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113TH CONGRESS
1ST SESSION

H. R. 1073

[Report No. 113-85]

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

MAY 20, 2013

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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”.

7 **TITLE I—SAFETY OF MARITIME**
8 **NAVIGATION**

9 **SEC. 101. AMENDMENT TO SECTION 2280 OF TITLE 18,**
10 **UNITED STATES CODE.**

11 Section 2280 of title 18, United States Code, is
12 amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1)(A)(i), by striking “a
15 ship flying the flag of the United States” and
16 inserting “a vessel of the United States or a
17 vessel subject to the jurisdiction of the United
18 States (as defined in section 70502 of title
19 46)”;

20 (B) in paragraph (1)(A)(ii), by inserting “,
21 including the territorial seas” after “in the
22 United States”; and

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

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

3 (3) by striking subsection (d);

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

6 “(d) DEFINITIONS.—As used in this section, section
7 2280a, section 2281, and section 2281a, the term—

8 “(1) ‘applicable treaty’ means—

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

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

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

20 “(D) International Convention against the
21 Taking of Hostages, adopted by the General
22 Assembly of the United Nations on 17 Decem-
23 ber 1979;

1 “(E) the Convention on the Physical Pro-
2 tection of Nuclear Material, done at Vienna on
3 26 October 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 on 24 February 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 on 10 March 1988;

14 “(H) International Convention for the
15 Suppression of Terrorist Bombings, adopted by
16 the General Assembly of the United Nations on
17 15 December 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 on 9 December 1999;

22 “(2) ‘armed conflict’ does not include internal
23 disturbances and tensions, such as riots, isolated
24 and sporadic acts of violence, and other acts of a
25 similar nature;

1 “(3) ‘biological weapon’ means—

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

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

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

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

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

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

21 “(iii) military purposes not connected
22 with the use of chemical weapons and not
23 dependent on the use of the toxic prop-
24 erties of chemicals as a method of warfare;
25 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’ means a ship that is navi-
16 gating or is scheduled to navigate into, through or
17 from waters beyond the outer limit of the territorial
18 sea of a single country or a lateral limit of that
19 country’s territorial sea with an adjacent country;

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

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

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

3 “(9) ‘military forces of a state’ means the
4 armed forces of a state which are organized, trained,
5 and equipped under its internal law for the primary
6 purpose of national defense or security, and persons
7 acting in support of those armed forces who are
8 under their formal command, control, and responsi-
9 bility;

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

13 “(11) ‘Non-Proliferation Treaty’ means the
14 Treaty on the Non-Proliferation of Nuclear Weap-
15 ons, done at Washington, London, and Moscow on
16 1 July 1968;

17 “(12) ‘Non-Proliferation Treaty State Party’
18 means any State Party to the Non-Proliferation
19 Treaty, to include Taiwan, which shall be considered
20 to have the obligations under the Non-Proliferation
21 Treaty of a party to that treaty other than a Nu-
22 clear Weapon State Party to the Non-Proliferation
23 Treaty;

24 “(13) ‘Nuclear Weapon State Party to the Non-
25 Proliferation Treaty’ means a State Party to the

1 Non-Proliferation Treaty that is a nuclear-weapon
2 State, as that term is defined in Article IX(3) of the
3 Non-Proliferation Treaty;

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

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

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

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

11 “(A) serious bodily injury,

12 “(B) extensive destruction of a place of
13 public use, State or government facility, infra-
14 structure facility, or public transportation sys-
15 tem, resulting in major economic loss, or

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

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

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

4 “(20) ‘special fissionable material’ has the
5 meaning given that term in the International Atomic
6 Energy Agency Statute, done at New York on 26
7 October 1956;

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

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

14 “(23) ‘transport’ means to initiate, arrange or
15 exercise effective control, including decisionmaking
16 authority, over the movement of a person or item;
17 and

18 “(24) ‘United States’, when used in a geo-
19 graphical sense, includes the Commonwealth of
20 Puerto Rico, the Commonwealth of the Northern
21 Mariana Islands, and all territories and possessions
22 of the United States.”; and

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

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

1 “(1) the activities of armed forces during an
2 armed conflict, as those terms are understood under
3 the 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.

6 “(f) DELIVERY OF SUSPECTED OFFENDER.—The
7 master of a covered ship flying the flag of the United
8 States who has reasonable grounds to believe that there
9 is on board that ship any person who has committed an
10 offense under section 2280 or section 2280a may deliver
11 such person to the authorities of a country that is a party
12 to the Convention for the Suppression of Unlawful Acts
13 against the Safety of Maritime Navigation. Before deliv-
14 ering such person to the authorities of another country,
15 the master shall notify in an appropriate manner the At-
16 torney General of the United States of the alleged offense
17 and await instructions from the Attorney General as to
18 what action to take. When delivering the person to a coun-
19 try which is a state party to the Convention, the master
20 shall, whenever practicable, and if possible before entering
21 the territorial sea of such country, notify the authorities
22 of such country of the master’s intention to deliver such
23 person and the reasons therefor. If the master delivers
24 such person, the master shall furnish to the authorities

1 of such country the evidence in the master's possession
2 that pertains to the alleged offense.

3 “(g)(1) CIVIL FORFEITURE.—Any real or personal
4 property used or intended to be used to commit or to fa-
5 cilitate the commission of a violation of this section, the
6 gross proceeds of such violation, and any real or personal
7 property traceable to such property or proceeds, shall be
8 subject to forfeiture.

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

19 **SEC. 102. NEW SECTION 2280a OF TITLE 18, UNITED STATES**
20 **CODE.**

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

1 **“§ 2280a. Violence against maritime navigation and**
2 **maritime transport involving weapons of**
3 **mass destruction**

4 “(a) OFFENSES.—

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

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

13 “(i) uses against or on a ship or dis-
14 charges from a ship any explosive or radio-
15 active material, biological, chemical, or nu-
16 clear weapon or other nuclear explosive de-
17 vice in a manner that causes or is likely to
18 cause death to any person or serious injury
19 or damage;

20 “(ii) discharges from a ship oil, lique-
21 fied natural gas, or another hazardous or
22 noxious substance that is not covered by
23 clause (i), in such quantity or concentra-
24 tion that causes or is likely to cause death
25 to any person or serious injury or damage;
26 or

1 “(iii) uses a ship in a manner that
2 causes death to any person or serious in-
3 jury or damage;

4 “(B) transports on board a ship—

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

13 “(ii) any biological, chemical, or nu-
14 clear weapon or other nuclear explosive de-
15 vice, knowing it to be a biological, chem-
16 ical, or nuclear weapon or other nuclear
17 explosive device;

18 “(iii) any source material, special fis-
19 sionable material, or equipment or material
20 especially designed or prepared for the
21 processing, use, or production of special
22 fissionable material, knowing that it is in-
23 tended to be used in a nuclear explosive ac-
24 tivity or in any other nuclear activity not
25 under safeguards pursuant to an Inter-

1 national Atomic Energy Agency com-
2 prehensive safeguards agreement, except
3 where—

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

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

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

23 “(I) the country to the territory
24 of which or under the control of which
25 such item is transferred is a Nuclear

1 Weapon State Party to the Non-Pro-
2 liferation Treaty; and

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

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

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

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

1 “(vi) any equipment, materials, or
2 software or related technology that signifi-
3 cantly contributes to the design, manufac-
4 ture, or delivery of a biological or chemical
5 weapon, with the intention that it will be
6 used for such purpose;

7 “(C) transports another person on board a
8 ship knowing that the person has committed an
9 act that constitutes an offense under section
10 2280 or subparagraphs (A), (B), (D), or (E) of
11 this section or an offense set forth in an appli-
12 cable treaty, as specified in section 2280(d)(1),
13 and intending to assist that person to evade
14 criminal prosecution;

15 “(D) injures or kills any person in connec-
16 tion with the commission or the attempted com-
17 mission of any of the offenses set forth in sub-
18 paragraphs (A) through (C), or subsection
19 (a)(2), to the extent that the subsection (a)(2)
20 offense pertains to subparagraph (A); or

21 “(E) attempts to do any act prohibited
22 under subparagraphs (A), (B) or (D), or con-
23 spires to do any act prohibited by subpara-
24 graphs (A) through (E) or subsection (a)(2),

1 shall be fined under this title, imprisoned not more
2 than 20 years, or both; and if the death of any per-
3 son results from conduct prohibited by this para-
4 graph, shall be imprisoned for any term of years or
5 for life.

6 “(2) THREATS.—A person who threatens, with
7 apparent determination and will to carry the threat
8 into execution, to do any act prohibited under para-
9 graph (1)(A) shall be fined under this title, impris-
10 oned not more than 5 years, or both.

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

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

14 “(A) such activity is committed—

15 “(i) against or on board a vessel of
16 the United States or a vessel subject to the
17 jurisdiction of the United States (as de-
18 fined in section 70502 of title 46) at the
19 time the prohibited activity is committed;

20 “(ii) in the United States, including
21 the territorial seas; or

22 “(iii) by a national of the United
23 States, by a United States corporation or
24 legal entity, or by a stateless person whose
25 habitual residence is in the United States;

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

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

6 “(2) in the case of a ship navigating or sched-
7 uled to navigate solely within the territorial sea or
8 internal waters of a country other than the United
9 States, if the offender is later found in the United
10 States after such activity is committed; or

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

14 “(c) EXCEPTIONS.—This section shall 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)(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 (b) CONFORMING AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 111 of title 18, United
13 States Code, is amended by adding after the item relating
14 to section 2280 the following new item:

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

15 **SEC. 103. AMENDMENTS TO SECTION 2281 OF TITLE 18,**
16 **UNITED STATES CODE.**

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

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

21 (2) in subsection (d), by striking the definitions
22 of “national of the United States,” “territorial sea
23 of the United States,” and “United States”; and

1 any explosive or radioactive material, bio-
2 logical, chemical, or nuclear weapon in a
3 manner that causes or is likely to cause
4 death or serious injury or damage; or

5 “(ii) discharges from a fixed platform
6 oil, liquefied natural gas, or another haz-
7 ardous or noxious substance that is not
8 covered by clause (i), in such quantity or
9 concentration that causes or is likely to
10 cause death or serious injury or damage;

11 “(B) injures or kills any person in connec-
12 tion with the commission or the attempted com-
13 mission of any of the offenses set forth in sub-
14 paragraph (A); or

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

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

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

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

5 “(A) that is located on the continental
6 shelf of the United States;

7 “(B) that is located on the continental
8 shelf of another country, by a national of the
9 United States or by a stateless person whose
10 habitual residence is in the United States; or

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

13 “(2) during the commission of such activity
14 against or on board a fixed platform located on a
15 continental shelf, a national of the United States is
16 seized, threatened, injured, or killed; or

17 “(3) such activity is committed against or on
18 board a fixed platform located outside the United
19 States and beyond the continental shelf of the
20 United States and the offender is later found in the
21 United States.

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

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

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

3 “(d) DEFINITIONS.—In this section—

4 “(1) ‘continental shelf’ means the sea-bed and
5 subsoil of the submarine areas that extend beyond a
6 country’s territorial sea to the limits provided by
7 customary international law as reflected in Article
8 76 of the 1982 Convention on the Law of the Sea;
9 and

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

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

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

18 **SEC. 105. ANCILLARY MEASURE.**

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

1 **TITLE II—PREVENTION OF**
2 **NUCLEAR TERRORISM**

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

4 **CODE.**

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

8 **“§ 2332i. Acts of nuclear terrorism**

9 “(a) OFFENSES.—

10 “(1) IN GENERAL.—Whoever knowingly and
11 unlawfully—

12 “(A) possesses radioactive material or
13 makes or possesses a device—

14 “(i) with the intent to cause death or
15 serious bodily injury; or

16 “(ii) with the intent to cause substan-
17 tial damage to property or the environ-
18 ment; or

19 “(B) uses in any way radioactive material
20 or a device, or uses or damages or interferes
21 with the operation of a nuclear facility in a
22 manner that causes the release of or increases
23 the risk of the release of radioactive material,
24 or causes radioactive contamination or exposure
25 to radiation—

1 “(i) with the intent to cause death or
2 serious bodily injury or with the knowledge
3 that such act is likely to cause death or se-
4 rious bodily injury;

5 “(ii) with the intent to cause substan-
6 tial damage to property or the environment
7 or with the knowledge that such act is like-
8 ly to cause substantial damage to property
9 or the environment; or

10 “(iii) with the intent to compel a per-
11 son, an international organization or a
12 country to do or refrain from doing an act,
13 shall be punished as prescribed in subsection
14 (c).

15 “(2) THREATS.—Whoever, under circumstances
16 in which the threat may reasonably be believed,
17 threatens to commit an offense under paragraph (1)
18 shall be punished as prescribed in subsection (c).
19 Whoever demands possession of or access to radio-
20 active material, a device or a nuclear facility by
21 threat or by use of force shall be punished as pre-
22 scribed in subsection (c).

23 “(3) ATTEMPTS AND CONSPIRACIES.—Whoever
24 attempts to commit an offense under paragraph (1)
25 or conspires to commit an offense under paragraphs

1 (1) or (2) shall be punished as prescribed in sub-
2 section (c).

3 “(b) JURISDICTION.—Conduct prohibited by sub-
4 section (a) is within the jurisdiction of the United States
5 if—

6 “(1) the prohibited conduct takes place in the
7 United States or the special aircraft jurisdiction of
8 the United States;

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

11 “(A) is committed by a national of the
12 United States, a United States corporation or
13 legal entity or a stateless person whose habitual
14 residence is in the United States;

15 “(B) is committed on board a vessel of the
16 United States or a vessel subject to the jurisdic-
17 tion of the United States (as defined in section
18 70502 of title 46) or on board an aircraft that
19 is registered under United States law, at the
20 time the offense is committed; or

21 “(C) is committed in an attempt to compel
22 the United States to do or abstain from doing
23 any act, or constitutes a threat directed at the
24 United States;

1 “(3) the prohibited conduct takes place outside
2 of the United States and a victim or an intended vic-
3 tim is a national of the United States or a United
4 States corporation or legal entity, or the offense is
5 committed against any state or government facility
6 of the United States; or

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

9 “(c) PENALTIES.—Whoever violates this section shall
10 be fined not more than \$2,000,000 and shall be impris-
11 oned for any term of years or for life.

12 “(d) NONAPPLICABILITY.—This section does not
13 apply to—

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

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

19 “(e) DEFINITIONS.—As used in this section, the
20 term—

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

23 “(2) ‘device’ means:

24 “(A) any nuclear explosive device; or

1 “(B) any radioactive material dispersal or
2 radiation-emitting device that may, owing to its
3 radiological properties, cause death, serious
4 bodily injury or substantial damage to property
5 or the environment;

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

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

15 “(5) ‘national of the United States’ has the
16 meaning given that term in section 101(a)(22) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(22));

19 “(6) ‘nuclear facility’ means:

20 “(A) any nuclear reactor, including reac-
21 tors on vessels, vehicles, aircraft or space ob-
22 jects for use as an energy source in order to
23 propel such vessels, vehicles, aircraft or space
24 objects or for any other purpose;

1 “(B) any plant or conveyance being used
2 for the production, storage, processing or trans-
3 port of radioactive material; or

4 “(C) a facility (including associated build-
5 ings and equipment) in which nuclear material
6 is produced, processed, used, handled, stored or
7 disposed of, if damage to or interference with
8 such facility could lead to the release of signifi-
9 cant amounts of radiation or radioactive mate-
10 rial;

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

13 “(8) ‘radioactive material’ means nuclear mate-
14 rial and other radioactive substances that contain
15 nuclides that undergo spontaneous disintegration (a
16 process accompanied by emission of one or more
17 types of ionizing radiation, such as alpha-, beta-,
18 neutron particles and gamma rays) and that may,
19 owing to their radiological or fissile properties, cause
20 death, serious bodily injury or substantial damage to
21 property or to the environment;

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

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

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

7 “(12) ‘United States corporation or legal entity’
8 means any corporation or other entity organized
9 under the laws of the United States or any State,
10 Commonwealth, territory, possession or district of
11 the United States;

12 “(13) ‘vessel’ has the meaning given that term
13 in section 1502(19) of title 33; and

14 “(14) ‘vessel of the United States’ has the
15 meaning given that term in section 70502 of title
16 46.”.

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

“2332i. Acts of nuclear terrorism.”.

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

24 (d) INCLUSION IN DEFINITION OF FEDERAL CRIMES
25 OF TERRORISM.—Section 2332b(g)(5)(B) of title 18,

1 United States Code, is amended by inserting “2332i (re-
2 lating to acts of nuclear terrorism),” before “2339 (relat-
3 ing to harboring terrorists)”.

4 **SEC. 202. AMENDMENT TO SECTION 831 OF TITLE 18 OF THE**
5 **UNITED STATES CODE.**

6 Section 831 of title 18, United States Code, is
7 amended—

8 (a) in subsection (a)—

9 (1) by redesignating paragraphs (3) through
10 (8) as (4) through (9);

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

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

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

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

24 (b) in subsection (b)—

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

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

5 (c) in subsection (c)—

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

9 (2) by striking paragraph (5);

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

12 (4) by inserting after paragraph (4), the fol-
13 lowing:

14 “(5) the offense is committed on board a vessel
15 of the United States or a vessel subject to the juris-
16 diction of the United States (as defined in section
17 70502 of title 46) or on board an aircraft that is
18 registered under United States law, at the time the
19 offense is committed;

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

23 “(7) the offense is committed in an attempt to
24 compel the United States to do or abstain from

1 doing any act, or constitutes a threat directed at the
2 United States.”;

3 (d) by redesignating subsections (d) through (f) as
4 (e) through (g), respectively;

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

6 “(d) NONAPPLICABILITY.—This section does not
7 apply to—

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

11 “(2) activities undertaken by military forces of
12 a state in the exercise of their official duties.”; and
13 (f) in subsection (g), as redesignated—

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

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

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

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

22 “(9) the term ‘military forces of a state’ means
23 the armed forces of a country that are organized,
24 trained and equipped under its internal law for the
25 primary purpose of national defense or security and

1 persons acting in support of those armed forces who
2 are under their formal command, control and re-
3 sponsibility;

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

7 “(11) the term ‘state or government facility’
8 has the meaning given that term in section
9 2332f(e)(3) of this title; and

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

Union Calendar No. 60

113TH CONGRESS
1ST Session

H. R. 1073

[Report No. 113-85]

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.

MAY 20, 2013

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed