

(2) the possibility and practicality of rendering inert, common chemicals used in manufacturing explosives and the potential costs of implementing such controls;

(3) the possibility and feasibility of imposing controls on certain precursor chemicals used to manufacture explosives; and

(4) the potential cost of such control materials.

(b) **CONSULTATION.**—In carrying out this section, the Attorney General shall consult with other Federal, State, and local officials and private industry sources with expertise in tagging of explosive materials, representatives from affected industries, and such other individuals as the Attorney General may require.

(c) **REPORT.**—The Attorney General, or a designee of the Attorney General, shall prepare and submit to the President and the Congress a report containing—

(1) a detailed explanation of the findings and determinations made in the study conducted pursuant to subsection (a);

(2) summaries of other studies pertaining to tagging explosives and the results of those studies;

(3) the prospective costs and benefits of any recommendations made;

(4) the impact on the safety, manufacturing, and distribution of affected products; and

(5) the anticipated benefits for law enforcement.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE VIII—NUCLEAR MATERIALS

SEC. 801. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds that—

(1) nuclear materials, including byproduct materials, can be used to create radioactive dispersal devices that are capable of causing serious bodily injury as well as substantial damage to property and the environment;

(2) the potential use of nuclear materials, including byproduct materials, enhances the threat posed by terrorist activities and thereby has a greater effect on the security interests of the United States;

(3) due to the widespread hazards presented by the threat of nuclear contamination, as well as nuclear bombs, the United States has a strong interest in ensuring that persons who are engaged in the illegal acquisition and use of nuclear materials, including byproduct materials, are prosecuted for their offenses;

(4) the threat that nuclear materials will be obtained and used by terrorist and other criminal organizations has increased substantially since the enactment in 1982 of the legislation that implemented the Convention on the Physical Protection of Nuclear Material, codified at section 831 of title 18, United States Code;

(5) the successful efforts to obtain agreements from other countries to dismantle nuclear weapons have resulted in increased packaging and transportation of nuclear materials, thereby decreasing the security of such materials by increasing the opportunity for unlawful diversion and theft;

(6) the illicit trafficking in the relatively more common, commercially available and usable nuclear and byproduct materials poses a potential to cause significant loss of life and environmental damage;

(7) reported trafficking incidents in the early 1990's suggest that the individuals involved in trafficking these materials from Eurasia and Eastern Europe frequently conducted their black market sales of these materials within the Federal Republic of Ger-

many, the Baltic States, the former Soviet Union, Central Europe, and to a lesser extent in the Middle European countries;

(8) the international community has become increasingly concerned over the illegal possession of nuclear and nuclear byproduct materials;

(9) the potentially disastrous ramifications of increased access to nuclear and nuclear byproduct materials pose such a significant future threat that the United States must use all lawful methods available to combat the illegal use of such materials;

(10) the United States has an interest in encouraging United States corporations to do business in the countries that comprised the former Soviet Union, and in other developing democracies;

(11) protection of such United States corporations from threats created by the unlawful use of nuclear materials is important to the success of the effort to encourage such business ventures, and to further the foreign relations and commerce of the United States;

(12) the nature of nuclear contamination is such that it may affect the health, environment, and property of United States nationals even if the acts that constitute the illegal activity occur outside the territory of the United States, and are primarily directed toward foreign nationals; and

(13) there is presently no Federal criminal statute that provides adequate protection to United States interests from nonweapons grade, yet hazardous radioactive material, and from the illegal diversion of nuclear materials that are held for other than peaceful purposes.

(b) **PURPOSE.**—The purpose of this title is to provide Federal law enforcement agencies the necessary tools and fullest possible basis allowed under the Constitution to combat the threat of nuclear contamination and proliferation that may result from illegal possession and use of radioactive materials.

SEC. 802. EXPANSION OF SCOPE AND JURISDICTIONAL BASES OF NUCLEAR MATERIALS PROHIBITIONS.

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

(1) in subsection (a)—

(A) by striking “nuclear material” each place it appears and inserting “nuclear material or nuclear byproduct material”;

(B) in paragraph (1)—

(i) in subparagraph (A), by inserting “or the environment” after “property”; and

(ii) by amending subparagraph (B) to read as follows:

“(B)(i) circumstances exist that are likely to cause the death or serious bodily injury to any person or substantial damage to property or the environment, or such circumstances have been represented to the defendant to exist;” and

(C) in paragraph (6), by inserting “or the environment” after “property”;

(2) in subsection (c)—

(A) by amending paragraph (2) to read as follows:

“(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;”;

(B) in paragraph (3)—

(i) by striking “at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and”; and

(ii) by striking “or” at the end of the paragraph;

(C) in paragraph (4)—

(i) by striking “nuclear material for peaceful purposes” and inserting “nuclear material or nuclear byproduct material”; and

(ii) by striking the period at the end of the paragraph and inserting “; or”; and

(D) by adding at the end the following new paragraph:

“(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.”; and

(3) in subsection (f)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “with an isotopic concentration not in excess of 80 percent plutonium 238”; and

(ii) in subparagraph (C), by striking “(C) uranium” and inserting “(C) enriched uranium, defined as uranium”;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively;

(C) by inserting after paragraph (1) the following new paragraph:

“(2) the term ‘nuclear byproduct material’ means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;”;

(D) by striking “and” at the end of paragraph (4), as redesignated;

(E) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(F) by adding at the end the following new paragraphs:

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

“(7) the term ‘United States corporation or other legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession, or district of the United States.”.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 13, 1995 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 755, a bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, United States Senate, Washington, DC. 20510. For further information, please call David Garman of the Committee Staff at (202) 224-7933.