

Editorial Notes

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.

(e) **USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS OF U.S. NATIONALS.**—For purposes of section 201 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note), in any action in which a national of the United States has obtained a judgment against a terrorist party pursuant to this section, the term “blocked asset” shall include any asset of that terrorist party (including the blocked assets of any agency or instrumentality of that party) seized or frozen by the United States under section 805(b) of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1904(b)).

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

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REFERENCES IN TEXT

Section 201 of the Terrorism Risk Insurance Act of 2002, referred to in subsec. (e), is section 201 of Pub. L. 107-297, of which subssecs. (a), (b), and (d) are set out as a note under section 1610 of Title 28, Judiciary and Judicial Procedure. For complete classification of section 201 to the Code, see Tables.

AMENDMENTS

2018—Subsec. (e). Pub. L. 115-253 added subsec. (e).

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))”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-253, §3(b), Oct. 3, 2018, 132 Stat. 3184, provided that: “The amendments made by this section [amending this section] shall apply to any judgment entered before, on, or after the date of enactment of this Act [Oct. 3, 2018].”

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.”

PROMOTING SECURITY AND JUSTICE FOR VICTIMS OF TERRORISM

Pub. L. 116-94, div. J, title IX, §903, Dec. 20, 2019, 133 Stat. 3082, provided that:

“(a) **SHORT TITLE.**—This section may be cited as the [“]Promoting Security and Justice for Victims of Terrorism Act of 2019[“].

“(b) **FACILITATION OF THE SETTLEMENT OF TERRORISM-RELATED CLAIMS OF NATIONALS OF THE UNITED STATES.**—

“(1) **COMPREHENSIVE PROCESS TO FACILITATE THE RESOLUTION OF ANTI-TERRORISM ACT CLAIMS.**—The Secretary of State, in consultation with the Attorney General, shall, not later than 30 days after the date

of enactment of this Act [Dec. 20, 2019], develop and initiate a comprehensive process for the Department of State to facilitate the resolution and settlement of covered claims.

“(2) ELEMENTS OF COMPREHENSIVE PROCESS.—The comprehensive process developed under paragraph (1) shall include, at a minimum, the following:

“(A) Not later than 45 days after the date of enactment of this Act, the Department of State shall publish a notice in the Federal Register identifying the method by which a national of the United States, or a representative of a national of the United States, who has a covered claim, may contact the Department of State to give notice of the covered claim.

“(B) Not later than 120 days after the date of enactment of this Act, the Secretary of State, or a designee of the Secretary, shall meet (and make every effort to continue to meet on a regular basis thereafter) with any national of the United States, or a representative of a national of the United States, who has a covered claim and has informed the Department of State of the covered claim using the method established pursuant to subparagraph (A) to discuss the status of the covered claim, including the status of any settlement discussions with the Palestinian Authority or the Palestine Liberation Organization.

“(C) Not later than 180 days after the date of enactment of this Act, the Secretary of State, or a designee of the Secretary, shall make every effort to meet (and make every effort to continue to meet on a regular basis thereafter) with representatives of the Palestinian Authority and the Palestine Liberation Organization to discuss the covered claims identified pursuant to subparagraph (A) and potential settlement of the covered claims.

“(3) REPORT TO CONGRESS.—The Secretary of State shall, not later than 240 days after the date of enactment of this Act, and annually thereafter for 5 years, submit to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives a report describing activities that the Department of State has undertaken to comply with this subsection, including specific updates regarding subparagraphs (B) and (C) of paragraph (2).

“(4) SENSE OF CONGRESS.—It is the sense of Congress that—

“(A) covered claims should be resolved in a manner that provides just compensation to the victims;

“(B) covered claims should be resolved and settled in favor of the victim to the fullest extent possible and without subjecting victims to unnecessary or protracted litigation;

“(C) the United States Government should take all practicable steps to facilitate the resolution and settlement of all covered claims, including engaging directly with the victims or their representatives and the Palestinian Authority and the Palestine Liberation Organization; and

“(D) the United States Government should strongly urge the Palestinian Authority and the Palestine Liberation Organization to commit to good-faith negotiations to resolve and settle all covered claims.

“(5) DEFINITION.—In this subsection, the term ‘covered claim’ means any pending action by, or final judgment in favor of, a national of the United States, or any action by a national of the United States dismissed for lack of personal jurisdiction, under section 2333 of title 18, United States Code, against the Palestinian Authority or the Palestine Liberation Organization.

“(c) JURISDICTIONAL AMENDMENTS TO FACILITATE RESOLUTION OF TERRORISM-RELATED CLAIMS OF NATIONALS OF THE UNITED STATES.—

“(1) IN GENERAL.—[Amended section 2334 of this title.]

“(2) PRIOR CONSENT NOT ABROGATED.—The amendments made by this subsection shall not abrogate any consent deemed to have been given under section 2334(e) of title 18, United States Code, as in effect on the day before the date of enactment of this Act [Dec. 20, 2019].

“(d) RULES OF CONSTRUCTION; APPLICABILITY; SEVERABILITY.—

“(1) RULES OF CONSTRUCTION.—

“(A) IN GENERAL.—This section, and the amendments made by this section, should be liberally construed to carry out the purposes of Congress to provide relief for victims of terrorism.

“(B) CASES AGAINST OTHER PERSONS.—Nothing in this section may be construed to affect any law or authority, as in effect on the day before the date of enactment of this Act, relating to a case brought under section 2333(a) of title 18, United States Code, against a person who is not a defendant, as defined in paragraph (5) of section 2334(e) of title 18, United States Code, as added by subsection (c)(1) of this section.

“(2) APPLICABILITY.—This section, and the amendments made by this section, shall apply to any case pending on or after August 30, 2016.

“(3) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of such provisions to any person or circumstance shall not be affected thereby.”

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.

(e) CONSENT OF CERTAIN PARTIES TO PERSONAL JURISDICTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of any civil action under section 2333 of this title, a defendant shall be deemed to have consented to personal jurisdiction in such civil action if, regardless of the date of the occurrence of the act of international terrorism upon which such civil action was filed, the defendant—

(A) after the date that is 120 days after the date of the enactment of the Promoting Security and Justice for Victims of Terrorism Act of 2019, makes any payment, directly or indirectly—

(i) to any payee designated by any individual who, after being fairly tried or pleading guilty, has been imprisoned for committing any act of terrorism that injured or killed a national of the United States, if such payment is made by reason of such imprisonment; or

(ii) to any family member of any individual, following such individual’s death while committing an act of terrorism that injured or killed a national of the United States, if such payment is made by reason of the death of such individual; or

(B) after 15 days after the date of enactment of the Promoting Security and Justice for Victims of Terrorism Act of 2019—

(i) continues to maintain any office, headquarters, premises, or other facilities or establishments in the United States;

(ii) establishes or procures any office, headquarters, premises, or other facilities or establishments in the United States; or

(iii) conducts any activity while physically present in the United States on behalf of the Palestine Liberation Organization or the Palestinian Authority.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any defendant who ceases to engage in the conduct described in paragraphs (1)(A) and (1)(B) for 5 consecutive calendar years. Except with respect to payments described in paragraph (1)(A), no court may consider the receipt of any assistance by a nongovernmental organization, whether direct or indirect, as a basis for consent to jurisdiction by a defendant.

(3) EXCEPTION FOR CERTAIN ACTIVITIES AND LOCATIONS.—In determining whether a defendant shall be deemed to have consented to personal jurisdiction under paragraph (1)(B), no court may consider—

(A) any office, headquarters, premises, or other facility or establishment used exclusively for the purpose of conducting official business of the United Nations;

(B) any activity undertaken exclusively for the purpose of conducting official business of the United Nations;

(C) any activity involving officials of the United States that the Secretary of State determines is in the national interest of the United States if the Secretary reports to the appropriate congressional committees annually on the use of the authority under this subparagraph;

(D) any activity undertaken exclusively for the purpose of meetings with officials of