

them to a new owner, the town of Canton, Connecticut.

The licenses are associated with the Upper and Lower Collinsville dams on the Farmington River in Connecticut. Both projects are under one megawatt each, and I urge all Members to support this legislation, and I reserve the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield myself such time as I may consume, and I would like to thank the chairman for his assistance and leadership in bringing this bill forward today.

This legislation before us, as Chairman WHITFIELD stated, is pretty simple. It will allow FERC the permissive authority to allow several communities in my district to operate two very small hydroelectric dams as municipal power sources. The Upper and Lower Collinsville dams have been dormant along Connecticut's Farmington River since the 1960s. The licenses that were fairly recently previously issued by FERC to operate both small dams are currently inactive. This legislation would allow FERC the opportunity to reinstate them and transfer them to the town of Canton, Connecticut, for operation.

These two small dams are already a beloved and long-standing symbol of the Farmington Valley's rich history. Today, however, we can help make them a symbol of the valley's future as well—retrofitting them to provide clean energy to power thousands of homes and businesses.

This legislation was the product of a sustained and collaborative process with State and local stakeholders, FERC, and river protection organizations. The bill provides for an additional comment period on any FERC licensing action, as well as on the licenses' environmental provisions—ensuring that public input is respected and the river's health is protected.

While we work to enact policies that will accelerate our transition to energy independence, we shouldn't neglect these smaller projects that can begin that process right here and now, and this bill represents that kind of opportunity.

This isn't the first time we've considered this bill in this Chamber. Identical legislation passed the House by voice vote on June 16, 2010. However, the Senate didn't take up the bill that year. As such, I'm hopeful we can muster the same bipartisan spirit today and again pass this noncontroversial energy legislation.

Again, I'd like to thank Chairman WHITFIELD, as well as Chairman UPTON and Ranking Members WAXMAN and RUSH and their staffs, for helping bring this legislation to the floor today. We do this institution credit with this kind of bipartisan legislation. Again to the chairman, I appreciate it, and I reserve the balance of my time.

Mr. WHITFIELD. Madam Speaker, we have no further speakers, so at this time I would just thank the gentleman

from Connecticut for bringing this legislation to our attention. I appreciate his patience. It took us a little while to get it to the floor, but I do urge its passage, and I yield back the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 5625.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. WHITFIELD. Madam Speaker, I ask unanimous consent that all Members be allowed to revise and extend their remarks and insert extraneous material on H.R. 4850 and H.R. 5625.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1500

#### NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION AND SAFETY OF MARITIME NAVIGATION ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5889) to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5889

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012”.

#### TITLE I—SAFETY OF MARITIME NAVIGATION

##### SEC. 101. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking “a ship flying the flag of the United States” and inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in paragraph (1)(A)(ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in paragraph (1)(A)(iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c):

“(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

“(1) ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

“(2) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(3) ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

“(4) ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except where intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

“(5) ‘covered ship’ means a ship that is navigating or is scheduled to navigate into,

through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country;

“(6) ‘explosive material’ has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

“(7) ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5) of this title;

“(8) ‘international organization’ has the meaning given the term in section 831(f)(3) of this title;

“(9) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

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

“(11) ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

“(12) ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

“(13) ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

“(14) ‘place of public use’ has the meaning given the term in section 2332f(e)(6) of this title;

“(15) ‘precursor’ has the meaning given the term in section 229F(6)(A) of this title;

“(16) ‘public transport system’ has the meaning given the term in section 2332f(e)(6) of this title;

“(17) ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

“(18) ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

“(19) ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(20) ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(21) ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

“(22) ‘toxic chemical’ has the meaning given the term in section 229F(8)(A) of this title;

“(23) ‘transport’ means to initiate, arrange or exercise effective control, including deci-

sionmaking authority, over the movement of a person or item; and

“(24) ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.”; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master's intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master's possession that pertains to the alleged offense.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”.

#### SEC. 102. NEW SECTION 2280a OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following new section:

#### “§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause

death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this section or an offense set forth in

an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

“(E) attempts to do any act prohibited under subparagraphs (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) **THREATS.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited in subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) **EXCEPTIONS.**—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) **CIVIL FORFEITURE.**—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) **APPLICABLE PROCEDURES.**—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following new item:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

**SEC. 103. AMENDMENTS TO SECTION 2281 OF TITLE 18, UNITED STATES CODE.**

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by inserting after subsection (d) the following:

“(e) **EXCEPTIONS.**—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

**SEC. 104. NEW SECTION 2281a OF TITLE 18, UNITED STATES CODE.**

(a) **IN GENERAL.**—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following new section:

**“§ 2281a. Additional offenses against maritime fixed platforms**

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraphs (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) **THREAT TO SAFETY.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited in subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the

United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) **EXCEPTIONS.**—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) **DEFINITIONS.**—In this section—

“(1) ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

“(2) ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following new item:

“2281a. Additional offenses against maritime fixed platforms.”

**SEC. 105. ANCILLARY MEASURE.**

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2280a (relating to maritime safety),” before “2281”, and by striking “2281” and inserting “2281 through 2281a”.

**TITLE II—PREVENTION OF NUCLEAR TERRORISM**

**SEC. 201. NEW SECTION 2332I OF TITLE 18.**

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

**“§ 2332i. Acts of nuclear terrorism**

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—Whoever knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act, shall be punished as prescribed in subsection (c).

“(2) **THREATS.**—Whoever, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Whoever attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).”

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Whoever violates this section shall be fined not more than \$2,000,000 and shall be imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—As used in this section, the term—

“(1) ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(2) ‘device’ means:

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment;

“(3) ‘international organization’ has the meaning given that term in section 831(f)(3) of this title;

“(4) ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

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

“(6) ‘nuclear facility’ means:

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the

release of significant amounts of radiation or radioactive material;

“(7) ‘nuclear material’ has the meaning given that term in section 831(f)(1) of this title;

“(8) ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“(9) ‘serious bodily injury’ has the meaning given that term in section 831(f)(4) of this title;

“(10) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title;

“(12) ‘United States corporation or 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;

“(13) ‘vessel’ has the meaning given that term in section 1502(19) of title 33; and

“(14) ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

“2332i. Acts of nuclear terrorism.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

#### SEC. 202. AMENDMENT TO SECTION 831 OF TITLE 18 OF THE U.S. CODE.

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

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as (4) through (9);

(2) by inserting after paragraph (2) the following:

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

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5)”; and

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7)”;;

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8)”; and

(2) in paragraph (2), by striking “(8)” and inserting “(9)”;;

(c) in subsection (c)—

(1) in subparagraph (2)(A), by adding after “United States” the following: “or a stateless person whose habitual residence is in the United States”;;

(2) by striking paragraph (5);

(3) in paragraph (4), by striking “or” at the end;

(4) by inserting after paragraph (4), the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;”

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”

(d) by redesignating subsections (d) through (f) as (e) through (g), respectively;

(e) by inserting after subsection (c):

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) the term ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title; and

“(12) the term ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Georgia (Mr. JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5889, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I introduced this legislation to implement certain provisions of four multilateral counterterrorism treaties that will make America and the world safer.

The significance of this legislation and the bipartisanship demonstrated to get this bill to the House floor is evidenced by those who have joined me as original cosponsors—Judiciary Committee Ranking Member JOHN CONYERS, Crime Subcommittee Chairman JIM SENSENBRENNER, and Crime Subcommittee Ranking Member BOBBY SCOTT.

Terrorism and the proliferation of weapons of mass destruction do not recognize international boundaries. The treaties that this legislation relates to are important tools in the fight against terrorism. Each one builds on an existing treaty to which the United States is a party. Implementation of these treaties will enhance the national security of the United States.

This legislation modernizes and strengthens the international counterterrorism and counterproliferation legal framework. The treaties in this legislation complement important U.S. priorities to prevent nuclear terrorism, counterproliferation of weapons of mass destruction, and counterterrorism initiatives.

Acceptance of these treaties will reinforce the United States' leadership role in promoting these and other counterterrorism treaties and will likely prompt other countries to join. The treaties are widely supported by the U.S. Departments of State, Justice, and Defense. This legislation strengthens current law and related jurisdictional provisions.

Acceptance of the underlying treaties benefits the United States in many ways. For example, parties to the underlying treaties are required to criminalize certain acts committed by persons who possess or use radioactive material or a nuclear device, and parties are obligated to extradite or prosecute alleged offenders.

As they relate to maritime terrorism, the underlying treaties would treat vessels and fixed maritime platforms as a potential means of conducting terrorism activity and not just as objects of terrorist activity.

The previous administration strongly supported approval of these agreements, which have already received Senate advice and consent. The current administration wants to advance this legislation so that the United States maintains its leadership role in counter-nuclear proliferation efforts and terrorism prevention.

Advancing this legislation strengthens international cooperation and information sharing as it relates to international terrorism and proliferation of weapons of mass destruction.

I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Speaker, the four treaties underlying this legislation are the cornerstones of an important effort to update international law for the post-September 11 era.

Two of the treaties, the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention for the Physical Protection of Nuclear Material, require party nations to better protect nuclear materials and to punish acts of nuclear terrorism.

The two other treaties, amendments to the Convention for the Suppression of Unlawful Acts Against the Safety of

Maritime Navigation and the protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms, address the use of ships and fixed platforms in terrorist attacks, as well as the transport of weapons, weapons delivery systems, and terrorist fugitives by sea.

The United States signed these treaties in 2005. The Senate passed resolutions of advice and consent on all four in 2008. In an era where we increasingly rely on our allies to combat terrorism, these new treaty obligations are also plain common sense. Members of this committee have been committed to their ratification from the very start.

We disagreed with the administration's original legislative proposal only where it asked for far more than was necessary to implement these treaties. Fortunately, after many months of discussion, we have arrived at language that implements these treaties without making unnecessary and needlessly controversial changes to the Federal Criminal Code.

H.R. 5889 represents true bipartisan consensus and has the full support of the Obama administration. I look forward to its passage here in the House, to its ultimate passage in the Senate, and to our diplomatic corps filing letters of ratification after all these years.

I want to thank Chairman SMITH and Chairman SENSENBRENNER both for holding a hearing in the Crime Subcommittee on this important legislation in October of last year, and for their collaboration with Crime Subcommittee Ranking Member BOBBY SCOTT to work out our concerns with the administration.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of H.R. 5889, "The Nuclear Terrorism Conventions, Safety of Maritime Navigation Act."

As the Ranking Member of the Homeland Security Committee, Subcommittee on Transportation Security and Infrastructure, I am well-aware of the gravity of nuclear terrorism conventions. It must be noted that Americans may disagree on a lot of things—something that is reflected in this body every day—but when it comes to securing our Homeland—we generally have come together.

By imposing fines and punishment on onerous acts, this bill will hopefully serve as a deterrent to those who seek to commit such acts. It also prevents the transport of certain materials which, in their ordinary course are not those which would be transported outside of certain commercially permitted uses.

H.R. 5889 would implement four multilateral counterterrorism treaties. The bill was introduced on June 5, 2012 by Representative LAMAR SMITH, Committee Chairman, with Representatives JOHN CONYERS, JR. Committee Ranking Member; BOBBY SCOTT Crime Subcommittee Ranking Member; and F. JAMES SENSENBRENNER, JR., Crime Subcommittee Chairman, as original cosponsors. H.R. 5889

has bipartisan support and is the result of extensive negotiations with the Administration, the State Department, and the Department of Justice. I appreciate the work of my colleagues on this legislation and look forward to the enactment of more bi-partisan legislation in the near future.

The Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on this proposal on October 4, 2011. As I recall, witnesses included representatives from the Department of Justice and the Department of State.

#### A. GENERAL BACKGROUND

This legislation is designed to implement four multilateral counterterrorism treaties, each an update to existing international law. The four treaties include:

The International Convention for the Suppression of Acts of Nuclear Terrorism ("NTC"), which requires party nations to criminalize acts of terrorism involving radioactive material. The NTC entered into force on July 7, 2007. Of the thirteen multilateral counterterrorism treaties now in force, it is the only one that the United States has yet to ratify. Moreover, it is the first treaty of its kind adopted after the attacks of September 11, 2001, and thus has symbolic importance.

An amendment to the Convention on the Physical Protection of Nuclear Material ("CPPNM"), which creates new security requirements for the use and storage of nuclear materials used for domestic purposes. The amendment will not take effect until it is ratified by two-thirds of the parties to the CPPNM. U.S. ratification will likely create some momentum towards final entry into force.

The 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ("SUA Protocol"), which addresses the use of ships in terrorist attacks, as well as the transport of weapons, weapons delivery systems, and terrorist fugitives by sea. The SUA protocol requires twelve ratifications to enter into force; so far, only eleven nations have ratified the 2005 changes.

The 2005 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms ("Fixed Platform Protocol"), which mirrors the SUA Protocol with respect to offshore platforms. The Fixed Platform Protocol cannot take effect until the SUA Protocol amendment enters into force.

The United States signed all four agreements in 2005, and the Senate passed resolutions of advice and consent for all four treaties on September 25, 2008.

In the words of the Department of State's witness, Thomas M. Countryman, at an earlier hearing this session, "First, the proposed implementing legislation will ensure that the United States complies with our international obligations under each treaty to criminalize certain conduct and establish criminal jurisdiction over that conduct. The criminal offenses covered under these treaties are serious offenses involving nuclear terrorism, WMD proliferation, maritime terrorism, and unlawful maritime transport of WMD and their delivery systems. There is international consensus that countries should cooperate in the prevention, investigation, and prosecution of these offenses. The proposed implementing legislation will both fill gaps within U.S. law and facilitate international cooperation with foreign partners under the framework of these treaties."

Second, the proposed implementing legislation is modeled after legislation passed by Congress to implement earlier counterterrorism treaties. Most recently, in 2002 Congress passed legislation to implement two treaties which focused on terrorist bombings and terrorist finance. The form of the proposed legislation tracks that which has been successfully used in the past. Indeed, the proposed legislation for the 2005 SUA Protocols itself amends legislation originally passed by Congress to implement the SUA Convention and Fixed Platforms Protocol. Just as the 2005 SUA Protocols amend those earlier treaties, so would the proposed legislation amend U.S. law implementing those treaties."

According to the Department of Justice, the United States cannot ratify these four agreements until Congress has amended the federal criminal code to bring it into line with these new treaty obligations. Early this Congress, the Obama Administration submitted a legislative proposal to Congress to implement these changes. This proposal was substantially identical to two earlier proposals in the 110th and 111th Congresses.

At the October 2011 Subcommittee hearing, members questioned the apparent over breadth of the Administration's proposed legislation. Several provisions seemed completely outside the scope of the requirements of the treaties, e.g., an expansion of the scope of conduct subject to the death penalty, new wiretap predicates, and authorization for the President to conduct similar agreements in the future without congressional approval. With the full cooperation of the Majority, Committee staff negotiated implementing legislation that does not include these troubling provisions.

The Obama Administration has also indicated its official support for the bill. And I too will support this measure and look forward to receiving timely official reports as we attempt to secure our navigable waterways and prevent acts of terrorism.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5889, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. JOHNSON of Georgia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### STRENGTHENING AND FOCUSING ENFORCEMENT TO DETER ORGANIZED STEALING AND ENHANCE SAFETY ACT OF 2012

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4223) to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4223

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety Act of 2012" or the "SAFE DOSES Act".*

#### SEC. 2. THEFT OF MEDICAL PRODUCTS.

(a) **PROHIBITED CONDUCT AND PENALTIES.**—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

##### "§ 670. Theft of medical products

"(a) **PROHIBITED CONDUCT.**—Whoever, in, or using any means or facility of, interstate or foreign commerce—

"(1) embezzles, steals, or by fraud or deception obtains, or knowingly and unlawfully takes, carries away, or conceals a pre-retail medical product;

"(2) knowingly and falsely makes, alters, forges, or counterfeits the labeling or documentation (including documentation relating to origination or shipping) of a pre-retail medical product;

"(3) knowingly possesses, transports, or traffics in a pre-retail medical product that was involved in a violation of paragraph (1) or (2);

"(4) with intent to defraud, buys, or otherwise obtains, a pre-retail medical product that has expired or been stolen;

"(5) with intent to defraud, sells, or distributes, a pre-retail medical product that is expired or stolen; or

"(6) attempts or conspires to violate any of paragraphs (1) through (5); shall be punished as provided in subsection (c) and subject to the other sanctions provided in this section.

"(b) **AGGRAVATED OFFENSES.**—An offense under this section is an aggravated offense if—

"(1) the defendant is employed by, or is an agent of, an organization in the supply chain for the pre-retail medical product; or

"(2) the violation—

"(A) involves the use of violence, force, or a threat of violence or force;

"(B) involves the use of a deadly weapon;

"(C) results in serious bodily injury or death, including serious bodily injury or death resulting from the use of the medical product involved; or

"(D) is subsequent to a prior conviction for an offense under this section.

"(c) **CRIMINAL PENALTIES.**—Whoever violates subsection (a)—

"(1) if the offense is an aggravated offense under subsection (b)(2)(C), shall be fined under this title or imprisoned not more than 30 years, or both;

"(2) if the value of the medical products involved in the offense is \$5,000 or greater, shall be fined under this title, imprisoned for not more than 15 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 20 years; and

"(3) in any other case, shall be fined under this title, imprisoned for not more than 3 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 5 years.

"(d) **CIVIL PENALTIES.**—Whoever violates subsection (a) is subject to a civil penalty in an amount not more than the greater of—

"(1) three times the economic loss attributable to the violation; or

"(2) \$1,000,000.

"(e) **DEFINITIONS.**—In this section—

"(1) the term 'pre-retail medical product' means a medical product that has not yet been made available for retail purchase by a consumer;

"(2) the term 'medical product' means a drug, biological product, device, medical food, or infant formula;

"(3) the terms 'device', 'drug', 'infant formula', and 'labeling' have, respectively, the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act;

"(4) the term 'biological product' has the meaning given the term in section 351 of the Public Health Service Act;

"(5) the term 'medical food' has the meaning given the term in section 5(b) of the Orphan Drug Act; and

"(6) the term 'supply chain' includes manufacturer, wholesaler, repacker, own-labeled distributor, private-label distributor, jobber, broker, drug trader, transportation company, hospital, pharmacy, or security company."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding after the item relating to section 669 the following:

"670. Theft of medical products."

#### SEC. 3. CIVIL FORFEITURE.

Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "670," after "657,".

#### SEC. 4. PENALTIES FOR THEFT-RELATED OFFENSES.

(a) **INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.**—Section 659 of title 18, United States Code, is amended by adding at the end of the fifth undesignated paragraph the following: "If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater."

(b) **RACKETEERING.**—

(1) **TRAVEL ACT VIOLATIONS.**—Section 1952 of title 18, United States Code, is amended by adding at the end the following:

"(d) If the offense under this section involves an act described in paragraph (1) or (3) of subsection (a) and also involves a pre-retail medical product (as defined in section 670), the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under subsection (a) is greater."

(2) **MONEY LAUNDERING.**—Section 1957(b)(1) of title 18, United States Code, is amended by adding at the end the following: "If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this subsection is greater."

(c) **BREAKING OR ENTERING CARRIER FACILITIES.**—Section 2117 of title 18, United States Code, is amended by adding at the end of the first undesignated paragraph the following: "If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater."

(d) **STOLEN PROPERTY.**—

(1) **TRANSPORTATION OF STOLEN GOODS AND RELATED OFFENSES.**—Section 2314 of title 18, United States Code, is amended by adding at the end of the sixth undesignated paragraph the following: "If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater."

(2) **SALE OR RECEIPT OF STOLEN GOODS AND RELATED OFFENSES.**—Section 2315 of title 18, United States Code, is amended by adding at the end of the fourth undesignated paragraph the following: "If the offense involves a pre-retail medical product (as defined in section 670) the punishment for the offense shall be the same as the punishment for an offense under section 670 unless the punishment under this section is greater."

(e) **PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.**—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section