

CRIMINAL LAW AND PENALITIES

AS FOLLOWS:

8 U.S. Code § 1111 states in pertinent part:

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States, Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life; Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

18 U.S. Code § 1112 – states in pertinent part:

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds: Voluntary—Upon a sudden quarrel or heat of passion.

Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States, Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than 15 years, or both; Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than 8 years, or both.

18 U.S. Code § 1341 –in pertinent part states:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared

major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42](#) U.S.C. [5122](#))), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S. Code § 1342—in pertinent part states:

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section [1341](#) of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined under this title or imprisoned not more than five years, or both.

18 U.S. Code § 1343—in pertinent part states:

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42](#) U.S.C. [5122](#))), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S. Code § 1344—in pertinent part states - Bank fraud

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1) to defraud a financial institution; or
(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

18 U.S. Code § 1345—in pertinent part states-

(1) If a person is—

(A) violating or about to violate this chapter or section [287](#), [371](#) (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title;

(B) committing or about to commit a banking law violation (as defined in section [3322\(d\)](#) of this title); or

(C) committing or about to commit a Federal health care offense;

the Attorney . may commence a civil action in any Federal court to enjoin such violation.

(2) If a person is alienating or disposing of property, or intends to alienate or dispose of property, obtained as a result of a banking law violation (as defined in section [3322\(d\)](#) of this title) or a Federal health care offense or property which is traceable to such violation, the Attorney . may commence a civil action in any Federal court—

(A) to enjoin such alienation or disposition of property; or

(B) for a restraining order to—
(i) prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such property or property of e.valent value; and
(ii) appoint a temporary receiver to administer such restraining order.
(3) A permanent or temporary injunction or restraining order shall be granted without bond.
(b) The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.

18 U.S. Code § 1346 –in pertinent part states“scheme or artifice to defraud”

Intangle right to honest services

18 U.S. Code § 1347 –in pertinent part

(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—
(1) to defraud any health care benefit program; or
(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section [1365](#) of this title), such person shall be fined under this title or imprisoned not more than 20 years, or both; and if the violation results in death, such person shall be fined under this title, or imprisoned for any term of years or for life, or both.

18 U.S. Code § 1348 -in pertinent part Securities and commodities fraud

Whoever knowingly executes, or attempts to execute, a scheme or artifice—
(1) to defraud any person in connection with any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 ([15 U.S.C. 78l](#)) or that is re.red to file reports under section 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78o\(d\)](#)); or (2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 ([15 U.S.C. 78l](#)) or that is re.red to file reports under section 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78o\(d\)](#)); shall be fined under this title, or imprisoned not more than 25 years, or both.

18 U.S. Code § 1349 –in pertinent part states

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

18 U.S. Code § 1350 - in pertinent part states

(a) **Certification of Periodic Financial Reports.**— Each periodic report containing financial statements filed by an issuer with the Securities Exchange Commission pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\)](#) or [78o\(d\)](#)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or equivalent thereof) of the issuer. (b) **Content.**— The statement referred under subsection (a) shall certify that the periodic report containing the financial statements fully complies with the requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m](#) or [78o\(d\)](#)) and that information contained in the periodic report fairly presents, in all material respects, the financial condition and results of operations of the issuer and (c).— Whoever— (1) certifies any statement as set forth in subsections (a) and (b) of this section knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section shall be fined not more than \$1,000,000 or imprisoned not more than 10 years, or both; or (2) willfully certifies any statement as set forth in subsections (a) and (b) of this section knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section shall be fined not more than \$5,000,000, or imprisoned not more than 20 years, or both.

18 U.S. Code § 1351 --in pertinent part states Fraud in foreign labor contracting

(a) **Work Inside the United States.**— Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment in the United States by means of materially false or fraudulent pretenses, representations or promises regarding that employment shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) **Work Outside the United States.**— Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.

18 U.S. Code § 1361 –in pertinent part states Government property or contracts

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.

18 U.S. Code § 1384 –in pertinent part states Prostitution near military and naval establishments

Within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or any two or all of them shall determine to be needful to the efficiency, health, and welfare of the Army, the Navy, or the Air Force, and shall designate and publish in . orders or bulletins, whoever engages in prostitution or aids or abets prostitution or procures or solicits for purposes of prostitution, or keeps or sets up a house of ill fame, brothel, or bawdy house, or receives any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or permits any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or leases or rents or contracts to lease or rent any vehicle, conveyance, place, structure or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited shall be fined under this title or imprisoned not more than one year, or both.

The Secretaries of the Army, Navy, and Air Force and the Federal Security Administrator shall take such steps as they deem necessary to suppress and prevent such violations thereof, and shall accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purpose of this section.

This section shall not be construed as conferring on the personnel of the Departments of the Army, Navy, or Air Force or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section.

18 U.S. Code § 1505 –in pertinent part states Obstruction of proceedings before departments, agencies, and committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of in.ry under which any in.ry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section [2331](#)), imprisoned not more than 8 years, or both.

18 U.S. Code § 1509 - Obstruction of court orders

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined under this title or imprisoned not more than one year, or both.

No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

18 U.S. Code § 1510 –in pertinent part states Obstruction of criminal investigations

(a)Whoever willfully endeavors by means of bribery to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator shall be fined under this title, or imprisoned not more than five years, or both.

(b)

(1)Whoever, being an officer of a financial institution, with the intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that financial institution, or information that has been furnished in response to that subpoena, shall be fined under this title or imprisoned not more than 5 years, or both.

(2)Whoever, being an officer of a financial institution, directly or indirectly notifies—

(A)a customer of that financial institution whose records are sought by a subpoena for records; or

(B)any other person named in that subpoena;

about the existence or contents of that subpoena or information that has been furnished in response to that subpoena, shall be fined under this title or imprisoned not more than one year, or both.

(3)As used in this subsection—

(A)the term “an officer of a financial institution” means an officer, director, partner, employee, agent, or attorney of or for a financial institution; and

(B)the term “subpoena for records” means a Federal grand jury subpoena or a Department of Justice subpoena (issued under section [3486](#) of title [18](#)), for customer records that has been served relating to a violation of, or a conspiracy to violate—

(i)section [215](#), [656](#), [657](#), [1005](#), [1006](#), [1007](#), [1014](#), [1344](#), [1956](#), [1957](#), or chapter [53](#) of title [31](#); or

(ii)section [1341](#) or [1343](#) affecting a financial institution.

(c)As used in this section, the term “criminal investigator” means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations of or prosecutions for violations of the criminal laws of the United States.

(d)

(1)Whoever—

(A)acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

(B)is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

(2)As used in paragraph (1), the term “subpoena for records” means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section [1033](#) of this title.

(e)Whoever, having been notified of the applicable disclosure prohibitions or confidentiality requirements of section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)),section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act 11(12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)), orsection 802(b)(1) of the National Security Act of 1947 (50 U.S.C. 436(b)(1)),^[2]knowingly and with the intent to obstruct an investigation or judicial proceeding violates such prohibitions or requirements applicable by law to such person shall be imprisoned for not more than five years, fined under this title, or both.

18 U.S. Code § 1512 - in pertinent part states Tampering with a witness, victim, or an informant

(1)Whoever kills or attempts to kill another person, with intent to—
(A)prevent the attendance or testimony of any person in an official proceeding;
(B)prevent the production of a record, document, or other object, in an official proceeding; or
(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;
shall be punished as provided in paragraph (3).
(2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—
(A)influence, delay, or prevent the testimony of any person in an official proceeding;
(B)cause or induce any person to—
(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;
(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;
(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(iv)be absent from an official proceeding to which that person has been summoned by legal process; or
(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;
shall be punished as provided in paragraph (3).
(3)The punishment for an offense under this subsection is—
(A)in the case of a killing, the punishment provided in sections 1111 and 1112;
(B)in the case of—
(i)an attempt to murder; or
(ii)the use or attempted use of physical force against any person;
imprisonment for not more than 30 years; and
(C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.
(b)Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—
(1)influence, delay, or prevent the testimony of any person in an official proceeding;
(2)cause or induce any person to—
(A)withhold testimony, or withhold a record, document, or other object, from an official proceeding;
(B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
(C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(D)be absent from an official proceeding to which such person has been summoned by legal process; or

(3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation ~~11~~supervised release.,~~11~~parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than 20 years, or both.

(c)Whoever corruptly—

(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(d)Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1)attending or testifying in an official proceeding;

(2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation ~~11~~supervised release.,~~11~~parole, or release pending judicial proceedings;

(3)arresting or seeking the arrest of another person in connection with a Federal offense; or

(4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e)In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f)For the purposes of this section—

(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2)the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(g)In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h)There is extraterritorial Federal jurisdiction over an offense under this section.

(i)A prosecution under this section or section [1503](#) may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j)If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k)Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

18 U.S. Code § 1513 –in pertinent part statesRetaliating against a witness, victim, or an informant

(1)Whoever kills or attempts to kill another person with intent to retaliate against any person for—

(A)the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(B)providing to a law enforcement officer any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (2).

(2)The punishment for an offense under this subsection is—

(A)in the case of a killing, the punishment provided in sections [1111](#) and [1112](#); and

(B)in the case of an attempt, imprisonment for not more than 30 years.

(b)Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—

(1)the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

(2)any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings given by a person to a law enforcement officer;

or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(c)If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(d)There is extraterritorial Federal jurisdiction over an offense under this section.

(e)Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

(f)Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(g)A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.

18 U.S. Code § 1514—in pertinent part states Civil action to restrain harassment of a victim or witness

(1)A United States district court, upon application of the attorney for the Government, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a Federal criminal case if the court finds, from specific facts shown by affidavit or by verified complaint, that there are reasonable grounds to believe that harassment of an identified victim or witness in a Federal criminal case exists or that such order is necessary to prevent and restrain an offense under section [1512](#) of this title, other than an offense consisting of misleading conduct, or under section [1513](#) of this title.

(2)

(A)A temporary restraining order may be issued under this section without written or oral notice to the adverse party or such party's attorney in a civil action under this section if the court finds, upon written certification of facts by the attorney for the Government, that such notice should not be required and that there is a reasonable probability that the Government will prevail on the merits.

(B)A temporary restraining order issued without notice under this section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court issuing the order.

(C)A temporary restraining order issued under this section shall expire at such time, not to exceed 14 days from issuance, as the court directs; the court, for good cause shown before expiration of such order, may extend the expiration date of the order for up to 14 days or for such longer period agreed to by the adverse party.

(D)When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character, and when such motion comes on for hearing, if the attorney for the Government does not proceed with the application for a protective order, the court shall dissolve the temporary restraining order.

(E)If on two days notice to the attorney for the Government, excluding intermediate weekends and holidays, or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice re.re.

(F)A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail (and not by reference to the complaint or other document) the act or acts being restrained.

(b)

(1)A United States district court, upon motion of the attorney for the Government, or its own motion, shall issue a protective order prohibiting harassment of a victim or witness in a Federal criminal case or investigation if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a Federal criminal case or investigation exists or that such order is necessary to prevent and restrain an offense under section [1512](#) of this title, other than an offense consisting of misleading conduct, or under section [1513](#) of this title.

(2)In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.

(3)At the hearing referred to in paragraph (1) of this subsection, any adverse party named in the complaint shall have the right to present evidence and cross-examine witnesses.

(4)A protective order shall set forth the reasons for the issuance of such order, be specific in terms, describe in reasonable detail the act or acts being restrained.

(5)The court shall set the duration of effect of the protective order for such period as the court determines necessary to prevent harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The attorney for the Government may, at any time within ninety days before the expiration of such order, apply for a new protective order under this section, except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness.

(c)Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

(d)

(1)As used in this section—

(A)the term "course of conduct" means a series of acts over a period of time, however short, indicating a continuity of purpose;

(B)the term "harassment" means a serious act or course of conduct directed at a specific person that—

(i)causes substantial emotional distress in such person; and

(ii)serves no legitimate purpose;

(C)the term "immediate family member" has the meaning given that term in section [115](#) and includes grandchildren;

(D)the term "intimidation" means a serious act or course of conduct directed at a specific person that—

(i)causes fear or apprehension in such person; and

(ii)serves no legitimate purpose;

(E)the term "restricted personal information" has the meaning give [\[1\]](#)that term in section [119](#);

(F)the term "serious act" means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

(G)the term "specific person" means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

(2)For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific

person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.

[U.S. Code](#) › [Title 18](#) › [Part I](#) › [Chapter 73](#) › § 1514

18 U.S. Code § 1516 –in pertinent part states Obstruction of Federal audit

(a)Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person, entity, or program receiving in excess of \$100,000, directly or indirectly, from the United States in any 1 year period under a contract or subcontract, grant, or cooperative agreement, or relating to any property that is security for a mortgage note that is insured, guaranteed, ac.red, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary, or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949, shall be fined under this title, or imprisoned not more than 5 years, or both.

18 U.S. Code § 1517 –in pertinent part

Whoever corruptly obstructs or attempts to obstruct any examination of a financial institution by an agency of the United States with jurisdiction to conduct an examination of such financial institution shall be fined under this title, imprisoned not more than 5 years, or both.

18 U.S. Code § 1518 -in pertinent part states Obstruction of criminal investigations of health care offenses

(a)Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of a Federal health care offense to a criminal investigator shall be fined under this title or imprisoned not more than 5 years, or both.

(b)As used in this section the term “criminal investigator” means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.

8 U.S. Code § 1519 –in pertinent part statesDestruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

18 U.S. Code § 1520 –in pertinent part states Destruction of corporate audit records

(1) Any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 ([15 U.S.C. 78j-1\(a\)](#)) applies, shall maintain all audit or review workpapers for a period of 5 years from the end of the fiscal period in which the audit or review was concluded.

(2) The Securities and Exchange Commission shall promulgate, within 180 days, after adequate notice and an opportunity for comment, such rules and regulations, as are reasonably necessary, relating to the retention of relevant records such as workpapers, documents that form the basis of an audit or review, memoranda, correspondence, communications, other documents, and records (including electronic records) which are created, sent, or received in connection with an audit or review and contain conclusions, opinions, analyses, or financial data relating to such an audit or review, which is conducted by any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 ([15 U.S.C. 78j-1\(a\)](#)) applies. The Commission may, from time to time, amend or supplement the rules and regulations that it is required to promulgate under this section, after adequate notice and an opportunity for comment, in order to ensure that such rules and regulations adequately comport with the purposes of this section.

(b) Whoever knowingly and willfully violates subsection (a)(1), or any rule or regulation promulgated by the Securities and Exchange Commission under subsection (a)(2), shall be fined under this title, imprisoned not more than 10 years, or both.

(c) Nothing in this section shall be deemed to diminish or relieve any person of any other duty or obligation imposed by Federal or State law or regulation to maintain, or refrain from destroying, any document.

18 U.S. Code § 1581 –in pertinent part states Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be liable to the penalties prescribed in subsection (a).

18 U.S. Code § 1589 -in pertinent part statesForced labor

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1)by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2)by means of serious harm or threats of serious harm to that person or another person;

(3)by means of the abuse or threatened abuse of law or legal process; or

(4)by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint, shall be punished as provided under subsection (d).

(b)Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c)In this section:

(1)The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2)The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d)Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both.

18 U.S. Code § 1590—in pertinent part states trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

(a)Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b)Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

18 U.S. Code § 1592 –in pertinent part states unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude, or forced labor

(a)Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person—
(1)in the course of a violation of section [1581](#), [1583](#), [1584](#), [1589](#), [1590](#), [1591](#), or [1594\(a\)](#);
(2)with intent to violate section [1581](#), [1583](#), [1584](#), [1589](#), [1590](#), or [1591](#); or
(3)to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.

8 U.S. Code § 1593 –in pertinent part states Mandatory restitution

(a)Notwithstanding section [3663](#) or [3663A](#), and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.
(b)(1)The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection. (2)An order of restitution under this section shall be issued and enforced in accordance with section [3664](#) in the same manner as an order under section [3663A](#).
(3)As used in this subsection, the term "full amount of the victim's losses" has the same meaning as provided in section [2259\(b\)\(3\)](#) and shall in addition include the greater of the gross income or value to the defendant of the victim's services or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act ([29 U.S.C. 201](#) et seq.).
(4)The forfeiture of property under this subsection shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act ([21 U.S.C. 853](#)).
(c)As used in this section, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.

18 U.S. Code § 1593A –in pertinent part states Benefitting financially from peonage, slavery, and trafficking in persons

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section [1581\(a\)](#), [1592](#), or [1595\(a\)](#), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such

18 U.S. Code § 1594 - in pertinent part states. provisions

(a)Whoever attempts to violate section [1581](#), [1583](#), [1584](#), [1589](#), [1590](#), or [1591](#) shall be punishable in the same manner as a completed violation of that section.

(b)Whoever conspires with another to violate section [1581](#), [1583](#), [1589](#), [1590](#), or [1592](#) shall be punished in the same manner as a completed violation of such section.

(c)Whoever conspires with another to violate section [1591](#) shall be fined under this title, imprisoned for any term of years or for life, or both.

(d)The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(1)such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

(2)any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(e)

(1)The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A)Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

(B)Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2)The provisions of chapter [46](#) of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(f)**Witness Protection.**— Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

18 U.S. Code § 1621 —in pertinent part states Perjury

(1)having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2)in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section [1746](#) of title [28](#), United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

18 U.S. Code § 1622 —in pertinent part statesSubornation of perjury

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

18 U.S. Code § 1623 - in pertinent part statesFalse declarations before grand jury or court

(a)Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section [1746](#) of title [28](#), United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

(b)This section is applicable whether the conduct occurred within or without the United States.

(c)An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

(1)each declaration was material to the point in question, and

(2)each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d)Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

(e)Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.

18 U.S. Code § 1831 –in pertinent part statesEconomic espionage

Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly—

(1)steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;

(2)without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;

(3)receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

(4)attempts to commit any offense described in any of paragraphs (1) through (3); or

(5)conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than \$5,000,000 or imprisoned not more than 15 years, or both.

(b) **Organizations.**— Any organization that commits any offense described in subsection (a) shall be fined not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided.

18 U.S. Code § 1832 - in pertinent part states **Theft of trade secrets**

(a) Whoever, with intent to convert a trade secret, that is related to a product or service used in or intended for use in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly—
(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;
(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;
(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;
(4) attempts to commit any offense described in paragraphs (1) through (3); or
(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy, shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.
(b) Any organization that commits any offense described in subsection (a) shall be fined not more than \$5,000,000.

18 U.S. Code § 1837 –in pertinent part states **Applicability to conduct outside the United States**

This chapter also applies to conduct occurring outside the United States if— (1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or
(2) an act in furtherance of the offense was committed in the United States.

8 U.S. Code § 1838 –in pertinent part states **Construction with other laws**

This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret, or to affect the otherwise lawful disclosure of information by any Government employee under section [552](#) of title [5](#) (commonly known as the Freedom of Information Act).

18 U.S. Code § 1839 - Definitions

(3)the term “trade secret” means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—
(A)the owner thereof has taken reasonable measures to keep such information secret; and
(B)the information derives independent economic value, actual or potential, from not being .ly known to, and not being readily ascertainable through proper means by, the public; and
(4)the term “owner”, with respect to a trade secret, means the person or entity in whom or in which rightful legal or e.table title to, or license in, the trade secret is reposed.

Source

18 U.S. Code § 1920 - in pertinent part statesFalse statement or fraud to obtain Federal employees’ compensation

Whoever knowingly and willfully falsifies, conceals, or covers up a material fact, or makes a false, fictitious, or fraudulent statement or representation, or makes or uses a false statement or report knowing the same to contain any false, fictitious, or fraudulent statement or entry in connection with the application for or receipt of compensation or other benefit or payment under subchapter I or III of chapter [81](#) of title [5](#), shall be guilty of perjury, and on conviction thereof shall be punished by a fine under this title, or by imprisonment for not more than 5 years, or both; but if the amount of the benefits falsely obtained does not exceed \$1,000, such person shall be punished by a fine under this title, or by imprisonment for not more than 1 year, or both

18 U.S. Code § 1901 - in pertinent part statesCollecting or disbursing officer trading in public property

Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined under this title or imprisoned not more than one year, or both; and shall be removed from office, and be incapable of holding any office under the United States.

5 U.S. Code § 7311 - in pertinent part statesLoyalty and striking

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

- (1)advocates the overthrow of our constitutional form of government;
- (2)is a member of an organization that he knows advocates the overthrow of our constitutional form of government;
- (3)participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

The word "position" is coextensive with and is substituted for "office or employment".

In paragraphs (1) and (2), the words "in the United States" in former section 118p(1), (2) are omitted as unnecessary in view of the reference to "our constitutional form of government".

In paragraphs (3) and (4), the reference to the "government of the District of Columbia" is added on authority of the Act of June 29, 1956, in order to make these paragraphs meaningful with respect to individuals employed by the government of the District of Columbia. The words "From and after July 1, 1956", appearing in the Act of June 29, 1956, are omitted as executed.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States ([5 U.S.C. 631](#)) [sections [3301](#) and [7301](#) of this title]; the Civil Service Act of 1883 ([22 Stat. 403](#); [5 U.S.C. 632](#), et seq.) [section [1101](#) et seq. of this title]; section 9A of the act of August 2, 1939, [53 Stat. 1148](#) ([5 U.S.C. 118j](#)) [sections [3333](#) and [7311](#) of this title]; and the act of August 26, 1950, [64 Stat. 476](#) ([5 U.S.C. 22-1](#), et seq.) [section [7501](#) et seq. of this title], and as President of the United States, and deeming such action necessary in the best interests of the national security it is hereby ordered as follows:

Section 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951 the provisions of that act shall apply to all other departments and agencies of the Government.

Sec. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

Sec. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: Provided, that upon request of the head of the department or agency concerned, the Office of Personnel Management may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: Provided, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: And provided further, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds

that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Sec. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Sec. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

Sec. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employees of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary the head of the department or agency concerned shall terminate the employment of such suspended officer in the interests of the national security, or employee whenever he shall determine such termination necessary or advisable in accordance with the said act of August 26, 1950.

Sec. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: Provided, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Office of Personnel Management that such person is eligible for such employment.

Sec. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction or sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with any espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter

referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

(6) Intentional unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Office of Personnel Management, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Office. The Office shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Office of Personnel Management, and other departments and agencies may use such facilities under agreement with the Office.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

Sec. 9. (a) There shall be established and maintained in the Office of Personnel Management a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Office under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Office of Personnel Management information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

Sec. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

Sec. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Office of Personnel Management on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: Provided, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the

Federal Bureau of Investigation or the Office of Personnel Management on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

Sec. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked.

Sec. 13. The Attorney . is requested to render to the heads of departments and agencies such advice as may be re.site to enable them to establish and maintain an appropriate employee-security program.

Sec. 14. (a) The Office of Personnel Management, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial and e.table treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Office of Personnel Management shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.

(b) All departments and agencies of the Government are directed to cooperate with the Office of Personnel Management to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Office of Personnel Management in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Office as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Office of Personnel Management is re.red to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

Sec. 15. This order shall become effective thirty days after the date hereof.

Executive Order No. 11605

Ex. Ord. No. 11605. July 2, 1971, [36 F.R. 12831](#), which amended Ex. Ord. No. 10450, Apr. 27, 1953, [18 F.R. 2489](#), which related to security re.ements for government employees, was revoked by Ex. Ord. No. 11785, June 4, 1974, [39 F.R. 20053](#), set out below.

Ex. Ord. No. 11785. Security Re.ements for Governmental Employees

Ex. Ord. No. 11785, June 4, 1974, [39 F.R. 20053](#), provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including [5 U.S.C. 1101](#) et seq., 3301, 3571, 7301, 7313, 7501(c), 7512, 7532, and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered as follows:

Section 1. Section 12 of Executive Order No. 10450 of April 27, 1953, as amended [set out as a note under this section], is revised to read in its entirety as follows:

“Sec. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked.”

Sec. 2. Neither the Attorney ., nor the Subversive Activities Control Board, nor any other agency shall designate organizations pursuant to section 12 of Executive Order No. 10450, as amended, nor circulate nor publish a list of organizations previously so designated. The list of organizations previously designated is hereby abolished and shall not be used for any purpose.

Sec. 3. Su

“Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.”

Sec. 4. Executive Order No. 11605 of July 2, 1971, is revoked.

Richard Nixon.

The table below lists the classification updates, since Jan. 3, 2012, for this section. Updates to a broader range of sections may be found at the update page for containing chapter, title, etc.

The most recent Classification Table update that we have noticed was Tuesday, August 13, 2013

An empty table indicates that we see no relevant changes listed in the classification tables. If you suspect that our system may be missing something, please double-check with the [Office of the Law Revision Counsel](#).

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18 U.S. Code § 1918 - in pertinent part statesDisloyalty and asserting the right to strike against the Government

Whoever violates the provision of section [7311](#) of title [5](#) that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—
(1)advocates the overthrow of our constitutional form of government;
(2)is a member of an organization that he knows advocates the overthrow of our constitutional form of government;
(3)participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or
(4)is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;
shall be fined under this title or imprisoned not more than one year and a day, or both.

18 U.S. Code § 1922 - False or withheld report concerning Federal employees' compensation

Whoever, being an officer or employee of the United States charged with the responsibility for making the reports of the immediate superior specified by section [8120](#) of title [5](#), willfully fails, neglects, or refuses to make any of the reports, or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under subchapter I of chapter [81](#) of title [5](#) or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under that subchapter or any extension or application thereof, or regulations prescribed thereunder, shall be fined under this title or imprisoned not more than one year, or both.

18 U.S. Code § 1918 - Disloyalty and asserting the right to strike against the Government

Whoever violates the provision of section [7311](#) of title [5](#) that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—
(1)advocates the overthrow of our constitutional form of government;
(2)is a member of an organization that he knows advocates the overthrow of our constitutional form of government;
(3)participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or
(4)is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;
shall be fined under this title or imprisoned not more than one year and a day, or both.

18 U.S. Code § 1924 - Unauthorized removal and retention of classified documents or material

(a)Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined under this title or imprisoned for not more than one year, or both.
(b)For purposes of this section, the provision of documents and materials to the Congress shall not constitute an offense under subsection (a).
(c)In this section, the term “classified information of the United States” means information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to re.re protection against unauthorized disclosure in the interests of national security.

18 U.S. Code § 1951 - Interference with commerce by threats or violence

(a)Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.
(b)As used in this section—
(1)The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.
(2)The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.
(3)The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

8 U.S. Code § 1952 - in pertinent part states **Interstate and foreign travel or transportation in aid of racketeering enterprises**

(a)Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

- (1)distribute the proceeds of any unlawful activity; or
- (2)commit any crime of violence to further any unlawful activity; or
- (3)otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,
and thereafter performs or attempts to perform—
 - (A)an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or
 - (B)an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

(b)As used in this section (i) “unlawful activity” means

- (1)any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances (as defined in section 102(6) of the Controlled Substances Act), or prostitution offenses in violation of the laws of the State in which they are committed or of the United States,
- (2)extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States, or
- (3)any act which is indictable under subchapter [II](#) of chapter [53](#) of title [31](#), United States Code, or under section [1956](#) or [1957](#) of this title and

(ii)the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(c)Investigations of violations under this section involving liquor shall be conducted under the supervision of the Attorney ..

(d)If the offense under this section involves an act described in paragraph (1) or (3) of subsection (a) and also involves a pre-retail medical product (as defined in section [670](#)), the punishment for the offense shall be the same as the punishment for an offense under section [670](#) unless the punishment under subsection (a) is greater.

18 U.S. Code § 1956 - Laundering of monetary instruments

(1)Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

(A)

- (i)with the intent to promote the carrying on of specified unlawful activity; or
- (ii)with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or

(B)knowing that the transaction is designed in whole or in part—

- (i)to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or
- (ii)to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a

financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

(2)Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

(A)with the intent to promote the carrying on of specified unlawful activity; or

(B)knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part—

(i)to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii)to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both. For the purpose of the offense described in subparagraph (B), the defendant's knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant's subsequent statements or actions indicate that the defendant believed such representations to be true.

(3)Whoever, with the intent—

(A)to promote the carrying on of specified unlawful activity;

(B)to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or

(C)to avoid a transaction reporting requirement under State or Federal law,

conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph and paragraph (2), the term "represented" means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.

(b)Penalties.—

(1)In ..— Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or section [1957](#), or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of—

(A)the value of the property, funds, or monetary instruments involved in the transaction; or

(B)\$10,000.

(2)Jurisdiction over foreign persons.— For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

(A)the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

(B)the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

(C)the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

(3)Court authority over assets.— A court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

(4)Federal receiver.—

(A)In ..— A court may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a civil judgment under this subsection, a forfeiture judgment under section [981](#) or [982](#), or a criminal sentence under section [1957](#) or subsection (a) of this section, including an order of restitution to any victim of a specified unlawful activity.

(B) **Appointment and authority.**— A Federal Receiver described in subparagraph (A)—

(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

(iii) shall have standing equal to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney ..

(c) As used in this section—

(1) the term “knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity” means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, Federal, or foreign law, regardless of whether or not such activity is specified in paragraph (7);

(2) the term “conducts” includes initiating, concluding, or participating in initiating, or concluding a transaction;

(3) the term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(4) the term “financial transaction” means

(A) a transaction which in any way or degree affects interstate or foreign commerce

(i) involving the movement of funds by wire or other means or

(ii) involving one or more monetary instruments, or

(iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or

(B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

(5) the term “monetary instruments” means

(i) coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, and money orders, or

(ii) investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

(6) the term “financial institution” includes—

(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101);

(7) the term “specified unlawful activity” means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

(ii) murder, kidnapping, robbery, extortion, destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16);

(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978); 11

(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

(v) smuggling or export control violations involving—

(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(II) an item controlled under regulations under the Export Administration Regulations (15 C.F.R. Parts 730–774);

(vi)an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

(vii)trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;

(C)any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act ([21](#) U.S.C. [848](#));

(D)an offense under section [32](#) (relating to the destruction of aircraft), section [37](#) (relating to violence at international airports), section [115](#) (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section [152](#) (relating to concealment of assets; false oaths and claims; bribery), section [175c](#) (relating to the variola virus), section [215](#) (relating to commissions or gifts for procuring loans), section [351](#) (relating to congressional or Cabinet officer assassination), any of sections [500](#) through [503](#) (relating to certain counterfeiting offenses), section [513](#) (relating to securities of States and private entities), section [541](#) (relating to goods falsely classified), section [542](#) (relating to entry of goods by means of false statements), section [545](#) (relating to smuggling goods into the United States), section [549](#) (relating to removing goods from Customs custody), section [554](#) (relating to smuggling goods from the United States), section [555](#) (relating to border tunnels), section [641](#) (relating to public money, property, or records), section [656](#) (relating to theft, embezzlement, or misapplication by bank officer or employee), section [657](#) (relating to lending, credit, and insurance institutions), section [658](#) (relating to property mortgaged or pledged to farm credit agencies), section [666](#) (relating to theft or bribery concerning programs receiving Federal funds), section [793](#), [794](#), or [798](#) (relating to espionage), section [831](#) (relating to prohibited transactions involving nuclear materials), section [844\(f\)](#) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section [875](#) (relating to interstate communications), section [922\(l\)](#) (relating to the unlawful importation of firearms), section [924\(n\)](#) (relating to firearms trafficking), section [956](#) (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section [1005](#) (relating to fraudulent bank entries), [1006](#) ⁽²⁾(relating to fraudulent Federal credit institution entries), [1007](#) ⁽²⁾(relating to Federal Deposit Insurance transactions), [1014](#) ⁽²⁾(relating to fraudulent loan or credit applications), section [1030](#) (relating to computer fraud and abuse), [1032](#) ⁽²⁾(relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), section [1111](#) (relating to murder), section [1114](#) (relating to murder of United States law enforcement officials), section [1116](#) (relating to murder of foreign officials, official guests, or internationally protected persons), section [1201](#) (relating to kidnaping), section [1203](#) (relating to hostage taking), section [1361](#) (relating to willful injury of Government property), section [1363](#) (relating to destruction of property within the special maritime and territorial jurisdiction), section [1708](#) (theft from the mail), section [1751](#) (relating to Presidential assassination), section [2113](#) or [2114](#) (relating to bank and postal robbery and theft), section [2252A](#) (relating to child pornography) where the child pornography contains a visual depiction of an actual minor engaging in sexually explicit conduct, section [2260](#) (production of certain child pornography for importation into the United States), section [2280](#) (relating to violence against maritime navigation), section [2281](#) (relating to violence against maritime fixed platforms), section [2319](#) (relating to copyright infringement), section [2320](#) (relating to trafficking in counterfeit goods and services), section [2332](#) (relating to terrorist acts abroad against United States nationals), section [2332a](#) (relating to use of weapons of mass destruction), section [2332b](#) (relating to international terrorist acts transcending national boundaries), section [2332g](#) (relating to missile systems designed to destroy aircraft), section [2332h](#) (relating to radiological dispersal devices), section [2339A](#) or [2339B](#) (relating to providing material support to terrorists), section [2339C](#) (relating to financing of terrorism), or section [2339D](#) (relating to receiving military-type training from a foreign terrorist organization) of this title, section [46502](#) of title [49](#), United States Code, a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 ([19](#) U.S.C. [1590](#)) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section [38\(c\)](#)(relating to criminal violations) of the Arms Export Control Act, section [11](#) (relating to violations) of the Export Administration Act of 1979, section [206](#) (relating to penalties) of the International Emergency Economic Powers Act, section [16](#) (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food and Nutrition Act of 2008 (relating to supplemental nutrition assistance program benefits fraud) involving a quantity of benefits having a value of not less than \$5,000, any violation of section 543(a)(1) of the Housing Act of 1949 (relating to e.t.y skimming), any felony violation of the Foreign Agents Registration Act of 1938, any felony violation of the Foreign Corrupt Practices Act, or section 92 of the Atomic Energy Act of 1954 ([42](#) U.S.C. [2122](#)) (relating to prohibitions governing atomic weapons) ⁽³⁾environmental crimes

(E)a felony violation of the Federal Water Pollution Control Act ([33 U.S.C. 1251](#) et seq.), the Ocean Dumping Act ([33 U.S.C. 1401](#) et seq.), the Act to Prevent Pollution from Ships ([33 U.S.C. 1901](#) et seq.), the Safe Drinking Water Act ([42 U.S.C. 300f](#) et seq.), or the Resources Conservation and Recovery Act ([42 U.S.C. 6901](#) et seq.); or (F)any act or activity constituting an offense involving a Federal health care offense;

(8)the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(9)the term “proceeds” means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.

(d)Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

(e)Violations of this section may be investigated by such components of the Department of Justice as the Attorney . may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney .. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney . may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.

(f)There is extraterritorial jurisdiction over the conduct prohibited by this section if—

(1)the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and

(2)the transaction or series of related transactions involves funds or monetary instruments of a value exceeding \$10,000.

(g)**Notice of Conviction of Financial Institutions.**— If any financial institution or any officer, director, or employee of any financial institution has been found guilty of an offense under this section, section [1957](#) or [1960](#) of this title, or section [5322](#) or [5324](#) of title [31](#), the Attorney . shall provide written notice of such fact to the appropriate regulatory agency for the financial institution.

(h)Any person who conspires to commit any offense defined in this section or section [1957](#) shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(i)**Venue.**—

(1)Except as provided in paragraph (2), a prosecution for an offense under this section or section [1957](#) may be brought in—

(A)any district in which the financial or monetary transaction is conducted; or

(B)any district where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that district to the district where the financial or monetary transaction is conducted.

(2)A prosecution for an attempt or conspiracy offense under this section or section [1957](#) may be brought in the district where venue would lie for the completed offense under paragraph (1), or in any other district where an act in furtherance of the attempt or conspiracy took place.

(3)For purposes of this section, a transfer of funds from 1 place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts (as that term is defined in subsection (c)(2)) any portion of the transaction may be charged in any district in which the transaction takes place.

18 U.S. Code § 1957 - Engaging in monetary transactions in property derived from specified unlawful activity

(a)Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified

unlawful activity, shall be punished as provided in subsection (b). the punishment for an offense under this section is a fine under title 18, United States Code, or imprisonment for not more than ten years or both.

And (1)that if the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or (2)that the offense under this section takes place outside the United States and such special jurisdiction, but the defendant is a United States person (as defined in section [3077](#) of this title, but excluding the class described in paragraph (2)(D) of such section). (e)Violations of this section may be investigated by such components of the Department of Justice as the Attorney . may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney ..

(f)As used in this section—

- (1)the term “monetary transaction” means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined in section [1956\(c\)\(5\)](#) of this title) by, through, or to a financial institution (as defined in section [1956](#) of this title), including any transaction that would be a financial transaction under section [1956\(c\)\(4\)\(B\)](#) of this title, but such term does not include any transaction necessary to preserve a person’s right to representation as guaranteed by the sixth amendment to the Constitution;
- (2)the term “criminally derived property” means any property constituting, or derived from, proceeds obtained from a criminal offense; and
- (3)the terms “specified unlawful activity” and “proceeds” shall have the meaning given those terms in section [1956](#) of

[U.S. Code](#) › [Title 18](#) › [Part I](#) › [Chapter 95](#) › § 1958

18 U.S. Code § 1958 - Use of interstate commerce facilities in the commission of murder-for-hire

(a)Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so, shall be fined under this title or imprisoned for not more than ten years, or both; and if personal injury results, shall be fined under this title or imprisoned for not more than twenty years, or both; and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

18 U.S. Code § 1959 - Violent crimes in aid of racketeering activity

(a)Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a

crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

(1)for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;

(2)for maiming, by imprisonment for not more than thirty years or a fine under this title, or both;

(3)for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine under this title, or both;

(4)for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine under this title, or both;

(5)for attempting or conspiring to commit murder or kidnapping, by imprisonment for not more than ten years or a fine under this title, or both; and

(6)for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of [11](#)under this title, or both.

(b)As used in this section—

(1)“racketeering activity” has the meaning set forth in section [1961](#) of this title; and

(2)“enterprise” includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.

18 U.S. Code § 1959 - Violent crimes in aid of racketeering activity

(a)Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

(1)for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;

(2)for maiming, by imprisonment for not more than thirty years or a fine under this title, or both;

(3)for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine under this title, or both;

(4)for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine under this title, or both;

(5)for attempting or conspiring to commit murder or kidnapping, by imprisonment for not more than ten years or a fine under this title, or both; and

(6)for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of [11](#)under this title, or both.

(b)As used in this section—

(1)“racketeering activity” has the meaning set forth in section [1961](#) of this title; and

(2)“enterprise” includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.

18 U.S. Code § 2233 - in pertinent part states:Rescue of seized property

Whoever forcibly rescues, dispossesses, or attempts to rescue or dispossess any property, articles, or objects after the same shall have been taken, detained, or seized by any officer or other person under the authority of any revenue law of the United States, or by any person authorized to make searches and seizures, shall be fined under this title or imprisoned not more than two years, or both.

8 U.S. Code § 2235 - Search warrant procured maliciously

Whoever maliciously and without probable cause procures a search warrant to be issued and executed, shall be fined under this title or imprisoned not more than one year, or both.

18 U.S. Code § 2236 - Searches without warrant

Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined under this title for a first offense; and, for a subsequent offense, shall be fined under this title or imprisoned not more than one year, or both.

8 U.S. Code § 2234 - Authority exceeded in executing warrant

Whoever, in executing a search warrant, willfully exceeds his authority or exercises it with unnecessary severity, shall be fined under this title or imprisoned not more than one year, or both.

18 U.S. Code § 2314 - Transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting

Whoever transports, transmits, or transfers in interstate or foreign commerce any goods, wares, merchandise, securities or money, of the value of \$5,000 or more, knowing the same to have been stolen, converted or taken by fraud; or

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any falsely made, forged, altered, or counterfeited securities or tax stamps, knowing the same to have been falsely made, forged, altered, or counterfeited; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any traveler's check bearing a forged countersignature; or

Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce, any tool, implement, or thing used or fitted to be used in falsely making, forging, altering, or counterfeiting any security or tax stamps, or any part thereof; or

Whoever transports, transmits, or transfers in interstate or foreign commerce any veterans' memorial object, knowing the same to have been stolen, converted or taken by fraud—

Shall be fined under this title or imprisoned not more than ten years, or both. If the offense involves a pre-retail medical product (as defined in section [670](#)) the punishment for the offense shall be the same as the punishment for an offense under section [670](#) unless the punishment under this section is greater. If the offense involves the transportation, transmission, or transfer in interstate or foreign commerce of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both.

This section shall not apply to any falsely made, forged, altered, counterfeited or spurious representation of an obligation or other security of the United States, or of an obligation, bond, certificate, security, treasury note, bill, promise to pay or bank note issued by any foreign government. This section also shall not apply to any falsely made, forged, altered, counterfeited, or spurious representation of any bank note or bill issued by a bank or corporation of any foreign country which is intended by the laws or usage of such country to circulate as money.

For purposes of this section the term "veterans' memorial object" means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.

18 U.S. Code § 2261A - Stalking

(1)travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that—

(A)places that person in reasonable fear of the death of, or serious bodily injury to—

(i)that person;

(ii)an immediate family member (as defined in section [115](#)) of that person; or

(iii)a spouse or intimate partner of that person; or

(B)causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or

(2)with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

(A)places that person in reasonable fear of the death of or serious bodily injury to a person described in clause (i), (ii), or (iii) of paragraph (1)(A); or

(B)causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A), shall be punished as provided in section [2261\(b\)](#) of this title.

(b)**Penalties.**— A person who violates this section or section [2261A](#) shall be fined under this title, imprisoned—
(1)for life or any term of years, if death of the victim results;
(2)for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;
(3)for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;
(4)as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and
(5)for not more than 5 years, in any other case,
or both fined and imprisoned.

(6)Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section [2266](#) of title [18](#), United States Code, shall be punished by imprisonment for not less than 1 year.

18 U.S. Code § 2332b - Acts of terrorism transcending national boundaries

(a)Prohibited Acts.—

(1)**Offenses.**— Whoever, involving conduct transcending national boundaries and in a circumstance described in subsection (b)—
(A)kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any person within the United States; or
(B)creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;
in violation of the laws of any State, or the United States, shall be punished as prescribed in subsection (c).
(2)**Treatment of threats, attempts and conspiracies.**— Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished under subsection (c).

(b)Jurisdictional Bases.—

(1)**Circumstances.**— The circumstances referred to in subsection (a) are—
(A)the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;
(B)the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;
(C)the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;
(D)the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, or leased to the United States, or any department or agency of the United States;
(E)the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or
(F)the offense is committed within the special maritime and territorial jurisdiction of the United States.

(2)**Co-conspirators and accessories after the fact.**— Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of the circumstances described in subparagraphs (A) through (F) of paragraph (1) is applicable to at least one offender.

(c)Penalties.—

(1)**Penalties.**— Whoever violates this section shall be punished—
(A)for a killing, or if death results to any person from any other conduct prohibited by this section, by death, or by imprisonment for any term of years or for life;

- (B)for kidnapping, by imprisonment for any term of years or for life;
- (C)for maiming, by imprisonment for not more than 35 years;
- (D)for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;
- (E)for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;
- (F)for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and
- (G)for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

18 U.S. Code § 2332a - Use of weapons of mass destruction

(a) **Offense Against a National of the United States or Within the United States.**— A person who, without lawful authority, uses, threatens, or attempts or conspires to use, a weapon of mass destruction—

- (1)against a national of the United States while such national is outside of the United States;
- (2)against any person or property within the United States, and
- (A)the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;
- (B)such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;
- (C)any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or
- (D)the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;
- (3)against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States; or
- (4)against any property within the United States that is owned, leased, or used by a foreign government, shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

(b) **Offense by National of the United States Outside of the United States.**— Any national of the United States who, without lawful authority, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction outside of the United States shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.

(c) **Definitions.**— For purposes of this section—

- (1)the term “national of the United States” has the meaning given in section 101(a)(22) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(22\)](#));
- (2)the term “weapon of mass destruction” means—
 - (A)any destructive device as defined in section [921](#) of this title;
 - (B)any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
 - (C)any weapon involving a biological agent, toxin, or vector (as those terms are defined in section [178](#) of this title); or
 - (D)any weapon that is designed to release radiation or radioactivity at a level dangerous to human life; and
- (3)the term “property” includes all real and personal property.

[U.S. Code](#) > [Title 18](#) > [Part I](#) > [Chapter 113B](#) > § 2332d

18 U.S. Code § 2332d - Financial transactions

(a) **Offense.**— Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is designated under section 6(j) of the Export Administration Act of 1979 ([50 App. U.S.C. 2405](#)) as a

country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

(b) **Definitions.**— As used in this section—

(1) the term “financial transaction” has the same meaning as in section [1956\(c\)\(4\)](#); and

(2) the term “United States person” means any—

(A) United States citizen or national;

(B) permanent resident alien;

(C) juridical person organized under the laws of the United States; or

(D) any person in the United States.

18 U.S. Code § 2332g - Missile systems designed to destroy aircraft

(1) **In ..**— Except as provided in paragraph (3), it shall be unlawful for any person to knowingly produce, construct, otherwise ac.re, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

(A) an explosive or incendiary rocket or missile that is guided by any system designed to enable the rocket or missile to—

(i) seek or proceed toward energy radiated or reflected from an aircraft or toward an image locating an aircraft; or

(ii) otherwise direct or guide the rocket or missile to an aircraft;

(B) any device designed or intended to launch or guide a rocket or missile described in subparagraph (A); or

(C) any part or combination of parts designed or redesigned for use in assembling or fabricating a rocket, missile, or device described in subparagraph (A) or (B).

(2) **Nonweapon.**— Paragraph (1)(A) does not apply to any device that is neither designed nor redesigned for use as a weapon.

(3) **Excluded conduct.**— This subsection does not apply with respect to—

(A) conduct by or under the authority of the United States or any department or agency thereof or of a State or any department or agency thereof; or

(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof or with a State or any department or agency thereof.

(b) **Jurisdiction.**— Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

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

(2) the offense occurs outside of the United States and is committed by a national of the United States;

(3) the offense is committed against a national of the United States while the national is outside the United States;

(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

(c) **Criminal Penalties.**—

(1) **In ..**— Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than \$2,000,000 and shall be sentenced to a term of imprisonment not less than 25 years or to imprisonment for life.

(2) **Other circumstances.**— Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than \$2,000,000 and imprisoned for not less than 30 years or imprisoned for life.

(3) **Special circumstances.**— If the death of another results from a person’s violation of subsection (a), the person shall be fined not more than \$2,000,000 and punished by imprisonment for life.

(d) **Definition.**— As used in this section, the term “aircraft” has the definition set forth in section [40102\(a\)\(6\)](#) of title [49](#), United States Code.

18 U.S. Code § 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.

18 U.S. Code § 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.

BARAK H. OBAMA, HILLARY CLINTON, SUSAN RICE, BEGANIZHI, FAST AND FURIOUS

18 U.S. Code § 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 . knowledge; and
- (3) the term "expert advice or assistance" means advice or assistance derived from scientific, technical or other specialized knowledge.

18 U.S. Code § 2339B - Providing material support or resources to designated foreign terrorist organizations

(a) Prohibited Activities.—

(1) **Unlawful conduct.**— Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or 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. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) 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).

(2) **Financial institutions.**— Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—

- (A) retain possession of, or maintain control over, such funds; and
- (B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary.

(b) **Civil Penalty.**— Any financial institution that knowingly fails to comply with subsection (a)(2) shall be subject to a civil penalty in an amount that is the greater of—

- (A) \$50,000 per violation; or
- (B) twice the amount of which the financial institution was required under subsection (a)(2) to retain possession or control.

(c) **Injunction.**— Whenever it appears to the Secretary or the Attorney . that any person is engaged in, or is about to engage in, any act that constitutes, or would constitute, a violation of this section, the Attorney . may initiate civil action in a district court of the United States to enjoin such violation.

(d) Extraterritorial Jurisdiction.—

(1) **In ..**— There is jurisdiction over an offense under subsection (a) if—

- (A) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(22\)](#))) 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 ([8 U.S.C. 1101\(a\)\(20\)](#)));
- (B) an offender is a stateless person whose habitual residence is in the United States;
- (C) 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;
- (D) the offense occurs in whole or in part within the United States;
- (E) the offense occurs in or affects interstate or foreign commerce; or
- (F) 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).

(2) **Extraterritorial jurisdiction.**— There is extraterritorial Federal jurisdiction over an offense under this section.

(e) Investigations.—

(1) **In ..**— The Attorney . shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

(2) **Coordination with the department of the treasury.**— The Attorney . shall work in coordination with the Secretary in investigations relating to—

- (A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and
- (B) civil penalty proceedings authorized under subsection (b).

(3) **Referral.**— Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney for further investigation. The Attorney shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

(f) **Classified Information in Civil Proceedings Brought by the United States.**—

(1) **Discovery of classified information by defendants.**—

(A) **Request by united states.**— In any civil proceeding under this section, upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may authorize the United States to—

(i) redact specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure;

(ii) substitute a summary of the information for such classified documents; or

(iii) substitute a statement admitting relevant facts that the classified information would tend to prove.

(B) **Order granting request.**— If the court enters an order granting a request under this paragraph, the entire text of the documents to which the request relates shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

(C) **Denial of request.**— If the court enters an order denying a request of the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with paragraph (5). For purposes of such an appeal, the entire text of the documents to which the request relates, together with any transcripts of arguments made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

(2) **Introduction of classified information; precautions by court.**—

(A) **Exhibits.**— To prevent unnecessary or inadvertent disclosure of classified information in a civil proceeding brought by the United States under this section, the United States may petition the court ex parte to admit, in lieu of classified writings, recordings, or photographs, one or more of the following:

(i) Copies of items from which classified information has been redacted.

(ii) Stipulations admitting relevant facts that specific classified information would tend to prove.

(iii) A declassified summary of the specific classified information.

(B) **Determination by court.**— The court shall grant a request under this paragraph if the court finds that the redacted item, stipulation, or summary is sufficient to allow the defendant to prepare a defense.

(3) **Taking of trial testimony.**—

(A) **Objection.**— During the examination of a witness in any civil proceeding brought by the United States under this subsection, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

(B) **Action by court.**— In determining whether a response is admissible, the court shall take precautions to guard against the compromise of any classified information, including—

(i) permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry; and

(ii) requiring the defendant to provide the court with a proffer of the nature of the information that the defendant seeks to elicit.

(C) **Obligation of defendant.**— In any civil proceeding under this section, it shall be the defendant's obligation to establish the relevance and materiality of any classified information sought to be introduced.

[U.S. Code](#) › [Title 18](#) › [Part I](#) › [Chapter 113B](#) › § 2339B

18 U.S. Code § 2339B - Providing material support or resources to designated foreign terrorist organizations

(a) **Prohibited Activities.**—

(1) **Unlawful conduct.**— Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or 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. To violate this

paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) 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).

(2) **Financial institutions.**— Except as authorized by the Secretary, any financial institution that becomes aware that it has possession of, or control over, any funds in which a foreign terrorist organization, or its agent, has an interest, shall—

(A) retain possession of, or maintain control over, such funds; and

(B) report to the Secretary the existence of such funds in accordance with regulations issued by the Secretary.

(b) **Civil Penalty.**— Any financial institution that knowingly fails to comply with subsection (a)(2) shall be subject to a civil penalty in an amount that is the greater of—

(A) \$50,000 per violation; or

(B) twice the amount of which the financial institution was required under subsection (a)(2) to retain possession or control.

(c) **Injunction.**— Whenever it appears to the Secretary or the Attorney . that any person is engaged in, or is about to engage in, any act that constitutes, or would constitute, a violation of this section, the Attorney . may initiate civil action in a district court of the United States to enjoin such violation.

(d) **Extraterritorial Jurisdiction.**—

(1) **In ..**— There is jurisdiction over an offense under subsection (a) if—

(A) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(22\)](#))) 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 ([8 U.S.C. 1101\(a\)\(20\)](#)));

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

(C) 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;

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

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

(F) 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).

(2) **Extraterritorial jurisdiction.**— There is extraterritorial Federal jurisdiction over an offense under this section.

(e) **Investigations.**—

(1) **In ..**— The Attorney . shall conduct any investigation of a possible violation of this section, or of any license, order, or regulation issued pursuant to this section.

(2) **Coordination with the department of the treasury.**— The Attorney . shall work in coordination with the Secretary in investigations relating to—

(A) the compliance or noncompliance by a financial institution with the requirements of subsection (a)(2); and

(B) civil penalty proceedings authorized under subsection (b).

(3) **Referral.**— Any evidence of a criminal violation of this section arising in the course of an investigation by the Secretary or any other Federal agency shall be referred immediately to the Attorney . for further investigation. The Attorney . shall timely notify the Secretary of any action taken on referrals from the Secretary, and may refer investigations to the Secretary for remedial licensing or civil penalty action.

(f) **Classified Information in Civil Proceedings Brought by the United States.**—

(1) **Discovery of classified information by defendants.**—

(A) **Request by united states.**— In any civil proceeding under this section, upon request made ex parte and in writing by the United States, a court, upon a sufficient showing, may authorize the United States to—

(i) redact specified items of classified information from documents to be introduced into evidence or made available to the defendant through discovery under the Federal Rules of Civil Procedure;

(ii) substitute a summary of the information for such classified documents; or

(iii) substitute a statement admitting relevant facts that the classified information would tend to prove.

(B) **Order granting request.**— If the court enters an order granting a request under this paragraph, the entire text of the documents to which the request relates shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.

(C) **Denial of request.**— If the court enters an order denying a request of the United States under this paragraph, the United States may take an immediate, interlocutory appeal in accordance with paragraph (5). For purposes of such an appeal, the entire text of the documents to which the request relates, together with any transcripts of arguments

made ex parte to the court in connection therewith, shall be maintained under seal and delivered to the appellate court.

(2)Introduction of classified information; precautions by court.—

(A)Exhibits.— To prevent unnecessary or inadvertent disclosure of classified information in a civil proceeding brought by the United States under this section, the United States may petition the court ex parte to admit, in lieu of classified writings, recordings, or photographs, one or more of the following:

- (i)Copies of items from which classified information has been redacted.
- (ii)Stipulations admitting relevant facts that specific classified information would tend to prove.
- (iii)A declassified summary of the specific classified information.

(B)Determination by court.— The court shall grant a request under this paragraph if the court finds that the redacted item, stipulation, or summary is sufficient to allow the defendant to prepare a defense.

(3)Taking of trial testimony.—

(A)Objection.— During the examination of a witness in any civil proceeding brought by the United States under this subsection, the United States may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

(B)Action by court.— In determining whether a response is admissible, the court shall take precautions to guard against the compromise of any classified information, including—

- (i)permitting the United States to provide the court, ex parte, with a proffer of the witness's response to the question or line of inquiry; and
- (ii)requiring the defendant to provide the court with a proffer of the nature of the information that the defendant seeks to elicit.

(C)Obligation of defendant.— In any civil proceeding under this section, it shall be the defendant's obligation to establish the relevance and materiality of any classified information sought to be introduced.

(4)Appeal.— If the court enters an order denying a request of the United States under this subsection, the United States may take an immediate interlocutory appeal in accordance with paragraph (5).

(5)Interlocutory appeal.—

(A)Subject of appeal.— An interlocutory appeal by the United States shall lie to a court of appeals from a decision or order of a district court—

- (i)authorizing the disclosure of classified information;
- (ii)imposing sanctions for nondisclosure of classified information; or
- (iii)refusing a protective order sought by the United States to prevent the disclosure of classified information.

(B)Expedited consideration.—

(i)In ..— An appeal taken pursuant to this paragraph, either before or during trial, shall be expedited by the court of appeals.

(ii)Appeals prior to trial.— If an appeal is of an order made prior to trial, an appeal shall be taken not later than 14 days after the decision or order appealed from, and the trial shall not commence until the appeal is resolved.

(iii)Appeals during trial.— If an appeal is taken during trial, the trial court shall adjourn the trial until the appeal is resolved, and the court of appeals—

(I)shall hear argument on such appeal not later than 4 days after the adjournment of the trial, excluding intermediate weekends and holidays;

(II)may dispense with written briefs other than the supporting materials previously submitted to the trial court;

(III)shall render its decision not later than 4 days after argument on appeal, excluding intermediate weekends and holidays; and

(IV)may dispense with the issuance of a written opinion in rendering its decision.

(C)Effect of ruling.— An interlocutory appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a final judgment, to claim as error reversal by the trial court on remand of a ruling appealed from during trial.

(6)Construction.— Nothing in this subsection shall prevent the United States from seeking protective orders or asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and State secrets privilege.

(g)Definitions.— As used in this section—

(1)the term "classified information" has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.);

(2)the term "financial institution" has the same meaning as in section [5312\(a\)\(2\)](#) of title [31](#), United States Code;

(3)the term “funds” includes coin or currency of the United States or any other country, traveler’s checks, personal checks, bank checks, money orders, stocks, bonds, debentures, drafts, letters of credit, any other negotiable instrument, and any electronic representation of any of the foregoing;

(4)the term “material support or resources” has the same meaning given that term in section [2339A](#) (including the definitions of “training” and “expert advice or assistance” in that section);

(5)the term “Secretary” means the Secretary of the Treasury; and

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

(h) **Provision of Personnel.**— No person may be prosecuted under this section in connection with the term “personnel” unless that person has knowingly provided, attempted to provide, or conspired to provide a foreign terrorist organization with 1 or more individuals (who may be or include himself) to work under that terrorist organization’s direction or control or to organize, manage, supervise, or otherwise direct the operation of that organization. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objectives shall not be considered to be working under the foreign terrorist organization’s direction and control.

(i) **Rule of Construction.**— Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.

(j) **Exception.**— No person may be prosecuted under this section in connection with the term “personnel”, “training”, or “expert advice or assistance” if the provision of that material support or resources to a foreign terrorist organization was approved by the Secretary of State with the concurrence of the Attorney .. The Secretary of State may not approve the provision of any material support that may be used to carry out terrorist activity (as defined in section 212(a)(3)(B)(iii) of the Immigration and Nationality Act).

18 U.S. Code § 2339C - Prohibitions against the financing of terrorism

(1) **In ..**— Whoever, in a circumstance described in subsection (b), by any means, directly or indirectly, unlawfully and willfully provides or collects funds with the intention that such funds be used, or with the knowledge that such funds are to be used, in full or in part, in order to carry out—

(A)an act which constitutes an offense within the scope of a treaty specified in subsection (e)(7), as implemented by the United States, or

(B)any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act,

shall be punished as prescribed in subsection (d)(1).

(2) **Attempts and conspiracies.**— Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (d)(1).

(3) **Relationship to predicate act.**— For an act to constitute an offense set forth in this subsection, it shall not be necessary that the funds were actually used to carry out a predicate act.

(b) **Jurisdiction.**— There is jurisdiction over the offenses in subsection (a) in the following circumstances—

(1)the offense takes place in the United States and—

(A)a perpetrator was a national of another state or a stateless person;

(B)on board a vessel flying the flag of another state or an aircraft which is registered under the laws of another state at the time the offense is committed;

(C)on board an aircraft which is operated by the government of another state;

(D)a perpetrator is found outside the United States;

(E)was directed toward or resulted in the carrying out of a predicate act against—

(i)a national of another state; or

(ii)another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

(F)was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel another state or international organization to do or abstain from doing any act; or
(G)was directed toward or resulted in the carrying out of a predicate act—
(i)outside the United States; or
(ii)within the United States, and either the offense or the predicate act was conducted in, or the results thereof affected, interstate or foreign commerce;
(2)the offense takes place outside the United States and—
(A)a perpetrator is a national of the United States or is a stateless person whose habitual residence is in the United States;
(B)a perpetrator is found in the United States; or
(C)was directed toward or resulted in the carrying out of a predicate act against—
(i)any property that is owned, leased, or used by the United States or by any department or agency of the United States, including an embassy or other diplomatic or consular premises of the United States;
(ii)any person or property within the United States;
(iii)any national of the United States or the property of such national; or
(iv)any property of any legal entity organized under the laws of the United States, including any of its States, districts, commonwealths, territories, or possessions;
(3)the offense is committed on board a vessel flying the flag of the United States or an aircraft which is registered under the laws of the United States at the time the offense is committed;
(4)the offense is committed on board an aircraft which is operated by the United States; or
(5)the offense was directed toward or resulted in the carrying out of a predicate act committed in an attempt to compel the United States to do or abstain from doing any act.

(c)**Concealment.**— Whoever—

(1)

(A)is in the United States; or
(B)is outside the United States and is a national of the United States or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions); and
(2)knowingly conceals or disguises the nature, location, source, ownership, or control of any material support or resources, or any funds or proceeds of such funds—
(A)knowing or intending that the support or resources are to be provided, or knowing that the support or resources were provided, in violation of section [2339B](#) of this title; or
(B)knowing or intending that any such funds are to be provided or collected, or knowing that the funds were provided or collected, in violation of subsection (a),
shall be punished as prescribed in subsection (d)(2).

(d)**Penalties.**—

(1)Subsection (a).—Whoever violates subsection (a) shall be fined under this title, imprisoned for not more than 20 years, or both.
(2)Subsection (c).—Whoever violates subsection (c) shall be fined under this title, imprisoned for not more than 10 years, or both.

(e)**Definitions.**— In this section—

(1)the term “funds” means assets of every kind, whether tangible or intangible, movable or immovable, however ac.red, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including coin, currency, bank credits, travelers checks, bank checks, money orders, shares, securities, bonds, drafts, and letters of credit;
(2)the term “government facility” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a state, members of a government, the legislature, or the judiciary, or by officials or employees of a state or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties;
(3)the term “proceeds” means any funds derived from or obtained, directly or indirectly, through the commission of an offense set forth in subsection (a);
(4)the term “provides” includes giving, donating, and transmitting;
(5)the term “collects” includes raising and receiving;
(6)the term “predicate act” means any act referred to in subparagraph (A) or (B) of subsection (a)(1);
(7)the term “treaty” means—
(A)the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on December 16, 1970;

(B)the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on September 23, 1971;

(C)the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the . Assembly of the United Nations on December 14, 1973;

(D)the International Convention against the Taking of Hostages, adopted by the . Assembly of the United Nations on December 17, 1979;

(E)the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on March 3, 1980;

(F)the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on February 24, 1988;

(G)the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on March 10, 1988;

(H)the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on March 10, 1988; or

(I)the International Convention for the Suppression of Terrorist Bombings, adopted by the . Assembly of the United Nations on December 15, 1997;

(8)the term “intergovernmental organization” includes international organizations;

(9)the term “international organization” has the same meaning as in section [1116\(b\)\(5\)](#) of this title;

(10)the term “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

(11)the term “serious bodily injury” has the same meaning as in section [1365\(g\)\(3\)](#) of this title; [11](#)

(12)the term “national of the United States” has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act ([8 U.S.C. 1101\(a\)\(22\)](#));

(13)the term “material support or resources” has the same meaning given that term in section [2339B\(g\)\(4\)](#) of this title; and

(14)the term “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.

(f)**Civil Penalty.**— In addition to any other criminal, civil, or administrative liability or penalty, any legal entity located within the United States or organized under the laws of the United States, including any of the laws of its States, districts, commonwealths, territories, or possessions, shall be liable to the United States for the sum of at least \$10,000, if a person responsible for the management or control of that legal entity has, in that capacity, committed an offense set forth in subsection (a).

18 U.S. Code § 2332f - in pertinent part states: Bombings of places of public use, government facilities, public transportation systems and infrastructure facilities

Whoever(applys to attempts and conspiracies- the offense takes place in the United States and— the offense is committed against another state or a government facility of such state, including its embassy or other diplomatic or consular premises of that state;

(B)the offense is committed in an attempt to compel another state or the United States to do or abstain from doing any act;) unlawfully delivers, places, discharges, or detonates an explosive or other lethal device in, into, or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility— with the intent to cause death or serious bodily injury, or with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss, shall be punished as prescribed in subsection (c). Whoever attempts or conspires to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c).

(b)**Jurisdiction.**— There is jurisdiction over the offenses in subsection (a) if—

(1

(c) **Penalties.**— Whoever violates this section shall be punished as provided under section 2332a(a) of this title.

(d) **Exemptions to Jurisdiction.**— This section does not apply to—

(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law;

(2) activities undertaken by military forces of a state in the exercise of their official duties; or

(3) offenses committed within the United States, where the alleged offender and the victims are United States citizens and the alleged offender is found in the United States, or where jurisdiction is predicated solely on the nationality of the victims or the alleged offender and the offense has no substantial effect on interstate or foreign commerce.

(e) **Definitions.**— As used in this section, the term—

(1) “serious bodily injury” has the meaning given that term in section 1365(g)(3) of this title; ^[1]

(2) “national of the United States” has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

(3)

(8) “explosive” has the meaning given in section 844(j) of this title insofar that it is designed, or has the capability, to cause death, serious bodily injury, or substantial material damage;

(9) “other lethal device” means any weapon or device that is designed or has the capability to cause death, serious bodily injury, or substantial damage to property through the release, dissemination, or impact of toxic chemicals, biological agents, or toxins (as those terms are defined in section 178 of this title) or radiation or radioactive material;

(10) “military forces of a state” means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

(11) “armed conflict” does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature; and

(12) “state” has the same meaning as that term has under international law, and includes all political subdivisions thereof.

18 U.S. Code § 2340 - Definitions

(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.

[U.S. Code](#) > [Title 18](#) > [Part I](#) > [Chapter 113C](#) > § 2340A

18 U.S. Code § 2340 18 U.S. Code § 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.

18 U.S. Code § 2340 18 U.S. Code § 2340A - Torture

Ex. Ord. No. 13440, July 20, 2007, [72 F.R. 40707](#), which interpreted the Geneva Conventions Common Article 3 as applied to a program of detention and interrogation operated by the Central Intelligence Agency, was revoked by Ex. Ord. No. 13491, § 1, Jan. 22, 2009, [74 F.R. 4893](#), set out as a note under section [2000dd](#) of Title [42](#), The Public Health and Welfare.

The table below lists the classification updates, since Jan. 3, 2012, for this section. Updates to a broader range of sections may be found at the update page for containing chapter, title, etc.

The most recent Classification Table update that we have noticed was Tuesday, August 13, 2013
An empty table indicates that we see no relevant changes listed in the classification tables. If you suspect that our system may be missing something, please double-check with the [Office of the Law Revision Counsel](#).

18 U.S. Code § 2510 - Definitions

(1) “wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce;

(2) “oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term does not include any electronic communication;

(3) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(4) “intercept” means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.¹¹

(5) “electronic, mechanical, or other device” means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than—

- (a) any telephone or telegraph instrument, equipment or facility, or any component thereof,
- (i) furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or
- (ii) being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

- (b)a hearing aid or similar device being used to correct subnormal hearing to not better than normal;
- (6)“person” means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;
- (7)“Investigative or law enforcement officer” means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;
- (8)“contents”, when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication;
- (9)“Judge of competent jurisdiction” means—
 - (a)a judge of a United States district court or a United States court of appeals; and
 - (b)a judge of any court of . criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire, oral, or electronic communications;
- (10)“communication common carrier” has the meaning given that term in section 3 of the Communications Act of 1934;
- (11)“aggrieved person” means a person who was a party to any intercepted wire, oral, or electronic communication or a person against whom the interception was directed;
- (12)“electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce, but does not include—
 - (A)any wire or oral communication;
 - (B)any communication made through a tone-only paging device;
 - (C)any communication from a tracking device (as defined in section [3117](#) of this title); or
 - (D)electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds;
- (13)“user” means any person or entity who—
 - (A)uses an electronic communication service; and
 - (B)is duly authorized by the provider of such service to engage in such use;
- (14)“electronic communications system” means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications;
- (15)“electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications;
- (16)“readily accessible to the . public” means, with respect to a radio communication, that such communication is not—
 - (A)scrambled or encrypted;
 - (B)transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication;
 - (C)carried on a subcarrier or other signal subsidiary to a radio transmission;
 - (D)transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or
 - (E)transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio;
- (17)“electronic storage” means—
 - (A)any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and
 - (B)any storage of such communication by an electronic communication service for purposes of backup protection of such communication;
- (18)“aural transfer” means a transfer containing the human voice at any point between and including the point of origin and the point of reception;
- (19)“foreign intelligence information”, for purposes of section [2517\(6\)](#) of this title, means—
 - (A)information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—
 - (i)actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii)sabotage or international terrorism by a foreign power or an agent of a foreign power; or
(iii)clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or
(B)information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—
(i)the national defense or the security of the United States; or
(ii)the conduct of the foreign affairs of the United States;
(20)“protected computer” has the meaning set forth in section [1030](#); and
(21)“computer trespasser”—
(A)means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and
(B)does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.

18 U.S. Code § 2510 - Definitions

(1)“wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce;

(2)“oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term does not include any electronic communication;

(3)“State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(4)“intercept” means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.[11](#)

(5)“electronic, mechanical, or other device” means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than—
(a)any telephone or telegraph instrument, equipment or facility, or any component thereof,
(i)furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or
(ii)being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;
(b)a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(6)“person” means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

(7)“Investigative or law enforcement officer” means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

(8)“contents”, when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication;

(9)“Judge of competent jurisdiction” means—
(a)a judge of a United States district court or a United States court of appeals; and
(b)a judge of any court of criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire, oral, or electronic communications;

(10)“communication common carrier” has the meaning given that term in section 3 of the Communications Act of 1934;

(11)“aggrieved person” means a person who was a party to any intercepted wire, oral, or electronic communication or a person against whom the interception was directed;

(12)“electronic communication” means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical system that affects interstate or foreign commerce, but does not include—

(A)any wire or oral communication;

(B)any communication made through a tone-only paging device;

(C)any communication from a tracking device (as defined in section [3117](#) of this title); or

(D)electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds;

(13)“user” means any person or entity who—

(A)uses an electronic communication service; and

(B)is duly authorized by the provider of such service to engage in such use;

(14)“electronic communications system” means any wire, radio, electromagnetic, photooptical or photoelectronic facilities for the transmission of wire or electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications;

(15)“electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications;

(16)“readily accessible to the . public” means, with respect to a radio communication, that such communication is not—

(A)scrambled or encrypted;

(B)transmitted using modulation techniques whose essential parameters have been withheld from the public with the intention of preserving the privacy of such communication;

(C)carried on a subcarrier or other signal subsidiary to a radio transmission;

(D)transmitted over a communication system provided by a common carrier, unless the communication is a tone only paging system communication; or

(E)transmitted on frequencies allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio;

(17)“electronic storage” means—

(A)any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof; and

(B)any storage of such communication by an electronic communication service for purposes of backup protection of such communication;

(18)“aural transfer” means a transfer containing the human voice at any point between and including the point of origin and the point of reception;

(19)“foreign intelligence information”, for purposes of section [2517\(6\)](#) of this title, means—

(A)information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i)actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii)sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii)clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B)information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i)the national defense or the security of the United States; or

(ii)the conduct of the foreign affairs of the United States;

(20)“protected computer” has the meaning set forth in section [1030](#); and

(21)“computer trespasser”—

(A)means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

(B)does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.

18 U.S. Code § 2511 - Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who—

- (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;
- (b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—
 - (i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or
 - (ii) such device transmits communications by radio, or interferes with the transmission of such communication; or
 - (iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or
 - (iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or
 - (v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;
- (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;
- (d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or
- (e)
 - (i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections [2511\(2\)\(a\)\(ii\)](#), [2511\(2\)\(b\)-\(c\)](#), 2511(2)(e), 2516, and 2518 of this chapter,
 - (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation,
 - (iii) having obtained or received the information in connection with a criminal investigation, and
 - (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation, shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

(2)

(a)

- (i) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.
- (ii) Notwithstanding any other law, providers of wire or electronic communication service, their officers, employees, and agents, landlords, custodians, or other persons, are authorized to provide information, facilities, or technical assistance to persons authorized by law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, if such provider, its officers, employees, or agents, landlord, custodian, or other specified person, has been provided with—
 - (A) a court order directing such assistance or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978 signed by the authorizing judge, or

(B)a certification in writing by a person specified in section 2518(7) of this title or the Attorney . of the United States that no warrant or court order is re.red by law, that all statutory re.rements have been met, and that the specified assistance is re.red,

setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance re.red. No provider of wire or electronic communication service, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order or certification under this chapter, except as may otherwise be re.red by legal process and then only after prior notification to the Attorney . or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. Any such disclosure, shall render such person liable for the civil damages provided for in section 2520. No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter.

(iii)If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision and shall certify that the statutory re.rements have been met.

(b)It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c)It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d)It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

(e)Notwithstanding any other provision of this title or section 705 or 706 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, as authorized by that Act.

(f)Nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934, shall be deemed to affect the ac.sition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.

(g)It shall not be unlawful under this chapter or chapter 121 of this title for any person—

(i)to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the . public;

(ii)to intercept any radio communication which is transmitted—

(I)by any station for the use of the . public, or that relates to ships, aircraft, vehicles, or persons in distress;

(II)by any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the . public;

(III)by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or . mobile radio services; or

(IV)by any marine or aeronautical communications system;

(iii)to engage in any conduct which—

(I)is prohibited by section 633 of the Communications Act of 1934; or

(II)is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;

(iv)to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic equipment, to the extent necessary to identify the source of such interference; or

(v)for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted.

(h)It shall not be unlawful under this chapter—

(i)to use a pen register or a trap and trace device (as those terms are defined for the purposes of chapter 206 (relating to pen registers and trap and trace devices) of this title); or

(ii)for a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.

(i)It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—

(I)the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

(II)the person acting under color of law is lawfully engaged in an investigation;

(III)the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

(IV)such interception does not ac.re communications other than those transmitted to or from the computer trespasser.

(3)

(a)Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

(b)A person or entity providing electronic communication service to the public may divulge the contents of any such communication—

(i)as otherwise authorized in section 2511(2)(a) or 2517 of this title;

(ii)with the lawful consent of the originator or any addressee or intended recipient of such communication;

(iii)to a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or

(iv)which were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgance is made to a law enforcement agency.

(4)

(a)Except as provided in paragraph (b) of this subsection or in subsection (5), whoever violates subsection (1) of this section shall be fined under this title or imprisoned not more than five years, or both.

(b)Conduct otherwise an offense under this subsection that consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted—

(i)to a broadcasting station for purposes of retransmission to the . public; or

(ii)as an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls,

is not an offense under this subsection unless the conduct is for the purposes of direct or indirect commercial advantage or private financial gain.

(5)

(a)

(i)If the communication is—

(A)a private satellite video communication that is not scrambled or encrypted and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(B)a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of the rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this chapter is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain,

then the person who engages in such conduct shall be subject to suit by the Federal Government in a court of competent jurisdiction.

(ii) In an action under this subsection—

(A) if the violation of this chapter is a first offense for the person under paragraph (a) of subsection (4) and such person has not been found liable in a civil action under section [2520](#) of this title, the Federal Government shall be entitled to appropriate injunctive relief; and

(B) if the violation of this chapter is a second or subsequent offense under paragraph (a) of subsection (4) or such person has been found liable in any prior civil action under section [2520](#), the person shall be subject to a mandatory \$500 civil fine.

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (ii)(A), and shall impose a civil fine of not less than \$500 for each violation of such an injunction.

18 U.S. Code § 2511 - Interception and disclosure of wire, oral, or electronic communications prohibited

(1) Except as otherwise specifically provided in this chapter any person who—

(a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication;

(b) intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

(iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or

(iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or

(v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e)

(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections [2511\(2\)\(a\)\(ii\)](#), [2511\(2\)\(b\)-\(c\)](#), [2511\(2\)\(e\)](#), [2516](#), and [2518](#) of this chapter,

(ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation,

(iii) having obtained or received the information in connection with a criminal investigation, and

(iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation, shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

(2)

(a)

(i) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of a provider of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service, except that a provider of wire communication service to the public shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

(ii) Notwithstanding any other law, providers of wire or electronic communication service, their officers, employees, and agents, landlords, custodians, or other persons, are authorized to provide information, facilities, or technical assistance to persons authorized by law to intercept wire, oral, or electronic communications or to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, if such provider, its officers, employees, or agents, landlord, custodian, or other specified person, has been provided with—

(A) a court order directing such assistance or a court order pursuant to section 704 of the Foreign Intelligence Surveillance Act of 1978 signed by the authorizing judge, or

(B) a certification in writing by a person specified in section [2518\(7\)](#) of this title or the Attorney . of the United States that no warrant or court order is re.red by law, that all statutory re.ements have been met, and that the specified assistance is re.red, setting forth the period of time during which the provision of the information, facilities, or technical assistance is authorized and specifying the information, facilities, or technical assistance re.red. No provider of wire or electronic communication service, officer, employee, or agent thereof, or landlord, custodian, or other specified person shall disclose the existence of any interception or surveillance or the device used to accomplish the interception or surveillance with respect to which the person has been furnished a court order or certification under this chapter, except as may otherwise be re.red by legal process and then only after prior notification to the Attorney . or to the principal prosecuting attorney of a State or any political subdivision of a State, as may be appropriate. Any such disclosure, shall render such person liable for the civil damages provided for in section [2520](#). No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, or agents, landlord, custodian, or other specified person for providing information, facilities, or assistance in accordance with the terms of a court order, statutory authorization, or certification under this chapter.

(iii) If a certification under subparagraph (ii)(B) for assistance to obtain foreign intelligence information is based on statutory authority, the certification shall identify the specific statutory provision and shall certify that the statutory re.ements have been met.

(b) It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of chapter [5](#) of title [47](#) of the United States Code, to intercept a wire or electronic communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire, oral, or electronic communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State.

(e) Notwithstanding any other provision of this title or section 705 or 706 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his official duty to conduct electronic surveillance, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, as authorized by that Act.

(f) Nothing contained in this chapter or chapter 121 or 206 of this title, or section 705 of the Communications Act of 1934, shall be deemed to affect the ac.sition by the United States Government of foreign intelligence information from international or foreign communications, or foreign intelligence activities conducted in accordance with otherwise applicable Federal law involving a foreign electronic communications system, utilizing a means other than electronic surveillance as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978, and procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the exclusive means by which electronic surveillance, as defined in section 101 of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.

(g) It shall not be unlawful under this chapter or chapter [121](#) of this title for any person—

- (i)to intercept or access an electronic communication made through an electronic communication system that is configured so that such electronic communication is readily accessible to the . public;
- (ii)to intercept any radio communication which is transmitted—
 - (I)by any station for the use of the . public, or that relates to ships, aircraft, vehicles, or persons in distress;
 - (II)by any governmental, law enforcement, civil defense, private land mobile, or public safety communications system, including police and fire, readily accessible to the . public;
 - (III)by a station operating on an authorized frequency within the bands allocated to the amateur, citizens band, or . mobile radio services; or
 - (IV)by any marine or aeronautical communications system;
- (iii)to engage in any conduct which—
 - (I)is prohibited by section 633 of the Communications Act of 1934; or
 - (II)is excepted from the application of section 705(a) of the Communications Act of 1934 by section 705(b) of that Act;
 - (iv)to intercept any wire or electronic communication the transmission of which is causing harmful interference to any lawfully operating station or consumer electronic e.pment, to the extent necessary to identify the source of such interference; or
 - (v)for other users of the same frequency to intercept any radio communication made through a system that utilizes frequencies monitored by individuals engaged in the provision or the use of such system, if such communication is not scrambled or encrypted.
- (h)It shall not be unlawful under this chapter—
 - (i)to use a pen register or a trap and trace device (as those terms are defined for the purposes of chapter 206 (relating to pen registers and trap and trace devices) of this title); or
 - (ii)for a provider of electronic communication service to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire or electronic communication, or a user of that service, from fraudulent, unlawful or abusive use of such service.
 - (i)It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser transmitted to, through, or from the protected computer, if—
 - (I)the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;
 - (II)the person acting under color of law is lawfully engaged in an investigation;
 - (III)the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and
 - (IV)such interception does not ac.re communications other than those transmitted to or from the computer trespasser.
- (3)
 - (a)Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.
 - (b)A person or entity providing electronic communication service to the public may divulge the contents of any such communication—
 - (i)as otherwise authorized in section 2511(2)(a) or 2517 of this title;
 - (ii)with the lawful consent of the originator or any addressee or intended recipient of such communication;
 - (iii)to a person employed or authorized, or whose facilities are used, to forward such communication to its destination; or
 - (iv)which were inadvertently obtained by the service provider and which appear to pertain to the commission of a crime, if such divulgence is made to a law enforcement agency.
- (4)
 - (a)Except as provided in paragraph (b) of this subsection or in subsection (5), whoever violates subsection (1) of this section shall be fined under this title or imprisoned not more than five years, or both.
 - (b)Conduct otherwise an offense under this subsection that consists of or relates to the interception of a satellite transmission that is not encrypted or scrambled and that is transmitted—
 - (i)to a broadcasting station for purposes of retransmission to the . public; or
 - (ii)as an audio subcarrier intended for redistribution to facilities open to the public, but not including data transmissions or telephone calls,

is not an offense under this subsection unless the conduct is for the purposes of direct or indirect commercial advantage or private financial gain.

(5)

(a)

(i) If the communication is—

(A) a private satellite video communication that is not scrambled or encrypted and the conduct in violation of this chapter is the private viewing of that communication and is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain; or

(B) a radio communication that is transmitted on frequencies allocated under subpart D of part 74 of the rules of the Federal Communications Commission that is not scrambled or encrypted and the conduct in violation of this chapter is not for a tortious or illegal purpose or for purposes of direct or indirect commercial advantage or private commercial gain,

then the person who engages in such conduct shall be subject to suit by the Federal Government in a court of competent jurisdiction.

(ii) In an action under this subsection—

(A) if the violation of this chapter is a first offense for the person under paragraph (a) of subsection (4) and such person has not been found liable in a civil action under section [2520](#) of this title, the Federal Government shall be entitled to appropriate injunctive relief; and

(B) if the violation of this chapter is a second or subsequent offense under paragraph (a) of subsection (4) or such person has been found liable in any prior civil action under section [2520](#), the person shall be subject to a mandatory \$500 civil fine.

(b) The court may use any means within its authority to enforce an injunction issued under paragraph (ii)(A), and shall impose a civil fine of not less than \$500 for each violation of such an injunction.

[U.S. Code](#) › [Title 18](#) › [Part I](#) › [Chapter 119](#) › § 2516

18 U.S. Code § 2516 - Authorization for interception of wire, oral, or electronic communications

(1) The Attorney ., Deputy Attorney ., Associate Attorney .,^[1] or any Assistant Attorney ., any acting Assistant Attorney ., or any Deputy Assistant Attorney . or acting Deputy Assistant Attorney . in the Criminal Division or National Security Division specially designated by the Attorney ., may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section [2518](#) of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) any offense punishable by death or by imprisonment for more than one year under sections [2122](#) and [2274](#) through [2277](#) of title [42](#) of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), section [2284](#) of title [42](#) of the United States Code (relating to sabotage of nuclear facilities or fuel), or under the following chapters of this title: chapter 10 (relating to biological weapons) ^[2]chapter 37 (relating to espionage), chapter 55 (relating to kidnapping), chapter 90 (relating to protection of trade secrets), chapter 105 (relating to sabotage), chapter 115 (relating to treason), chapter 102 (relating to riots), chapter 65 (relating to malicious mischief), chapter 111 (relating to destruction of vessels), or chapter 81 (relating to piracy);

(b) a violation of section 186 or section [501\(c\)](#) of title [29](#), United States Code (dealing with restrictions on payments and loans to labor organizations), or any offense which involves murder, kidnapping, robbery, or extortion, and which is punishable under this title;

(c) any offense which is punishable under the following sections of this title: section [37](#) (relating to violence at international airports), section [43](#) (relating to animal enterprise terrorism), section [81](#) (arson within special maritime and territorial jurisdiction), section [201](#) (bribery of public officials and witnesses), section [215](#) (relating to bribery of bank officials), section [224](#) (bribery in sporting contests), subsection (d), (e), (f), (g), (h), or (i) of section [844](#) (unlawful use of explosives), section [1032](#) (relating to concealment of assets), section [1084](#) (transmission of

wagering information), section [751](#) (relating to escape), section [832](#) (relating to nuclear and weapons of mass destruction threats), section [842](#) (relating to explosive materials), section [930](#) (relating to possession of weapons in Federal facilities), section [1014](#) (relating to loans and credit applications .ly; renewals and discounts), section [1114](#) (relating to officers and employees of the United States), section [1116](#) (relating to protection of foreign officials), sections [1503](#), [1512](#), and [1513](#) (influencing or injuring an officer, juror, or witness .ly), section [1510](#) (obstruction of criminal investigations), section [1511](#) (obstruction of State or local law enforcement), section [1591](#) (sex trafficking of children by force, fraud, or coercion), section [1751](#) (Presidential and Presidential staff assassination, kidnapping, and assault), section [1951](#) (interference with commerce by threats or violence), section [1952](#) (interstate and foreign travel or transportation in aid of racketeering enterprises), section [1958](#) (relating to use of interstate commerce facilities in the commission of murder for hire), section [1959](#) (relating to violent crimes in aid of racketeering activity), section [1954](#) (offer, acceptance, or solicitation to influence operations of employee benefit plan), section [1955](#) (prohibition of business enterprises of gambling), section [1956](#) (laundering of monetary instruments), section [1957](#) (relating to engaging in monetary transactions in property derived from specified unlawful activity), section [659](#) (theft from interstate shipment), section [664](#) (embezzlement from pension and welfare funds), section [1343](#) (fraud by wire, radio, or television), section [1344](#) (relating to bank fraud), section [1992](#) (relating to terrorist attacks against mass transportation), sections [2251](#) and [2252](#) (sexual exploitation of children), section [2251A](#) (selling or buying of children), section [2252A](#) (relating to material constituting or containing child pornography), section [1466A](#) (relating to child obscenity), section [2260](#) (production of sexually explicit depictions of a minor for importation into the United States), sections [2421](#), [2422](#), [2423](#), and [2425](#) (relating to transportation for illegal sexual activity and related crimes), sections [2312](#), [2313](#), [2314](#), and [2315](#) (interstate transportation of stolen property), section [2321](#) (relating to trafficking in certain motor vehicles or motor vehicle parts), section [2340A](#) (relating to torture), section [1203](#) (relating to hostage taking), section [1029](#) (relating to fraud and related activity in connection with access devices), section [3146](#) (relating to penalty for failure to appear), section [3521\(b\)\(3\)](#) (relating to witness relocation and assistance), section [32](#) (relating to destruction of aircraft or aircraft facilities), section [38](#) (relating to aircraft parts fraud), section [1963](#) (violations with respect to racketeer influenced and corrupt organizations), section [115](#) (relating to threatening or retaliating against a Federal official), section [1341](#) (relating to mail fraud), a felony violation of section [1030](#) (relating to computer fraud and abuse), section [351](#) (violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnapping, and assault), section [831](#) (relating to prohibited transactions involving nuclear materials), section [33](#) (relating to destruction of motor vehicles or motor vehicle facilities), section [175](#) (relating to biological weapons), section [175c](#) (relating to variola virus) ^[2]section [956](#) (conspiracy to harm persons or property overseas),^[3]section [1424](#) a felony violation of section [1028](#) (relating to production of false identification documentation), section [1425](#) (relating to the procurement of citizenship or nationalization unlawfully), section [1426](#) (relating to the reproduction of naturalization or citizenship papers), section [1427](#) (relating to the sale of naturalization or citizenship papers), section [1541](#) (relating to passport issuance without authority), section [1542](#) (relating to false statements in passport applications), section [1543](#) (relating to forgery or false use of passports), section [1544](#) (relating to misuse of passports), or ^[5]section [1546](#) (relating to fraud and misuse of visas, permits, and other documents), section [16555](#) (relating to construction or use of international border tunnels);

(d)any offense involving counterfeiting punishable under section [471](#), [472](#), or [473](#) of this title;

(e)any offense involving fraud connected with a case under title 11 or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marihuana, or other dangerous drugs, punishable under any law of the United States;

(f)any offense including extortionate credit transactions under sections [892](#), [893](#), or [894](#) of this title;

(g)a violation of section [5322](#) of title [31](#), United States Code (dealing with the reporting of currency transactions), or section [5324](#) of title [31](#), United States Code (relating to structuring transactions to evade reporting requirement prohibited);

(h)any felony violation of sections [2511](#) and [2512](#) (relating to interception and disclosure of certain communications and to certain intercepting devices) of this title;

(i)any felony violation of chapter 71 (relating to obscenity) of this title;

(j)any violation of section 60123(b) (relating to destruction of a natural gas pipeline), ^[7]section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft) of title 49;

(k)any criminal violation of section [2778](#) of title [22](#) (relating to the Arms Export Control Act);

(l)the location of any fugitive from justice from an offense described in this section;

(m)a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. [1324](#), [1327](#), or [1328](#)) (relating to the smuggling of aliens);
(n)any felony violation of sections [922](#) and [924](#) of title [18](#), United States Code (relating to firearms);
(o)any violation of section 5861 of the Internal Revenue Code of 1986 (relating to firearms);
(p)a felony violation of section [1028](#) (relating to production of false identification documents), section [1542](#) (relating to false statements in passport applications), section [1546](#) (relating to fraud and misuse of visas, permits, and other documents, section [1028A](#) (relating to aggravated identity theft)) ^[8]of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or ^[1]
(q)any criminal violation of section [229](#) (relating to chemical weapons) or section [2332](#), [2332a](#), [2332b](#), [2332d](#), [2332f](#), [2332g](#), [2332h](#) ^[2][2339](#), [2339A](#), [2339B](#), [2339C](#), or [2339D](#) of this title (relating to terrorism);
(r)any criminal violation of section [1](#) (relating to illegal restraints of trade or commerce), 2 (relating to illegal monopolizing of trade or commerce), or 3 (relating to illegal restraints of trade or commerce in territories or the District of Columbia) of the Sherman Act (15 U.S.C. [1](#), [2](#), [3](#));
(s)any violation of section [670](#) (relating to theft of medical products); or
(t)any conspiracy to commit any offense described in any subparagraph of this paragraph.
(2)The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications, may apply to such judge for, and such judge may grant in conformity with section [2518](#) of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year, designated in any applicable State statute authorizing such interception, or any conspiracy to commit any of the foregoing offenses.
(3)Any attorney for the Government (as such term is defined for the purposes of the Federal Rules of Criminal Procedure) may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant, in conformity with section [2518](#) of this title, an order authorizing or approving the interception of electronic communications by an investigative or law enforcement officer having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of any Federal felony.

18 U.S. Code § 2518 - Procedure for interception of wire, oral, or electronic communications

(1)Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication under this chapter shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:
(a)the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;
(b)a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including
(i)details as to the particular offense that has been, is being, or is about to be committed,
(ii)except as provided in subsection (11), a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted,
(iii)a particular description of the type of communications sought to be intercepted,
(iv)the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c)a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;
(d)a statement of the period of time for which the interception is re.red to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
(e)a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire, oral, or electronic communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and
(f)where the application

18 U.S. Code § 2381 - Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

18 U.S. Code § 2382 - Misprision of treason

Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both

18 U.S. Code § 2383 - Rebellion or insurrection

Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States.

18 U.S. Code § 2384 - Seditious conspiracy

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both

8 U.S. Code § 2385 - Advocating overthrow of Government

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

As used in this section, the terms “organizes” and “organize”, with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons.

18 U.S. Code § 2386 - Registration of certain organizations

(A)For the purposes of this section:

“Attorney .” means the Attorney . of the United States;

“Organization” means any group, club, league, society, committee, association, political party, or combination of individuals, whether incorporated or otherwise, but such term shall not include any corporation, association, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes;

“Political activity” means any activity the purpose or aim of which, or one of the purposes or aims of which, is the control by force or overthrow of the Government of the United States or a political subdivision thereof, or any State or political subdivision thereof;

An organization is engaged in “civilian military activity” if:

(1)it gives instruction to, or prescribes instruction for, its members in the use of firearms or other weapons or any substitute therefor, or military or naval science; or

(2)it receives from any other organization or from any individual instruction in military or naval science; or

(3)it engages in any military or naval maneuvers or activities; or

(4)it engages, either with or without arms, in drills or parades of a military or naval character; or

(5)it engages in any other form of organized activity which in the opinion of the Attorney . constitutes preparation for military action;

An organization is “subject to foreign control” if:

(a)it solicits or accepts financial contributions, loans, or support of any kind, directly or indirectly, from, or is affiliated directly or indirectly with, a foreign government or a political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or political subdivision thereof, or a political party in a foreign country, or an international political organization; or

(b)its policies, or any of them, are determined by or at the suggestion of, or in collaboration with, a foreign government or political subdivision thereof, or an agent, agency, or instrumentality of a foreign government or a political subdivision thereof, or a political party in a foreign country, or an international political organization.

(B)

(1)The following organizations shall be required to register with the Attorney ::

Every organization subject to foreign control which engages in political activity;

Every organization which engages both in civilian military activity and in political activity;

Every organization subject to foreign control which engages in civilian military activity; and

Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing.

Every such organization shall register by filing with the Attorney ., on such forms and in such detail as the Attorney . may by rules and regulations prescribe, a registration statement containing the information and documents prescribed in subsection (B)(3) and shall within thirty days after the expiration of each period of six months succeeding the filing of such registration statement, file with the Attorney ., on such forms and in such detail as the Attorney . may by rules and regulations prescribe, a supplemental statement containing such information and documents as may be necessary to make the information and documents previously filed under this section accurate and current with respect to such preceding six months' period. Every statement required to be filed by this section shall be subscribed, under oath, by all of the officers of the organization.

(2)This section shall not require registration or the filing of any statement with the Attorney . by:

(a)The armed forces of the United States; or

(b)The organized militia or National Guard of any State, Territory, District, or possession of the United States; or

(c)Any law-enforcement agency of the United States or of any Territory, District or possession thereof, or of any

State or political subdivision of a State, or of any agency or instrumentality of one or more States; or

(d)Any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State; or

(e)Any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations.

(3)Every registration statement required to be filed by any organization shall contain the following information and documents:

(a)The name and post-office address of the organization in the United States, and the names and addresses of all branches, chapters, and affiliates of such organization;

(b)The name, address, and nationality of each officer, and of each person who performs the functions of an officer, of the organization, and of each branch, chapter, and affiliate of the organization;

(c)The qualifications for membership in the organization;

(d)The existing and proposed aims and purposes of the organization, and all the means by which these aims or purposes are being attained or are to be attained;

(e)The address or addresses of meeting places of the organization, and of each branch, chapter, or affiliate of the organization, and the times of meetings;

(f)The name and address of each person who has contributed any money, dues, property, or other thing of value to the organization or to any branch, chapter, or affiliate of the organization;

(g)A detailed statement of the assets of the organization, and of each branch, chapter, and affiliate of the organization, the manner in which such assets were acquired, and a detailed statement of the liabilities and income of the organization and of each branch, chapter, and affiliate of the organization;

(h)A detailed description of the activities of the organization, and of each chapter, branch, and affiliate of the organization;

(i)A description of the uniforms, badges, insignia, or other means of identification prescribed by the organization, and worn or carried by its officers or members, or any of such officers or members;

(j)A copy of each book, pamphlet, leaflet, or other publication or item of written, printed, or graphic matter issued or distributed directly or indirectly by the organization, or by any chapter, branch, or affiliate of the organization, or by any of the members of the organization under its authority or within its knowledge, together with the name of its author or authors and the name and address of the publisher;

(k)A description of all firearms or other weapons owned by the organization, or by any chapter, branch, or affiliate of the organization, identified by the manufacturer's number thereon;

(l)In case the organization is subject to foreign control, the manner in which it is so subject;

(m)A copy of the charter, articles of association, constitution, bylaws, rules, regulations, agreements, resolutions, and all other instruments relating to the organization, powers, and purposes of the organization and to the powers of the officers of the organization and of each chapter, branch, and affiliate of the organization; and
(n)Such other information and documents pertinent to the purposes of this section as the Attorney . may from time to time re.re.

All statements filed under this section shall be public records and open to public examination and inspection at all reasonable hours under such rules and regulations as the Attorney . may prescribe.

(C)The Attorney . is authorized at any time to make, amend, and rescind such rules and regulations as may be necessary to carry out this section, including rules and regulations governing the statements re.red to be filed.

(D)Whoever violates any of the provisions of this section shall be fined under this title or imprisoned not more than five years, or both.

Whoever in a statement filed pursuant to this section willfully makes any false statement or willfully omits to state any fact which is re.red to be stated, or which is necessary to make the statements made not misleading, shall be fined under this title or imprisoned not more than five years, or both.

18 U.S. Code § 2389 - Recruiting for service against United States

Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or

Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States— Shall be fined under this title or imprisoned not more than five years, or both

18 U.S. Code § 2390 - Enlistment to serve against United States

Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined under this title [11](#) or imprisoned not more than three years, or both.

8 U.S. Code § 2701 - Unlawful access to stored communications

(a)**Offense.**— Except as provided in subsection (c) of this section whoever—

(1)intentionally accesses without authorization a facility through which an electronic communication service is provided; or
(2)intentionally exceeds an authorization to access that facility;

and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system shall be punished as provided in subsection (b) of this section.

(b)**Punishment.**— The punishment for an offense under subsection (a) of this section is—

(1)if the offense is committed for purposes of commercial advantage, malicious destruction or damage, or private commercial gain, or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or any State—

(A)a fine under this title or imprisonment for not more than 5 years, or both, in the case of a first offense under this subparagraph; and
(B)a fine under this title or imprisonment for not more than 10 years, or both, for any subsequent offense under this subparagraph; and
(2)in any other case—
(A)a fine under this title or imprisonment for not more than 1 year or both, in the case of a first offense under this paragraph; and
(B)a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under this subparagraph that occurs after a conviction of another offense under this section.
(c)**Exceptions.**— Subsection (a) of this section does not apply with respect to conduct authorized—
(1)by the person or entity providing a wire or electronic communications service;
(2)by a user of that service with respect to a communication of or intended for that user; or
(3)in section [2703](#), [2704](#) or [2518](#) of this title.
[U.S. Code](#) › [Title 18](#) › [Part I](#) › [Chapter 121](#) › § 2702

18 U.S. Code § 2702 - Voluntary disclosure of customer communications or records

(a)**Prohibitions.**— Except as provided in subsection (b) or (c)—
(1)a person or entity providing an electronic communication service to the public shall not knowingly divulge to any person or entity the contents of a communication while in electronic storage by that service; and
(2)a person or entity providing remote computing service to the public shall not knowingly divulge to any person or entity the contents of any communication which is carried or maintained on that service—
(A)on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such service;
(B)solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing; and
(3)a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.
(b)**Exceptions for disclosure of communications.**— A provider described in subsection (a) may divulge the contents of a communication—
(1)to an addressee or intended recipient of such communication or an agent of such addressee or intended recipient;
(2)as otherwise authorized in section [2517](#), [2511\(2\)\(a\)](#), or [2703](#) of this title;
(3)with the lawful consent of the originator or an addressee or intended recipient of such communication, or the subscriber in the case of remote computing service;
(4)to a person employed or authorized or whose facilities are used to forward such communication to its destination;
(5)as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;
(6)to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section [2258A](#);

18 U.S. Code § 2703 - Required disclosure of customer communications or records

(a)**Contents of Wire or Electronic Communications in Electronic Storage.**— A governmental entity may re.re the disclosure by a provider of electronic communication service of the contents of a wire or electronic

communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction. A governmental entity may re.re the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than one hundred and eighty days by the means available under subsection (b) of this section.

(b)Contents of Wire or Electronic Communications in a Remote Computing Service.—

(1)A governmental entity may re.re a provider of remote computing service to disclose the contents of any wire or electronic communication to which this paragraph is made applicable by paragraph (2) of this subsection—
(A)without re.red notice to the subscriber or customer, if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction; or

(B)with prior notice from the governmental entity to the subscriber or customer if the governmental entity—

(i)uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena; or

(ii)obtains a court order for such disclosure under subsection (d) of this section; except that delayed notice may be given pursuant to section [2705](#) of this title.

(2)Paragraph (1) is applicable with respect to any wire or electronic communication that is held or maintained on that service—

(A)on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such remote computing service; and

(B)solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing.

(c)Records Concerning Electronic Communication Service or Remote Computing Service.—

(1)A governmental entity may re.re a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity—

(A)obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction;

(B)obtains a court order for such disclosure under subsection (d) of this section;

(C)has the consent of the subscriber or customer to such disclosure;

(D)submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is defined in section [2325](#) of this title); or

(E)seeks information under paragraph (2).

(2)A provider of electronic communication service or remote computing service shall disclose to a governmental entity the—

(A)name;

(B)address;

(C)local and long distance telephone connection records, or records of session times and durations;

(D)length of service (including start date) and types of service utilized;

(E)telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

(F)means and source of payment for such service (including any credit card or bank account number), of a subscriber to or customer of such service when the governmental entity uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena or any means available under paragraph (1).

(3)A governmental entity receiving records or information under this subsection is not re.red to provide notice to a subscriber or customer.

(d)Requirements for Court Order.— A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal

investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

(e) **No Cause of Action Against a Provider Disclosing Information Under This Chapter.**— No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, subpoena, statutory authorization, or certification under this chapter.

(f) **Requirement To Preserve Evidence.**—

(1) **In ..**— A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process.

(2) **Period of retention.**— Records referred to in paragraph (1) shall be retained for a period of 90 days, which shall be extended for an additional 90-day period upon a renewed request by the governmental entity.

(g) **Presence of Officer Not Required.**— Notwithstanding section [3105](#) of this title, the presence of an officer shall not be required for service or execution of a search warrant issued in accordance with this chapter regarding disclosure by a provider of electronic communications service or remote computing service of the contents of communications or records or other information pertaining to a subscriber to or customer of such service.

INTERNATIONAL LAW AND PENALTIES CAN BE FOUND ON THE WORLD WIDE WEB: GOOGLE INTERNATIONAL CRIMES AND PENALTIES

THE ANTI-TERRORISM DEATH PENALTY ACT OF 1996 IS A LAW TO DETER TERRORISM IN THE UNITED STATES AND CAN ALSO BE FOUND ONLINE BY “GOOGLING” THE ANTI-TERRORISM DEATH PENALTY ACT OF 1996.