

107TH CONGRESS  
1ST SESSION

# S. 1586

To amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2001

Mr. INHOFE (for himself and Mr. SMITH of New Hampshire) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 5, 2001

Committee discharged; referred to the Committee on Environment and Public Works

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## A BILL

To amend the Atomic Energy Act of 1954 to authorize the carrying of firearms by employees of licensees, 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. CARRYING OF FIREARMS BY LICENSEE EM-**  
4 **PLOYEES.**

5 (a) IN GENERAL.—Chapter 14 of title I of the Atomic  
6 Energy Act of 1954 (42 U.S.C. 2201 et seq.) is  
7 amended—

1           (1) in section 161, by striking subsection k. and  
2           inserting the following:

3           “k. authorize to carry a firearm in the performance  
4 of official duties such of its members, officers, and employ-  
5 ees, such of the employees of its contractors and sub-  
6 contractors (at any tier) engaged in the protection of prop-  
7 erty under the jurisdiction of the United States located  
8 at facilities owned by or contracted to the United States  
9 or being transported to or from such facilities, and such  
10 of the employees of persons licensed or certified by the  
11 Commission (including employees of contractors of licens-  
12 ees or certificate holders) engaged in the protection of fa-  
13 cilities owned or operated by a Commission licensee or cer-  
14 tificate holder that are designated by the Commission or  
15 in the protection of property of significance to the common  
16 defense and security located at facilities owned or operated  
17 by a Commission licensee or certificate holder or being  
18 transported to or from such facilities, as the Commission  
19 considers necessary in the interest of the common defense  
20 and security;” and

21           (2) by adding at the end the following:

22   **“SEC. 170C. CARRYING OF FIREARMS.**

23           “(a) AUTHORITY TO MAKE ARREST.—

24           “(1) IN GENERAL.—A person authorized under  
25           section 161k. to carry a firearm may, while in the

1 performance of, and in connection with, official du-  
2 ties, arrest an individual without a warrant for any  
3 offense against the United States committed in the  
4 presence of the person or for any felony under the  
5 laws of the United States if the person has a reason-  
6 able ground to believe that the individual has com-  
7 mitted or is committing such a felony.

8 “(2) LIMITATION.—An employee of a contractor  
9 or subcontractor or of a Commission licensee or cer-  
10 tificate holder (or a contractor of a licensee or cer-  
11 tificate holder) authorized to make an arrest under  
12 paragraph (1) may make an arrest only—

13 “(A) when the individual is within, or is in  
14 flight directly from, the area in which the of-  
15 fense was committed; and

16 “(B) in the enforcement of—

17 “(i) a law regarding the property of  
18 the United States in the custody of the De-  
19 partment of Energy, the Commission, or a  
20 contractor of the Department of Energy or  
21 Commission or a licensee or certificate  
22 holder of the Commission;

23 “(ii) a law applicable to facilities  
24 owned or operated by a Commission li-  
25 censee or certificate holder that are des-

1                   ignated by the Commission under section  
2                   161k.;

3                   “(iii) a law applicable to property of  
4                   significance to the common defense and se-  
5                   curity that is in the custody of a licensee  
6                   or certificate holder or a contractor of a li-  
7                   censee or certificate holder of the Commis-  
8                   sion; or

9                   “(iv) any provision of this Act that  
10                  subjects an offender to a fine, imprison-  
11                  ment, or both.

12                  “(3) OTHER AUTHORITY.—The arrest authority  
13                  conferred by this section is in addition to any arrest  
14                  authority under other law.

15                  “(4) GUIDELINES.—The Secretary and the  
16                  Commission, with the approval of the Attorney Gen-  
17                  eral, shall issue guidelines to implement section  
18                  161k. and this subsection.”.

19                  (b) CONFORMING AMENDMENT.—The table of con-  
20                  tents of the Atomic Energy Act of 1954 (42 U.S.C. prec.  
21                  2011) is amended by adding at the end of the items relat-  
22                  ing to chapter 14 the following:

                  “Sec. 170C. Carrying of firearms.”.

1 **SEC. 2. UNAUTHORIZED INTRODUCTION OF DANGEROUS**  
2 **WEAPONS.**

3 Section 229a. of the Atomic Energy Act of 1954 (42  
4 U.S.C. 2278a(a)) is amended in the first sentence by in-  
5 serting “or subject to the licensing authority of the Com-  
6 mission or to certification by the Commission under this  
7 Act or any other Act” before the period at the end.

8 **SEC. 3. SABOTAGE OF NUCLEAR FACILITIES OR FUEL.**

9 Section 236a. of the Atomic Energy Act of 1954 (42  
10 U.S.C. 2284(a)) is amended—

11 (1) in paragraph (2), by striking “storage facil-  
12 ity” and inserting “storage, treatment, or disposal  
13 facility”;

14 (2) in paragraph (3)—

15 (A) by striking “such a utilization facility”  
16 and inserting “a utilization facility licensed  
17 under this Act”; and

18 (B) by striking “or” at the end;

19 (3) in paragraph (4)—

20 (A) by striking “facility licensed” and in-  
21 serting “or nuclear fuel fabrication facility li-  
22 censed or certified”; and

23 (B) by striking the period at the end and  
24 inserting “; or”; and

25 (4) by adding at the end the following:

1           “(5) any production, utilization, waste storage,  
2           waste treatment, waste disposal, uranium enrich-  
3           ment, or nuclear fuel fabrication facility subject to  
4           licensing or certification under this Act during con-  
5           struction of the facility, if the person knows or rea-  
6           sonably should know that there is a significant pos-  
7           sibility that the destruction or damage caused or at-  
8           tempted to be caused could adversely affect public  
9           health and safety during the operation of the facil-  
10          ity;”.

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