

sons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term “communication intelligence” means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term “unauthorized person” means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

(c) Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)–(p)), shall apply to—

(A) property subject to forfeiture under this subsection;

(B) any seizure or disposition of such property; and

(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)¹ all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

(5) As used in this subsection, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(Added Oct. 31, 1951, ch. 655, §24(a), 65 Stat. 719; amended Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-359, title VIII, §804(a), Oct. 14, 1994, 108 Stat.

3439; Pub. L. 104-294, title VI, §602(c), Oct. 11, 1996, 110 Stat. 3503.)

REFERENCES IN TEXT

Section 1402 of the Victims of Crime Act of 1984, referred to in subsec. (d)(4), is section 1402 of chapter XIV of title II of Pub. L. 98-473, which was classified to section 10601 of Title 42, The Public Health and Welfare, prior to editorial reclassification as section 20101 of Title 34, Crime Control and Law Enforcement.

CODIFICATION

Another section 798 was renumbered section 798A of this title.

AMENDMENTS

1996—Subsec. (d)(5). Pub. L. 104-294 struck out “the Trust Territory of the Pacific Islands,” after “Puerto Rico.”

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” in concluding provisions.

Subsec. (d). Pub. L. 103-359 added subsec. (d).

§ 798A. Temporary extension of section 794

The provisions of section 794 of this title, as amended and extended by section 1(a)(29) of the Emergency Powers Continuation Act (66 Stat. 333), as further amended by Public Law 12, Eighty-third Congress, in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950 (Proc. 2912, 3 C.F.R., 1950 Supp., p. 71), or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 794 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for.

(Added June 30, 1953, ch. 175, §4, 67 Stat. 133, §798; renumbered §798A, Pub. L. 101-647, title XXXV, §3519(a), Nov. 29, 1990, 104 Stat. 4923.)

REFERENCES IN TEXT

Section 1(a)(29) of the Emergency Powers Continuation Act (66 Stat. 333) as further amended by Public Law 12, Eighty-third Congress, referred to in text, was formerly set out as a note under section 791 of this title and was repealed by section 7 of act June 30, 1953.

Proc. 2912, 3 C.F.R., 1950 Supp., p. 71, referred to in text, probably should refer to Proc. 2914, which is set out as a note preceding section 1 of Title 50, War and National Defense.

AMENDMENTS

1990—Pub. L. 101-647 renumbered the second section 798 of this title as this section.

TERMINATION OF NATIONAL EMERGENCY

Declaration of national emergency in effect on Sept. 14, 1976, was terminated two years from that date by section 1601 of Title 50, War and National Defense.

§ 799. Violation of regulations of National Aeronautics and Space Administration

Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory,

¹ See References in Text note below.

station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined under this title, or imprisoned not more than one year, or both.

(Added Pub. L. 85-568, title III, §304(c)(1), July 29, 1958, 72 Stat. 434; amended Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

CHAPTER 39—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

- Sec. 831. Prohibited transactions involving nuclear materials.
- 832. Participation in nuclear and weapons of mass destruction threats to the United States.
- [833 to 835. Repealed.]
- 836. Transportation of fireworks into State prohibiting sale or use.
- [837. Repealed.]

AMENDMENTS

2004—Pub. L. 108-458, title VI, §6803(c)(1), Dec. 17, 2004, 118 Stat. 3768, added item 832.

1982—Pub. L. 97-351, §2(b), Oct. 18, 1982, 96 Stat. 1666, substituted “Prohibited transactions involving nuclear materials” for “Definitions” in item 831 and struck out items 832 “Transportation of explosives, radioactive materials, etiologic agents, and other dangerous articles”, 833 “Marking packages containing explosives and other dangerous articles”, 834 “Regulation by Interstate Commerce Commission”, and 835 “Administration”.

1970—Pub. L. 91-452, title XI, §1106(b)(2), Oct. 15, 1970, 84 Stat. 960, struck out item 837.

1960—Pub. L. 86-710, Sept. 6, 1960, 74 Stat. 808, substituted “OTHER DANGEROUS ARTICLES” for “COMBUSTIBLES” in chapter heading, “explosives, radioactive materials, etiologic agents, and other dangerous articles” for “dynamite, powder and fuses” in item 832, “Marking packages containing explosives and other dangerous articles” for “Transportation of nitroglycerin” in item 833, “Regulation by Interstate Commerce Commission” for “Marking packages containing explosives” in item 834, and “Administration” for “Regulations by Interstate Commerce Commission” in item 835.

Pub. L. 86-449, title II, §204, May 6, 1960, 74 Stat. 88, added item 837.

1954—Act June 4, 1954, ch. 261, §2, 68 Stat. 171, added item 836.

HAZARDOUS SUBSTANCES

Federal Hazardous Substances Act as not modifying this chapter or regulations promulgated thereunder, see Pub. L. 86-613, §18, formerly 17, July 12, 1960, 74 Stat. 380, as amended Pub. L. 89-756, §4(a), Nov. 3, 1966, 80 Stat. 1305; renumbered and amended Pub. L. 91-113, §4(a), (b)(1), Nov. 6, 1969, 83 Stat. 189, 190, set out as a note under section 1261 of Title 15, Commerce and Trade.

§ 831. Prohibited transactions involving nuclear materials

(a) Whoever, if one of the circumstances described in subsection (c) of this section occurs—

(1) without lawful authority, intentionally receives, possesses, uses, transfers, alters, disposes of, or disperses any nuclear material or nuclear byproduct material and—

(A) thereby knowingly causes the death of or serious bodily injury to any person or substantial damage to property or to the environment; or

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

(2) with intent to deprive another of nuclear material or nuclear byproduct material, knowingly—

(A) takes and carries away nuclear material or nuclear byproduct material of another without authority;

(B) makes an unauthorized use, disposition, or transfer, of nuclear material or nuclear byproduct material belonging to another; or

(C) uses fraud and thereby obtains nuclear material or nuclear byproduct material belonging to another;

(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;

(4) knowingly—

(A) uses force; or

(B) threatens or places another in fear that any person other than the actor will imminently be subject to bodily injury;

and thereby takes nuclear material or nuclear byproduct material belonging to another from the person or presence of any other;

(5) intentionally intimidates any person and thereby obtains nuclear material or nuclear byproduct material belonging to another;

(6) with intent to compel any person, international organization, or governmental entity to do or refrain from doing any act, knowingly threatens to engage in conduct described in paragraph (2)(A) or (3) of this subsection;

(7) knowingly threatens to use nuclear material or nuclear byproduct material to cause death or serious bodily injury to any person or substantial damage to property or to the environment under circumstances in which the threat may reasonably be understood as an expression of serious purposes;

(8) attempts to commit any act prohibited under paragraphs (1) through (5) of this subsection; or

(9) is a party to a conspiracy of two or more persons to commit any act prohibited under paragraphs (1) through (7) of this subsection, if any of the parties intentionally engages in any conduct in furtherance of such offense;

shall be punished as provided in subsection (b) of this section.

(b) The punishment for an offense under—

(1) paragraphs (1) through (8) of subsection (a) of this section is—

(A) a fine under this title; and

(B) imprisonment—

(i) for any term of years or for life (I) if, while committing the offense, the offender