



UNITED STATES CODE ANNOTATED
TITLE 18. CRIMES AND CRIMINAL PROCEDURE
PART I--CRIMES
CHAPTER 113B--TERRORISM

Copr. © West Group 2003. No claim to Orig. U.S. Govt. Works.

Current through P.L. 108-71, approved 08-14-03

[§ 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, 831, 842(m) or (n), 844(f) or (i), 930(c), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 1992, 1993, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, 2332f, or 2340A of this title, section 236 of the Atomic Energy Act of 1954 ([42 U.S.C. 2284](#)), or section 46502 or 60123(b) of title 49, 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) Definition.--In this section, the term "material support or resources" means currency or monetary instruments or financial securities, financial services, lodging, training, expert advice 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.

CREDIT(S)

(Added [Pub.L. 103-322, Title XII, § 120005\(a\)](#), Sept. 13, 1994, 108 Stat. 2022, and amended [Pub.L. 104-132, Title III, § 323](#), Apr. 24, 1996, 110 Stat. 1255; [Pub.L. 104-294, Title VI, §§ 601\(b\)\(2\), \(s\)\(2\), \(3\), 604\(b\)\(5\)](#), Oct. 11, 1996, 110 Stat. 3498, 3502, 3506; [Pub.L. 107-56, Title VIII, §§ 805\(a\), 810\(c\), 811\(f\)](#), Oct. 26, 2001, 115 Stat. 377, 380, 381; [Pub.L. 107-197, Title III, § 301\(c\)](#), June 25, 2002, 116 Stat. 728; [Pub.L. 107-273, Div. B, Title IV, § 4002\(a\)\(7\), \(c\)\(1\), \(e\)\(11\)](#), Nov. 2, 2002, 116 Stat. 1807, 1808, 1811.)

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [House Report Nos. 103-324, 103-489](#), and [House Conference Report No. 103-711](#), see 1994 U.S. Code Cong. and Adm. News, p. 1801.

1996 Acts. [Senate Report No. 104-179](#) and [House Conference Report No. 104- 518](#), see 1996 U.S. Code Cong. and Adm. News, p. 924.

[House Report No. 104-788](#), see 1996 U.S. Code Cong. and Adm. News, p. 4021.

2002 Acts. [House Report No. 107-307](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 521.

2002 Acts. [House Conference Report No. 107-685](#) and Statement by President, see 2002 U.S. Code Cong. and Adm. News, p. 1120.

References in Text

Section 236(a) of the Atomic Energy Act of 1954, referred to in subsec. (a), is Act, Aug. 1, 1946, c. 724, Title I, § 236(a), as added June 30, 1980, Pub.L. 96-295, Title II, § 204(a), 94 Stat. 787, as amended, which is classified to 42 U.S.C.A. § 2284(a).

Codifications

Section 604(b)(5) of Pub.L. 104-294 amended directory language of section 120005(a) of Pub.L. 103-322, requiring no change in text.

Section 601(b)(2) of Pub.L. 104-294, which directed that subsec. (b) of this section be amended by substituting "2332", "2332a", "37", and "or an escape" for "2331", "2339", "36", and "of an escape", respectively, could not be executed to text as section had been completely revised by section 323 of Pub.L. 104-132. See 2002 and 1996 Amendments notes set out under this section.

Amendments

2002 Amendments. Subsec. (a). Pub.L. 107-197, § 301(c), inserted "2332f," before "or 2340A".

Pub.L. 107-273, § 4002(a)(7), substituted "the concealment of an escape" for "the concealment or an escape".

Pub.L. 107-273, § 4002(e)(11), struck out "2332c," following "2332b,".

Subsec. (b). Pub.L. 107-273, § 4002(c)(1), repealed section 601(b)(2) of Pub.L. 104-294, and thus required no change in text. See Codifications and 1996 Amendments notes set out under this section.

2001 Amendments. Subsec. (a). Pub.L. 107-56, § 805(a)(1), struck out ", within the United States," after "Whoever"; inserted "229," after "175,"; inserted "1993," after "1992,"; inserted ", section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284),"; inserted "or 60123(b)" after "46502"; and inserted at the end the following: "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."

Pub.L. 107-56, § 810(c), substituted "15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life" for "10 years, or both".

Pub.L. 107-56, § 811(f), inserted "or attempts or conspires to do such an act," following "any such violation,".

Subsec. (b). Pub.L. 107-56, § 805(a)(2), substituted "or monetary instruments or financial securities" for "or other financial securities", and inserted "expert advice or assistance," after "training,".

1996 Amendments. Pub.L. 104-294, § 604(b)(5), amending section 120005(a) of Pub.L. 103-322, which enacted this section. See Codifications note set out under this section.

Subsec. (a). Pub.L. 104-294, § 601(s)(2), (3), inserted "or an escape" following "the concealment", "930(c)," following "844(f) or (i)," "1992," following "1751," and "2332c," following "2332b,".

Pub.L. 104-132, § 323, redesignated as subsec. (a) provisions of former subsec. (b) which detailed what constitutes an offense, and as so redesignated, added reference to sections 37, 81, 175, 831, 842(m) or (n), 956, 1362, 1366, 2155, 2156, 2332, 2332a, 2332b, 2340A of this title, struck out reference to sections 36, 2331 and 2339 of this title, and redesignated provisions of former subsec. (a) which defined "material support or resources" as subsec. (b).

Subsec. (b). Pub.L. 104-294, § 601(b)(2), directed the substitution of "2332", "2332a", "37", and "or an escape" for "2331", "2339", "36", and "of an escape", respectively, which could not be executed to text. See Codifications and 2002 Amendments notes set out under this section.

Pub.L. 104-132, § 323, redesignated as subsec. (b) provisions of former subsec. (a) defining "material support or resources", and as so redesignated, substituted provisions excepting medicine or religious materials from the definition for provisions excepting humanitarian assistance to persons not directly involved in violations, and redesignated provisions of

former subsec. (b) which detailed what constitutes an offense as subsec. (a).

Subsec. (c). [Pub.L. 104-132, § 323](#), struck out subsec. (c) which authorized investigations into possible violations but prohibited such investigations into activities involving First Amendment rights.

Effective and Applicability Provisions

2002 Acts. Amendment by [section 4002\(c\)\(1\) of Pub.L. 107-273](#), as therein provided, effective Oct. 11, 1996, which is the date of enactment of [Pub.L. 104-294](#), to which such amendment relates.

1996 Acts. Amendment by [section 604 of Pub.L. 104-294](#) effective Sept. 13, 1994, see [section 604\(d\) of Pub.L. 104-294](#), set out as a note under section 13 of this title.

Repeals

[Section 601\(b\)\(2\) of Pub.L. 104-294](#), cited in the credit of this section, was repealed by [section 4002\(c\)\(1\) of Pub.L. 107-273](#).

CROSS REFERENCES

Jurisdiction for lawsuits against terrorist states, see [28 USCA § 1605](#).

LIBRARY REFERENCES

American Digest System

Extortion and Threats [§ 25](#).

Key Number System Topic No. 165.

Encyclopedias

Threats and Unlawful Communications, see C.J.S. §§ 2-9.

NOTES OF DECISIONS

Political question 1

1. Political question

Political question doctrine did not bar suit against Palestinian organizations, under federal antiterrorism statute, brought by estate of American national killed by terrorist activity in Israel; there were no issues in present tort action of political nature not manageable by court. [Estates of Ungar ex rel. Strachman v. Palestinian Authority, D.R.I.2002, 228 F.Supp.2d 40](#). Constitutional Law [§ 68\(1\)](#)

18 U.S.C.A. § 2339A

18 USCA § 2339A

END OF DOCUMENT