

106TH CONGRESS
1ST SESSION

H. R. 1080

To provide penalties for terrorist attacks against mass transportation.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1999

Mr. BLUMENAUER (for himself, Mr. INSLEE, Mrs. MEEK of Florida, Mr. NEY, and Mr. QUINN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide penalties for terrorist attacks against mass transportation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TERRORIST ATTACKS AGAINST MASS TRANS-**
4 **PORTATION.**

5 (a) IN GENERAL.—Chapter 97 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 **“§ 1994. Terrorist attacks against mass transportation**

9 “(a) GENERAL PROHIBITIONS.—Whoever willfully—

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

3 “(2) places or causes to be placed any destruc-
4 tive substance in, upon, or near a mass transpor-
5 tation vehicle or vessel, without previously obtaining
6 the permission of the mass transportation providers;

7 “(3) sets fire to, or places any destructive sub-
8 stance in, upon, or near any garage, terminal, struc-
9 ture, supply, or facility used in the operation of, or
10 in support of the operation of, a mass transportation
11 vehicle, knowing or having reason to know such ac-
12 tivity would likely derail, disable, or wreck a mass
13 transportation vehicle used, operated, or employed
14 by a mass transportation provider;

15 “(4) removes appurtenances from, damages, or
16 otherwise impairs the operation of a mass transpor-
17 tation signal system, including a train control sys-
18 tem, centralized dispatching system, or rail grade-
19 crossing warning signal;

20 “(5) interferes with, disables, or incapacitates
21 any driver or person while they are employed in op-
22 erating or maintaining a mass transportation vehicle
23 or vessel, or any ticket and fare collection activities,
24 while that driver or person is engaged in the duties
25 of that employment, with intent to endanger the

1 safety of any passenger or employee of the mass
2 transportation provider, or with a reckless disregard
3 for the safety of human life;

4 “(6) commits an act intended to cause death or
5 serious bodily injury to an employee or passenger of
6 a mass transportation provider on the property of a
7 mass transportation provider;

8 “(7) conveys or causes to be conveyed false in-
9 formation, knowing the information to be false, con-
10 cerning an attempt or alleged attempt being made or
11 to be made, to do any act which would be a crime
12 prohibited by this subsection, except that this para-
13 graph does not prohibit any lawfully authorized in-
14 vestigative, protective, or intelligence activity of a
15 law enforcement agency of the United States, a
16 State, or a political subdivision of a State, or of an
17 intelligence agency of the United States; or

18 “(8) attempts, threatens, or conspires to do any
19 of the acts prohibited in paragraphs (1) through (7);
20 shall be fined under this title or imprisoned not more than
21 20 years, or both, if such act is committed on or against
22 a mass transportation provider engaged in or affecting
23 interstate or foreign commerce, or if in the course of com-
24 mitting such act, that person travels or communicates
25 across a State line in order to commit such act, or trans-

1 ports materials across a State line in aid of the commis-
2 sion of such act. Whoever is convicted under this section
3 shall also be subject to imprisonment for life if the mass
4 transportation vehicle or vessel was carrying a passenger
5 at the time of the offense.

6 “(b) PROHIBITIONS ON THE USE OF FIREARMS AND
7 DANGEROUS WEAPONS.—(1) Except as provided in para-
8 graph (4), whoever knowingly possesses or causes to be
9 present any firearm or other dangerous weapon on board
10 a mass transportation vehicle or vessel, or attempts to do
11 so, shall be fined under this title or imprisoned not more
12 than one year, or both, if such act is committed on a mass
13 transportation provider engaged in or affecting interstate
14 or foreign commerce, or if in the course of committing
15 such act, that person travels or communicates across a
16 State line in order to commit such act, or transports mate-
17 rials across a State line in aid of the commission of such
18 act.

19 “(2) Whoever, with intent that a firearm or other
20 dangerous weapon be used in the commission of a crime,
21 knowingly possesses or causes to be present such firearm
22 or dangerous weapon on board a mass transportation vehi-
23 cle or vessel, or in a mass transportation passenger ter-
24 minal facility, or attempts to do so, shall be fined under
25 this title or imprisoned not more than 5 years, or both,

1 if such act is committed on a mass transportation provider
2 engaged in or affecting interstate or foreign commerce, or
3 if in the course of committing such act, that person travels
4 or communicates across a State line in order to commit
5 such act, or transports materials across a State line in
6 aid of the commission of such act.

7 “(3) A person who kills or attempts to kill a person
8 in the course of a violation of paragraph (1) or (2), or
9 in the course of an attack on a mass transportation vehicle
10 or vessel, or a mass transportation passenger terminal fa-
11 cility involving the use of a firearm or other dangerous
12 weapon, shall be punished as provided in sections 1111,
13 1112, and 1113 of this title, except that the penalty of
14 death may not be imposed with respect to a killing made
15 an offense by this section.

16 “(4) Paragraph (1) does not apply to—

17 “(A) the possession of a firearm or other dan-
18 gerous weapon by an officer, agent, or employee of
19 the United States, a State, or a political subdivision
20 thereof, while engaged in the lawful performance of
21 official duties, who is authorized by law to engage in
22 the transportation of people accused or convicted of
23 crimes, or supervise the prevention, detection, inves-
24 tigation, or prosecution of any violation of law;

1 “(B) the possession of a firearm or other dan-
2 gerous weapon by an officer, agent, or employee of
3 the United States, a State, or a political subdivision
4 thereof, while off duty, if such possession is author-
5 ized by law;

6 “(C) the possession of a firearm or other dan-
7 gerous weapon by a Federal official or a member of
8 the Armed Forces if such possession is authorized by
9 law; or

10 “(D) an individual transporting a firearm on
11 board a mass transportation vehicle or vessel (except
12 a loaded firearm) in baggage not accessible to any
13 passenger on board the vehicle or vessel, if the mass
14 transportation provider was informed of the presence
15 of the weapon prior to the firearm being placed on
16 board the vehicle or vessel.

17 “(c) PROHIBITION AGAINST PROPELLING OB-
18 JECTS.—Whoever willfully or recklessly throws, shoots, or
19 propels a rock, stone, brick, or piece of iron, steel, or other
20 metal or any deadly or dangerous object or destructive
21 substance at any mass transportation vehicle or vessel,
22 knowing or having reason to know such activity would like-
23 ly cause personal injury, shall be fined under this title or
24 imprisoned for not more than 5 years, or both, if such
25 act is committed on or against a mass transportation pro-

1 vider engaged in or substantially affecting interstate or
2 foreign commerce, or if in the course of committing such
3 acts, that person travels or communicates across a State
4 line in order to commit such acts, or transports materials
5 across a State line in aid of the commission of such acts.
6 Whoever is convicted of any crime prohibited by this sub-
7 section shall also be subject to imprisonment for not more
8 than 20 years if the offense has resulted in the death of
9 any person.

10 “(d) DEFINITIONS.—In this section—

11 “(1) the term ‘dangerous device’ has the mean-
12 ing given to that term in section 921(a)(4) of this
13 title;

14 “(2) the term ‘dangerous weapon’ has the
15 meaning given to that term in section 930 of this
16 title;

17 “(3) the term ‘destructive substance’ has the
18 meaning given to that term in section 31, except
19 that—

20 “(A) the term ‘radioactive device’ does not
21 include any radioactive device or material used
22 solely for medical, industrial, research, or other
23 peaceful purposes; and

24 “(B) the term ‘destructive substance’ in-
25 cludes any radioactive device or material that

1 can be used to cause a harm listed in sub-
2 section (a) and that is not in use solely for
3 medical, industrial, research, or other peaceful
4 purposes;

5 “(4) the term ‘firearm’ has the meaning given
6 to that term in section 921 of this title;

7 “(5) the term ‘mass transportation’ has the
8 meaning given to that term in section 5302(a)(7) of
9 title 49, except that the term also includes school
10 bus, charter, and sightseeing transportation;

11 “(6) the term ‘serious bodily injury’ has the
12 meaning given to that term in section 1365 of this
13 title; and

14 “(7) the term ‘State’ has the meaning given to
15 that term in section 2266 of this title.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 97 of title 18, United States
18 Code, is amended by adding at the end the following new
19 item:

“1994. Terrorist attacks against mass transportation.”.

20 **SEC. 2. INVESTIGATIVE JURISDICTION.**

21 The Federal Bureau of Investigation shall lead the
22 investigation of all offenses under section 1994 of title 18,
23 United States Code. The Federal Bureau of Investigation
24 shall cooperate with the National Transportation Safety
25 Board and with the Department of Transportation in safe-

1 ty investigations by these agencies, and with the Treasury
2 Department's Bureau of Alcohol, Tobacco and Firearms
3 concerning an investigation regarding the possession of
4 firearms and explosives.

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