

Subsec. (a)(6). Pub. L. 104-132, § 502(1)(C), inserted “or to the environment” after “damage to property”.

Subsec. (c)(2). Pub. L. 104-132, § 502(2)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the defendant is a national of the United States, as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101);”.

Subsec. (c)(3). Pub. L. 104-132, § 502(2)(B), struck out “at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and” before “after the conduct” and struck out “or” at end.

Subsec. (c)(4). Pub. L. 104-132, § 502(2)(C), substituted “nuclear material or nuclear byproduct material” for “nuclear material for peaceful purposes” and “; or” for period at end.

Subsec. (c)(5). Pub. L. 104-132, § 502(2)(D), added par. (5).

Subsec. (f)(1)(A). Pub. L. 104-132, § 502(3)(A)(i), struck out “with an isotopic concentration not in excess of 80 percent plutonium 238” after “plutonium”.

Subsec. (f)(1)(C). Pub. L. 104-132, § 502(3)(A)(ii), substituted “enriched uranium, defined as uranium” for “uranium”.

Subsec. (f)(2) to (7). Pub. L. 104-132, § 502(3)(B)-(F), added par. (2), redesignated former pars. (2) to (4) as (3) to (5), respectively, and added pars. (6) and (7).

1994—Subsec. (b)(1)(A), (2)(A). Pub. L. 103-322 substituted “fined under this title” for “fine of not more than \$250,000”.

Subsec. (c)(1). Pub. L. 103-272 substituted “section 46501 of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”.

1988—Subsec. (e)(2) to (6). Pub. L. 100-690 redesignated pars. (3) to (6) as (2) to (5), respectively.

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-351, § 1, Oct. 18, 1982, 96 Stat. 1663, provided that: “This Act [enacting this section and amending section 1116 of this title] may be cited as the ‘Convention on the Physical Protection of Nuclear Material Implementation Act of 1982.’”

FINDINGS AND PURPOSE OF TITLE V OF PUB. L. 104-132 RELATING TO NUCLEAR MATERIALS

Pub. L. 104-132, title V, § 501, Apr. 24, 1996, 110 Stat. 1281, provided that:

“(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 to 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 trafficking in the relatively more common, commercially available, and usable nuclear and byproduct materials creates the potential for significant loss of life and environmental damage;

“(7) report trafficking incidents in the early 1990’s suggest that the individuals involved in trafficking in these materials from Eurasia and Eastern Europe frequently conducted their black market sales of these materials within the Federal Republic of Germany, 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 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 business ventures in these countries, 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 [enacting section 2332c of this title, amending this section and sections 175, 177, 178, and 2332a of this title, and enacting provisions set out as notes under section 262 of Title 42, The Public Health and Welfare, and section 1522 of Title 50, War and National Defense] is to provide Federal law enforcement agencies with the necessary means and the maximum authority permissible under the Constitution to combat the threat of nuclear contamination and proliferation that may result from the illegal possession and use of radioactive materials.”

§ 832. Participation in nuclear and weapons of mass destruction threats to the United States

(a) Whoever, within the United States or subject to the jurisdiction of the United States, willfully participates in or knowingly provides material support or resources (as defined in section 2339A) to a nuclear weapons program or other weapons of mass destruction program of a foreign terrorist power, or attempts or conspires to do so, shall be imprisoned for not more than 20 years.

(b) There is extraterritorial Federal jurisdiction over an offense under this section.

(c) Whoever without lawful authority develops, possesses, or attempts or conspires to develop or possess a radiological weapon, or threatens to use or uses a radiological weapon against any person within the United States, or a national of the United States while such national is outside of the United States or against any property that is owned, leased, funded, or used by the United States, whether that property is within or outside of the United States, shall be imprisoned for any term of years or for life.

(d) As used in this section—

(1) “nuclear weapons program” means a program or plan for the development, acquisition, or production of any nuclear weapon or weapons;

(2) “weapons of mass destruction program” means a program or plan for the development, acquisition, or production of any weapon or weapons of mass destruction (as defined in section 2332a(c));

(3) “foreign terrorist power” means a terrorist organization designated under section 219 of the Immigration and Nationality Act, or a state sponsor of terrorism designated under section 6(j) of the Export Administration Act of 1979 or section 620A of the Foreign Assistance Act of 1961; and

(4) “nuclear weapon” means any weapon that contains or uses nuclear material as defined in section 831(f)(1).

(Added Pub. L. 108–458, title VI, § 6803(c)(2), Dec. 17, 2004, 118 Stat. 3768.)

REFERENCES IN TEXT

Section 219 of the Immigration and Nationality Act, referred to in subsec. (d)(3), is classified to section 1189 of Title 8, Aliens and Nationality.

Section 6(j) of the Export Administration Act of 1979, referred to in subsec. (d)(3), is classified to section 2405(j) of Title 50, Appendix, War and National Defense.

Section 620A of the Foreign Assistance Act of 1961, referred to in subsec. (d)(3), is classified to section 2371 of Title 22, Foreign Relations and Intercourse.

PRIOR PROVISIONS

A prior section 832, acts June 25, 1948, ch. 645, 62 Stat. 738; Sept. 6, 1960, Pub. L. 86–710, 74 Stat. 809, related to transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles, prior to repeal by Pub. L. 96–129, title II, § 216(b), Nov. 30, 1979, 93 Stat. 1015.

[§§ 833 to 835. Repealed. Pub. L. 96–129, title II, § 216(b), Nov. 30, 1979, 93 Stat. 1015]

Section 833, acts June 25, 1948, ch. 645, 62 Stat. 739; Sept. 6, 1960, Pub. L. 86–710, 74 Stat. 810, related to marking of packages containing explosives and other dangerous articles.

Section 834, acts June 25, 1948, ch. 645, 62 Stat. 739; Sept. 6, 1960, Pub. L. 86–710, 74 Stat. 810, related to formulation of regulations by Interstate Commerce Commission regarding transportation of explosives and other dangerous articles within United States.

Section 835, acts June 25, 1948, ch. 645, 62 Stat. 739; Sept. 6, 1960, Pub. L. 86–710, 74 Stat. 811; Oct. 15, 1970, Pub. L. 91–452, title II, § 222, 84 Stat. 929; Oct. 17, 1978, Pub. L. 95–473, § 2(a)(1)(B), 92 Stat. 1464, authorized Interstate Commerce Commission to administer, execute and enforce all provisions of sections 831 to 835 of this title.

SAVINGS PROVISION

Pub. L. 96–129, title II, § 218, Nov. 30, 1979, 93 Stat. 1015, provided a savings provision for orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges issued, made, granted, or allowed to become effective under former sections 831 to 835 of this title, prior to repeal by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.

§ 836. Transportation of fireworks into State prohibiting sale or use

Whoever, otherwise than in the course of continuous interstate transportation through any State, transports fireworks into any State, or

delivers them for transportation into any State, or attempts so to do, knowing that such fireworks are to be delivered, possessed, stored, transshipped, distributed, sold, or otherwise dealt with in a manner or for a use prohibited by the laws of such State specifically prohibiting or regulating the use of fireworks, shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to a common or contract carrier or to international or domestic water carriers engaged in interstate commerce or to the transportation of fireworks into a State for the use of Federal agencies in the carrying out or the furtherance of their operations.

In the enforcement of this section, the definitions of fireworks contained in the laws of the respective States shall be applied.

As used in this section, the term “State” includes the several States, Territories, and possessions of the United States, and the District of Columbia.

This section shall be effective from and after July 1, 1954.

(Added June 4, 1954, ch. 261, § 1, 68 Stat. 170; amended Pub. L. 103–322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103–322 substituted “fined under this title” for “fined not more than \$1,000” in first par.

FIREWORKS FOR AGRICULTURAL PURPOSES

Act June 4, 1954, ch. 261, § 3, 68 Stat. 171, provided that: “This Act [enacting this section] shall not be effective with respect to—

“(1) the transportation of fireworks into any State or Territory for use solely for agricultural purposes,

“(2) the delivery of fireworks for transportation into any State or Territory for use solely for agricultural purposes, or

“(3) any attempt to engage in any such transportation or delivery for use solely for agricultural purposes, until sixty days have elapsed after the commencement of the next regular session of the legislature of such State or Territory which begins after the date of enactment of this Act [June 4, 1954].”

[§ 837. Repealed. Pub. L. 91–452, title XI, § 1106(b)(1), Oct. 15, 1970, 84 Stat. 960]

Section, Pub. L. 86–449, title II, § 203, May 6, 1960, 74 Stat. 87, related to illegal use or possession of explosives and threats or false information concerning attempts to damage or destroy real or personal property by fire or explosives. See section 844 of this title.

CHAPTER 40—IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

Sec.

841.	Definitions.
842.	Unlawful acts.
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847.	Rules and regulations.
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AMENDMENTS

2002—Pub. L. 107–296, title XI, § 1112(e)(3), Nov. 25, 2002, 116 Stat. 2276, substituted “Attorney General” for “Secretary” in item 846.