

108TH CONGRESS
1ST SESSION

H. R. 2939

To strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2003

Mr. FORBES introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To strengthen and enhance the prevention and prosecution of crimes using weapons of mass destruction, 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 “Weapons of Mass De-
5 struction Prohibition Improvement Act of 2003”.

1 **SEC. 2. WEAPONS OF MASS DESTRUCTION.**

2 (a) EXPANSION OF JURISDICTIONAL BASES AND
3 SCOPE.—Section 2332a of title 18, United States Code,
4 is amended by—

5 (1) amending paragraph (a)(2) to read as fol-
6 lows:

7 “(2) against any person or property within the
8 United States, and

9 “(A) the mail or any facility of interstate
10 or foreign commerce is used in furtherance of
11 the offense;

12 “(B) such property is used in interstate or
13 foreign commerce or in an activity that affects
14 interstate or foreign commerce;

15 “(C) any perpetrator travels in or causes
16 another to travel in interstate or foreign com-
17 merce in furtherance of the offense; or

18 “(D) the offense, or the results of the of-
19 fense, affect interstate or foreign commerce, or,
20 in the case of a threat, attempt, or conspiracy,
21 would have affected interstate or foreign com-
22 merce;”;

23 (2) in paragraph (a)(3), deleting the comma at
24 the end and inserting “; or”;

25 (3) in subsection (a), adding the following at
26 the end:

1 “(4) against any property within the United
2 States that is owned, leased, or used by a foreign
3 government,”;

4 (4) in paragraph (c)(1), deleting “and” at the
5 end;

6 (5) in paragraph (c)(2), deleting the period at
7 the end and inserting “; and”; and

8 (6) in subsection (c), inserting the following at
9 the end:

10 “(3) the term ‘property’ includes all real and
11 personal property.”.

12 (b) RESTORATION OF THE COVERAGE OF CHEMICAL
13 WEAPONS.—Section 2332a of title 18, United States
14 Code, as amended by subsection (a), is further amended
15 by—

16 (1) in the caption, deleting “certain”;

17 (2) in subsection (a), deleting “(other than a
18 chemical weapon as that term is defined in section
19 229F); and

20 (3) in subsection (b), deleting “(other than a
21 chemical weapon (as that term is defined in section
22 229F))”.

23 (c) EXPANSION OF CATEGORIES OF RESTRICTED
24 PERSONS SUBJECT TO PROHIBITIONS RELATING TO SE-

1 SELECT AGENTS.—Section 175b(d)(2) of title 18, United
2 States Code, is amended—

3 (1) in subparagraph (G) by—

4 (A) inserting “(i)” after “(G)”;

5 (B) inserting “, or (ii) acts for or on behalf
6 of, or operates subject to the direction or con-
7 trol of, a government or official of a country de-
8 scribed in this subparagraph” after “ter-
9 rorism”; and

10 (C) striking “or” after the semicolon.

11 (2) in subparagraph (H) by striking the period
12 and inserting “; or”; and

13 (3) by adding the following new subparagraph
14 to the end thereof:

15 “(I) is a member of, acts for or on behalf
16 of, or operates subject to the direction or con-
17 trol of, a terrorist organization as defined in
18 section 212(a)(3)(B)(vi) of the Immigration and
19 Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).”.

20 (d) CONFORMING AMENDMENT TO REGULATIONS.—

21 (1) Section 175b(a)(1) of title 18, United
22 States Code, is amended by striking “as a select
23 agent in Appendix A” and all that follows and in-
24 serting the following: “as a non-overlap or overlap
25 select biological agent or toxin in sections 73.4 and

1 73.5 of title 42, Code of Federal Regulations, pursu-
2 ant to section 351A of the Public Health Service
3 Act, and is not excluded under sections 73.4 and
4 73.5 or exempted under section 73.6 of title 42,
5 Code of Federal Regulations.”.

6 (2) The amendment made by paragraph (1)
7 shall take effect at the same time that sections 73.4,
8 73.5, and 73.6 of title 42, Code of Federal Regula-
9 tions, become effective.

10 **SEC. 3. PARTICIPATION IN NUCLEAR AND WEAPONS OF**
11 **MASS DESTRUCTION THREATS TO THE**
12 **UNITED STATES.**

13 (a) Section 57(b) of the Atomic Energy Act of 1954
14 (42 U.S.C. 2077(b)) is amended by striking “in the pro-
15 duction of any special nuclear material” and inserting “or
16 participate in the development or production of any special
17 nuclear material or atomic weapon”.

18 (b) Title 18, United States Code, is amended—

19 (1) in the chapter analysis for chapter 39, by
20 inserting after the item relating to section 831 the
21 following:

“832. Participation in nuclear threats to the United States.”;

22 (2) by inserting after section 831 the following:

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

3 “(a) Whoever, within the United States or subject to
4 the jurisdiction of the United States, willfully participates
5 in or provides material support or resources (as defined
6 in section 2339A) to a nuclear weapons program or other
7 weapons of mass destruction program of a foreign ter-
8 rorist power, or attempts or conspires to do so, shall be
9 imprisoned for not more than 20 years.

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

12 “(c) As used in this section—

13 “(1) ‘nuclear weapons program’ means a pro-
14 gram or plan for the development, acquisition, or
15 production of any nuclear weapon or weapons;

16 “(2) ‘weapons of mass destruction program’
17 means a program or plan for the development, ac-
18 quisition, or production of any weapon or weapons
19 of mass destruction (as defined in section 2332a(c));

20 “(3) ‘foreign terrorist power’ means a terrorist
21 organization designated under section 219 of the
22 Immigration and Nationality Act, or a state sponsor
23 of terrorism designated under section 6(j) of the Ex-
24 port Administration Act of 1979 or section 620A of
25 the Foreign Assistance Act of 1961; and

1 “(4) ‘nuclear weapon’ means any weapon that
2 contains or uses nuclear material as defined in sec-
3 tion 831(f)(1).”; and

4 (3) in section 2332b(g)(5)(B)(i), by inserting
5 after “nuclear materials,” the following: “832 (re-
6 lating to participation in nuclear and weapons of
7 mass destruction threats to the United States)”.

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