

(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life; and

(3) the term “property” includes all real and personal property.

(Added Pub. L. 103-322, title VI, §60023(a), Sept. 13, 1994, 108 Stat. 1980; amended Pub. L. 104-132, title V, §511(c), title VII, §725, Apr. 24, 1996, 110 Stat. 1284, 1300; Pub. L. 104-294, title VI, §605(m), Oct. 11, 1996, 110 Stat. 3510; Pub. L. 105-277, div. I, title II, §201(b)(1), Oct. 21, 1998, 112 Stat. 2681-871; Pub. L. 107-188, title II, §231(d), June 12, 2002, 116 Stat. 661; Pub. L. 108-458, title VI, §6802(a), (b), Dec. 17, 2004, 118 Stat. 3766, 3767.)

AMENDMENTS

2004—Pub. L. 108-458, §6802(b)(1), struck out “certain” before “weapons” in section catchline.

Subsec. (a). Pub. L. 108-458, §6802(b)(2), struck out “(other than a chemical weapon as that term is defined in section 229F)” after “mass destruction” in introductory provisions.

Subsec. (a)(2). Pub. L. 108-458, §6802(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “against any person within the United States, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce; or”.

Subsec. (a)(4). Pub. L. 108-458, §6802(a)(2), (3), added par. (4).

Subsec. (b). Pub. L. 108-458, §6802(b)(3), struck out “(other than a chemical weapon (as that term is defined in section 229F))” after “mass destruction”.

Subsec. (c)(3). Pub. L. 108-458, §6802(a)(4)-(6), added par. (3).

2002—Subsec. (a). Pub. L. 107-188, §231(d)(1), substituted “section 229F”— for “section 229F”, including any biological agent, toxin, or vector (as those terms are defined in section 178)— in introductory provisions.

Subsec. (c)(2)(C). Pub. L. 107-188, §231(d)(2), substituted “a biological agent, toxin, or vector (as those terms are defined in section 178 of this title)” for “a disease organism”.

1998—Pub. L. 105-277, §201(b)(1)(A), inserted “certain” before “weapons” in section catchline.

Subsec. (a). Pub. L. 105-277, §201(b)(1)(B), inserted “(other than a chemical weapon as that term is defined in section 229F)” after “weapon of mass destruction” in introductory provisions.

Subsec. (b). Pub. L. 105-277, §201(b)(1)(C), inserted “(other than a chemical weapon (as that term is defined in section 229F))” after “weapon of mass destruction”.

1996—Subsec. (a). Pub. L. 104-132, §§511(c), 725(1)(A), (B), in heading, inserted “AGAINST A NATIONAL OF THE UNITED STATES OR WITHIN THE UNITED STATES” after “OFFENSE”, and in introductory provisions, substituted “, without lawful authority, uses, threatens, or attempts” for “uses, or attempts” and inserted “, including any biological agent, toxin, or vector (as those terms are defined in section 178)” after “mass destruction”.

Subsec. (a)(2). Pub. L. 104-132, §725(1)(C), inserted before semicolon at end “, and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce”.

Subsec. (b). Pub. L. 104-132, §725(4), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (b)(2)(B). Pub. L. 104-132, §725(2), as amended by Pub. L. 104-294, §605(m), added subpar. (B) and struck out former subpar. (B) which read as follows: “poison gas”.

Subsec. (c). Pub. L. 104-132, §725(3), redesignated subsec. (b) as (c).

§ 2332b. Acts of terrorism transcending national boundaries

(a) PROHIBITED ACTS.—

(1) OFFENSES.—Whoever, involving conduct transcending national boundaries and in a circumstance described in subsection (b)—

(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any person within the United States; or

(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State, or the United States, shall be punished as prescribed in subsection (c).

(2) TREATMENT OF THREATS, ATTEMPTS AND CONSPIRACIES.—Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished under subsection (c).

(b) JURISDICTIONAL BASES.—

(1) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are—

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

(B) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

(C) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

(D) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, or leased to the United States, or any department or agency of the United States;

(E) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

(F) the offense is committed within the special maritime and territorial jurisdiction of the United States.

(2) CO-CONSPIRATORS AND ACCESSORIES AFTER THE FACT.—Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of the circumstances described in subparagraphs (A) through (F) of paragraph (1) is applicable to at least one offender.

(c) PENALTIES.—

(1) PENALTIES.—Whoever violates this section shall be punished—

(A) for a killing, or if death results to any person from any other conduct prohibited by

this section, by death, or by imprisonment for any term of years or for life;

(B) for kidnapping, by imprisonment for any term of years or for life;

(C) for maiming, by imprisonment for not more than 35 years;

(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

(2) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

(d) PROOF REQUIREMENTS.—The following shall apply to prosecutions under this section:

(1) KNOWLEDGE.—The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

(2) STATE LAW.—In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

(e) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

(2) over conduct which, under section 3, renders any person an accessory after the fact to an offense under subsection (a).

(f) INVESTIGATIVE AUTHORITY.—In addition to any other investigative authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General. Nothing in this section shall be construed to interfere with the authority of the United States Secret Service under section 3056.

(g) DEFINITIONS.—As used in this section—

(1) the term “conduct transcending national boundaries” means conduct occurring outside of the United States in addition to the conduct occurring in the United States;

(2) the term “facility of interstate or foreign commerce” has the meaning given that term in section 1958(b)(2);

(3) the term “serious bodily injury” has the meaning given that term in section 1365(g)(3);¹

(4) the term “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; and

(5) the term “Federal crime of terrorism” means an offense that—

(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

(B) is a violation of—

(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 175c (relating to variola virus), 229 (relating to chemical weapons), subsection (a), (b), (c), or (d) of section 351 (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 832 (relating to participation in nuclear and weapons of mass destruction threats to the United States)² 842(m) or (n) (relating to plastic explosives), 844(f)(2) or (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim persons abroad), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to government property or contracts), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751(a), (b), (c), or (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to national defense material, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United

¹ See References in Text note below.

² So in original. Probably should be followed by a comma.

States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2332f (relating to bombing of public places and facilities), 2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), 2339C (relating to financing of terrorism), 2339D (relating to military-type training from a foreign terrorist organization), or 2340A (relating to torture) of this title;

(ii) sections 92 (relating to prohibitions governing atomic weapons) or 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2122 or 2284);

(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49; or

(iv) section 1010A of the Controlled Substances Import and Export Act (relating to narco-terrorism).

(Added Pub. L. 104-132, title VII, §702(a), Apr. 24, 1996, 110 Stat. 1291; amended Pub. L. 104-294, title VI, §601(s)(1), (3), Oct. 11, 1996, 110 Stat. 3502; Pub. L. 107-56, title VIII, §808, Oct. 26, 2001, 115 Stat. 378; Pub. L. 107-197, title III, §301(b), June 25, 2002, 116 Stat. 728; Pub. L. 108-458, title VI, §§6603(a)(1), 6803(c)(3), 6908, Dec. 17, 2004, 118 Stat. 3762, 3769, 3774; Pub. L. 109-177, title I, §§110(b)(3)(A), 112, Mar. 9, 2006, 120 Stat. 208, 209; Pub. L. 110-326, title II, §204(b), Sept. 26, 2008, 122 Stat. 3562.)

REFERENCES IN TEXT

Section 1365(g)(3), referred to in subsec. (g)(3), was redesignated section 1365(h)(3) by Pub. L. 107-307, §2(1), Dec. 2, 2002, 116 Stat. 2445.

Section 1010A of the Controlled Substances Import and Export Act, referred to in subsec. (g)(5)(B)(iv), is classified to section 960a of Title 21, Food and Drugs.

AMENDMENTS

2008—Subsec. (g)(5)(B)(i). Pub. L. 110-326 substituted “1030(a)(5)(A) resulting in damage as defined in 1030(c)(4)(A)(i)(II) through (VI)” for “1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v)”.

2006—Subsec. (g)(5)(B)(i). Pub. L. 109-177, §§110(b)(3)(A), 112(a)(1), (b), substituted “1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),” for “1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems),” and “terrorism,” 2339D (relating to military-type training from a foreign terrorist organization), or 2340A” for “terrorism, or 2340A”.

Subsec. (g)(5)(B)(iv). Pub. L. 109-177, §112(a)(2)-(4), added cl. (iv).

2004—Subsec. (g)(5)(B)(i). Pub. L. 108-458, §6908(1), inserted “175c (relating to variola virus),” after “175 or 175b (relating to biological weapons),” and “2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices),” before “2339 (relating to harboring terrorists)”.

Pub. L. 108-458, §6803(c)(3), inserted “832 (relating to participation in nuclear and weapons of mass destruction threats to the United States)” after “831 (relating to nuclear materials),”.

Pub. L. 108-458, §6603(a)(1), inserted “1361 (relating to government property or contracts),” after “1203 (relating to hostage taking),” and “2156 (relating to national defense material, premises, or utilities),” after “2155 (relating to destruction of national defense materials, premises, or utilities),”.

Subsec. (g)(5)(B)(ii). Pub. L. 108-458, §6908(2), substituted “sections 92 (relating to prohibitions governing atomic weapons) or” for “section” and inserted “2122 or” before “2284”.

2002—Subsec. (g)(5)(B)(i). Pub. L. 107-197 inserted “2332f (relating to bombing of public places and facilities),” after “2332b (relating to acts of terrorism transcending national boundaries),” and “2339C (relating to financing of terrorism,” after “2339B (relating to providing material support to terrorist organizations),”.

2001—Subsec. (f). Pub. L. 107-56, §808(1), inserted “and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title,” before “and the Secretary”.

Subsec. (g)(5)(B)(i) to (iii). Pub. L. 107-56, §808(2), added cls. (i) to (iii) and struck out former cls. (i) to (iii), inserting references to sections 175b, 229, 1030, 1993, and 2339 of this title and striking out references to 1361, 2152, 2156, 2332c of this title in cl. (i) and inserting references to sections 46504, 46505, and 46506 of title 49 in cl. (iii).

1996—Subsec. (b)(1)(A). Pub. L. 104-294, §601(s)(1), struck out “any of the offenders uses” before “the mail or any facility” and inserted “is used” after “foreign commerce”.

Subsec. (g)(5)(B)(i). Pub. L. 104-294, §601(s)(3), inserted “930(c),” before “956 (relating to conspiracy to injure property of a foreign government),” “1992,” before “2152 (relating to injury of fortifications, harbor defenses, or defensive sea areas),” and “2332c,” before “2339A (relating to providing material support to terrorists)”.

TERMINATION DATE OF 2004 AMENDMENT

Pub. L. 108-458, title VI, §6603(g), Dec. 17, 2004, 118 Stat. 3764, which provided that section 6603 of Pub. L. 108-458 (amending this section and sections 2339A and 2339B of this title) and the amendments made by section 6603 would cease to be effective on Dec. 31, 2006, with certain exceptions, was repealed by Pub. L. 109-177, title I, §104, Mar. 9, 2006, 120 Stat. 195.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

TERRITORIAL SEA OF UNITED STATES

For extension of territorial sea of United States, see Proc. No. 5928, set out as a note under section 1331 of Title 43, Public Lands.

[§ 2332c. Repealed. Pub. L. 105-277, div. I, title II, § 201(c)(1), Oct. 21, 1998, 112 Stat. 2681-871]

Section, added Pub. L. 104-132, title V, §521(a), Apr. 24, 1996, 110 Stat. 1286, related to use of chemical weapons.