§ 2339A

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

CRIMINAL LAW

title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.

(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.


Editorial Notes

AMENDMENTS


Statutory Notes and Related Subsidiaries

Effective Date of 2002 Amendment


§ 2339A. Providing material support to terrorists

(a) OFFENSE.—Whoever provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 37, 81, 175, 229, 351, 842(m) or (n), 930(c), 956, 1091, 1114, 1161, 1163, 1361, 1362, 1363, 1366, 1751, 1992, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, 2332f, 2349A, or 2442 of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), section 46502 or 60123(b) of title 49, or any offense listed in section 2332b(g)(5)(B) (except for sections 2339A and 2339B) or in preparation for, or in carrying out, the concealment of an escape from the commission of any such violation, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.

(b) DEFINITIONS.—As used in this section—

(1) the term ‘‘material support or resources’’ means any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safecouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, except medicine or religious materials;

(2) the term ‘‘training’’ means instruction or teaching designed to impart a specific skill, as opposed to general knowledge; and

(3) the term ‘‘expert advice or assistance’’ means advice or assistance derived from scientific, technical or other specialized knowledge.


Editorial Notes

AMENDMENTS


2004—Subsec. (a). Pub. L. 108–458, § 6003(a)(2)(B), which directed amendment of this section by inserting ‘‘or any offense listed in section 2332b(g)(5)(B) (except for sections 2339A and 2339B)’’ after ‘‘section 60123(b) of title 49,’’ was executed by making the insertion in subsec. (a) after ‘‘section 46502 or 60123(b) of title 49,’’ to reflect the probable intent of Congress.

Pub. L. 108–458, § 6003(a)(2)(A), struck out ‘‘or’’ before ‘‘section 46502’’.

Subsec. (b). Pub. L. 108–458, § 6003(b), reenacted headings without change and amended text generally. Prior to amendment, text read as follows: ‘‘In this section, the term ‘material support or resources’ or ‘assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.’’

2002—Subsec. (a). Pub. L. 107–273, § 4002(a)(7), (e)(11), struck out ‘‘2332c,’’ after ‘‘2332b,’’ and substituted ‘‘of an escape’’ for ‘‘or an escape’’.

Pub. L. 107–197 inserted ‘‘2332b,’’ before ‘‘or 2340A’’.


2001—Subsec. (a). Pub. L. 107–56, § 811(f), inserted ‘‘or attempts or conspires to do such an act,’’ before ‘‘shall be fined’’.

Pub. L. 107–56, § 810(c)(1), substituted ‘‘15 years’’ for ‘‘10 years’’.

Pub. L. 107–56, § 810(c)(2), which directed substitution of ‘‘, and, if the death of any person results, shall be imprisoned for any term of years or for life,’’ for period, was executed by making the substitution for the period at end of the first sentence to reflect the probable intent of Congress and the intervening amendment by section 8857(1)(F) of Pub. L. 107–56. See below.

Subsec. (b). Pub. L. 104–294, §601(a)(2), substituted “or monetary instruments or financial securities” for “or other financial securities” and inserted “expert advice or assistance,” after “training,”.


Pub. L. 104–132 amended section generally, repealing section catchline without change and redesignating this section.

(a) subsec. (b), redesignating provisions which defined “material support or resource”, formerly contained in subsec. (a), as subsec. (b), substituting provisions excepting medicine or religious materials from definition for provisions excepting humanitarian assistance to persons not directly involved in violations, and struck out subsec. (c) which authorized investigations into possible violations, except activities involving First Amendment rights.


Subsec. (b). Pub. L. 104–294, §601(b)(2), which directed substitution of “2332” for “2331”, “2332a” for “2339”, “37” for “36”, and “or an escape” for “of an escape” and which could not be executed after the general amendment by Pub. L. 104–132, was repealed by Pub. L. 107–273, §4002(c)(1). See above.

Statutory Notes and Related Subsidiaries

Effective Date of 2002 Amendment

Effective Date of 1996 Amendment

§2339B. Providing material support or resources to designated foreign terrorist organizations

(a) Prohibited Activities.—

(1) Unlawful Conduct.—Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 20 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)))

(B) an offender is a stateless person whose habitual residence is in the United States;

(C) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

(D) the offense occurs in whole or in part within the United States;

(E) the offense occurs in or affects interstate or foreign commerce; or

(F) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

(2) Extraterritorial Jurisdiction.—There is extraterritorial Federal jurisdiction over an offense under this section.

(e) Investigations.—

(1) In General.—The Attorney General shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

(2) Coordination with the Department of the Treasury.—The Attorney General shall work in coordination with the Secretary in investigations relating to—

(A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and

(B) civil penalty proceedings authorized under subsection (b).

(3) Referral.—Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney General for further in-