

on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.

(Added Pub. L. 99-399, title XII, §1202(a), Aug. 27, 1986, 100 Stat. 896, §2331; amended Pub. L. 101-519, §132(b), Nov. 5, 1990, 104 Stat. 2250; Pub. L. 102-27, title IV, §402, Apr. 10, 1991, 105 Stat. 155; Pub. L. 102-136, §126, Oct. 25, 1991, 105 Stat. 643; renumbered §2332 and amended Pub. L. 102-572, title X, §1003(a)(1), (2), Oct. 29, 1992, 106 Stat. 4521; Pub. L. 103-322, title VI, §60022, Sept. 13, 1994, 108 Stat. 1980; Pub. L. 104-132, title VII, §705(a)(6), Apr. 24, 1996, 110 Stat. 1295.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-132 substituted “ten years” for “five years” in concluding provisions.

1994—Subsec. (a)(1). Pub. L. 103-322 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;”.

1992—Pub. L. 102-572 renumbered section 2331 of this title as this section, substituted “Criminal penalties” for “Terrorist acts abroad against United States national” in section catchline, redesignated subsec. (e) as (d), and struck out former subsec. (d) which read as follows: “DEFINITION.—As used in this section the term ‘national of the United States’ has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

1991—Pub. L. 102-27, §402, as amended by Pub. L. 102-136, §126, repealed Pub. L. 101-519, §132, and amended this section to read as if Pub. L. 101-519, §132, had not been enacted, effective as of Nov. 5, 1990, the date of enactment of Pub. L. 101-519. See Codification note preceding this section.

1990—Pub. L. 101-519, §132, which amended this section, was repealed by Pub. L. 102-27, §402, as amended. See 1991 Amendment note above.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as an Effective Date note under section 2331 of this title.

§ 2332a. Use of weapons of mass destruction

(a) OFFENSE AGAINST A NATIONAL OF THE UNITED STATES OR WITHIN THE UNITED STATES.—A person who, without lawful authority, uses, threatens, or attempts or conspires to use, a weapon of mass destruction—

(1) against a national of the United States while such national is outside of the United States;

(2) against any person or property within the United States, and

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

(B) such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;

(C) any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or

(D) the offense, or the results of the offense, affect interstate or foreign commerce,

or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;

(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States; or

(4) against any property within the United States that is owned, leased, or used by a foreign government,

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

(b) OFFENSE BY NATIONAL OF THE UNITED STATES OUTSIDE OF THE UNITED STATES.—Any national of the United States who, without lawful authority, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction outside of the United States shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.

(c) DEFINITIONS.—For purposes of this section—

(1) the term “national of the United States” has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(2) the term “weapon of mass destruction” means—

(A) any destructive device as defined in section 921 of this title;

(B) any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;

(C) any weapon involving a biological agent, toxin, or vector (as those terms are defined in section 178 of this title); or

(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: