

117TH CONGRESS  
2D SESSION

# S. 4155

To amend title 28, United States Code, to authorize extraterritorial jurisdiction.

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IN THE SENATE OF THE UNITED STATES

MAY 5, 2022

Mr. DURBIN (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to authorize extraterritorial jurisdiction.

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 “Alien Tort Statute  
5 Clarification Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Since its founding, the United States has  
9 been a proponent of international law and a cham-  
10 pion of universal human rights. Section 1350 of title

1 28, United States Code (referred to in this section  
2 as the “Alien Tort Statute”), originally enacted as  
3 part of the Act entitled “An Act to establish the ju-  
4 dicial courts of the United States”, approved Sep-  
5 tember 24, 1789 (1 Stat. 73), continues to serve im-  
6 portant purposes in providing remedies to victims of  
7 violations of international law and for holding per-  
8 petrators of human rights violations accountable.

9 (2) Some international law violations have been  
10 addressed in part by other statutes. But the Alien  
11 Tort Statute remains an important tool for address-  
12 ing international law violations.

13 (3) Human rights abusers continue to seek ref-  
14 uge in the United States, including foreign govern-  
15 ment and military officials and leaders of death  
16 squads and other violent groups. This undermines  
17 the standing of the United States and its capacity  
18 to speak with authority on matters of human rights.

19 (4) When corporations commit or aid and abet  
20 human rights violations directly and through their  
21 supply chains, they should be held accountable. Fail-  
22 ing to do so erodes the foreign policy interests of the  
23 United States and the priorities of Congress.

24 (5) Impunity for corporations who violate  
25 human rights unfairly disadvantages businesses that

1 respect and uphold human rights. Companies that  
2 respect human rights should have a level playing  
3 field with companies that do not, such as those that  
4 would continue to do business in areas of the world  
5 known for mass atrocities or war crimes, including  
6 the Xinjiang region of the People's Republic of  
7 China or in the Russian Federation amidst the on-  
8 going invasion of Ukraine.

9 (6) In many countries where human rights  
10 abuses occur, victims are unable to obtain justice be-  
11 cause of ongoing conflicts and violence, corruption,  
12 and inadequate rule of law. In many such cases, a  
13 suit under the Alien Tort Statute is the only option  
14 for redress and accountability.

15 (7) The international law violations for which  
16 the Alien Tort Statute provides a remedy are uni-  
17 versal and the Alien Tort Statute is a testament to  
18 the rule of law in the United States.

19 (8) The Alien Tort Statute should be available  
20 against those responsible for human rights abuses  
21 whenever they are subject to personal jurisdiction in  
22 the United States, regardless of where the abuse oc-  
23 curred.

1 **SEC. 3. EXTRATERRITORIAL JURISDICTION.**

2 Section 1350 of title 28, United State Code, is  
3 amended—

4 (1) by inserting “(a) IN GENERAL.—” before  
5 “The district”; and

6 (2) by adding at the end the following:

7 “(b) EXTRATERRITORIAL JURISDICTION.—In addi-  
8 tion to any domestic or extraterritorial jurisdiction other-  
9 wise provided by law, the district courts of the United  
10 States have extraterritorial jurisdiction over any tort de-  
11 scribed in subsection (a) if—

12 “(1) an alleged defendant is a national of the  
13 United States or an alien lawfully admitted for per-  
14 manent residence (as those terms are defined in sec-  
15 tion 101 of the Immigration and Nationality Act (8  
16 U.S.C. 1101)); or

17 “(2) an alleged defendant is present in the  
18 United States, irrespective of the nationality of the  
19 alleged defendant.”.

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