

## **Summary of the Ensuring Justice for Victims of Terrorism Act (EJVTA)**

The EJVTA makes three technical corrections to the Justice Against Sponsors of Terrorism Act (JASTA) to address drafting oversights in the original text. These three provisions are in accord with the purpose of that bill, which passed the House and Senate unanimously in 2016. The corrections only have become necessary because foreign state defendants have exploited these drafting oversights to the detriment of the September 11 family and business community affected by terrorism. It is appropriate that Congress resolve any ambiguity.

**Section 1** provides the title of the bill as the “Ensuring Justice for Victims of Terrorism Act” or the EJVTA.

**Section 2** clarifies that injured plaintiffs can sue foreign state defendants for aiding and abetting terrorism. Congress made clear through the findings, structure, and legislative history of JASTA that it always intended this result, but a drafting oversight enabled foreign state defendants to argue in the September 11 litigation that foreign states are not subject to aiding and abetting claims. The EJVTA ensures that liability may be asserted as to any person or entity that aids or abets terrorism, notwithstanding the novel arguments based on the Dictionary Act.

**Section 3** provides that judgments obtained pursuant to JASTA’s jurisdictional exception at 28 U.S.C. §1605B can use the preexisting execution-of-judgment mechanisms provided at §1610. Congress did not enact JASTA to provide a path to liability and judgment, only to deny plaintiffs the ability to collect. The EJVTA fixes this 2016 oversight by linking JASTA judgments to the execution framework of §1610.

**Section 4** provides that all U.S. citizens injured in their person, business, or property may recover under the Anti-Terrorism Act (ATA), which was amended by JASTA. JASTA’s findings, structure, and legislative history already provided for this result, as does the history surrounding the original enactment of the ATA in 1990. However, one defendant in the 9/11 litigation has made the novel argument that a narrower definition of those eligible to sue should apply, preventing business entities from suing under the ATA. (This interpretation would bar, for example, the owner of a small business organized as an LLC for recovering damages for the destruction of his property, even as a neighboring business owner could seek recovery if he had organized as a sole proprietorship.) The EJVTA makes clear that organizations organized under U.S. law, or any U.S. jurisdiction, can bring suit under the ATA.

**Section 5** of the EJVTA makes these clarifications applicable to any civil action pending on, or commenced on or after, the date of enactment of this Act.