

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992, see section 1003(c) of Pub. L. 102-572, set out as a note under section 2331 of this title.

§ 2336. Other limitations

(a) ACTS OF WAR.—No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

(b) LIMITATION ON DISCOVERY.—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the Assistant Attorney General, Deputy Attorney General, or Attorney General may object on the ground that compliance will interfere with a criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any such objections in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure. If the court grants a stay of discovery under this subsection, it may stay the action in the interests of justice.

(c) STAY OF ACTION FOR CIVIL REMEDIES.—(1) The Attorney General may intervene in any civil action brought under section 2333 for the purpose of seeking a stay of the civil action. A stay shall be granted if the court finds that the continuation of the civil action will substantially interfere with a criminal prosecution which involves the same subject matter and in which an indictment has been returned, or interfere with national security operations related to the terrorist incident that is the subject of the civil action. A stay may be granted for up to 6 months. The Attorney General may petition the court for an extension of the stay for additional 6-month periods until the criminal prosecution is completed or dismissed.

(2) In a proceeding under this subsection, the Attorney General may request that any order issued by the court for release to the parties and the public omit any reference to the basis on which the stay was sought.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4523.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

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§ 2337. Suits against Government officials

No action shall be maintained under section 2333 of this title against—

(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his or her official capacity or under color of legal authority; or

(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his or her official capacity or under color of legal authority.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4523.)

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§ 2338. Exclusive Federal jurisdiction

The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4524.)

EFFECTIVE DATE

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§ 2339. Harboring or concealing terrorists

(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this 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.

(Added Pub. L. 107-56, title VIII, §803(a), Oct. 26, 2001, 115 Stat. 376; amended Pub. L. 107-273, div. B, title IV, §4005(d)(2), Nov. 2, 2002, 116 Stat. 1813.)

AMENDMENTS

2002—Pub. L. 107-273 made technical correction to directory language of Pub. L. 107-56, §803(a), which enacted this section.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4005(d)(2), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(d)(2) is effective Oct. 26, 2001.

§ 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, 1091, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 1992, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, 2332f, 2340A, 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, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and 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.

(Added Pub. L. 103-322, title XII, §120005(a), Sept. 13, 1994, 108 Stat. 2022; 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; Pub. L. 108-458, title VI, §6603(a)(2), (b), Dec. 17, 2004, 118 Stat. 3762; Pub. L. 109-177, title I, §110(b)(3)(B), Mar. 9, 2006, 120 Stat. 208; Pub. L. 111-122, §3(d), Dec. 22, 2009, 123 Stat. 3481.)

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-122 inserted “, 1091” after “956” and substituted “, 2340A, or 2442” for “, or 2340A”.

2006—Subsec. (a). Pub. L. 109-177 struck out “1993,” after “1992,”.

2004—Subsec. (a). Pub. L. 108-458, §6603(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, §6603(a)(2)(A), struck out “or” before “section 46502”.

Subsec. (b). Pub. L. 108-458, §6603(b), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “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.”

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 “2332f,” before “or 2340A”.

Subsec. (b). Pub. L. 107-273, §4002(c)(1), repealed amendment by Pub. L. 104-294, §601(b)(2). See 1996 Amendment note below.

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 805(a)(1)(F) of Pub. L. 107-56. See below.

Pub. L. 107-56, §805(a)(1)(F), inserted at end “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, §§805(a)(1)(A)–(E), struck out “, within the United States,” after “Whoever”, and inserted “229,” after “175,” “1993,” after “1992,” “, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284),” after “2340A of this title”, and “or 60123(b)” after “section 46502”.

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—Pub. L. 104-294, §604(b)(5), amended directory language of Pub. L. 103-322, §120005(a), which enacted this section.

Pub. L. 104-132 amended section generally, reenacting section catchline without change and redesignating provisions which detailed what constitutes offense, formerly contained in subsec. (b), as subsec. (a), inserting references to sections 37, 81, 175, 831, 842, 956, 1362, 1366, 2155, 2156, 2332, 2332a, 2332b, and 2340A of this title, striking out references to sections 36, 2331, and 2339 of this title, redesignating provisions which define “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. (a). Pub. L. 104-294, §601(s)(2), (3), inserted “930(c),” before “956,” “1992,” before “2155,” “2332c,” before “or 2340A of this title”, and “or an escape” after “concealment”.

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”