

Editorial Notes

REFERENCES IN TEXT

Section 1365(g)(3), referred to in subsec. (e)(11), was redesignated section 1365(h)(3) by Pub. L. 107-307, § 2(l), Dec. 2, 2002, 116 Stat. 2445.

AMENDMENTS

2006—Pub. L. 109-177 amended directory language of Pub. L. 108-458, § 6604. See 2004 Amendment notes below.

2004—Subsec. (c)(2). Pub. L. 108-458, § 6604(a)(1), as amended by Pub. L. 109-177, § 408(1), substituted “or resources, or any funds or proceeds of such funds” for “, resources, or funds” in introductory provisions.

Subsec. (c)(2)(A). Pub. L. 108-458, § 6604(a)(2), as amended by Pub. L. 109-177, § 408(1), substituted “are to be provided, or knowing that the support or resources were provided,” for “were provided”.

Subsec. (c)(2)(B). Pub. L. 108-458, § 6604(a)(3), as amended by Pub. L. 109-177, § 408(1), struck out “or any proceeds of such funds” after “any such funds” and substituted “are to be provided or collected, or knowing that the funds were provided or collected,” for “were provided or collected”.

Subsec. (e)(13), (14). Pub. L. 108-458, § 6604(b), as amended by Pub. L. 109-177, § 408(2), added par. (13) and redesignated former par. (13) as (14).

2002—Subsec. (a)(1). Pub. L. 107-273 substituted “described in subsection (b)” for “described in subsection (c)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-177, title IV, § 408, Mar. 9, 2006, 120 Stat. 245, provided that the amendment by Pub. L. 109-177 to section 6604 of Pub. L. 108-458 (amending this section) is effective on the date of enactment of Pub. L. 108-458 (Dec. 17, 2004).

EFFECTIVE DATE

Pub. L. 107-197, title II, § 203, June 25, 2002, 116 Stat. 727, provided that: “Except for paragraphs (1)(D) and (2)(B) of section 2339C(b) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of the Financing of Terrorism enters into force for the United States [July 26, 2002], and for the provisions of section 2339C(e)(7)(I) of title 18, United States Code, which shall become effective on the date that the International Convention for the Suppression of Terrorist Bombing enters into force for the United States [July 26, 2002], section 202 [enacting this section and provisions set out as a note below] shall take effect on the date of enactment of this Act [June 25, 2002].”

DISCLAIMER

Pub. L. 107-197, title II, § 202(c), June 25, 2002, 116 Stat. 727, provided that: “Nothing contained in this section [enacting this section] is intended to affect the scope or applicability of any other Federal or State law.”

§ 2339D. Receiving military-type training from a foreign terrorist organization

(a) OFFENSE.—Whoever knowingly receives military-type training from or on behalf of any organization designated at the time of the training by the Secretary of State under section 219(a)(1) of the Immigration and Nationality Act as a foreign terrorist organization shall be fined under this title or imprisoned for ten years, or both. To violate this subsection, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (c)(4)), that the organization has engaged or engages in terrorist activity (as defined

in section 212 of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section. There is jurisdiction over an offense under subsection (a) if—

(1) an offender is a national of the United States (as defined in¹ 101(a)(22) of the Immigration and Nationality Act) 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);

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

(3) 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;

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

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

(6) 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).

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

(1) the term “military-type training” includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm or other weapon, including any weapon of mass destruction (as defined in section 2232a(c)(2)²);

(2) the term “serious bodily injury” has the meaning given that term in section 1365(h)(3);

(3) the term “critical infrastructure” means systems and assets vital to national defense, national security, economic security, public health or safety including both regional and national infrastructure. Critical infrastructure may be publicly or privately owned; examples of critical infrastructure include gas and oil production, storage, or delivery systems, water supply systems, telecommunications networks, electrical power generation or delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), and transportation systems and services (including highways, mass transit, airlines, and airports); and

(4) the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219(a)(1) of the Immigration and Nationality Act.

(Added Pub. L. 108-458, title VI, § 6602, Dec. 17, 2004, 118 Stat. 3761.)

¹So in original. The word “section” probably should appear after “in”.

²So in original. Probably should be section “2332a(c)(2)”.

Editorial Notes

REFERENCES IN TEXT

Sections 101, 212, and 219 of the Immigration and Nationality Act, referred to in subssecs. (a), (b)(1), and (c)(4), are classified to sections 1101, 1182, and 1189, respectively, of Title 8, Aliens and Nationality.

Section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, referred to in subsec. (a), is classified to section 2656f(d)(2) of Title 22, Foreign Relations and Intercourse.

CHAPTER 113C—TORTURE

Sec.	
2340.	Definitions.
2340A.	Torture.
2340B.	Exclusive remedies.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, repealed Pub. L. 104-294, title VI, § 601(j)(1), Oct. 11, 1996, 110 Stat. 3501. See 1996 Amendment note below.

1996—Pub. L. 104-132, title III, § 303(c)(1), Apr. 24, 1996, 110 Stat. 1253, redesignated chapter 113B as 113C. Pub. L. 104-294, title VI, § 601(j)(1), Oct. 11, 1996, 110 Stat. 3501, which made identical amendment, was repealed by Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

§ 2340. Definitions

As used in this chapter—

(1) “torture” means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control;

(2) “severe mental pain or suffering” means the prolonged mental harm caused by or resulting from—

(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

(B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

(C) the threat of imminent death; or

(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality; and

(3) “United States” means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(Added Pub. L. 103-236, title V, § 506(a), Apr. 30, 1994, 108 Stat. 463; amended Pub. L. 103-415, § 1(k), Oct. 25, 1994, 108 Stat. 4301; Pub. L. 103-429, § 2(2), Oct. 31, 1994, 108 Stat. 4377; Pub. L. 108-375, div. A, title X, § 1089, Oct. 28, 2004, 118 Stat. 2067.)

Editorial Notes

AMENDMENTS

2004—Par. (3). Pub. L. 108-375 amended par. (3) generally. Prior to amendment, par. (3) read as follows:

“‘United States’ includes all areas under the jurisdiction of the United States including any of the places described in sections 5 and 7 of this title and section 46501(2) of title 49.”

1994—Par. (1). Pub. L. 103-415 substituted “within his custody” for “with custody”.

Par. (3). Pub. L. 103-429 substituted “section 46501(2) of title 49” for “section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38))”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 103-236, title V, § 506(c), Apr. 30, 1994, 108 Stat. 464, provided that: “The amendments made by this section [enacting this chapter] shall take effect on the later of—

“(1) the date of enactment of this Act [Apr. 30, 1994]; or

“(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.” [Convention entered into Force with respect to United States Nov. 20, 1994, Treaty Doc. 100-20.]

§ 2340A. Torture

(a) OFFENSE.—Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a) if—

(1) the alleged offender is a national of the United States; or

(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

(c) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.

(Added Pub. L. 103-236, title V, § 506(a), Apr. 30, 1994, 108 Stat. 463; amended Pub. L. 103-322, title VI, § 60020, Sept. 13, 1994, 108 Stat. 1979; Pub. L. 107-56, title VIII, § 811(g), Oct. 26, 2001, 115 Stat. 381.)

Editorial Notes

AMENDMENTS

2001—Subsec. (c). Pub. L. 107-56 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-322 inserted “punished by death or” before “imprisoned for any term of years or for life”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the later of Apr. 30, 1994, or the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Nov. 20, 1994), see section 506(c) of Pub. L. 103-236, set out as a note under section 2340 of this title.

§ 2340B. Exclusive remedies

Nothing in this chapter shall be construed as precluding the application of State or local laws