

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

the United States or other foreign governments, or participation in training and related activities funded or arranged by the United States Government;

(E) any activity related to legal representation—

(i) for matters related to activities described in this paragraph;

(ii) for the purpose of adjudicating or resolving claims filed in courts of the United States; or

(iii) to comply with this subsection; or

(F) any personal or official activities conducted ancillary to activities listed under this paragraph.

(4) **RULE OF CONSTRUCTION.**—Notwithstanding any other law (including any treaty), any office, headquarters, premises, or other facility or establishment within the territory of the United States that is not specifically exempted by paragraph (3)(A) shall be considered to be in the United States for purposes of paragraph (1)(B).

(5) **DEFINED TERM.**—In this subsection, the term “defendant” means—

(A) the Palestinian Authority;

(B) the Palestine Liberation Organization;

(C) any organization or other entity that is a successor to or affiliated with the Palestinian Authority or the Palestine Liberation Organization; or

(D) any organization or other entity that—  
(i) is identified in subparagraph (A), (B), or (C); and

(ii) self identifies as, holds itself out to be, or carries out conduct in the name of, the “State of Palestine” or “Palestine” in connection with official business of the United Nations.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4522; amended Pub. L. 115-253, §4(a), Oct. 3, 2018, 132 Stat. 3184; Pub. L. 116-94, div. J, title IX, §903(c)(1), Dec. 20, 2019, 133 Stat. 3083.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of the Promoting Security and Justice for Victims of Terrorism Act of 2019, referred to in subsec. (e)(1)(A), (B), is the date of enactment of section 903 of div. J of Pub. L. 116-94, which was approved Dec. 20, 2019.

##### AMENDMENTS

2019—Subsec. (e)(1). Pub. L. 116-94, §903(c)(1)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “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 enactment of this subsection, accepts—

“(i) any form of assistance, however provided, under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

“(ii) any form of assistance, however provided, under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291) for international narcotics control and law enforcement; or

“(iii) any form of assistance, however provided, under chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.); or

“(B) in the case of a defendant benefiting from a waiver or suspension of section 1003 of the Anti-Terrorism Act of 1987 (22 U.S.C. 5202) after the date that is 120 days after the date of enactment of this subsection—

“(i) continues to maintain any office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States; or

“(ii) establishes or procures any office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States.”

Subsec. (e)(2). Pub. L. 116-94, §903(c)(1)(B), inserted at end “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.”

Subsec. (e)(3) to (5). Pub. L. 116-94, §903(c)(1)(C), added pars. (3) to (5).

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

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2019 AMENDMENT; ABRIGATION; CONSTRUCTION; SEVERABILITY

Amendment by Pub. L. 116-94 applicable to any case pending on or after Aug. 30, 2016, with additional rules of construction and abrogation and severability provisions, see section 903(c)(2) and (d) of Pub. L. 116-94, set out in a note under section 2333 of this title.

##### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-253, §4(b), Oct. 3, 2018, 132 Stat. 3185, provided that: “The amendments made by this section [amending this section] shall take effect on the date of enactment of this Act [Oct. 3, 2018].”

##### 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.)

#### Editorial Notes

##### 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”.