

S 2040

Justice Against Sponsors of Terrorism Act

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Sep 16, 2015

Current Status: Became Public Law No: 114-222.

Latest Action: Became Public Law No: 114-222. (Sep 28, 2016)

Law: 114-222 (Enacted Sep 28, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/2040>

Sponsor

Name: Sen. Cornyn, John [R-TX]

Party: Republican • **State:** TX • **Chamber:** Senate

Cosponsors (25 total)

| Cosponsor | Party / State | Role | Date Joined |
|------------------------------------|---------------|------|--------------|
| Sen. Blumenthal, Richard [D-CT] | D · CT | | Sep 16, 2015 |
| Sen. Coons, Christopher A. [D-DE] | D · DE | | Sep 16, 2015 |
| Sen. Cruz, Ted [R-TX] | R · TX | | Sep 16, 2015 |
| Sen. Feinstein, Dianne [D-CA] | D · CA | | Sep 16, 2015 |
| Sen. Flake, Jeff [R-AZ] | R · AZ | | Sep 16, 2015 |
| Sen. Franken, Al [D-MN] | D · MN | | Sep 16, 2015 |
| Sen. Graham, Lindsey [R-SC] | R · SC | | Sep 16, 2015 |
| Sen. Grassley, Chuck [R-IA] | R · IA | | Sep 16, 2015 |
| Sen. Hatch, Orrin G. [R-UT] | R · UT | | Sep 16, 2015 |
| Sen. Klobuchar, Amy [D-MN] | D · MN | | Sep 16, 2015 |
| Sen. Lee, Mike [R-UT] | R · UT | | Sep 16, 2015 |
| Sen. Markey, Edward J. [D-MA] | D · MA | | Sep 16, 2015 |
| Sen. Menendez, Robert [D-NJ] | D · NJ | | Sep 16, 2015 |
| Sen. Perdue, David [R-GA] | R · GA | | Sep 16, 2015 |
| Sen. Schumer, Charles E. [D-NY] | D · NY | | Sep 16, 2015 |
| Sen. Tillis, Thomas [R-NC] | R · NC | | Sep 16, 2015 |
| Sen. Whitehouse, Sheldon [D-RI] | D · RI | | Sep 16, 2015 |
| Sen. Gillibrand, Kirsten E. [D-NY] | D · NY | | Oct 28, 2015 |
| Sen. Rubio, Marco [R-FL] | R · FL | | Nov 5, 2015 |
| Sen. Kirk, Mark Steven [R-IL] | R · IL | | Feb 10, 2016 |
| Sen. Toomey, Patrick [R-PA] | R · PA | | Feb 10, 2016 |
| Sen. Ayotte, Kelly [R-NH] | R · NH | | Feb 23, 2016 |
| Sen. Sanders, Bernard [I-VT] | I · VT | | Apr 21, 2016 |
| Sen. Warren, Elizabeth [D-MA] | D · MA | | May 11, 2016 |
| Sen. Booker, Cory A. [D-NJ] | D · NJ | | Sep 28, 2016 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|--------------|
| Judiciary Committee | Senate | Reported By | Feb 3, 2016 |
| Judiciary Committee | House | Referred To | May 17, 2016 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill | Relationship | Last Action |
|-------------|----------------|---|
| 114 HR 6223 | Related bill | Oct 18, 2016: Referred to the Subcommittee on the Constitution and Civil Justice. |
| 114 HR 3815 | Identical bill | Nov 23, 2015: Referred to the Subcommittee on the Constitution and Civil Justice. |

(This measure has not been amended since it was passed by the Senate on May 17, 2016. The summary of that version is repeated here.)

Justice Against Sponsors of Terrorism Act

(Sec. 3) This bill amends the federal judicial code to narrow the scope of foreign sovereign immunity (i.e., a foreign state's immunity from the jurisdiction of U.S. courts).

Specifically, it authorizes federal court jurisdiction over a civil claim against a foreign state for physical injury to a person or property or death that occurs inside the United States as a result of: (1) an act of international terrorism, and (2) a tort committed anywhere by an official, agent, or employee of a foreign state acting within the scope of employment.

International terrorism does not include an act of war. Federal court jurisdiction does not extend to a tort claim based on an omission or an act that is merely negligent.

A U.S. national may file a civil action against a foreign state for physical injury, death, or damage as a result of an act of international terrorism committed by a designated terrorist organization.

(Sec. 4) The bill amends the federal criminal code to impose civil liability on a person who conspires to commit or aids and abets (by knowingly providing substantial assistance) an act of international terrorism committed, planned, or authorized by a designated terrorist organization.

(Sec. 5) It establishes exclusive federal court jurisdiction over civil claims under this bill.

It authorizes the Department of Justice (DOJ) to intervene in civil proceedings to seek a stay. A court may grant the stay if the Department of State certifies that the United States is engaged in good-faith discussions with the foreign state to resolve the civil claims.

(Sec. 7) This bill's amendments apply to a civil claim: (1) pending on or commenced on or after enactment; and (2) arising out of an injury to a person, property, or business on or after September 11, 2001.

Actions Timeline

- **Sep 28, 2016:** Veto Message considered in Senate. (consideration: CR S6166-6173)
- **Sep 28, 2016:** Passed Senate over veto: Passed Senate over veto by Yea-Nay Vote. 97 - 1. Record Vote Number: 148.
- **Sep 28, 2016:** Passed Senate over veto by Yea-Nay Vote. 97 - 1. Record Vote Number: 148.
- **Sep 28, 2016:** Message on Senate action sent to the House.
- **Sep 28, 2016:** The Chair laid before the House the veto message from the President. (consideration: CR H6023-6032; text of veto message: CR 6023-6024)
- **Sep 28, 2016:** DEBATE - The House proceeded with one hour of debate on the question of passage of S. 2040, the objections of the President to the contrary, notwithstanding.
- **Sep 28, 2016:** The previous question was ordered pursuant the previous order. (consideration: CR H6032)
- **Sep 28, 2016:** Passed House over veto: Two-thirds of the Members present having voted in the affirmative the bill is passed, the Passed by the Yeas and Nays: (2/3 required): 348 - 77, 1 Present (Roll no. 564).
- **Sep 28, 2016:** Two-thirds of the Members present having voted in the affirmative the bill is passed, the Passed by the Yeas and Nays: (2/3 required): 348 - 77, 1 Present (Roll no. 564).
- **Sep 28, 2016:** The Chair directed the Clerk to notify the Senate of the action of the House.
- **Sep 28, 2016:** Became Public Law No: 114-222.
- **Sep 26, 2016:** Veto message ordered held at the desk.
- **Sep 23, 2016:** Veto message received in Senate.
- **Sep 23, 2016:** Vetoed by President.(text of veto message: CR 9/26/2016 S6071-6072)
- **Sep 23, 2016:** Vetoed by President. (text of veto message: CR 9/26/2016 S6071-6072)
- **Sep 12, 2016:** Presented to President.
- **Sep 9, 2016:** Mr. Goodlatte moved to suspend the rules and pass the bill.
- **Sep 9, 2016:** Considered under suspension of the rules. (consideration: CR H5239-5244)
- **Sep 9, 2016:** DEBATE - The House proceeded with forty minutes of debate on S. 2040.
- **Sep 9, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H5239-5240)
- **Sep 9, 2016:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H5239-5240)
- **Sep 9, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 7, 2016:** UNANIMOUS CONSENT - Mr. Sessions asked unanimous consent that it be in order at any time on the legislative day of September 9, 2016, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule 15, relating to S. 2040.
- **May 17, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S2845-2848; text of measure as reported in Senate: CR S2846-2847)
- **May 17, 2016:** The committee substitute withdrawn by Unanimous Consent. (consideration: CR S2847)
- **May 17, 2016:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.
- **May 17, 2016:** Passed Senate with an amendment by Voice Vote.
- **May 17, 2016:** Received in the House.
- **May 17, 2016:** Message on Senate action sent to the House.
- **May 17, 2016:** Referred to the House Committee on the Judiciary.
- **Feb 3, 2016:** Committee on the Judiciary. Reported by Senator Grassley with an amendment in the nature of a substitute. Without written report.
- **Feb 3, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 362.
- **Jan 28, 2016:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 16, 2015:** Introduced in Senate
- **Sep 16, 2015:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S6701-6702)