

118TH CONGRESS
2D SESSION

S. 3872

To amend title 28, United States Code, to clarify that international organizations are not immune from the jurisdiction of the courts of the United States in certain cases related to terrorism.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2024

Mr. CRUZ (for himself, Mr. BRAUN, Mr. HAGERTY, Mr. SCHMITT, Mr. RUBIO, Mr. SCOTT of Florida, Mr. DAINES, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to clarify that international organizations are not immune from the jurisdiction of the courts of the United States in certain cases related to terrorism.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Limiting Immunity
5 for Assisting Backers of Lethal Extremism Act” or the
6 “LIABLE Act”.

1 **SEC. 2. TERRORISM EXCEPTION TO THE JURISDICTIONAL**
 2 **IMMUNITY OF AN INTERNATIONAL ORGANI-**
 3 **ZATION.**

4 (a) IN GENERAL.—Part IV of title 28, United States
 5 Code, is amended by inserting after chapter 97 the fol-
 6 lowing:

“Sec.
 “1621. Terrorism exception to the jurisdictional immunity of an international
 organization.”.

7 **“CHAPTER 97A—JURISDICTIONAL IMMU-**
 8 **NITIES OF INTERNATIONAL ORGANI-**
 9 **ZATIONS**

10 **“§ 1621. Terrorism exception to the jurisdictional im-**
 11 **munity of an international organization**

12 “(a) DEFINITIONS.—In this section:

13 “(1) AIRCRAFT SABOTAGE; ARMED FORCES;
 14 EXTRAJUDICIAL KILLING; HOSTAGE TAKING; MATE-
 15 RIAL SUPPORT OR RESOURCES; NATIONAL OF THE
 16 UNITED STATES.—The terms ‘aircraft sabotage’,
 17 ‘armed forces’, ‘extrajudicial killing’, ‘hostage tak-
 18 ing’, ‘material support or resources’, and ‘national of
 19 the United States’ have the meanings given the
 20 terms in section 1605A.

21 “(2) INTERNATIONAL ORGANIZATION.—The
 22 term ‘international organization’ has the meaning
 23 given the term in section 1 of the International Or-
 24 ganizations Immunities Act (22 U.S.C. 288).

1 “(b) EXCEPTION.—

2 “(1) NO IMMUNITY.—An international organi-
3 zation shall not be immune from the jurisdiction of
4 courts of the United States or of the States in any
5 case not otherwise covered by the International Or-
6 ganizations Immunity Act (22 U.S.C. 288 et seq.) in
7 which money damages are sought against an inter-
8 national organization for personal injury or death
9 that was caused by an act of torture, extrajudicial
10 killing, aircraft sabotage, hostage taking, or the pro-
11 vision of material support or resources for such an
12 act if such act or provision of material support or
13 resources is engaged in by an official, employee, or
14 agent of such international organization while acting
15 within the scope of his or her office, employment, or
16 agency.

17 “(2) CLAIM HEARD.—The court shall hear a
18 claim under this section if—

19 “(A) the international organization con-
20 spired with, materially supported, or otherwise
21 aided and abetted an organization designated as
22 a foreign terrorist organization under section
23 219 of the Immigration and Nationality Act (8
24 U.S.C. 1189); and

