

Statutory Notes and Related Subsidiaries

TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION

Pub. L. 104-132, title IX, §901(a), Apr. 24, 1996, 110 Stat. 1317, provided that: “The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988 [set out as a note under section 1331 of Title 43, Public Lands], for purposes of Federal criminal jurisdiction is part of the United States, subject to its sovereignty, and is within the special maritime and territorial jurisdiction of the United States for the purposes of title 18, United States Code.”

§ 8. Obligation or other security of the United States defined

The term “obligation or other security of the United States” includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps.

(June 25, 1948, ch. 645, 62 Stat. 685.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §261 (Mar. 4, 1909, ch. 321, §147, 35 Stat. 1115; Jan. 27, 1938, ch. 10, §3, 52 Stat. 7).

The terms of this section were general enough to justify its inclusion in this chapter rather than retaining it in the chapter on “Counterfeiting” where the terms which it specifically defines are set out in sections 471-476, 478, 481, 483, 492, and 504 of this title.

Words “Federal Reserve notes, Federal Reserve bank notes” were inserted before “coupons” because such notes have almost supplanted national bank currency.

Minor changes were made in phraseology.

§ 9. Vessel of the United States defined

The term “vessel of the United States”, as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

(June 25, 1948, ch. 645, 62 Stat. 685.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §501 (Mar. 4, 1909, ch. 321, §310, 35 Stat. 1148).

Section is made applicable to the entire title rather than to sections 481 et seq. of title 18, U.S.C., 1940 ed.

Minor changes in phraseology were made.

§ 10. Interstate commerce and foreign commerce defined

The term “interstate commerce”, as used in this title, includes commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

The term “foreign commerce”, as used in this title, includes commerce with a foreign country.

(June 25, 1948, ch. 645, 62 Stat. 686.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§408, 408b, 414(a), and 419a(b) (Oct. 29, 1919, ch. 89, §2(b), 41 Stat. 325; June 22, 1932, ch. 271, §2, 47 Stat. 326; May 18, 1934, ch. 301, 48 Stat. 782; May 22, 1934, ch. 333, §2(a), 48 Stat. 794; Aug. 18, 1941, ch. 366, §2(b), 55 Stat. 631).

This section consolidates into one section identical definitions contained in sections 408, 408b, 414(a), and 419a(b) of title 18, U.S.C., 1940 ed.

In addition to slight improvements in style, the word “commerce” was substituted for “transportation” in order to avoid the narrower connotation of the word “transportation” since “commerce” obviously includes more than “transportation.” The word “Possession” was inserted in two places to make the definition more accurate and comprehensive since the places included in the word “Possession” would normally be within the term defined and a narrower construction should be handled by express statutory exclusion in those crimes which Congress intends to restrict to commerce within the continental United States.

§ 11. Foreign government defined

The term “foreign government”, as used in this title except in sections 112, 878, 970, 1116, and 1201, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 94-467, §11, Oct. 8, 1976, 90 Stat. 2001.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§98, 288, 349; section 235 of title 22 U.S.C., 1940 ed., Foreign Relations and Intercourse; section 41 of title 50, U.S.C., 1940 ed., War and National Defense (June 15, 1917, ch. 30, title VIII, §4, 40 Stat. 226).

The definition of “foreign government” contained in this section, with minor changes in phraseology, is from section 4 of title VIII of act June 15, 1917 (Ch. 30, 40 Stat. 217, 226), known as the Espionage Act of 1917. This definition was incorporated in sections 98, 288, and 349 of title 18 and in section 235 of title 22, Foreign Relations and Intercourse, and in section 41 of Title 50, War and National Defense, U.S.C., all in 1940 ed., since the definition was specifically enacted with reference to said sections and others not material here.

The remaining provisions of said sections 98 and 349 of title 18, U.S.C., 1940 ed., which were derived from sources other than said section 4 of title VIII of the act of June 15, 1917, are incorporated in sections 502 and 957 of this title.

Editorial Notes**AMENDMENTS**

1976—Pub. L. 94-467 inserted “except in sections 112, 878, 970, 1116, and 1201” after “title”.

§ 12. United States Postal Service defined

As used in this title, the term “Postal Service” means the United States Postal Service established under title 39, and every officer and employee of that Service, whether or not such officer or employee has taken the oath of office.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 91-375, §6(j)(2), Aug. 12, 1970, 84 Stat. 777; Pub. L. 101-647, title XXXV, §3505, Nov. 29, 1990, 104 Stat. 4921.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§301, 360 (Mar. 4, 1909, ch. 321, §§230, 231, 35 Stat. 1134).

This section consolidates sections 301 and 360 of title 18, U.S.C., 1940 ed., with necessary changes in phraseology.

Editorial Notes**AMENDMENTS**

1990—Pub. L. 101-647 substituted “whether or not such officer or employee has taken the oath of office” for “whether he has taken the oath of office”.

1970—Pub. L. 91-375 inserted “United States” before “Postal Service” in section catchline and substituted in text as definition of “Postal Service” the United States Postal Service established under title 39, and every officer and employee of that Service, whether he has taken the oath of office, for prior definition which included the Post Office Department and every employee, thereof, whether or not he has taken the oath of office.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1970 AMENDMENT**

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 13. Laws of States adopted for areas within Federal jurisdiction

(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(b)(1) Subject to paragraph (2) and for purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States.

(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine under this title, or both, if—

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

(B) For the purposes of subparagraph (A), the term “minor” means a person less than 18 years of age.

(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed, for purposes of subsection (a), to lie within the area of the State, Commonwealth, territory, possession, or district that it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 100-690, title VI, § 6477(a), Nov. 18, 1988, 102 Stat. 4381; Pub. L. 103-322, title X, § 100002, Sept. 13, 1994, 108 Stat. 1996; Pub. L. 104-132, title IX, § 901(b), Apr. 24, 1996, 110 Stat. 1317; Pub. L. 104-294, title VI, § 604(b)(32), Oct. 11, 1996, 110 Stat. 3508.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 468 (Mar. 4, 1909, ch. 321, § 289, 35 Stat. 1145; June 15, 1933, ch. 85, 48 Stat. 152; June 20, 1935, ch. 284, 49 Stat. 394; June 6, 1940, ch. 241, 54 Stat. 234).

Act March 4, 1909, § 289 used the words “now in force” when referring to the laws of any State, organized Territory or district, to be considered in force.

As amended on June 15, 1933, the words “by the laws thereof in force on June 1, 1933, and remaining in force at the time of the doing or omitting the doing of such act or thing, would be penal,” were used.

The amendment of June 20, 1935, extended the date to “April 1, 1935,” and the amendment of June 6, 1940, extended the date to “February 1, 1940”.

The revised section omits the specification of any date as unnecessary in a revision, which speaks from the date of its enactment. Such omission will not only make effective within Federal reservations, the local State laws in force on the date of the enactment of the revision, but will authorize the Federal courts to apply the same measuring stick to such offenses as is applied in the adjoining State under future changes of the State law and will make unnecessary periodic pro forma amendments of this section to keep abreast of changes of local laws. In other words, the revised section makes applicable to offenses committed on such reservations, the law of the place that would govern if the reservation had not been ceded to the United States.

The word “Possession” was inserted to clarify scope of section.

Minor changes were made in phraseology.

Editorial Notes**AMENDMENTS**

1996—Subsec. (a). Pub. L. 104-132, § 901(b)(1), inserted “or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district” after “section 7 of this title.”

Subsec. (b)(2)(A). Pub. L. 104-294 substituted “under this title” for “of not more than \$1,000”.

Subsec. (c). Pub. L. 104-132, § 901(b)(2), added subsec. (c).

1994—Subsec. (b). Pub. L. 103-322 designated existing provisions as par. (1), substituted “Subject to paragraph (2) and for purposes” for “For purposes”, and added par. (2).

1988—Pub. L. 100-690 designated existing provisions as subsec. (a) and added subsec. (b).