

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 by-product 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 na-

tional 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.