

the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids or assists in such escape or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such prisoner of war or enemy alien after his escape from custody knowing him to be such prisoner of war or enemy alien or attempts to commit or conspires to commit any of the above acts shall be fined not more than \$10,000 or imprisoned not more than ten years or both.

The provisions of this section shall be in addition to and not in substitution for any other provision of law (June 25, 1948, ch. 645, § 1, 62 Stat. 735.)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U. S. C. 1940 ed. § 97b (Apr. 30, 1945, ch. 103, 59 Stat. 101).

The second sentence of section 97b of title 18 U. S. C. 1940 ed. was made a separate paragraph.

Chapter 37.—ESPIONAGE AND CENSORSHIP

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AMENDMENTS

1951—Analysis amended by act Oct. 31, 1951, ch. 655, § 23, 65 Stat. 719, which added item 798.

§ 791 Scope of chapter

This chapter shall apply within the admiralty and maritime jurisdiction of the United States and on the high seas as well as within the United States (June 25, 1948, ch. 645, § 1, 62 Stat. 736.)

LEGISLATIVE HISTORY

Reviser's Note—Based on sections 37, 40 and 45d of title 50 U. S. C. 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, § 8, title XIII, § 1, 40 Stat. 219, 231, Jan. 12, 1938, ch. 2, § 5, 52 Stat. 4).

Section consolidates sections 37, 40 and 45d of title 50 U. S. C. 1940 ed., War and National Defense with necessary minor omissions and changes in phraseology.

Provisions of this section are also incorporated in section 2388 of this title.

CANAL ZONE

Applicability of section to Canal Zone see section 14 of this title.

CROSS REFERENCES

Activities affecting armed forces during war see section 388 of this title.

§ 792 Harboring or concealing persons

Whoever harbors or conceals any person who he knows or has reasonable grounds to believe or suspect has committed, or is about to commit an offense under sections 793 or 794 of this title, shall be fined not more than \$10,000 or imprisoned not more than ten years or both (June 25, 1948, ch. 645, § 1, 62 Stat. 736.)

LEGISLATIVE HISTORY

Reviser's Note—Based on section 35 of title 50 U. S. C. 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, § 5, 40 Stat. 219, Mar. 28, 1940, ch. 72, § 2, 54 Stat. 79).

Similar harboring and concealing language was added to section 2388 of this title.

Mandatory punishment provision was rephrased in the alternative (See reviser's note under section 201 of this title.)

INDICTMENT FOR VIOLATING THIS SECTION AND SECTIONS 793 AND 794 LIMITATION PERIOD

Act Sept. 23, 1950, ch. 1024, § 19, 64 Stat. 1005 provides that an indictment for any violation of this section and sections 793 and 794 of this title other than a violation constituting a capital offense may be found at any time within ten years next after such violation shall have been committed but that such section 19 shall not authorize prosecution trial or punishment for any offense "now" barred by the provisions of existing law.

CANAL ZONE

Applicability of section to Canal Zone see section 14 of this title.

CROSS REFERENCES

Harboring and concealing generally see section 1071 et seq. of this title.

Jurisdiction of offenses see section 3241 of this title.

Misprision of felony see section 4 of this title.

§ 793 Gathering, transmitting, or losing defense information

(a) Whoever for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States or to the advantage of any foreign nation goes upon, enters, flies over or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless or signal station, building, office, research laboratory or station or other place connected with the national defense owned or constructed or in progress of construction by the United States or under the control of the United States or of any of its officers, departments or agencies or within the exclusive jurisdiction of the United States or any place in which any vessel, aircraft, arms, munitions or other materials or instruments for use in time of war are being made, prepared, repaired, stored or are the subject of research or development under any contract or agreement with the United States or any department or agency thereof or with any person on behalf of the United States or otherwise on behalf of the United States or any prohibited place so designated by the President by proclamation in time of war or in case of national emergency in which anything for the use of the Army, Navy or Air Force is being prepared or constructed or stored information as to which prohibited place the President has determined would be prejudicial to the national defense, or

(b) Whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains or attempts to copy, take, make, or obtain any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance,

document, writing or note of anything connected with the national defense or

(c) Whoever for the purpose aforesaid receives or obtains or agrees or attempts to receive or obtain from any person or from any source whatever any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note of anything connected with the national defense, knowing or having reason to believe at the time he receives or obtains or agrees or attempts to receive or obtain it that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter or

(d) Whoever lawfully having possession of access to, control over or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it or

(e) Whoever having unauthorized possession of, access to or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance or note relating to the national defense or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation willfully communicates, delivers, transmits or causes to be communicated, delivered or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note or information relating to the national defense (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust or to be lost, stolen, abstracted, or destroyed or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust or lost or stolen, abstracted or destroyed and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy (June 25, 1948, ch. 645, § 1, 62 Stat. 736, Sept. 23, 1950, ch. 1024, title I, § 18, 64 Stat. 1003.)

LEGISLATIVE HISTORY

Reviser's Note—Based on sections 31 and 36 of title 50 U. S. C. 1940 ed., War and National Defense (June 15, 1917, ch. 30, title I, §§ 1, 6, 40 Stat. 217, 219, Mar. 28, 1940, ch. 72, § 1, 54 Stat. 79).

Section consolidated sections 31 and 36 of title 50 U. S. C. 1940 ed., War and National Defense.

Words, departments or agencies were inserted twice in conformity with definitive section 6 of this title to eliminate any possible ambiguity as to scope of section. The words "or induces or aids another" were omitted wherever occurring as unnecessary in view of definition of principal in section 2 of this title.

Mandatory punishment provision was rephrased in the alternative (See reviser's note under section 201 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1950—Act Sept. 23, 1950, amended generally by dividing section into subdivisions, adding laboratories and stations and places where material or instruments for use in time of war are the subject of research or development to the list of facilities and places to which subsection (a) applies, making subsection (d) applicable only in cases in which possession, access or control is lawful, adding subsection (e) to take care of cases in which possession, access or control is unlawful, making subsection (f) applicable to instruments and appliances as well as to documents, records, etc. and providing by subsection (g) a separate penalty for conspiracy to violate any provisions of this section.

INDICTMENT FOR VIOLATING THIS SECTION LIMITATION PERIOD

Limitation period in connection with indictments for violating this section see note under section 792 of this title.

CANAL ZONE

Applicability of section to Canal Zone see section 14 of this title.

CROSS REFERENCES

Activities affecting armed forces—

Generally see section 2387 of this title.

During war see section 2388 of this title.

Classified information disclosure by Government official or other person penalty for, see section 783 (b), (d) of Title 50, War and National Defense and section 798 of this title.

Jurisdiction of offenses see section 3241 of this title.

Letters, writings, etc. in violation of this section as non-mailable see section 1717 of this title.

Military or civilian censorship prohibited and preservation of certain Constitutional rights see section 798 of Title 8, Allens and Nationality.

Non-mailable letters and writings, see section 1717 of this title.

§ 794 Gathering or delivering defense information to aid foreign government

(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits or attempts to communicate, deliver or transmit to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any repre-

sentative officer agent employee subject or citizen thereof either directly or indirectly any document writing code book signal book sketch photograph, photographic negative blueprint plan map model note instrument appliance or information relating to the national defense, shall be imprisoned not more than twenty years

(b) Whoever violates subsection (a) in time of war shall be punished by death or by imprisonment for not more than thirty years

(c) Whoever in time of war with intent that the same shall be communicated to the enemy collects records publishes or communicates or attempts to elicit any information with respect to the movement numbers description condition or disposition of any of the armed forces ships, aircraft or war materials of the United States or with respect to the plans or conduct or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place or any other information relating to the public defense which might be useful to the enemy shall be punished by death or by imprisonment for not more than thirty years

(d) If two or more persons conspire to violate this section and one or more of such persons do any act to effect the object of the conspiracy each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy (June 25 1948 ch 645 § 1, 62 Stat 737)

LEGISLATIVE HISTORY

Reviser's Note—Based on sections 32 and 34 of title 50 U S C 1940 ed War and National Defense (June 15 1917 ch 30 title I §§ 2 4 40 Stat 218 219)

Section consolidates sections 32 and 34 of title 50 U S C 1940 ed War and National Defense

The words or induces or aids another were omitted as unnecessary in view of definition of principal in section 2 of this title

The conspiracy provision of said section 34 was also incorporated in section 2388 of this title

Minor changes were made in phraseology

CONTINUATION OF WAR-TIME PROVISIONS UNTIL
APRIL 1 1953

Section 1 (a) (29) of Joint Res July 3 1952 ch 570 66 Stat 833 provided that the force and effect of the war-time provisions of this section should continue in force until six months after the termination of the national emergency proclaimed by the President on Dec 16 1950 by 1950 Proc No 2914 15 F R 9029 set out as a note preceding section 1 of Appendix to Title 50 War and National Defense or such earlier date or dates as may be provided for by Congress but in no event beyond Apr 1 1953 Section 7 of said Joint Res July 3 1952 provided that it should become effective June 16 1952

REPEAL OF PRIOR EXTENSIONS OF WAR-TIME PROVISIONS

Section 6 of Joint Res July 3 1952 repealed Joint Res—Apr 14 1952 ch 204 66 Stat 54 as amended by Joint Res May 28 1952 ch 339 66 Stat 96 Intermediate extensions by Joint Res June 14 1952 ch 437 66 Stat 137 and Joint Res June 30 1952 ch 526 66 Stat 296 which continued provisions until July 3 1952 expired by their own terms

INDICTMENT FOR VIOLATING THIS SECTION LIMITATION
PERIOD

Limitation period in connection with indictments for violating this section, see note under section 792 of this title

CANAL ZONE

Applicability of section to Canal Zone see section 14 of this title

CROSS REFERENCES

Classified information disclosure by Government official or other person penalty for see section 783 (b) (d) of Title 50 War and National Defense and section 798 of this title

Conspiracy to commit offense generally see section 371 of this title

Jurisdiction of offenses see section 3241 of this title

Letters writings etc in violation of this section as nonmailable see section 1717 of this title

Nonmailable letters and writings see section 1717 of this title

§ 795 Photographing and sketching defense installations

(a) Whenever in the interests of national defense the President defines certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto it shall be unlawful to make any photograph sketch picture drawing map or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post camp or station or naval vessels military and naval aircraft and any separate military or naval command concerned or higher authority and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary

(b) Whoever violates this section shall be fined not more than \$1 000 or imprisoned not more than one year or both (June 25 1948 ch. 645 § 1 62 Stat 737)

LEGISLATIVE HISTORY

Reviser's Note—Based on sections 45 and 45c of title 50 U S C 1940 ed War and National Defense (Jan 12 1938 ch 2 §§ 1 4 52 Stat 3 4)

Section consolidated sections 45 and 45c of title 50 U S C 1940 ed War and National Defense

Minor changes were made in phraseology

CANAL ZONE

Applicability of section to Canal Zone see section 14 of this title

CROSS REFERENCES

Photographing sketching mapping etc military or naval properties as unlawful for duration of World War II see section 781 of Appendix to Title 50 War and National Defense

EX ORD NO 10104 DEFINITIONS OF VITAL MILITARY AND
NAVAL INSTALLATIONS AND EQUIPMENT

Ex Ord No 10104 Feb 1 1950 15 F R 597 provided Now therefore by virtue of the authority vested in me by the foregoing statutory provisions and in the interests of national defense I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto

1 All military naval or air-force installations and equipment which are now classified designated or marked under the authority or at the direction of the President the Secretary of Defense the Secretary of the Army the Secretary of the Navy or the Secretary of the Air Force as top secret secret confidential or restricted and all military naval or air-force installations and equipment which may hereafter be so classified desig-

nated or marked with the approval or at the direction of the President and located within

(a) Any military naval or air-force reservation post arsenal proving ground range mine field camp base airfield fort yard station district or area

(b) Any defensive sea area heretofore established by Executive order and not subsequently discontinued by Executive order and any defensive sea area hereafter established under authority of section 2152 of title 18 of the United States Code

(c) Any airspace reservation heretofore or hereafter established under authority of section 4 of the Air Commerce Act of 1926 (44 Stat 570 49 U S C 174) except the airspace reservation established by Executive Order No 10092 of December 17 1949

(d) Any naval harbor closed to foreign vessels

(e) Any area required for fleet purposes

(f) Any commercial establishment engaged in the development or manufacture of classified military or naval arms munitions equipment designs ships aircraft or vessels for the United States Army Navy or Air Force

2 All military naval or air-force aircraft weapons ammunition vehicles ships vessels instruments engines manufacturing machinery tools devices or any other equipment whatsoever in the possession of the Army Navy or Air Force or in the course of experimentation development manufacture or delivery for the Army Navy or Air Force which are now classified designated or marked under the authority or at the direction of the President the Secretary of Defense the Secretary of the Army the Secretary of the Navy or the Secretary of the Air Force as top secret secret confidential or restricted and all such articles materials or equipment which may hereafter be so classified designated or marked with the approval or at the direction of the President

3 All official military naval or air-force books pamphlets documents reports maps charts plans designs models drawings photographs contracts or specifications which are now marked under the authority or at the direction of the President the Secretary of Defense the Secretary of the Army the Secretary of the Navy or the Secretary of the Air Force as top secret secret confidential or restricted and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President

This order supersedes Executive Order No 8381 of March 22 1940 entitled Defining Certain Vital Military and Naval Installations and Equipment

§ 796 Use of aircraft for photographing defense installations

Whoever uses or permits the use of an aircraft or any contrivance used or designed for navigation or flight in the air for the purpose of making a photograph sketch picture drawing map or graphical representation of vital military or naval installations or equipment in violation of section 795 of this title shall be fined not more than \$1 000 or imprisoned not more than one year or both (June 25, 1948, ch 645, § 1, 62 Stat 738)

LEGISLATIVE HISTORY

Reviser's Note—Based on sections 45 45a and 45c of title 50 U S C 1940 ed War and National Defense (Jan 12 1938 ch 2 §§ 1 2 4 52 Stat 3 4)

Reference to persons causing or procuring was omitted as unnecessary in view of definition of principal in section 2 of this title

Punishment provided by section 795 of this title is repeated and is from said section 45 of title 50 U S C 1940 ed

Minor changes were made in phraseology

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title

§ 797 Publication and sale of photographs of defense installations

On and after thirty days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under section 795 of this title whoever reproduces publishes sells, or gives away any photograph sketch picture drawing map or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post camp or station concerned or higher authority, unless such photograph, sketch, picture drawing map or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority shall be fined not more than \$1,000 or imprisoned not more than one year, or both (June 25, 1948 ch 645 § 1 62 Stat 738)

LEGISLATIVE HISTORY

Reviser's Note—Based on sections 45 and 45b of title 50, U S C 1940 ed War and National Defense (Jan 12 1938 ch 2 §§ 1 3 52 Stat 3)

Punishment provision of section 45 of title 50 U S C 1940 ed War and National Defense is repeated Words upon conviction were deleted as surplusage since punishment cannot be imposed until a conviction is secured

Minor changes were made in phraseology

CANAL ZONE

Applicability of section to Canal Zone see section 14 of this title

§ 798 Disclosure of Classified Information

(a) Whoever knowingly and willfully communicates furnishes transmits, or otherwise makes available to an unauthorized person or publishes or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—

(1) concerning the nature preparation or use of any code cipher, or cryptographic system of the United States or any foreign government, or

(2) concerning the design construction use maintenance or repair of any device, apparatus or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes, or

(3) concerning the communication intelligence activities of the United States or any foreign government, or

(4) obtained by the process of communication intelligence from the communications of any foreign government knowing the same to have been obtained by such processes—

Shall be fined not more than \$10 000 or imprisoned not more than ten years or both

(b) As used in subsection (a) of this section—

The term "classified information" means information which at the time of a violation of this section, is for reasons of national security specifically designated by a United States Government Agency for limited or restricted dissemination or distribution,

The terms "code" "cipher" and "cryptographic system" include in their meanings in addition to their usual meanings, any method of secret writing

and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents significance or meanings of communications

The term "foreign government" includes in its meaning any person or persons acting or purporting to act for or on behalf of any faction party department agency bureau or military force of or within a foreign country or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country whether or not such government is recognized by the United States

The term communication intelligence means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients

The term "unauthorized person" means any person who or agency which is not authorized to receive information of the categories set forth in subsection (a) of this section by the President or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States

(c) Nothing in this section shall prohibit the furnishing upon lawful demand of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America or joint committee thereof (Added Oct 31 1951, ch 655 § 24 (a) 65 Stat 719)

CROSS REFERENCES

Disclosure of classified information by Government officer or employee see section 783 (b) (d) of Title 50 War and National Defense

Chapter 39.—EXPLOSIVES AND COMBUSTIBLES

Sec	
831	Definitions
832	Transportation of dynamite powder and fuses.
833	Transportation of nitroglycerin
834	Marking packages containing explosives
835	Regulations by Interstate Commerce Commission

§ 831 Definitions

As used in this chapter—

Detonating fuzes' means fuzes used in naval or military service to detonate the high-explosive bursting charges of projectiles mines bombs, or torpedoes

'Fuzes' means devices used in igniting the bursting charges of projectiles,

'Primers' means devices used in igniting the propelling powder charges of ammunition,

'Fuses' means the slow-burning fuses used commercially to convey fire to an explosive combustible mass slowly or without danger to the person lighting same,

'Fusees' means the fusees ordinarily used on steamboats and railroads as night signals (June 25 1948 ch 645 § 1 62 Stat 738)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed, § 382 (Mar 4, 1909, ch 321 § 232 35 Stat 1134, Mar 4 1921,

ch 172 41 Stat 1444 Oct 9 1940 ch 777 § 6 (a) 54 Stat 1028)

Minor changes in phraseology were made

CROSS REFERENCES

Carrying explosives on passenger vessels see section 170 of Title 46 Shipping

Explosives or dangerous weapons aboard vessels see sections 2277 and 2278 of this title

§ 832 Transportation of dynamite, powder and fuses.

Whoever knowingly transports, carries or conveys within the limits of the jurisdiction of the United States any high explosive such as and including dynamite blasting caps detonating fuzes black powder gunpowder or other like explosive on any car or vehicle of any description operated in the transportation of passengers by a common carrier engaged in interstate or foreign commerce which car or vehicle is carrying passengers for hire shall be fined not more than \$1 000 or imprisoned not more than one year or both and if the death or bodily injury of any person results from a violation of this section shall be fined not more than \$10 000 or imprisoned not more than ten years or both

However under this section it shall be lawful to transport on any such car or vehicle smokeless powder primers fuses not including detonating fuzes fireworks or other similar explosives, and properly packed and marked samples of explosives for laboratory examination not exceeding a net weight of one-half pound each and not exceeding twenty samples at one time in a single car or vehicle, but such explosives shall not be carried in that part of a car or vehicle which is being used for the transportation of passengers for hire Also it shall be lawful to transport on any such car or vehicle small-arms ammunition in any quantity and such fusees torpedoes rockets or other signal devices as may be essential to promote safety in operation This section shall not prevent the transportation of military or naval forces with their accompanying munitions of war on passenger-equipment cars or vehicles (June 25 1948 ch 645, § 1, 62 Stat 738)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed §§ 382 385 and 386 (Mar 4 1909 ch 321 §§ 232 235 and 236 35 Stat 1134—1136 Mar 4 1921 ch 172 41 Stat 1445 Oct 9 1940 ch 777 § 6 (a) (c) 54 Stat 1028)

Reference to persons causing or procuring was omitted as unnecessary in view of definition of 'principal' in section 2 of this title

Section consolidates last sentence of said section 385 with said section 386 of title 18 U S C 1940 ed

The punishment provision for the lesser offense not involving death or bodily injury was reduced from \$2 000 fine or 18 months imprisonment or both to \$1 000 fine or 1-year imprisonment or both so as to render the punishment more in consonance with the offense defined and with other sections in this title which define comparable misdemeanors The former provision for maximum imprisonment of 18 months with the consequent requirement for prosecution by indictment and the stigma of commission of a felony upon conviction appeared out of all proportion to the gravity of the offense

Changes were made in phraseology and arrangement

CROSS REFERENCES

Appropriations see section 170b of Title 46 Shipping Carrying explosives on board vessel, see section 2277 of this title

Carrying explosives on passenger vessels see section 170 of Title 46 Shipping

Transportation by vessels of gasoline or other inflammables see section 170 of Title 46 Shipping

§ 833 Transportation of nitroglycerin

Whoever knowingly transports carries or conveys within the jurisdiction of the United States, liquid nitroglycerin fulminate in bulk in dry condition, or other like explosive, on any car or vehicle of any description operated in the transportation of passengers or property by land or water by a common carrier engaged in interstate or foreign commerce shall be fined not more than \$1 000 or imprisoned not more than one year or both and if the death or bodily injury of any person results from a violation of this section shall be fined not more than \$10 000 or imprisoned not more than ten years or both (June 25 1948 ch 645 § 1 62 Stat 739)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed §§ 384 385 and 386 (Mar 4 1909 ch 321 §§ 234 235 and 236 35 Stat 1135 1136 Mar 4 1921 ch 172 41 Stat 1445 Oct 9 1940 ch 777 § 6 (a) (c) 54 Stat 1028)

Section consolidates last sentence of said section 385 with said sections 384 and 386 of title 18 U S C 1940 ed

Reference to persons causing or procuring was omitted as unnecessary in view of definition of principal in section 2 of this title

The punishment provision for the lesser offense not involving death or bodily injury was reduced from \$2 000 fine or 18 months imprisonment or both to \$1 000 fine or 1-year imprisonment or both (See reviser's note under section 832 of this title)

Minor changes were made in phraseology

CROSS REFERENCES

Appropriations see section 170b of Title 46 Shipping Carrying explosives on board vessel see section 2277 of this title

Carrying explosives on passenger vessels see section 170 of Title 46 Shipping

§ 834 Marking packages containing explosives

Whoever knowingly delivers to any common carrier engaged in interstate or foreign commerce by land or water or carries upon any car or vehicle operated by any common carrier engaged in interstate or foreign commerce by land any explosive or other dangerous article specified in section 832 of this title under any false or deceptive marking description invoice shipping order or other declaration or without informing the agent of such carrier in writing of the true character thereof at or before the time such delivery or carriage is made or without plainly marking on the outside of every package containing explosives or other dangerous articles the contents thereof shall be fined not more than \$1 000 or imprisoned not more than one year or both and, if the death or bodily injury of any person results from a violation of this section, shall be fined not more than \$10 000 or imprisoned not more than ten years or both (June 25, 1948, ch 645, § 1 62 Stat 739)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed §§ 385 and 386 (Mar 4 1909 ch 321 §§ 235 and 236 35 Stat 1135 1136 Mar 4 1921 ch 172 41 Stat 1445 Oct 9 1940 ch 777 § 6 (a) (c) 54 Stat 1028)

Section consolidates sections 385 and 386 of title 18 U S C 1940 ed

Reference to persons causing or procuring was omitted as unnecessary in view of definition of principal in section 2 of this title

The punishment provision for the lesser offense not involving death or bodily injury was reduced from \$2 000 fine or 18 months imprisonment or both to \$1 000 fine or 1-year imprisonment or both (See reviser's note under section 832 of this title)

Changes were made in phraseology

§ 835 Regulations by Interstate Commerce Commission

The Interstate Commerce Commission shall formulate regulations for the safe transportation within the limits of the jurisdiction of the United States of explosives and other dangerous articles including flammable liquids, flammable solids oxidizing materials corrosive liquids, compressed gases and poisonous substances which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives or other dangerous articles by land, and upon all shippers making shipments of explosives or other dangerous articles via any common carrier engaged in interstate or foreign commerce by land or water

The commission of its own motion or upon application made by any interested party may make changes or modifications in such regulations made desirable by new information or altered conditions

Such regulations shall be in accord with the best-known practicable means for securing safety in transit, covering the packing marking loading handling while in transit and the precautions necessary to determine whether the material when offered is in proper condition to transport

Such regulations as well as all changes or modifications thereof shall unless a shorter time is authorized by the commission, take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified

In the execution of sections 831—835 of this title the Interstate Commerce Commission may utilize the services of the Bureau for the Safe Transportation of Explosives and Other Dangerous Articles and may avail itself of the advice and assistance of any department commission or board of the Government, but no official or employee of the United States shall receive any additional compensation for such service except as now permitted by law

Whoever knowingly violates any such regulation shall be fined not more than \$1 000 or imprisoned not more than one year or both, and if the death or bodily injury of any person results from such violation shall be fined not more than \$10 000 or imprisoned not more than ten years or both (June 25 1948 ch 645, § 1, 62 Stat 739)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed §§ 383 385 and 386 (Mar 4 1909 ch 321 §§ 233 235 and 236 35 Stat 1135 1136 Mar 4 1921 ch 172 41 Stat 1445 Oct 9 1940 ch 777 § 6 54 Stat 1028)

Section consolidates last sentence of section 385 with sections 383 and 386 of title 18 U S C 1940 ed

Reference to persons causing or procuring was omitted as unnecessary in view of definition of principal in section 2 of this title

The punishment for the lesser offense not involving death or bodily injury was reduced from \$2 000 fine or

passes upon or enters upon any railroad train railroad car or railroad locomotive with the intent to commit murder or robbery shall be fined not more than \$5 000 or imprisoned not more than twenty years, or both

Whoever within such jurisdiction willfully and maliciously trespasses upon or enters upon any railroad train railroad car or railroad locomotive with intent to commit any unlawful violence upon or against any passenger on said train or car or upon or against any engineer conductor fireman brakeman or any officer or employee connected with said locomotive train 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 not more than \$1 000 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, § 1, 62 Stat 794)

LEGISLATIVE HISTORY

Reviser's Note—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

CROSS REFERENCES

Larceny etc of goods from railroad car or station see section 659 of this title

Railroad car entered or seal broken see section 2117 of this title

§ 1992 Wrecking trains

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 afore said acts or things—

Shall be fined not more than \$10 000 or imprisoned not more than twenty years or both

Whoever is convicted of any such crime which has resulted in the death of any person shall be subject also to the death penalty or to imprisonment for life 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 (June 25 1948 ch 645, § 1, 62 Stat 794)

LEGISLATIVE HISTORY

Reviser's Note—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

Chapter 99—RAPE

Sec

2031 Special maritime and territorial jurisdiction
2032 Carnal knowledge of female under 16

§ 2031 Special maritime and territorial jurisdiction.

Whoever, within the special maritime and territorial jurisdiction of the United States commits rape shall suffer death or imprisonment for any term of years or for life (June 25 1948 ch 645 § 1, 62 Stat 795)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed § 457 (Mar 4 1909 ch 321 § 278 35 Stat 1143)

Words within the special maritime and territorial jurisdiction of the United States were added to restrict the place of the offense to those places described in section 451 of title 18 U S C 1940 ed now section 7 of this title

Minor changes were made in phraseology

CROSS REFERENCES

Rape by or upon Indians see sections 1153 and 3242 of this title

§ 2032 Carnal knowledge of female under 16

Whoever within the special maritime and territorial jurisdiction of the United States carnally knows any female not his wife who has not attained the age of sixteen years shall for a first offense be imprisoned not more than fifteen years and for a subsequent offense be imprisoned not more than thirty years (June 25 1948 ch 645 § 1, 62 Stat. 795)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed, § 458 (Mar 4 1909 ch 321 § 279 35 Stat 1143)

Words within the special maritime and territorial jurisdiction of the United States were added to restrict the place of the offense to those places described in section 451 of title 18 U S C 1940 ed now section 7 of this title

Words *not his wife* were inserted and word *unlawfully* was deleted to make section more explicit

Words *or shall be accessory to such carnal and un lawful knowledge before the fact* were deleted as unnecessary in view of section 2 of this title defining principals

Minor changes were also made in phraseology

Chapter 101—RECORDS AND REPORTS

Sec

2071 Concealment removal or mutilation generally
2072 False crop reports
2073 False entries and reports of moneys or securities
2074 False weather reports
2075 Officer failing to make returns or reports
2076 Clerk of United States District Court

CROSS REFERENCES

War contract records see section 443 of this title

§ 2071 Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals removes mutilates obliterates or destroys or attempts to do so or with intent to do so takes and carries away any record proceeding map book paper document or other thing filed or deposited with any clerk or officer of any court of the United States or in any public office or with any judicial or public officer of the United States shall be fined not more than \$2 000 or imprisoned not more than three years or both

(b) Whoever having the custody of any such record proceeding map book document paper or other thing willfully and unlawfully conceals removes mutilates obliterates falsifies or destroys the same shall be fined not more than \$2 000 or imprisoned not more than three years or both, and shall forfeit his office and be disqualified from holding any office under the United States (June 25, 1948, ch 645, § 1, 62 Stat 795)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed §§ 234 235 (Mar 4 1909 ch 321 §§ 128 129 35 Stat 1111 1112)

Section consolidates sections 234 and 235 of title 18 U S C 1940 ed

Reference in subsection (a) to intent to steal was omitted as covered by section 641 of this title

Minor changes were made in phraseology

CROSS REFERENCES

Disqualification from holding any office of honor trust or profit additional grounds for see sections 202 205 206 207 216 281 282 592 593 1901 2381 2385 and 2387 of this title

Theft of—

Court record or process see section 1506 of this title
Records see section 641 of this title

War contract records see section 443 of this title

§ 2072. False crop reports

Whoever, being an officer or employee of the United States or any of its agencies, whose duties require the compilation or report of statistics or information relating to the products of the soil knowingly compiles for issuance or issues any false statistics or information as a report of the United States or any of its agencies shall be fined not more than \$5 000 or imprisoned not more than five years, or both (June 25 1948, ch 645, § 1, 62 Stat 795)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed § 215 (Mar 4 1909 ch 321 § 124 35 Stat 1111)

Words *or any of its agencies* were inserted after United States so as to eliminate any possible ambiguity as to scope of section (See definitive section 6 of this title)

Minor changes were made in phraseology

§ 2073 False entries and reports of moneys or securities

Whoever being an officer clerk agent or other employee of the United States or any of its agencies charged with the duty of keeping accounts or records of any kind, with intent to deceive mislead, injure or defraud makes in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or

Whoever being an officer clerk agent or other employee of the United States or any of its agencies charged with the duty of receiving holding or paying over moneys or securities to for or on behalf of the United States or of receiving or holding in trust for any person any moneys or securities with like intent makes a false report of such moneys or securities—

Shall be fined not more than \$5 000 or imprisoned not more than ten years or both (June 25 1948 ch 645 § 1, 62 Stat 795)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed § 189 (Mar 4 1911 ch 270 36 Stat 1355)

Words *or any of its agencies* were inserted after United States so as to eliminate any possible ambiguity as to scope of section (See definitive section 6 of this title)

References to persons aiding and abetting were omitted
Such persons are principals under section 2 of this title
Minor verbal changes were made

§ 2074 False weather reports

Whoever knowingly issues or publishes any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau United States Signal Service or other branch of the Government service shall be fined not more than \$500 or imprisoned not more than ninety days or both (June 25 1948 ch 645 § 1 62 Stat 795)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed § 117 (Mar 4 1909 ch 321 § 61 35 Stat 1100)

Minor verbal changes were made

TRANSFER OF FUNCTIONS

The functions of all other officers of the Department of Commerce and all functions of all agencies and employees of such Department were with a few exceptions transferred to the Secretary of Commerce with power vested in him to authorize their performance or the performance of any of his functions by any of such officers agencies and employees by 1950 Reorg Plan No 5 § 1 2 eff May 24 1950 15 F R 3174 64 Stat 1268 set out in note under section 591 of Title 5 Executive Departments and Government Officers and Employees The Weather Bureau referred to in this section is a bureau of the Department of Commerce

§ 2075 Officer failing to make returns or reports

Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury other than his accounts within the time prescribed by such Act or regulation shall be fined not more than \$1 000 (June 25, 1948 ch 645 § 1 62 Stat 796)

LEGISLATIVE HISTORY

Reviser's Note—Based on title 18 U S C 1940 ed, § 188 (Mar 4 1909 ch 321 § 101 35 Stat 1107)