

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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

§ 1992. Wrecking trains

(a) Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or

Whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce; or

Whoever willfully attempts to do any of the aforesaid acts or things—

Shall be fined under this title or imprisoned not more than twenty years, or both.

(b) Whoever is convicted of a violation of subsection (a) that has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

Whoever is convicted of any such violation involving a train that, at the time the violation

occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be fined under this title and imprisoned for any term or¹ years not less than 30, or for life.

(c) A person who conspires to commit any offense defined in 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.

(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.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §412a (June 8, 1940, ch. 286, 54 Stat. 255).

First clause in second paragraph of said section 412a of title 18, U.S.C., 1940 ed., was omitted as covered by section 3231 of this title.

Words "and on conviction thereof" were omitted as surplusage since punishment cannot be imposed until a conviction is secured.

AMENDMENTS

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

1995—Pub. L. 104-88, §402(b)(5), which directed amendment of section by inserting "(c)" before "A judgment", could not be executed because phrase "A judgment" did not appear subsequent to amendment by Pub. L. 103-322, §60003(a)(8). See 1994 Amendment note below.

Pub. L. 104-88, §402(b)(1)-(4), inserted "(a)" before "Whoever willfully derails" and "(b)" before "Whoever is convicted", substituted "a violation of subsection (a) that" for "any such crime, which", and inserted last par.

1994—Pub. L. 103-322, §330016(1)(L), substituted "fined under this title" for "fined not more than \$10,000" in fourth par.

Pub. L. 103-322, §60003(a)(8), substituted a period for the comma after "imprisonment for life" in penultimate par., and struck out remainder of penultimate par. and last par. which read as follows: "if the jury shall in its discretion so direct, or, in the case of a plea of guilty, if the court in its discretion shall so order."

"A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts."

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2332b, 2339A, 2516, 3592 of this title.

§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

(a) GENERAL PROHIBITIONS.—Whoever willfully—

(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

¹ So in original. Probably should be "of".