

(d) **CONVENIENCE OF THE FORUM.**—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

(2) that foreign court is significantly more convenient and appropriate; and

(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

(Added Pub. L. 102-572, title X, § 1003(a)(4), Oct. 29, 1992, 106 Stat. 4522.)

EFFECTIVE DATE

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

§ 2335. Limitation of actions

(a) **IN GENERAL.**—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 10 years after the date the cause of action accrued.

(b) **CALCULATION OF PERIOD.**—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or of any concealment of the defendant's whereabouts, shall not be included in the 10-year period set forth in subsection (a).

(Added Pub. L. 102-572, title X, § 1003(a)(4), Oct. 29, 1992, 106 Stat. 4523; amended Pub. L. 112-239, div. A, title XII, § 1251(a), Jan. 2, 2013, 126 Stat. 2017.)

AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, § 1251(a)(1), substituted “10 years” for “4 years”.

Subsec. (b). Pub. L. 112-239, § 1251(a)(2), substituted “10-year period” for “4-year period”.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title XII, § 1251(b), Jan. 2, 2013, 126 Stat. 2017, provided that: “The amendments made by this section [amending this section] shall apply to any civil action arising under section 2333 of title 18, United States Code, that is pending on, or commenced on or after, the date of the enactment of this Act [Jan. 2, 2013].”

EFFECTIVE DATE

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

§ 2336. Other limitations

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

(b) **LIMITATION ON DISCOVERY.**—If a party to an action under section 2333 seeks to discover the investigative files of the Department of Justice, the Assistant Attorney General, Deputy Attorney General, or Attorney General may object on the ground that compliance will interfere with a

criminal investigation or prosecution of the incident, or a national security operation related to the incident, which is the subject of the civil litigation. The court shall evaluate any such objections in camera and shall stay the discovery if the court finds that granting the discovery request will substantially interfere with a criminal investigation or prosecution of the incident or a national security operation related to the incident. The court shall consider the likelihood of criminal prosecution by the Government and other factors it deems to be appropriate. A stay of discovery under this subsection shall constitute a bar to the granting of a motion to dismiss under rules 12(b)(6) and 56 of the Federal Rules of Civil Procedure. If the court grants a stay of discovery under this subsection, it may stay the action in the interests of justice.

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

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

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

REFERENCES IN TEXT

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

EFFECTIVE DATE

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

§ 2337. Suits against Government officials

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

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

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

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

EFFECTIVE DATE

Section applicable to any pending case or any cause of action arising on or after 4 years before Oct. 29, 1992,