

nication, including hand-bills, notices, or advertising, that contain letters, words, or pictorial representations.

(g) In addition to any other agency which has authority to investigate violations of this section, the Food and Drug Administration and the Department of Agriculture, respectively, have authority to investigate violations of this section involving a consumer product that is regulated by a provision of law such Administration or Department, as the case may be, administers.

(h) As used in this section—

(1) the term “consumer product” means—

(A) any “food”, “drug”, “device”, or “cosmetic”, as those terms are respectively defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); or

(B) any article, product, or commodity which is customarily produced or distributed for consumption by individuals, or use by individuals for purposes of personal care or in the performance of services ordinarily rendered within the household, and which is designed to be consumed or expended in the course of such consumption or use;

(2) the term “labeling” has the meaning given such term in section 201(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(m));

(3) the term “serious bodily injury” means bodily injury which involves—

(A) a substantial risk of death;

(B) extreme physical pain;

(C) protracted and obvious disfigurement; or

(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(4) the term “bodily injury” means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary.

(Added Pub. L. 98-127, §2, Oct. 13, 1983, 97 Stat. 831; amended Pub. L. 101-647, title XXXV, §3544, Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103-322, title XXXIII, §330016(1)(L), (O), (Q), (S), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 107-307, §2, Dec. 2, 2002, 116 Stat. 2445.)

Editorial Notes

CODIFICATION

Another section 1365 was renumbered section 1366 of this title.

AMENDMENTS

2002—Subsecs. (f) to (h). Pub. L. 107-307 added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

1994—Subsec. (a)(1). Pub. L. 103-322, §330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

Subsec. (a)(2), (3). Pub. L. 103-322, §330016(1)(S), substituted “fined under this title” for “fined not more than \$100,000”.

Subsec. (a)(4). Pub. L. 103-322, §330016(1)(Q), substituted “fined under this title” for “fined not more than \$50,000”.

Subsec. (b). Pub. L. 103-322, §330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000”.

Subsecs. (c)(1), (d), (e). Pub. L. 103-322, §330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

1990—Subsec. (g)(1)(A). Pub. L. 101-647 inserted opening quotation marks before “device”.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-307, §1, Dec. 2, 2002, 116 Stat. 2445, provided that: “This Act [amending this section] may be cited as the ‘Product Packaging Protection Act of 2002’.”

SHORT TITLE

Pub. L. 98-127, §1, Oct. 13, 1983, 97 Stat. 831, provided: “That this Act [enacting this section and section 155A of Title 35, Patents] may be cited as the ‘Federal Anti-Tampering Act’.”

§ 1366. Destruction of an energy facility

(a) Whoever knowingly and willfully damages or attempts or conspires to damage the property of an energy facility in an amount that in fact exceeds or would if the attempted offense had been completed, or if the object of the conspiracy had been achieved, have exceeded \$100,000, or damages or attempts or conspires to damage the property of an energy facility in any amount and causes or attempts or conspires to cause a significant interruption or impairment of a function of an energy facility, shall be punishable by a fine under this title or imprisonment for not more than 20 years, or both.

(b) Whoever knowingly and willfully damages or attempts to damage the property of an energy facility in an amount that in fact exceeds or would if the attempted offense had been completed have exceeded \$5,000 shall be punishable by a fine under this title, or imprisonment for not more than five years, or both.

(c) For purposes of this section, the term “energy facility” means a facility that is involved in the production, storage, transmission, or distribution of electricity, fuel, or another form or source of energy, or research, development, or demonstration facilities relating thereto, regardless of whether such facility is still under construction or is otherwise not functioning, except a facility subject to the jurisdiction, administration, or in the custody of the Nuclear Regulatory Commission or an interstate gas pipeline facility as defined in section 60101 of title 49.

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

(Added Pub. L. 98-473, title II, §1011(a), Oct. 12, 1984, 98 Stat. 2141, §1365; renumbered §1366, Pub. L. 99-646, §29(a), Nov. 10, 1986, 100 Stat. 3598; amended Pub. L. 101-647, title XXXV, §§3545, 3546, Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103-272, §5(e)(9), July 5, 1994, 108 Stat. 1374; Pub. L. 103-322, title XXXII, §320903(d)(3), title XXXIII, §330016(2)(C), Sept. 13, 1994, 108 Stat. 2125, 2148; Pub. L. 107-56, title VIII, §810(b), Oct. 26, 2001, 115 Stat. 380; Pub. L. 109-177, title IV, §406(c)(2), Mar. 9, 2006, 120 Stat. 245.)

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-177 substituted “attempts or conspires” for “attempts” wherever appearing and inserted “, or if the object of the conspiracy had been achieved,” after “the attempted offense had been completed”.

2001—Subsec. (a). Pub. L. 107-56, §810(b)(1), substituted “20 years” for “ten years”.

Subsec. (d). Pub. L. 107-56, §810(b)(2), added subsec. (d).

1994—Subsec. (a). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$50,000”.

Pub. L. 103-322, §320903(d)(3), inserted “or attempts to damage” after “damages” in two places, “or would if the attempted offense had been completed have exceeded” after “exceeds”, and “or attempts to cause” after “causes”.

Subsec. (b). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$25,000”.

Pub. L. 103-322, §320903(d)(3)(A), (C), inserted “or attempts to damage” after “damages” and “or would if the attempted offense had been completed have exceeded” after “exceeds”.

Subsec. (c). Pub. L. 103-272 substituted “an interstate gas pipeline facility as defined in section 60101 of title 49” for “interstate transmission facilities, as defined in section 2 of the Natural Gas Pipeline Safety Act of 1968”.

1990—Subsec. (c). Pub. L. 101-647, §3545, substituted “section 2 of the Natural Gas Pipeline Safety Act of 1968” for “49 U.S.C. 1671”.

Subsec. (d). Pub. L. 101-647, §3546, struck out subsec. (d) which read as follows: “The table of contents for chapter 65 of title 18, United States Code, is amended by adding at the end thereof the following new item: ‘1365 Destruction of an energy facility.’”

§ 1367. Interference with the operation of a satellite

(a) Whoever, without the authority of the satellite operator, intentionally or maliciously interferes with the authorized operation of a communications or weather satellite or obstructs or hinders any satellite transmission shall be fined in accordance with this title or imprisoned not more than ten years or both.

(b) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency or of an intelligence agency of the United States.

(Added Pub. L. 99-508, title III, §303(a), Oct. 21, 1986, 100 Stat. 1872.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 302 of Pub. L. 99-508, set out as a note under section 3121 of this title.

§ 1368. Harming animals used in law enforcement

(a) Whoever willfully and maliciously harms any police animal, or attempts or conspires to do so, shall be fined under this title and imprisoned not more than 1 year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury to or the death of

the animal, the maximum term of imprisonment shall be 10 years.

(b) In this section, the term “police animal” means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders.

(Added Pub. L. 106-254, §2(a), Aug. 2, 2000, 114 Stat. 638; amended Pub. L. 107-273, div. B, title IV, §4003(a)(4), Nov. 2, 2002, 116 Stat. 1811.)

Editorial Notes

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 inserted “to” after “serious bodily injury”.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-254, §1, Aug. 2, 2000, 114 Stat. 638, provided that: “This Act [enacting this section] may be cited as the ‘Federal Law Enforcement Animal Protection Act of 2000.’”

§ 1369. Destruction of veterans’ memorials

(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

(b) A circumstance described in this subsection is that—

(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.

(Added Pub. L. 108-29, §2(a), May 29, 2003, 117 Stat. 772.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-29, §1, May 29, 2003, 117 Stat. 772, provided that: “This Act [enacting this section and provisions set out as a note under section 109 of Title 23, Highways] may be cited as the ‘Veterans’ Memorial Preservation and Recognition Act of 2003.’”

CHAPTER 67—MILITARY AND NAVY

Sec.	
1381.	Enticing desertion and harboring deserters.
1382.	Entering military, naval, or Coast Guard property.
[1383.	Repealed.]
1384.	Prostitution near military and naval establishments.
1385.	Use of Army, Navy, Marine Corps, Air Force, and Space Force as posse comitatus
1386.	Keys and keyways used in security applications by the Department of Defense.
1387.	Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.