

ings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

CHAPTER 113B—TERRORISM

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CODIFICATION

Pub. L. 101-519, §132, Nov. 5, 1990, 104 Stat. 2250, known as the "Antiterrorism Act of 1990", amended this chapter by adding sections 2331 and 2333 to 2338 and by amending former section 2331 and renumbering it as section 2332. Pub. L. 102-27, title IV, §402, Apr. 10, 1991, 105 Stat. 155, as amended by Pub. L. 102-136, §126, Oct. 25, 1991, 105 Stat. 643, repealed section 132 of Pub. L. 101-519, effective Nov. 5, 1990, and provided that effective Nov. 5, 1990, this chapter is amended to read as if section 132 of Pub. L. 101-519 had not been enacted.

PRIOR PROVISIONS

Another chapter 113B, consisting of sections 2340 to 2340B, was renumbered chapter 113C.

AMENDMENTS

2004—Pub. L. 108-458, title VI, §6911(a), Dec. 17, 2004, 118 Stat. 3775, added items 2332g and 2332h.

2002—Pub. L. 107-197, title I, §102(b), title II, §202(b), June 25, 2002, 116 Stat. 724, 727, added items 2332f and 2339C.

2001—Pub. L. 107-56, title VIII, §803(b), Oct. 26, 2001, 115 Stat. 377, added item 2339.

1998—Pub. L. 105-277, div. I, title II, §201(c)(2), Oct. 21, 1998, 112 Stat. 2681-871, struck out item 2332c "Use of chemical weapons".

1996—Pub. L. 104-294, title VI, §605(q), Oct. 11, 1996, 110 Stat. 3510, redesignated item 2332d, relating to requests for military assistance to enforce prohibition in certain emergencies, as item 2332e, and moved the item to follow item 2332d, relating to financial transactions.

Pub. L. 104-294, title VI, §604(b)(5), Oct. 11, 1996, 110 Stat. 3506, amended directory language of Pub. L. 103-322, title XII, §120005(b), Sept. 13, 1994, 108 Stat. 2023. See 1994 Amendment note below.

Pub. L. 104-201, div. A, title XIV, §1416(c)(2)(B), Sept. 23, 1996, 110 Stat. 2723, which directed amendment of table of sections at beginning of the chapter 133B of this title, that relates to terrorism, by adding item

2332d relating to requests for military assistance to enforce prohibition in certain emergencies, after item 2332c, was executed by making the addition after item 2332c in the table of sections at the beginning of this chapter to reflect the probable intent of Congress. This title does not contain a chapter 133B.

Pub. L. 104-132, title III, §§303(b), 321(b), title V, §521(c), title VII, §702(b), Apr. 24, 1996, 110 Stat. 1253, 1254, 1287, 1294, added items 2332b to 2332d and 2339B.

1994—Pub. L. 103-322, title XII, §120005(b), Sept. 13, 1994, 108 Stat. 2023, as amended by Pub. L. 104-294, title VI, §604(b)(5), Oct. 11, 1996, 110 Stat. 3506, added item 2339A.

Pub. L. 103-322, title VI, §60023(b), title XXV, §250002(a)(1), (b)(2), Sept. 13, 1994, 108 Stat. 1981, 2082, 2085, renumbered chapter 113A as 113B, amended chapter heading generally, substituting "113B" for "113A", and added item 2332a.

1992—Pub. L. 102-572, title X, §1003(a)(5), Oct. 29, 1992, 106 Stat. 4524, substituted "TERRORISM" for "EXTRA-TERRITORIAL JURISDICTION OVER TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS" in chapter heading and amended chapter analysis generally, substituting "Definitions" for "Terrorist acts abroad against United States nationals" in item 2331 and adding items 2332 to 2338.

1988—Pub. L. 100-690, title VII, §7062, Nov. 18, 1988, 102 Stat. 4404, added item 2331.

§ 2331. Definitions

As used in this chapter—

(1) the term "international terrorism" means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

(2) the term "national of the United States" has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

(3) the term "person" means any individual or entity capable of holding a legal or beneficial interest in property;

(4) the term "act of war" means any act occurring in the course of—

(A) declared war;

(B) armed conflict, whether or not war has been declared, between two or more nations; or

(C) armed conflict between military forces of any origin; and

(5) the term "domestic terrorism" means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

¹ Editorially supplied. Section 2339D added by Pub. L. 108-458 without corresponding amendment of chapter analysis.

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States.

(Added Pub. L. 102-572, title X, §1003(a)(3), Oct. 29, 1992, 106 Stat. 4521; amended Pub. L. 107-56, title VIII, §802(a), Oct. 26, 2001, 115 Stat. 376.)

REFERENCES IN TEXT

Section 101(a)(22) of the Immigration and Nationality Act, referred to in par. (2), is classified to section 1101(a)(22) of Title 8, Aliens and Nationality.

PRIOR PROVISIONS

A prior section 2331 was renumbered 2332 of this title.

AMENDMENTS

2001—Par. (1)(B)(iii). Pub. L. 107-56, §802(a)(1), substituted “by mass destruction, assassination, or kidnapping” for “by assassination or kidnapping”.

Par. (5). Pub. L. 107-56, §802(a)(2)–(4), added par. (5).

EFFECTIVE DATE

Pub. L. 102-572, title X, §1003(c), Oct. 29, 1992, 106 Stat. 4524, provided that: “This section [enacting this section and sections 2333 to 2338 of this title, amending former section 2331 of this title, and renumbering former section 2331 of this title as 2332] and the amendments made by this section shall apply to any pending case or any cause of action arising on or after 4 years before the date of enactment of this Act [Oct. 29, 1992].”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-458, title VI, §6601, Dec. 17, 2004, 118 Stat. 3761, provided that: “This subtitle [subtitle G (§§6601-6604) of title VI of Pub. L. 108-458, enacting section 2339D of this title, amending sections 2332b and 2339A to 2339C of this title, and enacting provisions set out as a note under section 2332b of this title] may be cited as the ‘Material Support to Terrorism Prohibition Enhancement Act of 2004’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-197, title I, §101, June 25, 2002, 116 Stat. 721, provided that: “This title [enacting section 2332f of this title and provisions set out as notes under section 2332f of this title] may be cited as the ‘Terrorist Bombings Convention Implementation Act of 2002’.”

Pub. L. 107-197, title II, §201, June 25, 2002, 116 Stat. 724, provided that: “This title [enacting section 2339C of this title and provisions set out as notes under section 2339C of this title] may be cited as the ‘Suppression of the Financing of Terrorism Convention Implementation Act of 2002’.”

§ 2332. Criminal penalties

(a) **HOMICIDE.**—Whoever kills a national of the United States, while such national is outside the United States, shall—

(1) if the killing is murder (as defined in section 1111(a)), be fined under this title, punished by death or imprisonment for any term of years or for life, or both;

(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this

title, be fined under this title or imprisoned not more than three years, or both.

(b) **ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.**—Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall—

(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and

(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

(c) **OTHER CONDUCT.**—Whoever outside the United States engages in physical violence—

(1) with intent to cause serious bodily injury to a national of the United States; or

(2) with the result that serious bodily injury is caused to a national of the United States;

shall be fined under this title or imprisoned not more than ten years, or both.

(d) **LIMITATION ON PROSECUTION.**—No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.

(Added Pub. L. 99-399, title XII, §1202(a), Aug. 27, 1986, 100 Stat. 896, §2331; amended Pub. L. 101-519, §132(b), Nov. 5, 1990, 104 Stat. 2250; Pub. L. 102-27, title IV, §402, Apr. 10, 1991, 105 Stat. 155; Pub. L. 102-136, §126, Oct. 25, 1991, 105 Stat. 643; renumbered §2332 and amended Pub. L. 102-572, title X, §1003(a)(1), (2), Oct. 29, 1992, 106 Stat. 4521; Pub. L. 103-322, title VI, §60022, Sept. 13, 1994, 108 Stat. 1980; Pub. L. 104-132, title VII, §705(a)(6), Apr. 24, 1996, 110 Stat. 1295.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-132 substituted “ten years” for “five years” in concluding provisions.

1994—Subsec. (a)(1). Pub. L. 103-322 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;”.

1992—Pub. L. 102-572 renumbered section 2331 of this title as this section, substituted “Criminal penalties” for “Terrorist acts abroad against United States national” in section catchline, redesignated subsec. (e) as (d), and struck out former subsec. (d) which read as follows: “**DEFINITION.**—As used in this section the term ‘national of the United States’ has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”

1991—Pub. L. 102-27, §402, as amended by Pub. L. 102-136, §126, repealed Pub. L. 101-519, §132, and amended this section to read as if Pub. L. 101-519, §132, had not been enacted, effective as of Nov. 5, 1990, the date of enactment of Pub. L. 101-519. See Codification note preceding this section.

1990—Pub. L. 101-519, §132, which amended this section, was repealed by Pub. L. 102-27, §402, as amended. See 1991 Amendment note above.