

“‘In flight’ means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property on board; and

“‘In service’ means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.”

1994—Pub. L. 103-272 substituted “sections 40102(a) and 46501 of title 49” for “the Federal Aviation Act of 1958, as amended” in par. beginning with definition of “Aircraft engine”.

1988—Pub. L. 100-690 substituted “door is opened” for “door in opened” in definition of “in flight”.

1984—Pub. L. 98-473, §2013(a)(1), in first par. struck out “and” before “spare part”, inserted “and ‘special aircraft jurisdiction of the United States’”, and substituted “Federal Aviation Act of 1958” for “Civil Aeronautics Act of 1938”.

Pub. L. 98-473, §1010, substituted “passengers and property, or property or cargo” for “or passengers and property” in definition of motor vehicle.

Pub. L. 98-473, §2013(a)(2)–(4), inserted definitions of “in flight” and “in service”.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-473, title II, §2015, Oct. 12, 1984, 98 Stat. 2190, provided that: “This part [part B (§§2011–2015) of chapter XX of title II of Pub. L. 98-473, see Short Title of 1984 Amendment note below] shall become effective on the date of the enactment of this joint resolution [Oct. 12, 1984].”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-181, title V, §506(a), Apr. 5, 2000, 114 Stat. 136, provided that: “This section [enacting section 38 of this title and amending this section and section 2516 of this title] may be cited as the ‘Aircraft Safety Act of 2000’.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-473, title II, §2011, Oct. 12, 1984, 98 Stat. 2187, provided that: “This part [part B (§§2011–2015) of chapter XX of title II of Pub. L. 98-473, amending this section, section 32 of this title, and sections 1301, 1471, and 1472 of former Title 49, Transportation, and enacting provisions set out as notes under this section] may be cited as the ‘Aircraft Sabotage Act’.”

STATEMENT OF FINDINGS AND PURPOSE FOR 1984 AMENDMENT

Pub. L. 98-473, title II, §2012, Oct. 12, 1984, 98 Stat. 2187, provided that: “The Congress hereby finds that—

“(1) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (ratified by the United States on November 1, 1972) requires each contracting State to establish its jurisdiction over certain offenses affecting the safety of civil aviation;

“(2) such offenses place innocent lives in jeopardy, endanger national security, affect domestic tranquility, gravely affect interstate and foreign commerce, and are offenses against the law of nations; and

“(3) the purpose of this subtitle [probably means part B (§§2011–2015) of chapter XX of title II of Pub. L. 98-473, see Short Title of 1984 Amendment note above] is to implement fully the Convention for the Suppression of Unlawful Acts Against the Safety of

Civil Aviation and to expand the protection accorded to aircraft and related facilities.”

§ 32. Destruction of aircraft or aircraft facilities

(a) Whoever willfully—

(1) sets fire to, damages, destroys, disables, or wrecks any aircraft in the special aircraft jurisdiction of the United States or any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce;

(2) places or causes to be placed a destructive device or substance in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any such aircraft, or any part or other materials used or intended to be used in connection with the operation of such aircraft, if such placing or causing to be placed or such making or causing to be made is likely to endanger the safety of any such aircraft;

(3) sets fire to, damages, destroys, or disables any air navigation facility, or interferes by force or violence with the operation of such facility, if such fire, damaging, destroying, disabling, or interfering is likely to endanger the safety of any such aircraft in flight;

(4) with the intent to damage, destroy, or disable any such aircraft, sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading or storage of any such aircraft or any cargo carried or intended to be carried on any such aircraft;

(5) interferes with or disables, with intent to endanger the safety of any person or with a reckless disregard for the safety of human life, anyone engaged in the authorized operation of such aircraft or any air navigation facility aiding in the navigation of any such aircraft;

(6) performs an act of violence against or incapacitates any individual on any such aircraft, if such act of violence or incapacitation is likely to endanger the safety of such aircraft;

(7) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any such aircraft in flight; or

(8) attempts or conspires to do anything prohibited under paragraphs (1) through (7) of this subsection;

shall be fined under this title or imprisoned not more than twenty years or both.

(b) Whoever willfully—

(1) performs an act of violence against any individual on board any civil aircraft registered in a country other than the United States while such aircraft is in flight, if such act is likely to endanger the safety of that aircraft;

(2) destroys a civil aircraft registered in a country other than the United States while such aircraft is in service or causes damage to such an aircraft which renders that aircraft

incapable of flight or which is likely to endanger that aircraft's safety in flight;

(3) places or causes to be placed on a civil aircraft registered in a country other than the United States while such aircraft is in service, a device or substance which is likely to destroy that aircraft, or to cause damage to that aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight; or

(4) attempts or conspires to commit an offense described in paragraphs (1) through (3) of this subsection;

shall be fined under this title or imprisoned not more than twenty years, or both. There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.

(c) Whoever willfully imparts or conveys any threat to do an act which would violate any of paragraphs (1) through (6) of subsection (a) or any of paragraphs (1) through (3) of subsection (b) of this section, with an apparent determination and will to carry the threat into execution shall be fined under this title or imprisoned not more than five years, or both.

(Added July 14, 1956, ch. 595, § 1, 70 Stat. 539; amended Pub. L. 98-473, title II, § 2013(b), Oct. 12, 1984, 98 Stat. 2187; Pub. L. 100-690, title VII, § 7016, Nov. 18, 1988, 102 Stat. 4395; Pub. L. 103-322, title XXXIII, § 330016(1)(O), (S), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104-132, title VII, §§ 721(b), 723(a)(1), Apr. 24, 1996, 110 Stat. 1298, 1300; Pub. L. 109-177, title I, § 123, Mar. 9, 2006, 120 Stat. 226.)

REFERENCES IN TEXT

Section 101(a)(22) of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1101(a)(22) of Title 8, Aliens and Nationality.

AMENDMENTS

2006—Subsec. (a)(5) to (7). Pub. L. 109-177, § 123(1), (2), added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 109-177, § 123(1), (3), redesignated par. (7) as (8) and substituted "paragraphs (1) through (7)" for "paragraphs (1) through (6)".

Subsec. (c). Pub. L. 109-177, § 123(4), substituted "paragraphs (1) through (6)" for "paragraphs (1) through (5)".

1996—Subsec. (a)(7). Pub. L. 104-132, § 723(a)(1), inserted "or conspires" after "attempts".

Subsec. (b). Pub. L. 104-132, § 721(b), in closing provisions, struck out ", if the offender is later found in the United States," before "be fined under this title" and inserted at end "There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act."

Subsec. (b)(4). Pub. L. 104-132, § 723(a)(1), inserted "or conspires" after "attempts".

1994—Subsecs. (a), (b). Pub. L. 103-322, § 330016(1)(S), substituted "fined under this title" for "fined not more than \$100,000" in concluding provisions.

Subsec. (c). Pub. L. 103-322, § 330016(1)(O), substituted "fined under this title" for "fined not more than \$25,000".

1988—Subsec. (a)(3). Pub. L. 100-690 substituted "interfering" for "intefering".

1984—Pub. L. 98-473 amended section generally. Prior to amendment section read as follows:

"Whoever willfully sets fire to, damages, destroys, disables, or wrecks any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or

"Whoever willfully sets fire to, damages, destroys, disables, or wrecks any aircraft engine, propeller, appliance, or spare part with intent to damage, destroy, disable, or wreck any such aircraft; or

"Whoever, with like intent, willfully places or causes to be placed any destructive substance in, upon, or in proximity to any such aircraft, or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material used or intended to be used in connection with the operation of any such aircraft, or any cargo carried or intended to be carried on any such aircraft, or otherwise makes or causes to be made any such aircraft, aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material unworkable or unusable or hazardous to work or use; or

"Whoever, with like intent, willfully sets fire to, damages, destroys, disables, or wrecks, or places or causes to be placed any destructive substance in, upon, or in proximity to any shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus used or intended to be used in connection with the operation, loading, or unloading of any such aircraft or making any such aircraft ready for flight, or otherwise makes or causes to be made any such shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus unworkable or unusable or hazardous to work or use; or

"Whoever, with like intent, willfully incapacitates any member of the crew of any such aircraft; or

"Whoever willfully attempts to do any of the aforesaid acts or things—

"shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both."

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 2015 of Pub. L. 98-473, set out as a note under section 31 of this title.

§ 33. Destruction of motor vehicles or motor vehicle facilities

(a) Whoever willfully, with intent to endanger the safety of any person on board or anyone who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is used, operated, or employed in interstate or foreign commerce, or its cargo or material used or intended to be used in connection with its operation; or

Whoever willfully, with like intent, damages, disables, destroys, sets fire to, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, motor vehicles engaged in interstate or foreign commerce or otherwise makes or causes such property to be