



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

June 21, 2012

The Honorable Lamar Smith  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Department of Justice supports H.R. 5889, the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012,” as approved by the House Judiciary Committee on June 6, 2012. Enactment of this bill would strengthen national security and enhance multilateral efforts to combat terrorism and nuclear proliferation. We have appreciated the Committee’s willingness to work with the Administration to make these necessary updates to the law.

Title I of the Act would implement the 2005 Protocol to the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. The 2005 Protocols were signed by the United States and require parties to criminalize the use or targeting of a ship or a fixed maritime platform in a terrorist activity; the transportation of weapons of mass destruction or related items; and the maritime transportation of terrorist fugitives. The Senate provided its advice and consent to ratification of the Protocols on September 25, 2008.

Title II of the Act would accomplish two aims. First, it would implement the International Convention for the Suppression of Acts of Nuclear Terrorism (“NTC”), which was adopted by the United Nations General Assembly on April 13, 2005, and signed by President George W. Bush on behalf of the United States on September 14, 2005. The NTC requires States Parties to criminalize certain acts relating to the possession and use of radioactive material and radiological dispersal devices and damage to nuclear facilities. Second, Title II would implement certain provisions of an amendment to the Convention on the Physical Protection of Nuclear Material (“CPPNM”). The amendment was adopted at a diplomatic conference of States Parties (including the United States) on July 25, 2005. The CPPNM amendment, in pertinent part, requires States Parties to criminalize nuclear smuggling and sabotage of nuclear facilities. The Senate provided its advice and consent to ratification of both the NTC and the amendment to the CPPNM on September 25, 2008.

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We are confident that H.R. 5889 would fully implement the treaties and allow us to move forward with their ratification. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

  
Judith C. Appelbaum  
Acting Assistant Attorney General

cc: The Honorable John Conyers, Jr.  
Ranking Minority Member