

(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

(7) “nuclear material” has the meaning given that term in section 831(f)(1)<sup>1</sup> of this title;

(8) “radioactive material” means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

(9) “serious bodily injury” has the meaning given that term in section 831(f)(4)<sup>1</sup> of this title;

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

(11) “state or government facility” has the meaning given that term in section 2332f(e)(3) of this title;

(12) “United States corporation or legal entity” means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States;

(13) “vessel” has the meaning given that term in section 1502(19) of title 33;<sup>1</sup> and

(14) “vessel of the United States” has the meaning given that term in section 70502 of title 46.

(Added Pub. L. 114-23, title VIII, §811(a), June 2, 2015, 129 Stat. 309.)

REFERENCES IN TEXT

Section 831(f) of this title, referred to in subsec. (e)(3), (7), (9), was redesignated section 831(g) by Pub. L. 114-23, title VIII, §812(d), June 2, 2015, 129 Stat. 312.

Section 1502(19) of title 33, referred to in subsec. (e)(13), probably should be a reference to section 3(19) of the Deepwater Port Act of 1974, which is classified to section 1502(19) of Title 33, Navigation and Navigable Waters.

§ 2333. Civil remedies

(a) ACTION AND JURISDICTION.—Any national of the United States injured in his or her person, property, or business by reason of an act of international terrorism, or his or her estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he or she sustains and the cost of the suit, including attorney’s fees.

(b) ESTOPPEL UNDER UNITED STATES LAW.—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 46314, 46502, 46505, or 46506 of title 49 shall

estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(c) ESTOPPEL UNDER FOREIGN LAW.—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(d) LIABILITY.—

(1) DEFINITION.—In this subsection, the term “person” has the meaning given the term in section 1 of title 1.

(2) LIABILITY.—In an action under subsection (a) for an injury arising from an act of international terrorism committed, planned, or authorized by an organization that had been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), as of the date on which such act of international terrorism was committed, planned, or authorized, liability may be asserted as to any person who aids and abets, by knowingly providing substantial assistance, or who conspires with the person who committed such an act of international terrorism.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4522; amended Pub. L. 103-429, §2(1), Oct. 31, 1994, 108 Stat. 4377; Pub. L. 114-222, §4(a), Sept. 28, 2016, 130 Stat. 854.)

AMENDMENTS

2016—Subsec. (d). Pub. L. 114-222 added subsec. (d).  
 1994—Subsec. (b). Pub. L. 103-429 substituted “section 46314, 46502, 46505, or 46506 of title 49” for “section 902(i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n), or (r))”.

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-222, §7, Sept. 28, 2016, 130 Stat. 855, provided that: “The amendments made by this Act [enacting section 1605B of Title 28, Judiciary and Judicial Procedure, and amending this section and section 1605 of Title 28] shall apply to any civil action—

- “(1) pending on, or commenced on or after, the date of enactment of this Act [Sept. 28, 2016]; and
- “(2) arising out of an injury to a person, property, or business on or after September 11, 2001.”

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.

SEVERABILITY

Pub. L. 114-222, §6, Sept. 28, 2016, 130 Stat. 855, provided that: “If any provision of this Act [enacting section 1605B of Title 28, Judiciary and Judicial Procedure, amending this section and section 1605 of Title 28, and enacting provisions set out as notes under this section, section 1 of this title, and section 1605B of Title 28] or any amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act and the amendments made by this Act, and the application of the provisions and amendments to any other person not similarly situated or to other circumstances, shall not be affected by the holding.”

FINDINGS AND PURPOSE

Pub. L. 114-222, §2, Sept. 28, 2016, 130 Stat. 852, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) International terrorism is a serious and deadly problem that threatens the vital interests of the United States.

“(2) International terrorism affects the interstate and foreign commerce of the United States by harming international trade and market stability, and limiting international travel by United States citizens as well as foreign visitors to the United States.

“(3) Some foreign terrorist organizations, acting through affiliated groups or individuals, raise significant funds outside of the United States for conduct directed and targeted at the United States.

“(4) It is necessary to recognize the substantive causes of action for aiding and abetting and conspiracy liability under chapter 113B of title 18, United States Code.

“(5) The decision of the United States Court of Appeals for the District of Columbia in *Halberstam v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which has been widely recognized as the leading case regarding Federal civil aiding and abetting and conspiracy liability, including by the Supreme Court of the United States, provides the proper legal framework for how such liability should function in the context of chapter 113B of title 18, United States Code.

“(6) Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.

“(7) The United States has a vital interest in providing persons and entities injured as a result of terrorist attacks committed within the United States with full access to the court system in order to pursue civil claims against persons, entities, or countries that have knowingly or recklessly provided material support or resources, directly or indirectly, to the persons or organizations responsible for their injuries.

“(b) PURPOSE.—The purpose of this Act [enacting section 1605B of Title 28, Judiciary and Judicial Procedure, amending this section and section 1605 of Title 28, and enacting provisions set out as notes under this section, section 1 of this title, and section 1605B of Title 28] is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.”

#### EFFECT ON FOREIGN SOVEREIGN IMMUNITIES ACT

Pub. L. 114-222, §4(b), Sept. 28, 2016, 130 Stat. 854, provided that: “Nothing in the amendment made by this section [amending this section] affects immunity of a foreign state, as that term is defined in section 1603 of title 28, United States Code, from jurisdiction under other law.”

#### SPECIAL RULE RELATING TO CERTAIN ACTS OF INTERNATIONAL TERRORISM

Pub. L. 112-239, div. A, title XII, §1251(c), Jan. 2, 2013, 126 Stat. 2017, provided that: “Notwithstanding section 2335 of title 18, United States Code, as amended by subsection (a), a civil action under section 2333 of such title resulting from an act of international terrorism that occurred on or after September 11, 2001, and before the date that is 4 years before the date of the enactment of this Act [Jan. 2, 2013], may be maintained if the civil action is commenced during the 6-year period beginning on such date of enactment.”

### § 2334. Jurisdiction and venue

(a) GENERAL VENUE.—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

(b) SPECIAL MARITIME OR TERRITORIAL JURISDICTION.—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

(c) SERVICE ON WITNESSES.—A witness in a civil action brought under section 2333 of this title may be served in any other district where the defendant resides, is found, or has an agent.

(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