

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; ABROGATION; 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”.

Statutory Notes and Related Subsidiaries

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.)

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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.

Statutory Notes and Related Subsidiaries

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.)

Statutory Notes and Related Subsidiaries

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.

§ 2338. Exclusive Federal jurisdiction

The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter.

(Added Pub. L. 102-572, title X, §1003(a)(4), Oct. 29, 1992, 106 Stat. 4524.)

Statutory Notes and Related Subsidiaries

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.

§ 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.

(Added Pub. L. 107-56, title VIII, §803(a), Oct. 26, 2001, 115 Stat. 376; amended Pub. L. 107-273, div. B, title IV, §4005(d)(2), Nov. 2, 2002, 116 Stat. 1813.)

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273 made technical correction to directory language of Pub. L. 107-56, §803(a), which enacted this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4005(d)(2), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(d)(2) is effective Oct. 26, 2001.

§ 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