

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CAPITO OF WEST VIRGINIA, OR HER
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 3199
OFFERED BY MRS. CAPITO OF WEST VIRGINIA

Add at the end the following:

1 **SEC. __. ATTACKS AGAINST RAILROAD CARRIERS AND**
2 **MASS TRANSPORTATION SYSTEMS.**

3 (a) **IN GENERAL.**—Chapter 97 of title 18, United
4 States Code, is amended by striking sections 1992 through
5 1993 and inserting the following:

6 **“§ 1992. Terrorist attacks and other violence against**
7 **railroad carriers and against mass trans-**
8 **portation systems on land, on water, or**
9 **through the air**

10 **“(a) GENERAL PROHIBITIONS.**—Whoever, in a cir-
11 cumstance described in subsection (c), knowingly—

12 **“(1) wrecks, derails, sets fire to, or disables**
13 **railroad on-track equipment or a mass transpor-**
14 **tation vehicle;**

15 **“(2) with intent to endanger the safety of any**
16 **person, or with a reckless disregard for the safety of**
17 **human life, and without the authorization of the**
18 **railroad carrier or mass transportation provider—**

19 **“(A) places any biological agent or toxin,**
20 **destructive substance, or destructive device in,**



1 upon, or near railroad on-track equipment or a
2 mass transportation vehicle; or

3 “(B) releases a hazardous material or a bi-
4 ological agent or toxin on or near any property
5 described in subparagraph (A) or (B) of para-
6 graph (3);

7 “(3) sets fire to, undermines, makes unwork-
8 able, unusable, or hazardous to work on or use, or
9 places any biological agent or toxin, destructive sub-
10 stance, or destructive device in, upon, or near any—

11 “(A) tunnel, bridge, viaduct, trestle, track,
12 electromagnetic guideway, signal, station, depot,
13 warehouse, terminal, or any other way, struc-
14 ture, property, or appurtenance used in the op-
15 eration of, or in support of the operation of, a
16 railroad carrier, without the authorization of
17 the railroad carrier, and with intent to, or
18 knowing or having reason to know such activity
19 would likely, derail, disable, or wreck railroad
20 on-track equipment;

21 “(B) garage, terminal, structure, track,
22 electromagnetic guideway, supply, or facility
23 used in the operation of, or in support of the
24 operation of, a mass transportation vehicle,
25 without the authorization of the mass transpor-



1 tation provider, and with intent to, or knowing
2 or having reason to know such activity would
3 likely, derail, disable, or wreck a mass transpor-
4 tation vehicle used, operated, or employed by a
5 mass transportation provider; or

6 “(4) removes an appurtenance from, damages,
7 or otherwise impairs the operation of a railroad sig-
8 nal system or mass transportation signal or dis-
9 patching system, including a train control system,
10 centralized dispatching system, or highway-railroad
11 grade crossing warning signal, without authorization
12 from the railroad carrier or mass transportation pro-
13 vider;

14 “(5) with intent to endanger the safety of any
15 person, or with a reckless disregard for the safety of
16 human life, interferes with, disables, or incapacitates
17 any dispatcher, driver, captain, locomotive engineer,
18 railroad conductor, or other person while the person
19 is employed in dispatching, operating, or maintain-
20 ing railroad on-track equipment or a mass transpor-
21 tation vehicle;

22 “(6) commits an act, including the use of a
23 dangerous weapon, with the intent to cause death or
24 serious bodily injury to any person who is on prop-
25 erty described in subparagraph (A) or (B) of para-



1 graph (3), except that this subparagraph shall not
2 apply to rail police officers acting in the course of
3 their law enforcement duties under section 28101 of
4 title 49, United States Code;

5 “(7) conveys false information, knowing the in-
6 formation to be false, concerning an attempt or al-
7 leged attempt that was made, is being made, or is
8 to be made, to engage in a violation of this sub-
9 section; or

10 “(8) attempts, threatens, or conspires to engage
11 in any violation of any of paragraphs (1) through
12 (7);

13 shall be fined under this title or imprisoned not more than
14 20 years, or both.

15 “(b) AGGRAVATED OFFENSE.—Whoever commits an
16 offense under subsection (a) of this section in a cir-
17 cumstance in which—

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

21 “(2) the railroad on-track equipment or mass
22 transportation vehicle was carrying high-level radio-
23 active waste or spent nuclear fuel at the time of the
24 offense;



1 “(3) the railroad on-track equipment or mass
2 transportation vehicle was carrying a hazardous ma-
3 terial at the time of the offense that—

4 “(A) was required to be placarded under
5 subpart F of part 172 of title 49, Code of Fed-
6 eral Regulations; and

7 “(B) is identified as class number 3, 4, 5,
8 6.1, or 8 and packing group I or packing group
9 II, or class number 1, 2, or 7 under the haz-
10 ardous materials table of section 172.101 of
11 title 49, Code of Federal Regulations; or

12 “(4) the offense results in the death of any per-
13 son;

14 shall be fined under this title or imprisoned for any term
15 of years or life, or both. In the case of a violation described
16 in paragraph (2) of this subsection, the term of imprison-
17 ment shall be not less than 30 years; and, in the case of
18 a violation described in paragraph (4) of this subsection,
19 the offender shall be fined under this title and imprisoned
20 for life and be subject to the death penalty.

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

24 “(1) Any of the conduct required for the offense
25 is, or, in the case of an attempt, threat, or con-



1 spiracy to engage in conduct, the conduct required
2 for the completed offense would be, engaged in, on,
3 against, or affecting a mass transportation provider
4 or railroad carrier engaged in or affecting interstate
5 or foreign commerce.

6 “(2) Any person travels or communicates across
7 a State line in order to commit the offense, or trans-
8 ports materials across a State line in aid of the com-
9 mission of the offense.

10 “(d) DEFINITIONS.—In this section—

11 “(1) the term ‘biological agent’ has the meaning
12 given to that term in section 178(1);

13 “(2) the term ‘dangerous weapon’ means a
14 weapon, device, instrument, material, or substance,
15 animate or inanimate, that is used for, or is readily
16 capable of, causing death or serious bodily injury, in-
17 cluding a pocket knife with a blade of more than 2½
18 inches in length and a box cutter;

19 “(3) the term ‘destructive device’ has the mean-
20 ing given to that term in section 921(a)(4);

21 “(4) the term ‘destructive substance’ means an
22 explosive substance, flammable material, infernal
23 machine, or other chemical, mechanical, or radio-
24 active device or material, or matter of a combustible,
25 contaminative, corrosive, or explosive nature, except



1 that the term 'radioactive device' does not include
2 any radioactive device or material used solely for
3 medical, industrial, research, or other peaceful pur-
4 poses;

5 "(5) the term 'hazardous material' has the
6 meaning given to that term in chapter 51 of title 49;

7 "(6) the term 'high-level radioactive waste' has
8 the meaning given to that term in section 2(12) of
9 the Nuclear Waste Policy Act of 1982 (42 U.S.C.
10 10101(12));

11 "(7) the term 'mass transportation' has the
12 meaning given to that term in section 5302(a)(7) of
13 title 49, except that the term includes school bus,
14 charter, and sightseeing transportation;

15 "(8) the term 'on-track equipment' means a
16 carriage or other contrivance that runs on rails or
17 electromagnetic guideways;

18 "(9) the term 'railroad on-track equipment'
19 means a train, locomotive, tender, motor unit,
20 freight or passenger car, or other on-track equip-
21 ment used, operated, or employed by a railroad car-
22 rier;

23 "(10) the term 'railroad' has the meaning given
24 to that term in chapter 201 of title 49;



1 “(11) the term ‘railroad carrier’ has the mean-
2 ing given to that term in chapter 201 of title 49;

3 “(12) the term ‘serious bodily injury’ has the
4 meaning given to that term in section 1365;

5 “(13) the term ‘spent nuclear fuel’ has the
6 meaning given to that term in section 2(23) of the
7 Nuclear Waste Policy Act of 1982 (42 U.S.C.
8 10101(23));

9 “(14) the term ‘State’ has the meaning given to
10 that term in section 2266;

11 “(15) the term ‘toxin’ has the meaning given to
12 that term in section 178(2); and

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

17 (b) CONFORMING AMENDMENTS.—

18 (1) The table of sections at the beginning of
19 chapter 97 of title 18, United States Code, is
20 amended—

21 (A) by striking “**RAILROADS**” in the
22 chapter heading and inserting “**RAILROAD**
23 **CARRIERS AND MASS TRANSPOR-**
24 **TATION SYSTEMS ON LAND, ON**
25 **WATER, OR THROUGH THE AIR**”;



1 (B) by striking the items relating to sec-
2 tions 1992 and 1993; and

3 (C) by inserting after the item relating to
4 section 1991 the following:

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

5 (2) The table of chapters at the beginning of
6 part I of title 18, United States Code, is amended
7 by striking the item relating to chapter 97 and in-
8 serting the following:

**“97. Railroad carriers and mass transportation systems
on land, on water, or through the air 1991”.**

9 (3) Title 18, United States Code, is amended—

10 (A) in section 2332b(g)(5)(B)(i), by strik-
11 ing “1992 (relating to wrecking trains), 1993
12 (relating to terrorist attacks and other acts of
13 violence against mass transportation systems),”
14 and inserting “1992 (relating to terrorist at-
15 tacks and other acts of violence against railroad
16 carriers and against mass transportation sys-
17 tems on land, on water, or through the air),”;

18 (B) in section 2339A, by striking “1993,”
19 and

20 (C) in section 2516(1)(c) by striking
21 “1992 (relating to wrecking trains),” and in-
22 serting “1992 (relating to terrorist attacks and



1 other acts of violence against railroad carriers
2 and against mass transportation systems on
3 land, on water, or through the air),”.

