§ 7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States," as used in this title, includes:

1. The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

2. Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

3. Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

4. Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

5. Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

6. Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard.

7. Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

8. To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.

9. With respect to offenses committed by or against a national of the United States as that term is used in section 101 of the Immigration and Nationality Act—

(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 928(a) of this title.
In several revised sections of said chapter 11 the words "within the special maritime and territorial jurisdiction of the United States" have been added. Thus the jurisdictional limitation will be preserved in all sections of said chapter 11 describing an offense. Enumeration of names of Great Lakes was omitted as unnecessary. Other minor changes were necessary now that the section defines a term rather than the place of commission of crime or offense; however, the extent of the special jurisdiction as originally enacted has been carefully followed.

REFERENCES IN TEXT
Section 101 of the Immigration and Nationality Act, referred to in par. (9), is classified to section 1101 of Title 8, Aliens and Nationality.

AMENDMENTS

TERIORIAL SEA EXTENDING TO TWELVE MILES INCLUSIVE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION
Pub. L. 104-323, title IX, §901(a), Oct. 29, 1996, 110 Stat. 317, provided that: "The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5829 of December 29, 1938 [set out as a note under section 1331 of Title 43, Public Lands], for purposes of Federal criminal jurisdiction is part of the United States, subject to its sovereignty, and is within the special maritime and territorial jurisdiction of the United States for the purpose of title 18, United States Code.

§8. Obligation or other security of the United States defined

The term "obligation or other security of the United States" includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any Act of Congress, and canceled United States stamps.

(June 25, 1948, ch. 645, 62 Stat. 663.)

HISTORICAL AND REVISION NOTES

The terms of this section were general enough to justify its inclusion in this chapter rather than retaining it in the chapter on "Obstructing" where the terms which it specifically defines are set out in sections 472-476, 476a, 476b, 476c, 476d, and 504 of this title.

Words "Federal Reserve notes, Federal Reserve bank notes" were inserted before "brokerage" because such notes have almost supplanted national bank currency. Minor changes were made in phraseology.

§9. Vessel of the United States defined

The term "vessel of the United States", as used in this title, means a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof.

(June 25, 1948, ch. 645, 62 Stat. 665.)

HISTORICAL AND REVISION NOTES

The definition of "vessel of the United States" contained in this section, with minor changes in phraseology, is from section 4 of title VIII of act June 18, 1917 (Ch. 35, 40 Stat. 277, 280), known as the Espionage Act of 1917. The definition was incorporated in sections 369, 370, and 371 of title 18 and in section 235 of title 22, Foreign Relations and Intercourse, and in section 41 of "Title 50, War and National Defense, U.S.C., all in 1940 ed., since the definition was specifically enacted with reference to said sections and others not material here.

The remaining provisions of said sections 369 and 370 of title 18, U.S.C., 1940 ed., which were derived from sources other than said section of title VIII of the act of June 18, 1917, are incorporated in sections 903 and 907 of this title.

AMENDMENTS
1976—Pub. L. 94-447 inserted "except in sections 112, 386, 970, 1116, and 1201" after "title".

$10. Interstate commerce and foreign commerce defined

The term "interstate commerce", as used in this title, includes commerce between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

The term "foreign commerce", as used in this title, includes commerce with a foreign country.

(June 25, 1948, ch. 645, 62 Stat. 666.)

HISTORICAL AND REVISION NOTES

This section consolidates into one section identical definitions contained in sections 510, 510a, 414(a), and 414(b) of title 18, U.S.C., 1940 ed.

In addition to slight improvements in style, the word "commerce" was substituted for "transportation" in order to avoid the narrower connotation of the word "transportation" since "commerce" obviously includes more than "transportation." The word "Possession" was inserted in two places to make the definition more accurate and comprehensive since the phrases included in the word "Possession" would normally be within the term defined and a narrower construction should be avoided by express statutory exclusion in those crimes which Congress intends to restrict to commerce within the continental United States.

$11. Foreign government defined

The term "foreign government", as used in this title except in sections 112, 386, 970, 1116, and 1201, includes any government, faction, or body of insurgents within a country with which the United States is at peace, irrespective of recognition by the United States.


HISTORICAL AND REVISION NOTES

The definition of "foreign government" contained in this section, with minor changes in phraseology, is from section 4 of title VIII of act June 18, 1917 (Ch. 35, 40 Stat. 277, 280), known as the Espionage Act of 1917. The definition was incorporated in sections 369, 370, and 371 of title 18 and in section 235 of title 22, Foreign Relations and Intercourse, and in section 41 of "Title 50, War and National Defense, U.S.C., all in 1940 ed., since the definition was specifically enacted with reference to said sections and others not material here.

The remaining provisions of said sections 369 and 370 of title 18, U.S.C., 1940 ed., which were derived from sources other than said section of title VIII of the act of June 18, 1917, are incorporated in sections 903 and 907 of this title.