

114TH CONGRESS  
1ST SESSION

# S. 1318

To amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 13, 2015

Mr. GRASSLEY (for himself and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nuclear Terrorism  
5 Conventions Implementation and Safety of Maritime Navi-  
6 gation Act of 2015”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

## TITLE I—SAFETY OF MARITIME NAVIGATION

- Sec. 101. Violence against maritime navigation.  
 Sec. 102. Violence against maritime fixed platforms.  
 Sec. 103. Wiretap predicates.

## TITLE II—PREVENTION OF NUCLEAR TERRORISM

- Sec. 201. Acts of nuclear terrorism.  
 Sec. 202. Prohibited transactions involving nuclear materials.  
 Sec. 203. Ancillary measures.

1    **TITLE I—SAFETY OF MARITIME**  
 2                                    **NAVIGATION**

3    **SEC. 101. VIOLENCE AGAINST MARITIME NAVIGATION.**

4            Section 2280 of title 18, United States Code, is  
 5 amended—

6                    (1) in the section heading, by inserting “**and**  
 7                    **maritime transport involving weapons of**  
 8                    **mass destruction**” after “**navigation**”;

9                    (2) in subsection (a)—

10                    (A) in paragraph (1)—

11                    (i) by striking “A person” and insert-  
 12                    ing “Subject to the exceptions listed in  
 13                    subsection (d), a person”;

14                    (ii) by redesignating subparagraphs  
 15                    (G) and (H) as subparagraphs (J) and  
 16                    (K), respectively;

17                    (iii) by inserting after subparagraph  
 18                    (F) the following:

19                    “(G) when the purpose of the act, by its  
 20                    nature or context, is to intimidate a population,

1 or to compel a government or an international  
2 organization to do or to abstain from doing any  
3 act—

4 “(i) uses against or on a ship or dis-  
5 charges from a ship any explosive or radio-  
6 active material, biological, chemical, or nu-  
7 clear weapon or other nuclear explosive de-  
8 vice in a manner that causes or is likely to  
9 cause death to any person or serious injury  
10 or damage;

11 “(ii) discharges from a ship oil, lique-  
12 fied natural gas, or other hazardous or  
13 noxious substance that is not covered by  
14 clause (i), in such quantity or concentra-  
15 tion that causes or is likely to cause death  
16 to any person or serious injury or damage;  
17 or

18 “(iii) uses a ship in a manner that  
19 causes death to any person or serious in-  
20 jury or damage;

21 “(H) transports on board a ship—

22 “(i) any explosive or radioactive mate-  
23 rial, knowing that it is intended to be used  
24 to cause, or in a threat to cause, death to  
25 any person or serious injury or damage for

1 the purpose of intimidating a population,  
2 or compelling a government or an inter-  
3 national organization to do or to abstain  
4 from doing any act;

5 “(ii) any biological, chemical, or nu-  
6 clear weapon or other nuclear explosive de-  
7 vice, knowing it to be a biological, chem-  
8 ical, or nuclear weapon or other nuclear  
9 explosive device;

10 “(iii) any source material, special fis-  
11 sionable material, or equipment or material  
12 especially designed or prepared for the  
13 processing, use, or production of special  
14 fissionable material, knowing that it is in-  
15 tended to be used in a nuclear explosive ac-  
16 tivity or in any other nuclear activity not  
17 under safeguards pursuant to an Inter-  
18 national Atomic Energy Agency com-  
19 prehensive safeguards agreement, except  
20 where—

21 “(I) such item is transported to  
22 or from the territory of, or otherwise  
23 under the control of, a Non-Prolifera-  
24 tion Treaty State Party; and

1                   “(II) the resulting transfer or re-  
2                   ceipt (including internal to a country)  
3                   is not contrary to the obligations  
4                   under the Non-Proliferation Treaty of  
5                   the Non-Proliferation Treaty State  
6                   Party from which, to the territory of  
7                   which, or otherwise under the control  
8                   of which such item is transferred;

9                   “(iv) any equipment, materials, or  
10                  software or related technology that signifi-  
11                  cantly contributes to the design or manu-  
12                  facture of a nuclear weapon or other nu-  
13                  clear explosive device, with the intention  
14                  that it will be used for such purpose, ex-  
15                  cept where—

16                  “(I) the country to the territory  
17                  of which or under the control of which  
18                  such item is transferred is a Nuclear  
19                  Weapon State Party to the Non-Pro-  
20                  liferation Treaty; and

21                  “(II) the resulting transfer or re-  
22                  ceipt (including internal to a country)  
23                  is not contrary to the obligations  
24                  under the Non-Proliferation Treaty of  
25                  a Non-Proliferation Treaty State

1 Party from which, to the territory of  
2 which, or otherwise under the control  
3 of which such item is transferred;

4 “(v) any equipment, materials, or  
5 software or related technology that signifi-  
6 cantly contributes to the delivery of a nu-  
7 clear weapon or other nuclear explosive de-  
8 vice, with the intention that it will be used  
9 for such purpose, except where—

10 “(I) such item is transported to  
11 or from the territory of, or otherwise  
12 under the control of, a Non-Prolifera-  
13 tion Treaty State Party; and

14 “(II) such item is intended for  
15 the delivery system of a nuclear weap-  
16 on or other nuclear explosive device of  
17 a Nuclear Weapon State Party to the  
18 Non-Proliferation Treaty; or

19 “(vi) any equipment, materials, or  
20 software or related technology that signifi-  
21 cantly contributes to the design, manufac-  
22 ture, or delivery of a biological or chemical  
23 weapon, with the intention that it will be  
24 used for such purpose;

1           “(I) transports another person on board a  
2 ship knowing that the person has committed an  
3 act that constitutes an offense under subpara-  
4 graphs (A) through (H), (J), or (K) or an of-  
5 fense set forth in an applicable treaty, as speci-  
6 fied in subsection (g)(1), and intending to assist  
7 that person to evade criminal prosecution;”;

8           (iv) in subparagraph (J), as redesign-  
9 nated, by striking “subparagraphs (A)  
10 through (F)” and inserting “subpara-  
11 graphs (A) through (I), or paragraph (2),  
12 to the extent that the offense described in  
13 such paragraph pertains to subparagraph  
14 (G)”;

15           (v) in subparagraph (K), as redesign-  
16 nated, by striking “subparagraphs (A)  
17 through (G)” and inserting “any of sub-  
18 paragraphs (A) through (G) or subpara-  
19 graph (J), or conspires to do any act pro-  
20 hibited under any of subparagraphs (A)  
21 through (J) or paragraph (2)”;

22           (B) by amending paragraph (2) to read as  
23 follows:

1           “(2) THREATS.—A person who threatens, with  
2           apparent determination and will to carry the threat  
3           into execution—

4                   “(A) to do any act prohibited under sub-  
5                   paragraph (B), (C), or (E) of paragraph (1), if  
6                   the threatened act is likely to endanger the safe  
7                   navigation of the ship in question; or

8                   “(B) to do any act prohibited under para-  
9                   graph (1)(G),

10           shall be fined under this title, imprisoned not more  
11           than 5 years, or both.”;

12                   (3) by striking subsection (e);

13                   (4) by redesignating subsections (b), (c), and  
14                   (d) as subsections (e), (e), and (f), respectively;

15                   (5) by inserting after subsection (a) the fol-  
16                   lowing:

17           “(b) CIVIL FORFEITURE.—

18                   “(1) IN GENERAL.—Any real or personal prop-  
19                   erty used or intended to be used to commit or to fa-  
20                   cilitate the commission of a violation of this section,  
21                   the gross proceeds of such violation, and any real or  
22                   personal property traceable to such property or pro-  
23                   ceeds, shall be subject to forfeiture.

24                   “(2) APPLICABLE PROCEDURES.—

1           “(A) IN GENERAL.—Except as provided  
2           under subparagraph (B), seizures and forfeit-  
3           ures under this subsection shall be governed by  
4           the provisions relating to civil forfeitures set  
5           forth in chapter 46.

6           “(B) EXECUTION OF DUTIES.—In carrying  
7           out this subsection, the duties imposed upon the  
8           Secretary of the Treasury under the customs  
9           laws described in section 981(d) shall be per-  
10          formed by such officers, agents, and other per-  
11          sons as may be designated for that purpose by  
12          the Secretary of Homeland Security, the Attor-  
13          ney General, or the Secretary of Defense.”;

14          (6) in subsection (c)(1)(A), as redesignated—

15                (A) in clause (i), by striking “a ship flying  
16                the flag of the United States” and inserting “a  
17                vessel of the United States or a vessel subject  
18                to the jurisdiction of the United States (as de-  
19                fined in section 70502 of title 46)”;

20                (B) in clause (ii), by inserting “, including  
21                the territorial seas” after “in the United  
22                States”; and

23                (C) in clause (iii), by inserting “, by a  
24                United States corporation or legal entity,” after  
25                “by a national of the United States”;

1 (7) by inserting after subsection (c), as redesignated,  
2 nated, the following:

3 “(d) EXCEPTIONS.—This section shall not apply to—

4 “(1) activities of armed forces during an armed  
5 conflict, as those terms are understood under the  
6 law of war, which are governed by that law; or

7 “(2) activities undertaken by military forces of  
8 a state in the exercise of their official duties.”;

9 (8) in subsection (e), as redesignated—

10 (A) by inserting “(except for offenses  
11 under subparagraphs (G) through (K) of sub-  
12 section (a)(1) or under subsection (a)(2) if the  
13 predicate is an offense under subparagraphs  
14 (G), (H), or (I) of subsection (a)(1))” after  
15 “subsection (a)”;

16 (B) by striking “section 2(c)” and insert-  
17 ing “section 13(c)”;

18 (9) in subsection (f), as redesignated, by strik-  
19 ing “Article 3 of the Convention for the Suppression  
20 of Unlawful Acts Against the Safety of Maritime  
21 Navigation may deliver such person to the authori-  
22 ties of a State Party to that Convention” and insert-  
23 ing “subsection (a) may deliver such person to the  
24 authorities of a country that is a party to the Con-  
25 vention for the Suppression of Unlawful Acts

1 Against the Safety of Maritime Navigation, done at  
2 Rome March 10, 1988”; and

3 (10) by adding at the end the following:

4 “(g) DEFINITIONS.—In this section and in section  
5 2281:

6 “(1) APPLICABLE TREATY.—The term ‘applica-  
7 ble treaty’ means—

8 “(A) the Convention for the Suppression of  
9 Unlawful Seizure of Aircraft, done at The  
10 Hague December 16, 1970;

11 “(B) the Convention for the Suppression of  
12 Unlawful Acts against the Safety of Civil Avia-  
13 tion, done at Montreal September 23, 1971;

14 “(C) the Convention on the Prevention and  
15 Punishment of Crimes against Internationally  
16 Protected Persons, including Diplomatic  
17 Agents, adopted by the General Assembly of the  
18 United Nations December 14, 1973;

19 “(D) International Convention against the  
20 Taking of Hostages, adopted by the General  
21 Assembly of the United Nations December 17,  
22 1979;

23 “(E) the Convention on the Physical Pro-  
24 tection of Nuclear Material, done at Vienna Oc-  
25 tober 26, 1979;

1           “(F) the Protocol for the Suppression of  
2           Unlawful Acts of Violence at Airports Serving  
3           International Civil Aviation, supplementary to  
4           the Convention for the Suppression of Unlawful  
5           Acts against the Safety of Civil Aviation, done  
6           at Montreal February 24, 1988;

7           “(G) the Protocol for the Suppression of  
8           Unlawful Acts against the Safety of Fixed Plat-  
9           forms Located on the Continental Shelf, done  
10          at Rome March 10, 1988;

11          “(H) International Convention for the  
12          Suppression of Terrorist Bombings, adopted by  
13          the General Assembly of the United Nations  
14          December 15, 1997; and

15          “(I) International Convention for the Sup-  
16          pression of the Financing of Terrorism, adopted  
17          by the General Assembly of the United Nations  
18          December 9, 1999.

19          “(2) ARMED CONFLICT.—The term ‘armed con-  
20          flict’ does not include internal disturbances and ten-  
21          sions, such as riots, isolated and sporadic acts of vi-  
22          olence, and other acts of a similar nature.

23          “(3) BIOLOGICAL WEAPON.—The term ‘biologi-  
24          cal weapon’ means—

1           “(A) microbial or other biological agents,  
2           or toxins whatever their origin or method of  
3           production, of types and in quantities that have  
4           no justification for prophylactic, protective, or  
5           other peaceful purposes; or

6           “(B) weapons, equipment, or means of de-  
7           livery designed to use such agents or toxins for  
8           hostile purposes or in armed conflict.

9           “(4) CHEMICAL WEAPON.—The term ‘chemical  
10          weapon’ means, together or separately—

11           “(A) toxic chemicals and their precursors,  
12           except where intended for—

13           “(i) industrial, agricultural, research,  
14           medical, pharmaceutical, or other peaceful  
15           purposes;

16           “(ii) protective purposes, namely those  
17           purposes directly related to protection  
18           against toxic chemicals and to protection  
19           against chemical weapons;

20           “(iii) military purposes not connected  
21           with the use of chemical weapons and not  
22           dependent on the use of the toxic prop-  
23           erties of chemicals as a method of warfare;  
24           or

1                   “(iv) law enforcement, including do-  
2                   mestic riot control purposes,  
3                   as long as the types and quantities are con-  
4                   sistent with such purposes;

5                   “(B) munitions and devices, specifically de-  
6                   signed to cause death or other harm through  
7                   the toxic properties of those toxic chemicals  
8                   specified in subparagraph (A), which would be  
9                   released as a result of the employment of such  
10                  munitions and devices; and

11                  “(C) any equipment specifically designed  
12                  for use directly in connection with the employ-  
13                  ment of munitions and devices specified in sub-  
14                  paragraph (B).

15                  “(5) COVERED SHIP.—The term ‘covered ship’  
16                  means a ship that is navigating or is scheduled to  
17                  navigate into, through or from waters beyond the  
18                  outer limit of the territorial sea of a single country  
19                  or a lateral limit of that country’s territorial sea  
20                  with an adjacent country.

21                  “(6) EXPLOSIVE MATERIALS.—The term ‘explo-  
22                  sive materials’ has the meaning given the term in  
23                  section 841(c) and includes an explosive (as defined  
24                  in section 844(j)).

1           “(7) INFRASTRUCTURE FACILITY.—The term  
2           ‘infrastructure facility’ has the meaning given the  
3           term in section 2332f(e)(5).

4           “(8) INTERNATIONAL ORGANIZATION.—The  
5           term ‘international organization’ has the meaning  
6           given the term in section 831(f)(3).

7           “(9) MILITARY FORCES OF A STATE.—The  
8           term ‘military forces of a state’ means the armed  
9           forces of a state which are organized, trained, and  
10          equipped under its internal law for the primary pur-  
11          pose of national defense or security, and persons  
12          acting in support of those armed forces who are  
13          under their formal command, control, and responsi-  
14          bility.

15          “(10) NATIONAL OF THE UNITED STATES.—  
16          The term ‘national of the United States’ has the  
17          meaning given the term in section 101(a)(22) of the  
18          Immigration and Nationality Act (8 U.S.C.  
19          1101(a)(22)).

20          “(11) NON-PROLIFERATION TREATY.—The  
21          term ‘Non-Proliferation Treaty’ means the Treaty  
22          on the Non-Proliferation of Nuclear Weapons, done  
23          at Washington, London, and Moscow July 1, 1968.

24          “(12) NON-PROLIFERATION TREATY STATE  
25          PARTY.—The term ‘Non-Proliferation Treaty State

1 Party’ means any State Party to the Non-Prolifera-  
2 tion Treaty, to include Taiwan, which shall be con-  
3 sidered to have the obligations under the Non-Pro-  
4 liferation Treaty of a party to that treaty other than  
5 a Nuclear Weapon State Party to the Non-Prolifera-  
6 tion Treaty.

7 “(13) NUCLEAR WEAPON STATE PARTY TO THE  
8 NON-PROLIFERATION TREATY.—The term ‘Nuclear  
9 Weapon State Party to the Non-Proliferation Trea-  
10 ty’ means a State Party to the Non-Proliferation  
11 Treaty that is a nuclear-weapon State, as that term  
12 is defined in Article IX(3) of the Non-Proliferation  
13 Treaty.

14 “(14) PLACE OF PUBLIC USE.—The term ‘place  
15 of public use’ has the meaning given the term in sec-  
16 tion 2332f(e)(6).

17 “(15) PRECURSOR.—The term ‘precursor’ has  
18 the meaning given the term in section 229F(6)(A).

19 “(16) PUBLIC TRANSPORTATION SYSTEM.—The  
20 term ‘public transportation system’ has the meaning  
21 given the term in section 2332f(e)(7).

22 “(17) SERIOUS INJURY OR DAMAGE.—The term  
23 ‘serious injury or damage’ means—

24 “(A) serious bodily injury;

1           “(B) extensive destruction of a place of  
2 public use, State or government facility, infra-  
3 structure facility, or public transportation sys-  
4 tem, resulting in major economic loss; or

5           “(C) substantial damage to the environ-  
6 ment, including air, soil, water, fauna, or flora.

7           “(18) SHIP.—The term ‘ship’—

8           “(A) means a vessel of any type whatso-  
9 ever that is not permanently attached to the  
10 sea-bed, including dynamically supported craft,  
11 submersibles, or any other floating craft; and

12           “(B) does not include a warship, a ship  
13 owned or operated by a government when being  
14 used as a naval auxiliary or for customs or po-  
15 lice purposes, or a ship which has been with-  
16 drawn from navigation or laid up.

17           “(19) SOURCE MATERIAL; SPECIAL FISSION-  
18 ABLE MATERIAL.—The terms ‘source material’ and  
19 ‘special fissionable material’ have the meanings  
20 given the terms in the International Atomic Energy  
21 Agency Statute, done at New York October 26,  
22 1956.

23           “(20) TERRITORIAL SEA OF THE UNITED  
24 STATES.—The term ‘territorial sea of the United  
25 States’ means all waters extending seaward to 12

1 nautical miles from the baselines of the United  
2 States, as determined in accordance with inter-  
3 national law.

4 “(21) TOXIC CHEMICAL.—The term ‘toxic  
5 chemical’ has the meaning given the term in section  
6 229F(8)(A).

7 “(22) TRANSPORT.—The term ‘transport’  
8 means to initiate, arrange or exercise effective con-  
9 trol, including decisionmaking authority, over the  
10 movement of a person or item.

11 “(23) UNITED STATES.—The term ‘United  
12 States’, when used in a geographical sense, includes  
13 the Commonwealth of Puerto Rico, the Common-  
14 wealth of the Northern Mariana Islands, and all ter-  
15 ritories and possessions of the United States.”.

16 **SEC. 102. VIOLENCE AGAINST MARITIME FIXED PLAT-**  
17 **FORMS.**

18 Section 2281 of title 18, United States Code, is  
19 amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by redesignating subparagraphs  
23 (E) and (F) as subparagraphs (F) and  
24 (G), respectively;

1                   (ii) by inserting after subparagraph  
2                   (D) the following:

3                   “(E) when the purpose of the act, by its  
4                   nature or context, is to intimidate a population,  
5                   or to compel a government or an international  
6                   organization to do or to abstain from doing any  
7                   act—

8                   “(i) uses against or on a fixed plat-  
9                   form or discharges from a fixed platform  
10                  any explosive or radioactive material, bio-  
11                  logical, chemical, or nuclear weapon in a  
12                  manner that causes or is likely to cause  
13                  death or serious injury or damage; or

14                  “(ii) discharges from a fixed platform  
15                  oil, liquefied natural gas, or another haz-  
16                  ardous or noxious substance that is not re-  
17                  ferred to in clause (i), in such quantity or  
18                  concentration that causes or is likely to  
19                  cause death or serious injury or damage;”;

20                  (iii) in subparagraph (F), as redesign-  
21                  ated, by striking “(D)” and inserting  
22                  “(E)”;

23                  (iv) in subparagraph (G), as redesign-  
24                  ated, by striking “(E)” and inserting  
25                  “(F)”;

1 (B) by amending paragraph (2) to read as  
2 follows:

3 “(2) THREAT TO SAFETY.—A person who  
4 threatens, with apparent determination and will to  
5 carry the threat into execution, to do any act prohib-  
6 ited under subparagraph (B) or (C) of paragraph  
7 (1), if the threatened act is likely to endanger the  
8 safety of the fixed platform, or to do any act prohib-  
9 ited under paragraph (1)(E), shall be fined under  
10 this title, imprisoned not more than 5 years, or  
11 both.”;

12 (2) by redesignating subsections (c) and (d) as  
13 subsections (d) and (e), respectively;

14 (3) by inserting after subsection (b) the fol-  
15 lowing:

16 “(c) EXCEPTIONS.—This section shall not apply to—

17 “(1) activities of armed forces during an armed  
18 conflict, as those terms are understood under the  
19 law of war, which are governed by that law; or

20 “(2) activities undertaken by military forces of  
21 a state in the exercise of their official duties.”;

22 (4) in subsection (d), as redesignated—

23 (A) by inserting “(except for offenses  
24 under subparagraphs (E) through (G) of sub-  
25 section (a)(1) or under subsection (a)(2) if the

1 predicate is an offense under subsection  
2 (a)(1)(E))” after “subsection (a)”; and

3 (B) by striking “section 2(c)” and insert-  
4 ing “section 13(c)”; and

5 (5) in subsection (e), as redesignated—

6 (A) by striking “Sea.” and inserting “Sea;  
7 and”; and

8 (B) by striking “‘national of the United  
9 States’” and all that follows.

10 **SEC. 103. WIRETAP PREDICATES.**

11 Section 2516(1) of title 18, United States Code, is  
12 amended—

13 (1) in subparagraph (p), by striking “or” at the  
14 end; and

15 (2) in subparagraph (q), by inserting “, section  
16 2280 or 2281 (relating to maritime safety),” after  
17 “weapons”).

18 **TITLE II—PREVENTION OF**  
19 **NUCLEAR TERRORISM**

20 **SEC. 201. ACTS OF NUCLEAR TERRORISM.**

21 (a) IN GENERAL.—Chapter 113B of title 18, United  
22 States Code, is amended by adding after section 2332h  
23 the following:

24 **“§ 2332i. Acts of nuclear terrorism**

25 **“(a) OFFENSES.—**

1           “(1) IN GENERAL.—Any person who knowingly  
2           and unlawfully—

3                   “(A) possesses radioactive material or  
4                   makes or possesses a device—

5                           “(i) with the intent to cause death or  
6                           serious bodily injury; or

7                           “(ii) with the intent to cause substan-  
8                           tial damage to property or the environ-  
9                           ment; or

10                   “(B) uses in any way radioactive material  
11                   or a device, or uses or damages or interferes  
12                   with the operation of a nuclear facility in a  
13                   manner that causes the release of or increases  
14                   the risk of the release of radioactive material,  
15                   or causes radioactive contamination or exposure  
16                   to radiation—

17                           “(i) with the intent to cause death or  
18                           serious bodily injury or with the knowledge  
19                           that such act is likely to cause death or se-  
20                           rious bodily injury;

21                           “(ii) with the intent to cause substan-  
22                           tial damage to property or the environment  
23                           or with the knowledge that such act is like-  
24                           ly to cause substantial damage to property  
25                           or the environment; or

1                   “(iii) with the intent to compel a per-  
2                   son, an international organization, or a  
3                   country to do or refrain from doing an act,  
4                   shall be punished as prescribed in subsection  
5                   (c).

6                   “(2) THREATS.—Whoever, under circumstances  
7                   in which the threat may reasonably be believed,  
8                   threatens to commit an offense under paragraph (1)  
9                   shall be punished as prescribed in subsection (c).  
10                  Whoever demands possession of or access to radio-  
11                  active material, a device or a nuclear facility by  
12                  threat or by use of force shall be punished as pre-  
13                  scribed in subsection (c).

14                  “(3) ATTEMPTS AND CONSPIRACIES.—Any per-  
15                  son who attempts to commit an offense described in  
16                  paragraph (1) or conspires to commit an offense de-  
17                  scribed in paragraph (1) or (2) shall be punished as  
18                  prescribed in subsection (c).

19                  “(b) JURISDICTION.—Conduct prohibited under sub-  
20                  section (a) is within the jurisdiction of the United States  
21                  if—

22                         “(1) the prohibited conduct takes place in the  
23                         United States or the special aircraft jurisdiction of  
24                         the United States;

1           “(2) the prohibited conduct takes place outside  
2 of the United States and—

3           “(A) is committed by a national of the  
4 United States, a United States corporation or  
5 legal entity, or a stateless person whose habit-  
6 ual residence is in the United States;

7           “(B) is committed on board a vessel of the  
8 United States or a vessel subject to the jurisdic-  
9 tion of the United States (as defined in section  
10 70502 of title 46) or on board an aircraft that  
11 is registered under United States law, at the  
12 time the offense is committed; or

13           “(C) is committed in an attempt to compel  
14 the United States to do or abstain from doing  
15 any act, or constitutes a threat directed at the  
16 United States;

17           “(3) the prohibited conduct takes place outside  
18 of the United States and a victim or an intended vic-  
19 tim is a national of the United States or a United  
20 States corporation or legal entity, or the offense is  
21 committed against any state or government facility  
22 of the United States; or

23           “(4) a perpetrator of the prohibited conduct is  
24 found in the United States.

1       “(c) PENALTIES.—Any person who violates this sec-  
2 tion shall be punished as provided under section 2332a(a).

3       “(d) NONAPPLICABILITY.—This section does not  
4 apply to—

5           “(1) activities of armed forces during an armed  
6 conflict, as those terms are understood under the  
7 law of war, which are governed by that law; or

8           “(2) activities undertaken by military forces of  
9 a state in the exercise of their official duties.

10       “(e) DEFINITIONS.—In this section:

11           “(1) ARMED CONFLICT.—The term ‘armed con-  
12 flict’ has the meaning given the term in section  
13 2332f(e)(11).

14           “(2) DEVICE.—The term ‘device’ means—

15               “(A) any nuclear explosive device; or

16               “(B) any radioactive material dispersal or  
17 radiation-emitting device that may, owing to its  
18 radiological properties, cause death, serious  
19 bodily injury, or substantial damage to property  
20 or the environment.

21           “(3) INTERNATIONAL ORGANIZATION.—The  
22 term ‘international organization’ has the meaning  
23 given the term in section 831(f)(3).

24           “(4) MILITARY FORCES OF A STATE.—The  
25 term ‘military forces of a state’ means the armed

1 forces of a country that are organized, trained and  
2 equipped under its internal law for the primary pur-  
3 pose of national defense or security and persons act-  
4 ing in support of those armed forces who are under  
5 their formal command, control and responsibility.

6 “(5) NATIONAL OF THE UNITED STATES.—The  
7 term ‘national of the United States’ has the meaning  
8 given the term in section 101(a)(22) of the Immi-  
9 gration and Nationality Act (8 U.S.C. 1101(a)(22)).

10 “(6) NUCLEAR FACILITY.—The term ‘nuclear  
11 facility’ means—

12 “(A) any nuclear reactor, including reac-  
13 tors on vessels, vehicles, aircraft or space ob-  
14 jects for use as an energy source in order to  
15 propel such vessels, vehicles, aircraft or space  
16 objects or for any other purpose;

17 “(B) any plant or conveyance being used  
18 for the production, storage, processing or trans-  
19 port of radioactive material; or

20 “(C) a facility (including associated build-  
21 ings and equipment) in which nuclear material  
22 is produced, processed, used, handled, stored or  
23 disposed of, if damage to or interference with  
24 such facility could lead to the release of signifi-

1           cant amounts of radiation or radioactive mate-  
2           rial.

3           “(7) NUCLEAR MATERIAL.—The term ‘nuclear  
4           material’ has the meaning given the term in section  
5           831(f)(1).

6           “(8) RADIOACTIVE MATERIAL.—The term ‘ra-  
7           dioactive material’ means nuclear material and other  
8           radioactive substances that contain nuclides that un-  
9           dergo spontaneous disintegration (a process accom-  
10          panied by emission of one or more types of ionizing  
11          radiation, such as alpha-, beta-, neutron particles  
12          and gamma rays) and that may, owing to their radi-  
13          ological or fissile properties, cause death, serious  
14          bodily injury or substantial damage to property or to  
15          the environment.

16          “(9) SERIOUS BODILY INJURY.—The term ‘seri-  
17          ous bodily injury’ has the meaning given the term in  
18          section 831(f)(4).

19          “(10) STATE.—The term ‘state’ has the mean-  
20          ing given the term under international law, and in-  
21          cludes all political subdivisions of the state.

22          “(11) STATE OR GOVERNMENT FACILITY.—The  
23          term ‘state or government facility’ has the meaning  
24          given the term in section 2332f(e)(3).



1           (A) by redesignating paragraphs (3)  
2 through (8) as paragraphs (4) through (9), re-  
3 spectively;

4           (B) by inserting after paragraph (2) the  
5 following:

6           “(3) without lawful authority, intentionally car-  
7 ries, sends or moves nuclear material into or out of  
8 a country;”;

9           (C) in paragraph (8), as redesignated, by  
10 striking “an offense under paragraph (1), (2),  
11 (3), or (4)” and inserting “any act prohibited  
12 under paragraphs (1) through (5)”;

13           (D) in paragraph (9), as redesignated, by  
14 striking “an offense under paragraph (1), (2),  
15 (3), or (4)” and inserting “any act prohibited  
16 under paragraphs (1) through (7)”;

17           (2) in subsection (b)—

18           (A) in paragraph (1), by striking “(7)”  
19 and inserting “(8)”;

20           (B) in paragraph (2), by striking “(8)”  
21 and inserting “(9)”;

22           (3) in subsection (c)—

23           (A) in subparagraph (2)(A), by inserting  
24 “or a stateless person whose habitual residence  
25 is in the United States” after “United States”;

1 (B) in paragraph (4), by striking “or” at  
2 the end; and

3 (C) by striking paragraph (5) and insert-  
4 ing the following:

5 “(5) the offense is committed outside the  
6 United States and against any state or government  
7 facility of the United States;

8 “(6) the offense is committed on board—

9 “(A) a vessel of the United States or a ves-  
10 sel subject to the jurisdiction of the United  
11 States (as defined in section 70502 of title 46);

12 or

13 “(B) an aircraft that is registered under  
14 United States law at the time the offense is  
15 committed; or

16 “(7) the offense is committed in an attempt to  
17 compel the United States to do or abstain from  
18 doing any act, or constitutes a threat directed at the  
19 United States.”;

20 (4) by redesignating subsections (d), (e), and  
21 (f) as subsections (e), (f), and (g), respectively;

22 (5) by inserting after subsection (c) the fol-  
23 lowing:

24 “(d) NONAPPLICABILITY.—This section shall not  
25 apply to—

1           “(1) activities of armed forces during an armed  
2 conflict, as those terms are understood under the  
3 law of war, which are governed by that law; or

4           “(2) activities undertaken by military forces of  
5 a state in the exercise of their official duties.”; and

6           (6) in subsection (g), as redesignated—

7                 (A) by redesignating paragraphs (1), (2),  
8                 (4), (5), (6), and (7) as paragraphs (7), (6),  
9                 (8), (2), (5), and (11), respectively;

10                (B) by inserting before paragraph (2), as  
11 redesignated, the following:

12                “(1) the term ‘armed conflict’ has the meaning  
13 given the term in section 2332f(e)(11);”;

14                (C) by inserting after paragraph (3) the  
15 following:

16                “(4) the term ‘military forces of a state’ means  
17 the armed forces of a country that are organized,  
18 trained and equipped under its internal law for the  
19 primary purpose of national defense or security and  
20 persons acting in support of those armed forces who  
21 are under their formal command, control and re-  
22 sponsibility;”;

23                (D) in paragraph (5), as redesignated, by  
24 striking “and” at the end;

1 (E) by inserting after paragraph (8), as re-  
2 designated, the following:

3 “(9) the term ‘state’ has the meaning given the  
4 term under international law, and includes all polit-  
5 ical subdivisions thereof;

6 “(10) the term ‘state or government facility’  
7 has the meaning given the term in section  
8 2332f(e)(3);”;

9 (F) in paragraph (11), as redesignated, by  
10 striking the period at the end and inserting “;  
11 and”; and

12 (G) by adding at the end the following:

13 “(12) the term ‘vessel of the United States’ has  
14 the meaning given the term in section 70502 of title  
15 46.”.

16 **SEC. 203. ANCILLARY MEASURES.**

17 (a) **FEDERAL CRIME OF TERRORISM.**—Section  
18 2332b(g)(5)(B)(i) of title 18, United States Code, is  
19 amended by inserting “2332i (relating to acts of nuclear  
20 terrorism),” after “2332h (relating to radiological dis-  
21 persal devices),”.

22 (b) **PROVIDING MATERIAL SUPPORT TO TERRORISTS**  
23 **PREDICATE.**—Section 2339A(a) of title 18, United States  
24 Code, is amended by inserting “2332i,” after “2332f,”.

1           (c) WIRETAP PREDICATES.—Section 2516(1)(q) of  
2 title 18, United States Code, as amended by section 103  
3 of this Act, is further amended by inserting “, 2332i,”  
4 after “2332h”.

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