

(h) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

(i) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

(j) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 944.)

## CHAPTER 97—RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR

Sec.

|       |   |
|-------|---|
| 1991. | Entering train to commit crime.   |
| 1992. | Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air. |

### HISTORICAL AND REVISION NOTES

This chapter does not include motor busses, interstate trucking facilities or airplanes within the protection of existing law. Motor busses and trucks already carry a huge amount of interstate commerce. It is reasonable to presume that much interstate freight and express will soon be carried by air.

Attention is directed to the consideration of the extension of the laws now applicable only to railroads to these other interstate facilities. 80th Congress House Report No. 304.

### Editorial Notes

#### AMENDMENTS

2006—Pub. L. 109-177, title I, §110(b)(1), Mar. 9, 2006, 120 Stat. 208, substituted “RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR” for “RAILROADS” in chapter heading, added item 1992, and struck out former items 1992 “Wrecking trains” and 1993 “Terrorist attacks and other acts of violence against public transportation systems”.

2005—Pub. L. 109-59, title III, §3042(b), Aug. 10, 2005, 119 Stat. 1640, substituted “public transportation” for “mass transportation” in item 1993.

2001—Pub. L. 107-56, title VIII, §801(f), Oct. 26, 2001, 115 Stat. 376, added item 1993.

### § 1991. Entering train to commit crime

Whoever, in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder or robbery, shall be fined under this title or imprisoned not more than twenty years, or both.

Whoever, within such jurisdiction, willfully and maliciously trespasses upon or enters upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined under this title or imprisoned not more than one year, or both.

Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

(June 25, 1948, ch. 645, 62 Stat. 794; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §601(a)(8), Oct. 11, 1996, 110 Stat. 3498.)

### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §522 (Mar. 4, 1909, ch. 321, §322, 35 Stat. 1150).

After the word “Whoever” the following was inserted: “in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States” as based upon the express provisions of title 18, U.S.C., 1940 ed., §511, wherein this section is made applicable only “in any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States.”

Words “whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall be deemed to be a principal therein” were omitted as unnecessary. Such persons are made principals by section 2 of this title.

Minor changes also were made in phraseology.

### Editorial Notes

#### AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$1,000” in second par.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in first par.

### § 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air

(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly and without lawful authority or permission—

(1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;

(2) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life;

(3) places or releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (4), with intent to endanger the safety of any person, or with reckless disregard for the safety of human life;

(4) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, and with intent to, or knowing or having reason to know,<sup>1</sup> such activity would likely, derail, disable, or wreck railroad on-track equipment; or

(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, and with intent to, or knowing or having reason to know,<sup>1</sup> such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider;

(5) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal;

(6) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, controlling, or maintaining railroad on-track equipment or a mass transportation vehicle;

(7) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (4);

(8) surveils, photographs, videotapes, diagrams, or otherwise collects information with the intent to plan or assist in planning any of the acts described in paragraphs (1) through (6);

(9) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt to engage in a violation of this subsection; or

(10) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (9),

shall be fined under this title or imprisoned not more than 20 years, or both, and if the offense results in the death of any person, shall be imprisoned for any term of years or for life, or subject to death, except in the case of a violation of paragraph (8), (9), or (10).

(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) of this section in a circumstance in which—

(1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense;

(2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense; or

(3) the offense was committed with the intent to endanger the safety of any person, or with a reckless disregard for the safety of any person, and the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

(A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations; and

(B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations,

shall be fined under this title or imprisoned for any term of years or life, or both, and if the offense resulted in the death of any person, the person may be sentenced to death.

(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A circumstance referred to in subsection (a) is any of the following:

(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider, or a railroad carrier engaged in interstate or foreign commerce.

(2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

(d) DEFINITIONS.—In this section—

(1) the term “biological agent” has the meaning given to that term in section 178(1);

(2) the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of less than 2½ inches in length and a box cutter;

(3) the term “destructive device” has the meaning given to that term in section 921(a)(4);

(4) the term “destructive substance” means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term “radioactive device” does not include any radioactive device or material used solely for med-

<sup>1</sup> So in original. The comma probably should not appear.

ical, industrial, research, or other peaceful purposes;

(5) the term “hazardous material” has the meaning given to that term in chapter 51 of title 49;

(6) the term “high-level radioactive waste” has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

(7) the term “mass transportation” has the meaning given to that term in section 5302(a)(7)<sup>2</sup> of title 49, except that the term includes intercity bus transportation<sup>3</sup> school bus, charter, and sightseeing transportation and passenger vessel as that term is defined in section 2101(31) of title 46, United States Code;

(8) the term “on-track equipment” means a carriage or other contrivance that runs on rails or electromagnetic guideways;

(9) the term “railroad on-track equipment” means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

(10) the term “railroad” has the meaning given to that term in chapter 201 of title 49;

(11) the term “railroad carrier” has the meaning given to that term in chapter 201 of title 49;

(12) the term “serious bodily injury” has the meaning given to that term in section 1365;

(13) the term “spent nuclear fuel” has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

(14) the term “State” has the meaning given to that term in section 2266;

(15) the term “toxin” has the meaning given to that term in section 178(2); and

(16) the term “vehicle” means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.

(Added Pub. L. 109-177, title I, §110(a), Mar. 9, 2006, 120 Stat. 205; amended Pub. L. 110-53, title XV, §1539, Aug. 3, 2007, 121 Stat. 468; Pub. L. 115-232, div. C, title XXXV, §3541(b)(3), Aug. 13, 2018, 132 Stat. 2323.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 5302 of title 49, referred to in subsec. (d)(7), was amended generally by Pub. L. 112-141, div. B, §20004, July 6, 2012, 126 Stat. 623, and, as so amended, no longer defines the term “mass transportation”.

#### PRIOR PROVISIONS

A prior section 1992, acts June 25, 1948, ch. 645, 62 Stat. 794; Pub. L. 103-322, title VI, §60003(a)(8), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 1969, 2147; Pub. L. 104-88, title IV, §402(b), Dec. 29, 1995, 109 Stat. 955; Pub. L. 107-56, title VIII, §811(e), Oct. 26, 2001, 115 Stat. 381; Pub. L. 107-273, div. B, title IV, §4002(a)(6), Nov. 2, 2002, 116 Stat. 1807, related to penalties for wrecking a train used by a railroad in interstate or foreign commerce, prior to repeal by Pub. L. 109-177, title I, §110(a), Mar. 9, 2006, 120 Stat. 205.

#### AMENDMENTS

2018—Subsec. (d)(7). Pub. L. 115-232 substituted “section 2101(31)” for “section 2101(22)”.

<sup>2</sup> See References in Text note below.

<sup>3</sup> So in original. Probably should be followed by a comma.

2007—Subsec. (d)(7). Pub. L. 110-53 inserted “intercity bus transportation” after “includes”.

### [§ 1993. Repealed. Pub. L. 109-177, title I, § 110(a), Mar. 9, 2006, 120 Stat. 205]

Section, added Pub. L. 107-56, title VIII, §801, Oct. 26, 2001, 115 Stat. 374; amended Pub. L. 108-21, title VI, §609, Apr. 30, 2003, 117 Stat. 692; Pub. L. 109-59, title III, §3042(a), Aug. 10, 2005, 119 Stat. 1639, related to terrorist attacks and other acts of violence against public transportation systems. See section 1992 of this title.

### [CHAPTER 99—REPEALED]

### [§§ 2031, 2032. Repealed. Pub. L. 99-646, § 87(c)(1), Nov. 10, 1986, 100 Stat. 3623; Pub. L. 99-654, § 3(a)(1), Nov. 14, 1986, 100 Stat. 3663]

Section 2031, act June 25, 1948, ch. 645, 62 Stat. 795, prescribed penalties for commission of rape within special maritime and territorial jurisdiction.

Section 2032, act June 25, 1948, ch. 645, 62 Stat. 795, prescribed penalties for carnal knowledge of female under 16 within special maritime and territorial jurisdiction.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF REPEAL

Repeal by Pub. L. 99-646 and Pub. L. 99-654 effective, respectively, 30 days after Nov. 10, 1986, and 30 days after Nov. 14, 1986, see section 87 of Pub. L. 99-646 and section 4 of Pub. L. 99-654, set out as an Effective Date note under section 2241 of this title.

### CHAPTER 101—RECORDS AND REPORTS

Sec.

|       |  |
|-------|--|
| 2071. | Concealment, removal, or mutilation generally.     |
| 2072. | False crop reports.                                |
| 2073. | False entries and reports of moneys or securities. |
| 2074. | False weather reports.                             |
| 2075. | Officer failing to make returns or reports.        |
| 2076. | Clerk of United States District Court.             |

### § 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

(June 25, 1948, ch. 645, 62 Stat. 795; Pub. L. 101-510, div. A, title V, §552(a), Nov. 5, 1990, 104 Stat. 1566; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)