

Calendar No. 326

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.

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

DECEMBER 15, 2015

Reported by Mr. GRASSLEY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 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.

3 **TITLE I—SAFETY OF MARITIME**
 4 **NAVIGATION**

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

6 Section 2280 of title 18, United States Code, is
 7 amended—

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

11 (2) in subsection (a)—

12 (A) in paragraph (1)—

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

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

1 (iii) by inserting after subparagraph
 2 (F) the following:

3 “(G) 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 ship or dis-
 9 charges from a ship any explosive or radio-
 10 active material, biological, chemical, or nu-
 11 clear weapon or other nuclear explosive de-
 12 vice in a manner that causes or is likely to
 13 cause death to any person or serious injury
 14 or damage;

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

22 “(iii) uses a ship in a manner that
 23 causes death to any person or serious in-
 24 jury or damage;

25 “(H) transports on board a ship—

1 “(i) any explosive or radioactive mate-
2 rial, knowing that it is intended to be used
3 to cause, or in a threat to cause, death to
4 any person or serious injury or damage for
5 the purpose of intimidating a population,
6 or compelling a government or an inter-
7 national organization to do or to abstain
8 from doing any act;

9 “(ii) any biological, chemical, or nu-
10 clear weapon or other nuclear explosive de-
11 vice, knowing it to be a biological, chem-
12 ical, or nuclear weapon or other nuclear
13 explosive device;

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

1 “(I) such item is transported to
2 or from the territory of, or otherwise
3 under the control of, a Non-Prolifera-
4 tion Treaty State Party; and

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

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

20 “(I) the country to the territory
21 of which or under the control of which
22 such item is transferred is a Nuclear
23 Weapon State Party to the Non-Pro-
24 liferation Treaty; and

1 “(H) 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 a 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 “(v) any equipment, materials, or
 10 software or related technology that signifi-
 11 cantly contributes to the delivery of a nu-
 12 clear weapon or other nuclear explosive de-
 13 vice, with the intention that it will be used
 14 for such purpose, except where—

15 “(I) such item is transported to
 16 or from the territory of, or otherwise
 17 under the control of, a Non-Prolifera-
 18 tion Treaty State Party; and

19 “(H) such item is intended for
 20 the delivery system of a nuclear weap-
 21 on or other nuclear explosive device of
 22 a Nuclear Weapon State Party to the
 23 Non-Proliferation Treaty; or

24 “(vi) any equipment, materials, or
 25 software or related technology that signifi-

cantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(I) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under subparagraphs (A) through (H), (J), or (K) or an offense set forth in an applicable treaty, as specified in subsection (g)(1), and intending to assist that person to evade criminal prosecution;”;

(iv) in subparagraph (J), as redesignated, by striking “subparagraphs (A) through (F)” and inserting “subparagraphs (A) through (I), or paragraph (2), to the extent that the offense described in such paragraph pertains to subparagraph (G)”;

(v) in subparagraph (K), as redesignated, by striking “subparagraphs (A) through (G)” and inserting “any of subparagraphs (A) through (G) or subparagraph (J), or conspires to do any act prohibited under any of subparagraphs (A) through (J) or paragraph (2)”;

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

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

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

10 “(B) to do any act prohibited under para-
11 graph (1)(G),
12 shall be fined under this title, imprisoned not more
13 than 5 years, or both.”;

14 (3) by striking subsection (e);

15 (4) by redesignating subsections (b), (e), and
16 (d) as subsections (e), (e), and (f), respectively;

17 (5) by inserting after subsection (a) the fol-
18 lowing:

19 “(b) CIVIL FORFEITURE.—

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

1 ~~“(2) APPLICABLE PROCEDURES.—~~

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

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

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

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

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

1 (C) in clause (iii), by inserting “, by a
2 United States corporation or legal entity,” after
3 “by a national of the United States”;

4 (7) by inserting after subsection (e), as redesign-
5 nated, the following:

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

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

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

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

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

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

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

1 ing “subsection (a) may deliver such person to the
 2 authorities of a country that is a party to the Con-
 3 vention for the Suppression of Unlawful Acts
 4 Against the Safety of Maritime Navigation, done at
 5 Rome March 10, 1988”; and

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

7 “(g) DEFINITIONS.—In this section and in section
 8 2281:

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

11 “(A) the Convention for the Suppression of
 12 Unlawful Seizure of Aircraft, done at The
 13 Hague December 16, 1970;

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

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

22 “(D) International Convention against the
 23 Taking of Hostages, adopted by the General
 24 Assembly of the United Nations December 17,
 25 1979;

1 “(E) the Convention on the Physical Pro-
2 tection of Nuclear Material, done at Vienna Oc-
3 tober 26, 1979;

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

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

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

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

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

1 ~~“(3) BIOLOGICAL WEAPON.—~~The term ‘biologi-
2 cal weapon’ means—

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

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

11 ~~“(4) CHEMICAL WEAPON.—~~The term ‘chemical
12 weapon’ means, together or separately—

13 ~~“(A) toxic chemicals and their precursors,~~
14 ~~except where intended for—~~

15 ~~“(i) industrial, agricultural, research,~~
16 ~~medical, pharmaceutical, or other peaceful~~
17 ~~purposes;~~

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

22 ~~“(iii) military purposes not connected~~
23 ~~with the use of chemical weapons and not~~
24 ~~dependent on the use of the toxic prop-~~

erties of chemicals as a method of warfare;

or

“(iv) law enforcement, including domestic riot control purposes;

as long as the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B).

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

“(6) EXPLOSIVE MATERIALS.—The term ‘explosive materials’ has the meaning given the term in

1 section 841(e) and includes an explosive (as defined
2 in section 844(j)).

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

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

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

17 ~~“(10) NATIONAL OF THE UNITED STATES.—~~
18 ~~The term ‘national of the United States’ has the~~
19 ~~meaning given the term in section 101(a)(22) of the~~
20 ~~Immigration and Nationality Act (8 U.S.C.~~
21 ~~1101(a)(22)).~~

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

1 “(12) NON-PROLIFERATION TREATY STATE
 2 PARTY.—The term ‘Non-Proliferation Treaty State
 3 Party’ means any State Party to the Non-Prolifera-
 4 tion Treaty, to include Taiwan, which shall be con-
 5 sidered to have the obligations under the Non-Pro-
 6 liferation Treaty of a party to that treaty other than
 7 a Nuclear Weapon State Party to the Non-Prolifera-
 8 tion Treaty.

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

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

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

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

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

1 “(A) serious bodily injury;

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

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

8 “(18) SHIP.—The term ‘ship’—

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

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

18 “(19) SOURCE MATERIAL; SPECIAL FISSION-
19 ABLE MATERIAL.—The terms ‘source material’ and
20 ‘special fissionable material’ have the meanings
21 given the terms in the International Atomic Energy
22 Agency Statute, done at New York October 26,
23 1956.

24 “(20) TERRITORIAL SEA OF THE UNITED
25 STATES.—The term ‘territorial sea of the United

States' means all waters extending seaward to 12 nautical miles from the baselines of the United States, as determined in accordance with international law.

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

“(22) TRANSPORT.—The term ‘transport’ means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item.

“(23) UNITED STATES.—The term ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.”.

SEC. 102. VIOLENCE AGAINST MARITIME FIXED PLATFORMS.

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

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (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)”; and

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

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 (e).
 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 (e).
 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 (e).

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 (e).

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 Immig-~~
9 ~~ration 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 “(12) UNITED STATES CORPORATION OR LEGAL
2 ENTITY.—The term ‘United States corporation or
3 legal entity’ means any corporation or other entity
4 organized under the laws of the United States or
5 any State, Commonwealth, territory, possession or
6 district of the United States.

7 “(13) VESSEL.—The term ‘vessel’ has the
8 meaning given the term in section 1502(19) of title
9 33.

10 “(14) VESSEL OF THE UNITED STATES.—The
11 term ‘vessel of the United States’ has the meaning
12 given the term in section 70502 of title 46.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 113B of title 18, United
15 States Code, is amended by inserting after section 2332h
16 the following:

 “2332i. Acts of nuclear terrorism.”.

17 (c) DISCLAIMER.—Nothing contained in this section
18 is intended to affect the applicability of any other Federal
19 or State law that might pertain to the underlying conduct.

20 **SEC. 202. PROHIBITED TRANSACTIONS INVOLVING NU-**
21 **CLEAR MATERIALS.**

22 Section 831 of title 18, United States Code, is
23 amended—

24 (1) in subsection (a)—

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 ear-
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)”; and

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)”; and

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 (e) 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 ~~(e) 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”.~~

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “Nuclear Terrorism Con-*
 7 *ventions Implementation and Safety of Maritime Naviga-*
 8 *tion Act of 2015”.*

9 **SEC. 2. PENALTIES FOR MARITIME OFFENSES.**

10 *(a) PENALTIES FOR VIOLENCE AGAINST MARITIME*
 11 *NAVIGATION.—Section 2280a(a)(1) of title 18, United*
 12 *States Code, is amended, in the undesignated matter fol-*
 13 *lowing subparagraph (E), by inserting “punished by death*
 14 *or” before “imprisoned for any term”.*

15 *(b) PENALTIES FOR OFFENSES AGAINST MARITIME*
 16 *FIXED PLATFORMS.—Section 2281a(a)(1) of such title is*
 17 *amended, in the undesignated matter following subpara-*
 18 *graph (C), by inserting “punished by death or” before “im-*
 19 *prisoned for any term”.*

20 **SEC. 3. PENALTIES FOR ACTS OF NUCLEAR TERRORISM.**

21 *Section 2332i(c) of title 18, United States Code, is*
 22 *amended to read as follows:*

23 *“(c) PENALTIES.—Any person who violates this section*
 24 *shall be punished as provided under section 2332a(a).”.*

1 **SEC. 4. PROVIDING MATERIAL SUPPORT TO TERRORISTS**

2 **PREDICATES.**

3 (a) *MARITIME OFFENSES.*—Section 2339A(a) of title
4 18, United States Code, is amended—

5 (1) by inserting “2280a,” after “2280,”; and

6 (2) by inserting “2281a,” after “2281.”

7 (b) *ACTS OF NUCLEAR TERRORISM.*—Section
8 2339A(a) of such title, as amended by subsection (a), is fur-
9 ther amended by inserting “2332i,” after “2332f.”

10 **SEC. 5. WIRETAP AUTHORIZATION PREDICATES.**

11 (a) *MARITIME OFFENSES.*—Section 2516(1) of title 18,
12 United States Code, is amended—

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

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

18 (b) *ACTS OF NUCLEAR TERRORISM.*—Section
19 2516(1)(q) of such title, as amended by subsection (a)(2),
20 is further amended by inserting “, 2332i,” after “2332h”.

21 **SEC. 6. SENSE OF THE SENATE.**

22 *It is the sense of the Senate that—*

23 (1) *the United States must not bar individuals*
24 *from entering into the United States based on their*
25 *religion, as such action would be contrary to the fun-*

1 damental principles on which this Nation was found-
2 ed; and

3 (2) the individual right of the American people
4 to keep and bear arms, as recognized by the Second
5 Amendment to the Constitution of the United States,
6 as incorporated by the Fourteenth Amendment to the
7 States, and as interpreted by the Supreme Court of
8 the United States in *District of Columbia v. Heller*
9 and *McDonald v. Chicago*, is among those funda-
10 mental rights necessary to our system of ordered lib-
11 erty and deeply rooted in this Nation's history and
12 tradition, such that any violation of this precious
13 right would be contrary to the fundamental principles
14 upon which this Nation was founded.

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114TH CONGRESS
1ST Session

S. 1318

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.

DECEMBER 15, 2015

Reported with an amendment