

1996, 110 Stat. 3502; Pub. L. 105-184, § 5, June 23, 1998, 112 Stat. 520.)

Editorial Notes

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-184, § 5(1), substituted “to all victims of any offense for which an enhanced penalty is provided under section 2326” for “for any offense under this chapter”.

Subsec. (c). Pub. L. 105-184, § 5(2), added subsec. (c) and struck out former subsec. (c) which read as follows:

“(c) DEFINITION.—For purposes of this section, the term ‘victim’ includes the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.”

1996—Subsec. (a). Pub. L. 104-132, § 205(e)(1), inserted “or 3663A” after “3663”.

Subsec. (b)(1). Pub. L. 104-132, § 205(e)(2)(A), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The order of restitution under this section shall direct that—

“(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court, pursuant to paragraph (3); and

“(B) the United States Attorney enforce the restitution order by all available and reasonable means.”

Subsec. (b)(2). Pub. L. 104-132, § 205(e)(2)(B), struck out “by victim” after “Enforcement” in heading and amended text generally. Prior to amendment, text read as follows: “An order of restitution may be enforced by a victim named in the order to receive the restitution as well as by the United States Attorney, in the same manner as a judgment in a civil action.”

Subsec. (b)(4)(C), (D). Pub. L. 104-132, § 205(e)(2)(C), struck out subpars. (C) and (D), which related to court’s consideration of economic circumstances of defendant in determining schedule of payment of restitution orders, and court’s entry of nominal restitution awards where economic circumstances of defendant do not allow for payment of restitution, respectively.

Subsec. (b)(5) to (10). Pub. L. 104-132, § 205(e)(2)(D), struck out pars. (5) to (10), which related, respectively, to more than 1 offender, more than 1 victim, payment schedule, setoff, effect on other sources of compensation, and condition of probation or supervised release.

Subsec. (c). Pub. L. 104-294, which directed substitution of “designee” for “delegee” wherever appearing, could not be executed because of amendment by Pub. L. 104-132, § 205(e)(3), (4). See below.

Pub. L. 104-132, § 205(e)(3), (4), redesignated subsec. (f) as (c) and struck out former subsec. (c) relating to proof of claim.

Subsecs. (d), (e). Pub. L. 104-132, § 205(e)(3), struck out subsecs. (d) and (e) which read as follows:

“(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

“(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”

Subsec. (f). Pub. L. 104-132, § 205(e)(4), redesignated subsec. (f) as (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 effective, to extent constitutionally permissible, for sentencing pro-

ceedings 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.

§ 2328. Mandatory forfeiture

(a) IN GENERAL.—The court, in imposing sentence on a person who is convicted of any offense for which an enhanced penalty is provided under section 2326, shall order that the defendant forfeit to the United States—

(1) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

(2) any equipment, software, or other technology used or intended to be used to commit or to facilitate the commission of such offense.

(b) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

(Added Pub. L. 115-70, title IV, § 402(a)(4), Oct. 18, 2017, 131 Stat. 1214.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to this title.

CHAPTER 113B—TERRORISM

Sec.	
2331.	Definitions.
2332.	Criminal penalties.
2332a.	Use of weapons of mass destruction.
2332b.	Acts of terrorism transcending national boundaries.
[2332c.	Repealed.]
2332d.	Financial transactions.
2332e.	Requests for military assistance to enforce prohibition in certain emergencies.
2332f.	Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities.
2332g.	Missile systems designed to destroy aircraft.
2332h.	Radiological dispersal devices.
2332i.	Acts of nuclear terrorism.
2333.	Civil remedies.
2334.	Jurisdiction and venue.
2335.	Limitation of actions.
2336.	Other limitations.
2337.	Suits against Government officials.
2338.	Exclusive Federal jurisdiction.
2339.	Harboring or concealing terrorists.
2339A.	Providing material support to terrorists.
2339B.	Providing material support or resources to designated foreign terrorist organizations.
2339C.	Prohibitions against the financing of terrorism.
2339D.	Receiving military-type training from a foreign terrorist organization. ¹

Editorial Notes

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

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

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

2015—Pub. L. 114-23, title VIII, § 811(b), June 2, 2015, 129 Stat. 311, added item 2332i.

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 “EXTRATERRITORIAL 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;

(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;

(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; and

(6) the term “military force” does not include any person that—

(A) has been designated as a—

(i) foreign terrorist organization by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

(ii) specially designated global terrorist (as such term is defined in section 594.310 of title 31, Code of Federal Regulations) by the Secretary of State or the Secretary of the Treasury; or

(B) has been determined by the court to not be a “military force”.

(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; Pub. L. 115-253, § 2(a), Oct. 3, 2018, 132 Stat. 3183.)

Editorial Notes

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.