

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Pub. L. 104-132, title III, § 321(c), Apr. 24, 1996, 110 Stat. 1254, provided that: "The amendments made by this section [enacting this section] shall become effective 120 days after the date of enactment of this Act [Apr. 24, 1996]."

**§ 2332e. Requests for military assistance to enforce prohibition in certain emergencies**

The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10<sup>1</sup> in support of Department of Justice activities relating to the enforcement of section 2332a of this title during an emergency situation involving a weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.<sup>1</sup>

(Added Pub. L. 104-201, title XIV, § 1416(c)(2)(A), Sept. 23, 1996, 110 Stat. 2723, § 2332d; renumbered § 2332e, Pub. L. 104-294, title VI, § 605(q), Oct. 11, 1996, 110 Stat. 3510; amended Pub. L. 107-56, title I, § 104, Oct. 26, 2001, 115 Stat. 277.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 382 of title 10, referred to in text, was renumbered section 282 of title 10, Armed Forces, by Pub. L. 114-328, div. A, title XII, § 1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.

## CODIFICATION

Pub. L. 104-201, § 1416(c)(2)(A), which directed amendment of the chapter 133B of this title that relates to terrorism by adding this section, was executed by adding this section to this chapter to reflect the probable intent of Congress. This title does not contain a chapter 133B.

## AMENDMENTS

2001—Pub. L. 107-56 substituted "2332a of this title" for "2332c of this title" and struck out "chemical" before "weapon of".

1996—Pub. L. 104-294 renumbered section 2332d of this title, relating to requests for military assistance to enforce prohibition in certain emergencies, as this section.

**§ 2332f. Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities**

## (a) OFFENSES.—

(1) IN GENERAL.—Whoever unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility—

(A) with the intent to cause death or serious bodily injury, or

(B) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss,

shall be punished as prescribed in subsection (c).

<sup>1</sup> See References in Text note below.

(2) ATTEMPTS AND CONSPIRACIES.—Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

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

(1) the offense takes place in the United States and—

(A) the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

(B) the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;

(C) at the time the offense is committed, it is committed—

(i) on board a vessel flying the flag of another state;

(ii) on board an aircraft which is registered under the laws of another state; or

(iii) on board an aircraft which is operated by the government of another state;

(D) a perpetrator is found outside the United States;

(E) a perpetrator is a national of another state or a stateless person; or

(F) a victim is a national of another state or a stateless person;

(2) the offense takes place outside the United States and—

(A) a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;

(B) a victim is a national of the United States;

(C) a perpetrator is found in the United States;

(D) the offense is committed in an attempt to compel the United States to do or abstain from doing any act;

(E) the offense is committed against a state or government facility of the United States, including an embassy or other diplomatic or consular premises of the United States;

(F) the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed; or

(G) the offense is committed on board an aircraft which is operated by the United States.

(c) PENALTIES.—Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

(d) EXEMPTIONS TO JURISDICTION.—This section does not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law,

(2) activities undertaken by military forces of a state in the exercise of their official duties; or

(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged

offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

(e) DEFINITIONS.—As used in this section, the term—

(1) “serious bodily injury” has the meaning given that term in section 1365(g)(3) of this title;<sup>1</sup>

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

(3) “state or government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of Government, the legislature or the judiciary or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;

(4) “intergovernmental organization” includes international organization (as defined in section 1116(b)(5) of this title);

(5) “infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel, or communications;

(6) “place of public use” means those parts of any building, land, street, waterway, or other location that are accessible or open to members of the public, whether continuously, periodically, or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational, or similar place that is so accessible or open to the public;

(7) “public transportation system” means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

(8) “explosive” has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

(9) “other lethal device” means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

(10) “military forces of a state” means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

(11) “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

(12) “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.

(Added Pub. L. 107–197, title I, §102(a), June 25, 2002, 116 Stat. 721.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 107–197, title I, §103, June 25, 2002, 116 Stat. 724, provided that: “Section 102 [enacting this section and provisions set out as a note below] shall take effect on the date that the International Convention for the Suppression of Terrorist Bombings enters into force for the United States [July 26, 2002].”

##### DISCLAIMER

Pub. L. 107–197, title I, §102(c), June 25, 2002, 116 Stat. 724, provided that: “Nothing contained in this section [enacting this section and provisions set out as a note above] is intended to affect the applicability of any other Federal or State law which might pertain to the underlying conduct.”

#### § 2332g. Missile systems designed to destroy aircraft

(a) UNLAWFUL CONDUCT.—

(1) IN GENERAL.—Except as provided in paragraph (3), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

(A) an explosive or incendiary rocket or missile that is guided by any system designed to enable the rocket or missile to—

(i) seek or proceed toward energy radiated or reflected from an aircraft or toward an image locating an aircraft; or

(ii) otherwise direct or guide the rocket or missile to an aircraft;

(B) any device designed or intended to launch or guide a rocket or missile described in subparagraph (A); or

(C) any part or combination of parts designed or redesigned for use in assembling or fabricating a rocket, missile, or device described in subparagraph (A) or (B).

(2) NONWEAPON.—Paragraph (1)(A) does not apply to any device that is neither designed nor redesigned for use as a weapon.

(3) EXCLUDED CONDUCT.—This subsection does not apply with respect to—

(A) conduct by or under the authority of the United States or any department or agency thereof or of a State or any department or agency thereof; or

(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof or with a State or any department or agency thereof.

(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

<sup>1</sup> See References in Text note below.