

113TH CONGRESS
2^D SESSION

S. 1535

AN ACT

To deter terrorism, provide justice for victims, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Justice Against Spon-
3 sors of Terrorism Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

9 (2) The Constitution confers upon Congress the
10 power to punish crimes against the law of nations
11 and therefore Congress may by law impose penalties
12 on those who provide material support to foreign or-
13 ganizations engaged in terrorist activity, and allow
14 for victims of international terrorism to recover
15 damages from those who have harmed them.

16 (3) International terrorism affects the inter-
17 state and foreign commerce of the United States by
18 harming international trade and market stability,
19 and limiting international travel by United States
20 citizens as well as foreign visitors to the United
21 States.

22 (4) Some foreign terrorist organizations, acting
23 through affiliated groups or individuals, raise signifi-
24 cant funds outside of the United States for conduct
25 directed and targeted at the United States.

1 (5) It is necessary to recognize the substantive
2 causes of action for aiding and abetting and con-
3 spiracy liability under the Anti-Terrorism Act of
4 1987 (22 U.S.C. 5201 et seq.).

5 (6) The decision of the United States Court of
6 Appeals for the District of Columbia in *Halberstam*
7 *v. Welch*, 705 F.2d 472 (D.C. Cir. 1983), which has
8 been widely recognized as the leading case regarding
9 Federal civil aiding and abetting and conspiracy li-
10 ability, including by the Supreme Court of the
11 United States, provides the proper legal framework
12 for how such liability should function in the context
13 of the Anti-Terrorism Act of 1987 (22 U.S.C. 5201
14 et seq.).

15 (7) The United Nations Security Council de-
16 clared in Resolution 1373, adopted on September
17 28, 2001, that all countries have an affirmative obli-
18 gation to “[r]efrain from providing any form of sup-
19 port, active or passive, to entities or persons involved
20 in terrorist acts,” and to “[e]nsure that any person
21 who participates in the financing, planning, prepara-
22 tion or perpetration of terrorist acts or in supporting
23 terrorist acts is brought to justice”.

24 (8) Consistent with these declarations, no coun-
25 try has the discretion to engage knowingly in the fi-

1 nancing or sponsorship of terrorism, whether di-
2 rectly or indirectly.

3 (9) Persons, entities, or countries that know-
4 ingly or recklessly contribute material support or re-
5 sources, directly or indirectly, to persons or organi-
6 zations that pose a significant risk of committing
7 acts of terrorism that threaten the security of na-
8 tionals of the United States or the national security,
9 foreign policy, or economy of the United States, nec-
10 essarily direct their conduct at the United States,
11 and should reasonably anticipate being brought to
12 court in the United States to answer for such activi-
13 ties.

14 (10) The United States has a vital interest in
15 providing persons and entities injured as a result of
16 terrorist attacks committed within the United States
17 with full access to the court system in order to pur-
18 sue civil claims against persons, entities, or countries
19 that have knowingly or recklessly provided material
20 support or resources, directly or indirectly, to the
21 persons or organizations responsible for their inju-
22 ries.

23 (b) PURPOSE.—The purpose of this Act is to provide
24 civil litigants with the broadest possible basis, consistent
25 with the Constitution of the United States, to seek relief

1 against persons, entities, and foreign countries, wherever
2 acting and wherever they may be found, that have pro-
3 vided material support, directly or indirectly, to foreign
4 organizations or persons that engage in terrorist activities
5 against the United States.

6 **SEC. 3. FOREIGN SOVEREIGN IMMUNITY.**

7 Section 1605(a) of title 28, United States Code, is
8 amended—

9 (1) by amending paragraph (5) to read as fol-
10 lows:

11 “(5) not otherwise encompassed in paragraph
12 (2), in which money damages are sought against a
13 foreign state arising out of physical injury or death,
14 or damage to or loss of property, occurring in the
15 United States and caused by the tortious act or
16 omission of that foreign state or of any official or
17 employee of that foreign state while acting within
18 the scope of the office or employment of the official
19 or employee (regardless of where the underlying
20 tortious act or omission occurs), including any statu-
21 tory or common law tort claim arising out of an act
22 of extrajudicial killing, aircraft sabotage, hostage
23 taking, terrorism, or the provision of material sup-
24 port or resources for such an act, or any claim for
25 contribution or indemnity relating to a claim arising

1 out of such an act, except this paragraph shall not
2 apply to—

3 “(A) any claim based upon the exercise or
4 performance of, or the failure to exercise or
5 perform, a discretionary function, regardless of
6 whether the discretion is abused; or

7 “(B) any claim arising out of malicious
8 prosecution, abuse of process, libel, slander,
9 misrepresentation, deceit, interference with con-
10 tract rights, or any claim for emotional distress
11 or derivative injury suffered as a result of an
12 event or injury to another person that occurs
13 outside of the United States; or”; and

14 (2) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) DEFINITIONS.—For purposes of subsection
17 (a)(5)—

18 “(1) the terms ‘aircraft sabotage’, ‘extrajudicial
19 killing’, ‘hostage taking’, and ‘material support or
20 resources’ have the meanings given those terms in
21 section 1605A(h); and

22 “(2) the term ‘terrorism’ means international
23 terrorism and domestic terrorism, as those terms are
24 defined in section 2331 of title 18.”.

1 **SEC. 4. AIDING AND ABETTING LIABILITY FOR CIVIL AC-**
2 **TIONS REGARDING TERRORIST ACTS.**

3 (a) IN GENERAL.—Section 2333 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(d) LIABILITY.—In an action under subsection (a)
7 for an injury arising from an act of international terrorism
8 committed, planned, or authorized by an organization that
9 had been designated as a foreign terrorist organization
10 under section 219 of the Immigration and Nationality Act
11 (8 U.S.C. 1189), as of the date on which such act of inter-
12 national terrorism was committed, planned, or authorized,
13 or that was so designated as a result of such act of inter-
14 national terrorism, liability may be asserted as to any per-
15 son who aided, abetted, or conspired with the person who
16 committed such an act of international terrorism.”.

17 (b) EFFECT ON FOREIGN SOVEREIGN IMMUNITIES
18 ACT.—Nothing in the amendments made by this section
19 affects immunity of a foreign state, as that term is defined
20 in section 1603 of title 28, United States Code, from juris-
21 diction under other law.

22 **SEC. 5. PERSONAL JURISDICTION FOR CIVIL ACTIONS RE-**
23 **GARDING TERRORIST ACTS.**

24 Section 2334 of title 18, United States Code, is
25 amended by inserting at the end the following:

1 “(e) **PERSONAL JURISDICTION.**—The district courts
2 shall have personal jurisdiction, to the maximum extent
3 permissible under the 5th Amendment to the Constitution
4 of the United States, over any person who commits or aids
5 and abets an act of international terrorism or otherwise
6 sponsors such act or the person who committed such act,
7 for acts of international terrorism in which any national
8 of the United States suffers injury in his or her person,
9 property, or business by reason of such an act in violation
10 of section 2333.”.

11 **SEC. 6. LIABILITY FOR GOVERNMENT OFFICIALS IN CIVIL**
12 **ACTIONS REGARDING TERRORIST ACTS.**

13 Section 2337 of title 18, United States Code, is
14 amended to read as follows:

15 **“§ 2337. Suits against Government officials**

16 “No action may be maintained under section 2333
17 against—

18 “(1) the United States;

19 “(2) an agency of the United States; or

20 “(3) an officer or employee of the United States
21 or any agency of the United States acting within the
22 official capacity of the officer or employee or under
23 color of legal authority.”.

1 **SEC. 7. SEVERABILITY.**

2 If any provision of this Act or any amendment made
3 by this Act, or the application of a provision or amend-
4 ment to any person or circumstance, is held to be invalid,
5 the remainder of this Act and the amendments made by
6 this Act, and the application of the provisions and amend-
7 ments to any other person not similarly situated or to
8 other circumstances, shall not be affected by the holding.

9 **SEC. 8. EFFECTIVE DATE.**

10 The amendments made by this Act shall apply to any
11 civil action—

12 (1) pending on, or commenced on or after, the
13 date of enactment of this Act; and

14 (2) arising out of an injury to a person, prop-
15 erty, or business on or after September 11, 2001.

Passed the Senate December 11, 2014.

Attest:

Secretary.

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