

suffering incidental to lawful sanctions) upon another person within his custody or physical control;

(2) “severe mental pain or suffering” means the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) “United States” means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(Added Pub. L. 103-236, title V, §506(a), Apr. 30, 1994, 108 Stat. 463; amended Pub. L. 103-415, §1(k), Oct. 25, 1994, 108 Stat. 4301; Pub. L. 103-429, §2(2), Oct. 31, 1994, 108 Stat. 4377; Pub. L. 108-375, div. A, title X, §1089, Oct. 28, 2004, 118 Stat. 2067.)

#### AMENDMENTS

2004—Par. (3). Pub. L. 108-375 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “‘United States’ includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 46501(2) of title 49.”

1994—Par. (1). Pub. L. 103-415 substituted “within his custody” for “with custody”.

Par. (3). Pub. L. 103-429 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38))”.

#### EFFECTIVE DATE

Pub. L. 103-236, title V, §506(c), Apr. 30, 1994, 108 Stat. 464, provided that: “The amendments made by this section [enacting this chapter] shall take effect on the later of—

“(1) the date of enactment of this Act [Apr. 30, 1994]; or

“(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” [Convention entered into Force with respect to United States Nov. 20, 1994, Treaty Doc. 100-20.]

### § 2340A. Torture

(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

(1) the alleged offender is a national of the United States; or

(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

(c) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.

(Added Pub. L. 103-236, title V, §506(a), Apr. 30, 1994, 108 Stat. 463; amended Pub. L. 103-322, title VI, §60020, Sept. 13, 1994, 108 Stat. 1979; Pub. L. 107-56, title VIII, §811(g), Oct. 26, 2001, 115 Stat. 381.)

#### AMENDMENTS

2001—Subsec. (c). Pub. L. 107-56 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-322 inserted “punished by death or” before “imprisoned for any term of years or for life”.

#### EFFECTIVE DATE

Section effective on the later of Apr. 30, 1994, or the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Nov. 20, 1994), see section 506(c) of Pub. L. 103-236, set out as a note under section 2340 of this title.

### § 2340B. Exclusive remedies

Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.

(Added Pub. L. 103-236, title V, §506(a), Apr. 30, 1994, 108 Stat. 464.)

#### EFFECTIVE DATE

Section effective on the later of Apr. 30, 1994, or the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Nov. 20, 1994), see section 506(c) of Pub. L. 103-236, set out as a note under section 2340 of this title.

## CHAPTER 114—TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO

Sec.	
2341.	Definitions.
2342.	Unlawful acts.
2343.	Recordkeeping, reporting, and inspection.
2344.	Penalties.
2345.	Effect on State and local law.
2346.	Enforcement and regulations.

#### AMENDMENTS

2006—Pub. L. 109-177, title I, §121(g)(3), (4)(A), Mar. 9, 2006, 120 Stat. 224, substituted “TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO” for “TRAFFICKING IN CONTRABAND CIGARETTES” in chapter heading, added items 2343 and 2345, and struck out former items 2343 “Recordkeeping and inspection” and 2345 “Effect on State law”.

### § 2341. Definitions

As used in this chapter—

(1) the term “cigarette” means—

(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco; and

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of