

porting to have been made under authority derived therefrom, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 289 (Mar. 4, 1909, ch. 321, § 174, 35 Stat. 1122).

The reference to persons aiding was omitted as unnecessary, since such persons are made principals by section 2 of this title.

The last sentence excepting bona fide holders in due course was omitted as surplusage.

Other changes in phraseology also were made.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

### § 336. Issuance of circulating obligations of less than \$1

Whoever makes, issues, circulates, or pays out any note, check, memorandum, token, or other obligation for a less sum than \$1, intended to circulate as money or to be received or used in lieu of lawful money of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 293 (Mar. 4, 1909, ch. 321, § 178, 35 Stat. 1122).

Numerous suggestions, of which that of Mr. E. M. Million, of Arlington, Va., is typical, recommend that this section be omitted as obsolete or revised to except commercial obligations. However, since the decisions make it plain that only obligations intended to circulate as money are within the provisions of this section and that commercial checks of less than \$1 are not affected, there seems no reason so to rewrite the section. (See *U.S. v. Monongahela Bridge Co.*, Fed. Cas. No. 15,796; *Stettinius v. U.S.*, Fed. Cas. No. 13,387.)

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

### § 337. Coins as security for loans

Whoever lends or borrows money or credit upon the security of such coins of the United States as the Secretary of the Treasury may from time to time designate by proclamation published in the Federal Register, during any period designated in such a proclamation, shall be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 89-81, title II, § 212(a), July 23, 1965, 79 Stat. 257; amended Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

#### EFFECTIVE DATE

Section 212(c) of Pub. L. 89-81 provided that: “The amendments made by this section [enacting this sec-

tion] shall apply only with respect to loans made, renewed, or increased on or after the 31st day after the date of enactment of this Act [July 23, 1965].”

## CHAPTER 17A—COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

#### Sec.

341. Definitions.

342. Operation of a common carrier under the influence of alcohol or drugs.

343. Presumptions.

### § 341. Definitions

As used in this chapter, the term “common carrier” means a locomotive, a rail carrier, a sleeping car carrier, a bus transporting passengers in interstate commerce, a water common carrier, and an air common carrier.

(Added Pub. L. 99-570, title I, § 1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, § 6482(a), Nov. 18, 1988, 102 Stat. 4382.)

#### AMENDMENTS

1988—Pub. L. 100-690 inserted “locomotive, a” after “means a”.

### § 342. Operation of a common carrier under the influence of alcohol or drugs

Whoever operates or directs the operation of a common carrier while under the influence of alcohol or any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), shall be imprisoned not more than fifteen years or fined under this title, or both.

(Added Pub. L. 99-570, title I, § 1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, §§ 6473(a), (b), 6482(b), Nov. 18, 1988, 102 Stat. 4379, 4382.)

#### AMENDMENTS

1988—Pub. L. 100-690 substituted “any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))” for “drugs”, “fifteen” for “five”, and “fined under this title” for “fined not more than \$10,000”.

### § 343. Presumptions

For purposes of this chapter—

(1) an individual with a blood alcohol content of .10 percent or more shall be presumed to be under the influence of alcohol; and

(2) an individual shall be presumed to be under the influence of drugs if the quantity of the drug in the system of the individual would be sufficient to impair the perception, mental processes, or motor functions of the average individual.

(Added Pub. L. 99-570, title I, § 1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, § 6473(c), Nov. 18, 1988, 102 Stat. 4379.)

#### AMENDMENTS

1988—Par. (1). Pub. L. 100-690, § 6473(c)(1), substituted “.10 percent” for “.10” and struck out “conclusively” after “shall be”.

Par. (2). Pub. L. 100-690, § 6473(c)(2), struck out “conclusively” after “shall be”.

**CHAPTER 18—CONGRESSIONAL, CABINET,  
AND SUPREME COURT ASSASSINATION,  
KIDNAPPING, AND ASSAULT**

Sec.  
351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties.

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150, which directed the amendment of this title “by striking ‘kidnaping’ each place it appears and inserting ‘kidnapping’”, was executed by substituting “KIDNAPPING” for “KIDNAPING” in chapter heading, to reflect the probable intent of Congress.

Pub. L. 103-322, title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 2150, substituted “kidnapping” for “kidnaping” in item 351.

1982—Pub. L. 97-285, §2(b), (c), Oct. 6, 1982, 96 Stat. 1219, substituted “CONGRESSIONAL, CABINET, AND SUPREME COURT ASSASSINATION, KIDNAPING, AND ASSAULT” for “CONGRESSIONAL ASSASSINATION, KIDNAPING, AND ASSAULT” as chapter heading and substituted “Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties” for “Congressional assassination, kidnaping, and assault; penalties” in item 351.

1971—Pub. L. 91-644, title IV, §15, Jan. 2, 1971, 84 Stat. 1891, added chapter 18 and item 351.

**§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties**

(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title), or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title.

(b) Whoever kidnaps any individual designated in subsection (a) of this section shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section shall be punished by imprisonment for any term of years or for life.

(d) If two or more persons conspire to kill or kidnap any individual designated in subsection (a) of this section and one or more of such persons do any act to effect the object of the conspiracy, each shall be punished (1) by imprisonment for any term of years or for life, or (2) by death or imprisonment for any term of years or for life, if death results to such individual.

(e) Whoever assaults any person designated in subsection (a) of this section shall be fined under this title, or imprisoned not more than one year, or both; and if the assault involved the

use of a dangerous weapon, or personal injury results, shall be fined under this title, or imprisoned not more than ten years, or both.

(f) If Federal investigative or prosecutive jurisdiction is asserted for a violation of this section, such assertion shall suspend the exercise of jurisdiction by a State or local authority, under any applicable State or local law, until Federal action is terminated.

(g) Violations of this section shall be investigated by the Federal Bureau of Investigation. Assistance may be requested from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an individual protected by this section.

(i) There is extraterritorial jurisdiction over the conduct prohibited by this section.

(Added Pub. L. 91-644, title IV, §15, Jan. 2, 1971, 84 Stat. 1891; amended Pub. L. 97-285, §§1, 2(a), Oct. 6, 1982, 96 Stat. 1219; Pub. L. 99-646, §62, Nov. 10, 1986, 100 Stat. 3614; Pub. L. 100-690, title VII, §7074, Nov. 18, 1988, 102 Stat. 4405; Pub. L. 103-322, title XXXII, §320101(d), title XXXIII, §§330016(1)(K), (L), 330021(1), Sept. 13, 1994, 108 Stat. 2108, 2147, 2150; Pub. L. 104-294, title VI, §604(b)(12)(C), (c)(2), Oct. 11, 1996, 110 Stat. 3507, 3509.)

AMENDMENTS

1996—Subsec. (e). Pub. L. 104-294, §604(c)(2), substituted “involved the use” for “involved in the use”.

Pub. L. 104-294, §604(b)(12)(C), repealed Pub. L. 103-322, §320101(d)(3). See 1994 Amendment note below.

1994—Pub. L. 103-322, §330021(1), substituted “kidnaping” for “kidnaping” in section catchline.

Subsec. (e). Pub. L. 103-322, §330016(1)(L), substituted “shall be fined under this title” for “shall be fined not more than \$10,000” after “personal injury results.”.

Pub. L. 103-322, §320101(d)(4), substituted “imprisoned not more than ten years” for “imprisoned for not more than ten years”.

Pub. L. 103-322, §320101(d)(3), which provided for amendment identical to Pub. L. 103-322, §330016(1)(L), above, was repealed by Pub. L. 104-294, §604(b)(12)(C).

Pub. L. 103-322, §320101(d)(2), inserted “the assault involved in the use of a dangerous weapon, or” after “and if”.

Pub. L. 103-322, §§320101(d)(1), 330016(1)(K), amended subsec. (e) identically, substituting “shall be fined under this title” for “shall be fined not more than \$5,000” after “subsection (a) of this section”.

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after “section 3056 of this title”.

1986—Subsec. (a). Pub. L. 99-646, §62(1), inserted “a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title)”.

Subsec. (h). Pub. L. 99-646, §62(2), substituted “individual” for “official”.

1982—Pub. L. 97-285, §2(a), substituted “Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties” for “Congressional assassination, kidnaping, and assault” in section catchline.

Subsec. (a). Pub. L. 97-285, §1(a), expanded coverage of subsec. (a) to cover the killing of any individual who is a member of the executive branch of the Government and the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomi-