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 Repealed.]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 Repealed.]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) 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;

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

(5) 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;

(6) 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;

(7) attempts to commit an offense under paragraph (1), (2), (3), or (4) of this subsection; or

(8) is a party to a conspiracy of two or more persons to commit an offense under paragraph (1), (2), (3), or (4) 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 (7) 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 knowingly causes the death of any person; or (II) if, while committing an offense under paragraph (1) or (3) of subsection (a) of this section, the offender, under circumstances manifesting extreme indifference to the life of an individual, knowingly engages in any conduct and thereby recklessly causes the death of or serious bodily injury to any person; and

(ii) for not more than 20 years in any other case; and

(2) paragraph (8) of subsection (a) of this section is—

(A) a fine under this title; and

(B) imprisonment—

(i) for not more than 20 years if the offense which is the object of the conspiracy is punishable under paragraph (1)(B)(i); and

(ii) for not more than 10 years in any other case.

(c) The circumstances referred to in subsection (a) of this section are that—

(1) the offense is committed in the United States or the special maritime and territorial jurisdiction of the United States, or the special aircraft jurisdiction of the United States (as defined in section 46501 of title 49);

(2) an offender or a victim is—

(A) a national of the United States; or

(B) a United States corporation or other legal entity;

(3) after the conduct required for the offense occurs the defendant is found in the United States, even if the conduct required for the offense occurs outside the United States;

(4) the conduct required for the offense occurs with respect to the carriage of a consignment of nuclear material or nuclear byproduct material by any means of transportation intended to go beyond the territory of the state where the shipment originates beginning with the departure from a facility of the shipper in that state and ending with the arrival at a facility of the receiver within the state of ultimate destination and either of such states is the United States; or

(5) either—

(A) the governmental entity under subsection (a)(5) is the United States; or

(B) the threat under subsection (a)(6) is directed at the United States.

(d) The Attorney General may request assistance from the Secretary of Defense under chapter 18 of title 10 in the enforcement of this section and the Secretary of Defense may provide such assistance in accordance with chapter 18 of title 10, except that the Secretary of Defense may provide such assistance through any Department of Defense personnel.

(e)(1) The Attorney General may also request assistance from the Secretary of Defense under this subsection in the enforcement of this section. Notwithstanding section 1385 of this title, the Secretary of Defense may, in accordance with other applicable law, provide such assistance to the Attorney General if—

(A) an emergency situation exists (as jointly determined by the Attorney General and the Secretary of Defense in their discretion); and

(B) the provision of such assistance will not adversely affect the military preparedness of the United States (as determined by the Secretary of Defense in such Secretary's discretion).

(2) As used in this subsection, the term ''emergency situation'' means a circumstance—

(A) that poses a serious threat to the interests of the United States; and

(B) in which—

(i) enforcement of the law would be seriously impaired if the assistance were not provided; and

(ii) civilian law enforcement personnel are not capable of enforcing the law.

(3) Assistance under this section may include—

(A) use of personnel of the Department of Defense to arrest persons and conduct searches and seizures with respect to violations of this section; and

(B) such other activity as is incidental to the enforcement of this section, or to the protection of persons or property from conduct that violates this section.

(4) The Secretary of Defense may require reimbursement as a condition of assistance under this section.

(5) The Attorney General may delegate the Attorney General's function under this subsection only to a Deputy, Associate, or Assistant Attorney General.

(f) As used in this section—

(1) the term ''nuclear material'' means material containing any—

(A) plutonium;

(B) uranium not in the form of ore or ore residue that contains the mixture of isotopes as occurring in nature;

(C) enriched uranium, defined as uranium that contains the isotope 233 or 235 or both in such amount that the abundance ratio of the sum of those isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or

(D) uranium 233;

(2) the term ''nuclear byproduct material'' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;

(3) the term ''international organization'' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs;

(4) the term ''serious bodily injury'' means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; or

(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(5) the term ''bodily injury'' means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of a function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary;

(6) the term ''national of the United States'' has the same meaning as in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(7) the term ''United States corporation or other 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.

(Added Pub. L. 97–351, §2(a), Oct. 18, 1982, 96 Stat. 1663; amended Pub. L. 100–690, title VII, §7022, Nov. 18, 1988, 102 Stat. 4397; Pub. L. 103–272, §5(e)(6), July 5, 1994, 108 Stat. 1374; Pub. L. 103–322, title XXXIII, §330016(2)(C), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104–132, title V, §502, Apr. 24, 1996, 110 Stat. 1282.)

PRIOR PROVISIONS

A prior section 831, acts June 25, 1948, ch. 645, 62 Stat. 738; Sept. 6, 1960, Pub. L. 86–710, 74 Stat. 808; July 27, 1965, Pub. L. 89–95, 79 Stat. 285; Oct. 17, 1978, Pub. L. 95–473; §2(a)(1)(A), 92 Stat. 1464, defined terms used in this chapter, prior to repeal by Pub. L. 96–129, title II, §216(b), Nov. 30, 1979, 93 Stat. 1015. For savings provisions regarding former section 831, see section 218 of Pub. L. 96–129, set out as a note under former sections 832 to 835 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–132, §502(1)(A), substituted ''nuclear material or nuclear byproduct material'' for ''nuclear material'' wherever appearing.

Subsec. (a)(1)(A). Pub. L. 104–132, §502(1)(B)(i), inserted ''or to the environment'' after ''damage to property''.

Subsec. (a)(1)(B). Pub. L. 104–132, §502(1)(B)(ii), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''knows that circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property;''.

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

Section 1 of Pub. L. 97–351 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

Section 501 of title V of Pub. L. 104–132 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

Section 3 of act June 4, 1954, 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 legisla-

ture 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.
843. Licenses and user permits.
844. Penalties.
845. Exceptions; relief from disabilities.
846. Additional powers of the Attorney General.
847. Rules and regulations.
848. Effect on State law.

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.

1990—Pub. L. 101–647, title XXXV, §3520, Nov. 29, 1990, 104 Stat. 4923, substituted ''Licenses'' for ''Licensing'' in item 843.

1970—Pub. L. 91–452, title XI, §1102(a), Oct. 15, 1970, 84 Stat. 952, added chapter 40 and items 841 to 848.

§841. Definitions

As used in this chapter—

(a) ''Person'' means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(b) ''Interstate'' or foreign commerce means commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State. ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

(c) ''Explosive materials'' means explosives, blasting agents, and detonators.

(d) Except for the purposes of subsections (d), (e), (f), (g), (h), (i), and (j) of section 844 of this title, ''explosives'' means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. The Attorney General shall publish and revise at least annually in the Federal Register a list of these and any additional explosives which he determines to be within the coverage of this chapter. For the purposes of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, the term ''explosive'' is defined in subsection (j) of such section 844.

(e) ''Blasting agent'' means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive: *Provided*, That the finished product, as mixed for use or shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

(f) ''Detonator'' means any device containing a detonating charge that is used for initiating detonation in an explosive; the term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

(g) ''Importer'' means any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

(h) ''Manufacturer'' means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

(i) ''Dealer'' means any person engaged in the business of distributing explosive materials at wholesale or retail.

(j) ''Permittee'' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.

(k) ''Attorney General'' means the Attorney General of the United States.

(*l*) ''Crime punishable by imprisonment for a term exceeding one year'' shall not mean (1) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Attorney General may by regulation designate, or (2) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

(m) ''Licensee'' means any importer, manufacturer, or dealer licensed under the provisions of this chapter.

(n) ''Distribute'' means sell, issue, give, transfer, or otherwise dispose of.

(*o*) ''Convention on the Marking of Plastic Explosives'' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

(p) ''Detection agent'' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the