that recipient has been engaged in terrorism, or is on a list of designated terrorists.

It is the purpose of the donation that controls. A humanitarian purpose is not prohibited by this section.

So how could food and water possibly be used to advance terrorist crimes like these? It's a fair question.

Under the express language of this amendment, someone could provide a year's supply of MREs to al Qaeda terrorists fighting in the mountains of Pakistan and Afghanistan for the express purpose of aiding them in the preparation or carrying out of terrorist acts, so long as it is in a natural disaster.

Such aid could help that terrorist army weather the disaster.

There is no requirement that the food and water be used to aid actual victims of the disaster, and no requirement that it not be given to be “used in preparation for, or in carrying out” a terrorist act.

There is no way I could support that result, no matter how well intentioned the proposed change.

I know that is not the intent of the Gentlelady, but that is what the amendment says.

I urge its defeat. I yield back the balance of my time.