

113TH CONGRESS
1ST SESSION

H. R. 1073

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 HOUSE OF REPRESENTATIVES

MARCH 12, 2013

Mr. SENSENBRENNER (for himself, Mr. GOODLATTE, Mr. CONYERS, and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on the Judiciary

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 2013”.

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

3 **SEC. 101. AMENDMENT TO SECTION 2280 OF TITLE 18,**
4 **UNITED STATES CODE.**

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

7 (1) in subsection (b)—

8 (A) in paragraph (1)(A)(i), by striking “a
9 ship flying the flag of the United States” and
10 inserting “a vessel of the United States or a
11 vessel subject to the jurisdiction of the United
12 States (as defined in section 70502 of title
13 46)”;

14 (B) in paragraph (1)(A)(ii), by inserting “,
15 including the territorial seas” after “in the
16 United States”; and

17 (C) in paragraph (1)(A)(iii), by inserting
18 “, by a United States corporation or legal enti-
19 ty,” after “by a national of the United States”;

20 (2) in subsection (c), by striking “section 2(c)”
21 and inserting “section 13(c)”;

22 (3) by striking subsection (d);

23 (4) by striking subsection (e) and inserting
24 after subsection (c):

1 “(d) DEFINITIONS.—As used in this section, section
2 2280a, section 2281, and section 2281a, the term—

3 “(1) ‘applicable treaty’ means—

4 “(A) the Convention for the Suppression of
5 Unlawful Seizure of Aircraft, done at The
6 Hague on 16 December 1970;

7 “(B) the Convention for the Suppression of
8 Unlawful Acts against the Safety of Civil Avia-
9 tion, done at Montreal on 23 September 1971;

10 “(C) the Convention on the Prevention and
11 Punishment of Crimes against Internationally
12 Protected Persons, including Diplomatic
13 Agents, adopted by the General Assembly of the
14 United Nations on 14 December 1973;

15 “(D) International Convention against the
16 Taking of Hostages, adopted by the General
17 Assembly of the United Nations on 17 Decem-
18 ber 1979;

19 “(E) the Convention on the Physical Pro-
20 tection of Nuclear Material, done at Vienna on
21 26 October 1979;

22 “(F) the Protocol for the Suppression of
23 Unlawful Acts of Violence at Airports Serving
24 International Civil Aviation, supplementary to
25 the Convention for the Suppression of Unlawful

1 Acts against the Safety of Civil Aviation, done
2 at Montreal on 24 February 1988;

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

7 “(H) International Convention for the
8 Suppression of Terrorist Bombings, adopted by
9 the General Assembly of the United Nations on
10 15 December 1997; and

11 “(I) International Convention for the Sup-
12 pression of the Financing of Terrorism, adopted
13 by the General Assembly of the United Nations
14 on 9 December 1999;

15 “(2) ‘armed conflict’ does not include internal
16 disturbances and tensions, such as riots, isolated
17 and sporadic acts of violence, and other acts of a
18 similar nature;

19 “(3) ‘biological weapon’ means—

20 “(A) microbial or other biological agents,
21 or toxins whatever their origin or method of
22 production, of types and in quantities that have
23 no justification for prophylactic, protective, or
24 other peaceful purposes; or

1 “(B) weapons, equipment, or means of de-
2 livery designed to use such agents or toxins for
3 hostile purposes or in armed conflict;

4 “(4) ‘chemical weapon’ means, together or sepa-
5 rately—

6 “(A) toxic chemicals and their precursors,
7 except where intended for—

8 “(i) industrial, agricultural, research,
9 medical, pharmaceutical, or other peaceful
10 purposes;

11 “(ii) protective purposes, namely those
12 purposes directly related to protection
13 against toxic chemicals and to protection
14 against chemical weapons;

15 “(iii) military purposes not connected
16 with the use of chemical weapons and not
17 dependent on the use of the toxic prop-
18 erties of chemicals as a method of warfare;
19 or

20 “(iv) law enforcement including do-
21 mestic riot control purposes,
22 as long as the types and quantities are con-
23 sistent with such purposes;

24 “(B) munitions and devices, specifically de-
25 signed to cause death or other harm through

1 the toxic properties of those toxic chemicals
2 specified in subparagraph (A), which would be
3 released as a result of the employment of such
4 munitions and devices; and

5 “(C) any equipment specifically designed
6 for use directly in connection with the employ-
7 ment of munitions and devices specified in sub-
8 paragraph (B);

9 “(5) ‘covered ship’ means a ship that is navi-
10 gating or is scheduled to navigate into, through or
11 from waters beyond the outer limit of the territorial
12 sea of a single country or a lateral limit of that
13 country’s territorial sea with an adjacent country;

14 “(6) ‘explosive material’ has the meaning given
15 the term in section 841(c) and includes explosive as
16 defined in section 844(j) of this title;

17 “(7) ‘infrastructure facility’ has the meaning
18 given the term in section 2332f(e)(5) of this title;

19 “(8) ‘international organization’ has the mean-
20 ing given the term in section 831(f)(3) of this title;

21 “(9) ‘military forces of a state’ means the
22 armed forces of a state which are organized, trained,
23 and equipped under its internal law for the primary
24 purpose of national defense or security, and persons
25 acting in support of those armed forces who are

1 under their formal command, control, and responsi-
2 bility;

3 “(10) ‘national of the United States’ has the
4 meaning stated in section 101(a)(22) of the Immi-
5 gration and Nationality Act (8 U.S.C. 1101(a)(22));

6 “(11) ‘Non-Proliferation Treaty’ means the
7 Treaty on the Non-Proliferation of Nuclear Weap-
8 ons, done at Washington, London, and Moscow on
9 1 July 1968;

10 “(12) ‘Non-Proliferation Treaty State Party’
11 means any State Party to the Non-Proliferation
12 Treaty, to include Taiwan, which shall be considered
13 to have the obligations under the Non-Proliferation
14 Treaty of a party to that treaty other than a Nu-
15 clear Weapon State Party to the Non-Proliferation
16 Treaty;

17 “(13) ‘Nuclear Weapon State Party to the Non-
18 Proliferation Treaty’ means a State Party to the
19 Non-Proliferation Treaty that is a nuclear-weapon
20 State, as that term is defined in Article IX(3) of the
21 Non-Proliferation Treaty;

22 “(14) ‘place of public use’ has the meaning
23 given the term in section 2332f(e)(6) of this title;

24 “(15) ‘precursor’ has the meaning given the
25 term in section 229F(6)(A) of this title;

1 “(16) ‘public transport system’ has the meaning
2 given the term in section 2332f(e)(7) of this title;

3 “(17) ‘serious injury or damage’ means—

4 “(A) serious bodily injury,

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

9 “(C) substantial damage to the environ-
10 ment, including air, soil, water, fauna, or flora;

11 “(18) ‘ship’ means a vessel of any type whatso-
12 ever not permanently attached to the sea-bed, in-
13 cluding dynamically supported craft, submersibles,
14 or any other floating craft, but does not include a
15 warship, a ship owned or operated by a government
16 when being used as a naval auxiliary or for customs
17 or police purposes, or a ship which has been with-
18 drawn from navigation or laid up;

19 “(19) ‘source material’ has the meaning given
20 that term in the International Atomic Energy Agen-
21 cy Statute, done at New York on 26 October 1956;

22 “(20) ‘special fissionable material’ has the
23 meaning given that term in the International Atomic
24 Energy Agency Statute, done at New York on 26
25 October 1956;

1 “(21) ‘territorial sea of the United States’
2 means all waters extending seaward to 12 nautical
3 miles from the baselines of the United States deter-
4 mined in accordance with international law;

5 “(22) ‘toxic chemical’ has the meaning given
6 the term in section 229F(8)(A) of this title;

7 “(23) ‘transport’ means to initiate, arrange or
8 exercise effective control, including decisionmaking
9 authority, over the movement of a person or item;
10 and

11 “(24) ‘United States’, when used in a geo-
12 graphical sense, includes the Commonwealth of
13 Puerto Rico, the Commonwealth of the Northern
14 Mariana Islands, and all territories and possessions
15 of the United States.”; and

16 (5) by inserting after subsection (d) (as added
17 by paragraph (4) of this section) the following:

18 “(e) EXCEPTIONS.—This section shall not apply to—

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

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

24 “(f) DELIVERY OF SUSPECTED OFFENDER.—The
25 master of a covered ship flying the flag of the United

1 States who has reasonable grounds to believe that there
2 is on board that ship any person who has committed an
3 offense under section 2280 or section 2280a may deliver
4 such person to the authorities of a country that is a party
5 to the Convention for the Suppression of Unlawful Acts
6 against the Safety of Maritime Navigation. Before deliv-
7 ering such person to the authorities of another country,
8 the master shall notify in an appropriate manner the At-
9 torney General of the United States of the alleged offense
10 and await instructions from the Attorney General as to
11 what action to take. When delivering the person to a coun-
12 try which is a state party to the Convention, the master
13 shall, whenever practicable, and if possible before entering
14 the territorial sea of such country, notify the authorities
15 of such country of the master's intention to deliver such
16 person and the reasons therefor. If the master delivers
17 such person, the master shall furnish to the authorities
18 of such country the evidence in the master's possession
19 that pertains to the alleged offense.

20 “(g)(1) CIVIL FORFEITURE.—Any real or personal
21 property used or intended to be used to commit or to fa-
22 cilitate the commission of a violation of this section, the
23 gross proceeds of such violation, and any real or personal
24 property traceable to such property or proceeds, shall be
25 subject to forfeiture.

1 “(2) APPLICABLE PROCEDURES.—Seizures and for-
2 feitures under this section shall be governed by the provi-
3 sions of chapter 46 of title 18, United States Code, relat-
4 ing to civil forfeitures, except that such duties as are im-
5 posed upon the Secretary of the Treasury under the cus-
6 toms laws described in section 981(d) shall be performed
7 by such officers, agents, and other persons as may be des-
8 ignated for that purpose by the Secretary of Homeland
9 Security, the Attorney General, or the Secretary of De-
10 fense.”.

11 **SEC. 102. NEW SECTION 2280a OF TITLE 18, UNITED STATES**
12 **CODE.**

13 (a) IN GENERAL.—Chapter 111 of title 18, United
14 States Code, is amended by adding after section 2280 the
15 following new section:

16 **“§ 2280a. Violence against maritime navigation and**
17 **maritime transport involving weapons of**
18 **mass destruction**

19 “(a) OFFENSES.—

20 “(1) IN GENERAL.—Subject to the exceptions in
21 subsection (c), a person who unlawfully and inten-
22 tionally—

23 “(A) when the purpose of the act, by its
24 nature or context, is to intimidate a population,
25 or to compel a government or an international

1 organization to do or to abstain from doing any
2 act—

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

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

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

20 “(B) transports on board a ship—

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

1 or compelling a government or an inter-
2 national organization to do or to abstain
3 from doing any act;

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

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

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

24 “(II) the resulting transfer or re-
25 ceipt (including internal to a country)

1 is not contrary to the obligations
2 under the Non-Proliferation Treaty of
3 the Non-Proliferation Treaty State
4 Party from which, to the territory of
5 which, or otherwise under the control
6 of which such item is transferred;

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

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

19 “(II) the resulting transfer or re-
20 ceipt (including internal to a country)
21 is not contrary to the obligations
22 under the Non-Proliferation Treaty of
23 a Non-Proliferation Treaty State
24 Party from which, to the territory of

1 which, or otherwise under the control
2 of which such item is transferred;

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

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

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

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

24 “(C) transports another person on board a
25 ship knowing that the person has committed an

1 act that constitutes an offense under section
2 2280 or subparagraphs (A), (B), (D), or (E) of
3 this section or an offense set forth in an appli-
4 cable treaty, as specified in section 2280(d)(1),
5 and intending to assist that person to evade
6 criminal prosecution;

7 “(D) injures or kills any person in connec-
8 tion with the commission or the attempted com-
9 mission of any of the offenses set forth in sub-
10 subparagraphs (A) through (C), or subsection
11 (a)(2), to the extent that the subsection (a)(2)
12 offense pertains to subparagraph (A); or

13 “(E) attempts to do any act prohibited
14 under subparagraphs (A), (B) or (D), or con-
15 spires to do any act prohibited by subpara-
16 graphs (A) through (E) or subsection (a)(2),
17 shall be fined under this title, imprisoned not more
18 than 20 years, or both; and if the death of any per-
19 son results from conduct prohibited by this para-
20 graph, shall be imprisoned for any term of years or
21 for life.

22 “(2) THREATS.—A person who threatens, with
23 apparent determination and will to carry the threat
24 into execution, to do any act prohibited under para-

1 graph (1)(A) shall be fined under this title, impris-
2 oned not more than 5 years, or both.

3 “(b) JURISDICTION.—There is jurisdiction over the
4 activity prohibited in subsection (a)—

5 “(1) in the case of a covered ship, if—

6 “(A) such activity is committed—

7 “(i) against or on board a vessel of
8 the United States or a vessel subject to the
9 jurisdiction of the United States (as de-
10 fined in section 70502 of title 46) at the
11 time the prohibited activity is committed;

12 “(ii) in the United States, including
13 the territorial seas; or

14 “(iii) by a national of the United
15 States, by a United States corporation or
16 legal entity, or by a stateless person whose
17 habitual residence is in the United States;

18 “(B) during the commission of such activ-
19 ity, a national of the United States is seized,
20 threatened, injured, or killed; or

21 “(C) the offender is later found in the
22 United States after such activity is committed;

23 “(2) in the case of a ship navigating or sched-
24 uled to navigate solely within the territorial sea or
25 internal waters of a country other than the United

1 States, if the offender is later found in the United
2 States after such activity is committed; or

3 “(3) in the case of any vessel, if such activity
4 is committed in an attempt to compel the United
5 States to do or abstain from doing any act.

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

7 “(1) the activities of armed forces during an
8 armed conflict, as those terms are understood under
9 the 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 “(d)(1) CIVIL FORFEITURE.—Any real or personal
13 property used or intended to be used to commit or to fa-
14 cilitate the commission of a violation of this section, the
15 gross proceeds of such violation, and any real or personal
16 property traceable to such property or proceeds, shall be
17 subject to forfeiture.

18 “(2) APPLICABLE PROCEDURES.—Seizures and for-
19 feitures under this section shall be governed by the provi-
20 sions of chapter 46 of title 18, United States Code, relat-
21 ing to civil forfeitures, except that such duties as are im-
22 posed upon the Secretary of the Treasury under the cus-
23 toms laws described in section 981(d) shall be performed
24 by such officers, agents, and other persons as may be des-
25 ignated for that purpose by the Secretary of Homeland

1 Security, the Attorney General, or the Secretary of De-
2 fense.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 111 of title 18, United
5 States Code, is amended by adding after the item relating
6 to section 2280 the following new item:

“2280a. Violence against maritime navigation and maritime transport involving
weapons of mass destruction.”.

7 **SEC. 103. AMENDMENTS TO SECTION 2281 OF TITLE 18,**
8 **UNITED STATES CODE.**

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

11 (1) in subsection (c), by striking “section 2(c)”
12 and inserting “section 13(c)”;

13 (2) in subsection (d), by striking the definitions
14 of “national of the United States,” “territorial sea
15 of the United States,” and “United States”; and

16 (3) by inserting after subsection (d) the fol-
17 lowing:

18 “(e) EXCEPTIONS.—This section does not apply to—

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

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

1 **SEC. 104. NEW SECTION 2281a OF TITLE 18, UNITED STATES**
2 **CODE.**

3 (a) IN GENERAL.—Chapter 111 of title 18, United
4 States Code, is amended by adding after section 2281 the
5 following new section:

6 **“§ 2281a. Additional offenses against maritime fixed**
7 **platforms**

8 “(a) OFFENSES.—

9 “(1) IN GENERAL.—A person who unlawfully
10 and intentionally—

11 “(A) when the purpose of the act, by its
12 nature or context, is to intimidate a population,
13 or to compel a government or an international
14 organization to do or to abstain from doing any
15 act—

16 “(i) uses against or on a fixed plat-
17 form or discharges from a fixed platform
18 any explosive or radioactive material, bio-
19 logical, chemical, or nuclear weapon in a
20 manner that causes or is likely to cause
21 death or serious injury or damage; or

22 “(ii) discharges from a fixed platform
23 oil, liquefied natural gas, or another haz-
24 ardous or noxious substance that is not
25 covered by clause (i), in such quantity or

1 concentration that causes or is likely to
2 cause death or serious injury or damage;

3 “(B) injures or kills any person in connec-
4 tion with the commission or the attempted com-
5 mission of any of the offenses set forth in sub-
6 paragraph (A); or

7 “(C) attempts or conspires to do anything
8 prohibited under subparagraphs (A) or (B),
9 shall be fined under this title, imprisoned not more
10 than 20 years, or both; and if death results to any
11 person from conduct prohibited by this paragraph,
12 shall be imprisoned for any term of years or for life.

13 “(2) THREAT TO SAFETY.—A person who
14 threatens, with apparent determination and will to
15 carry the threat into execution, to do any act prohib-
16 ited under paragraph (1)(A), shall be fined under
17 this title, imprisoned not more than 5 years, or both.

18 “(b) JURISDICTION.—There is jurisdiction over the
19 activity prohibited in subsection (a) if—

20 “(1) such activity is committed against or on
21 board a fixed platform—

22 “(A) that is located on the continental
23 shelf of the United States;

24 “(B) that is located on the continental
25 shelf of another country, by a national of the

1 United States or by a stateless person whose
2 habitual residence is in the United States; or

3 “(C) in an attempt to compel the United
4 States to do or abstain from doing any act;

5 “(2) during the commission of such activity
6 against or on board a fixed platform located on a
7 continental shelf, a national of the United States is
8 seized, threatened, injured, or killed; or

9 “(3) such activity is committed against or on
10 board a fixed platform located outside the United
11 States and beyond the continental shelf of the
12 United States and the offender is later found in the
13 United States.

14 “(c) EXCEPTIONS.—This section does not apply to—

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

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

20 “(d) DEFINITIONS.—In this section—

21 “(1) ‘continental shelf’ means the sea-bed and
22 subsoil of the submarine areas that extend beyond a
23 country’s territorial sea to the limits provided by
24 customary international law as reflected in Article

1 76 of the 1982 Convention on the Law of the Sea;
2 and

3 “(2) ‘fixed platform’ means an artificial island,
4 installation, or structure permanently attached to
5 the sea-bed for the purpose of exploration or exploi-
6 tation of resources or for other economic purposes.”.

7 (b) CONFORMING AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 111 of title 18, United
9 States Code, is amended by adding after the item relating
10 to section 2281 the following new item:

“2281a. Additional offenses against maritime fixed platforms.”.

11 **SEC. 105. ANCILLARY MEASURE.**

12 Section 2332b(g)(5)(B) of title 18, United States
13 Code, is amended by inserting “2280a (relating to mari-
14 time safety),” before “2281”, and by striking “2281” and
15 inserting “2281 through 2281a”.

16 **TITLE II—PREVENTION OF**
17 **NUCLEAR TERRORISM**

18 **SEC. 201. NEW SECTION 2332i OF TITLE 18, UNITED STATES**
19 **CODE.**

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

23 **“§ 2332i. Acts of nuclear terrorism**

24 **“(a) OFFENSES.—**

1 “(1) IN GENERAL.—Whoever knowingly and
2 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.—Whoever
15 attempts to commit an offense under paragraph (1)
16 or conspires to commit an offense under paragraphs
17 (1) or (2) shall be punished as prescribed in sub-
18 section (c).

19 “(b) JURISDICTION.—Conduct prohibited by 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 habitual
6 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.—Whoever violates this section shall
2 be fined not more than \$2,000,000 and shall be impris-
3 oned for any term of years or for life.

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

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

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

11 “(e) DEFINITIONS.—As used in this section, the
12 term—

13 “(1) ‘armed conflict’ has the meaning given
14 that term in section 2332f(e)(11) of this title;

15 “(2) ‘device’ means:

16 “(A) any nuclear explosive device; or

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

22 “(3) ‘international organization’ has the mean-
23 ing given that term in section 831(f)(3) of this title;

24 “(4) ‘military forces of a state’ means the
25 armed forces of a country that are organized,

1 trained and equipped under its internal law for the
2 primary purpose of national defense or security and
3 persons acting in support of those armed forces who
4 are under their formal command, control and re-
5 sponsibility;

6 “(5) ‘national of the United States’ has the
7 meaning given that term in section 101(a)(22) of
8 the Immigration and Nationality Act (8 U.S.C.
9 1101(a)(22));

10 “(6) ‘nuclear facility’ means:

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

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

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

1 “(7) ‘nuclear material’ has the meaning given
2 that term in section 831(f)(1) of this title;

3 “(8) ‘radioactive material’ means nuclear mate-
4 rial and other radioactive substances that contain
5 nuclides that undergo spontaneous disintegration (a
6 process accompanied by emission of one or more
7 types of ionizing radiation, such as alpha-, beta-,
8 neutron particles and gamma rays) and that may,
9 owing to their radiological or fissile properties, cause
10 death, serious bodily injury or substantial damage to
11 property or to the environment;

12 “(9) ‘serious bodily injury’ has the meaning
13 given that term in section 831(f)(4) of this title;

14 “(10) ‘state’ has the same meaning as that
15 term has under international law, and includes all
16 political subdivisions thereof;

17 “(11) ‘state or government facility’ has the
18 meaning given that term in section 2332f(e)(3) of
19 this title;

20 “(12) ‘United States corporation or legal entity’
21 means any corporation or other entity organized
22 under the laws of the United States or any State,
23 Commonwealth, territory, possession or district of
24 the United States;

1 (2) by inserting after paragraph (2) the fol-
2 lowing:

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

6 (3) in paragraph (8), as redesignated, by strik-
7 ing “an offense under paragraph (1), (2), (3), or
8 (4)” and inserting “any act prohibited under para-
9 graphs (1) through (5)”; and

10 (4) in paragraph (9), as redesignated, by strik-
11 ing “an offense under paragraph (1), (2), (3), or
12 (4)” and inserting “any act prohibited under para-
13 graphs (1) through (7)”;

14 (b) in subsection (b)—

15 (1) in paragraph (1), by striking “(7)” and in-
16 serting “(8)”; and

17 (2) in paragraph (2), by striking “(8)” and in-
18 serting “(9)”;

19 (c) in subsection (c)—

20 (1) in subparagraph (2)(A), by adding after
21 “United States” the following: “or a stateless person
22 whose habitual residence is in the United States”;

23 (2) by striking paragraph (5);

24 (3) in paragraph (4), by striking “or” at the
25 end; and

1 (4) by inserting after paragraph (4), the fol-
2 lowing:

3 “(5) the offense is committed on board a vessel
4 of the United States or a vessel subject to the juris-
5 diction of the United States (as defined in section
6 70502 of title 46) or on board an aircraft that is
7 registered under United States law, at the time the
8 offense is committed;

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

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

16 (d) by redesignating subsections (d) through (f) as
17 (e) through (g), respectively;

18 (e) by inserting after subsection (c):

19 “(d) NONAPPLICABILITY.—This section does not
20 apply to—

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

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

1 (f) in subsection (g), as redesignated—

2 (1) in paragraph (6), by striking “and” at the
3 end;

4 (2) in paragraph (7), by striking the period at
5 the end and inserting a semicolon; and

6 (3) by inserting after paragraph (7), the fol-
7 lowing:

8 “(8) the term ‘armed conflict’ has the meaning
9 given that term in section 2332f(e)(11) of this title;

10 “(9) the term ‘military forces of a state’ means
11 the armed forces of a country that are organized,
12 trained and equipped under its internal law for the
13 primary purpose of national defense or security and
14 persons acting in support of those armed forces who
15 are under their formal command, control and re-
16 sponsibility;

17 “(10) the term ‘state’ has the same meaning as
18 that term has under international law, and includes
19 all political subdivisions thereof;

20 “(11) the term ‘state or government facility’
21 has the meaning given that term in section
22 2332f(e)(3) of this title; and

1 “(12) the term ‘vessel of the United States’ has
2 the meaning given that term in section 70502 of
3 title 46.”.

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