

116TH CONGRESS
1ST SESSION

S. 2132

To promote security and provide justice for United States victims of international terrorism.

IN THE SENATE OF THE UNITED STATES

JULY 16, 2019

Mr. LANKFORD (for himself, Ms. DUCKWORTH, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To promote security and provide justice for United States victims of international 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 “Promoting Security
5 and Justice for Victims of Terrorism Act of 2019”.

6 **SEC. 2. FACILITATION OF THE SETTLEMENT OF TER-**
7 **RORISM-RELATED CLAIMS OF NATIONALS OF**
8 **THE UNITED STATES.**

9 (a) COMPREHENSIVE PROCESS TO FACILITATE THE
10 RESOLUTION OF ANTI-TERRORISM ACT CLAIMS.—The

1 Secretary of State, in consultation with the Attorney Gen-
2 eral, shall, not later than 30 days after the date of enact-
3 ment of this Act, develop and initiate a comprehensive
4 process for the Department of State to facilitate the reso-
5 lution and settlement of covered claims.

6 (b) ELEMENTS OF COMPREHENSIVE PROCESS.—The
7 comprehensive process developed under subsection (a)
8 shall include, at a minimum, the following:

9 (1) Not later than 45 days after the date of en-
10 actment of this Act, the Department of State shall
11 publish a notice in the Federal Register identifying
12 the method by which a national of the United
13 States, or a representative of a national of the
14 United States, who has a covered claim, may contact
15 the Department of State to give notice of the cov-
16 ered claim.

17 (2) Not later than 120 days after the date of
18 enactment of this Act, the Secretary of State, or a
19 designee of the Secretary, shall meet (and make
20 every effort to continue to meet on a regular basis
21 thereafter) with any national of the United States,
22 or a representative of a national of the United
23 States, who has a covered claim and has informed
24 the Department of State of the covered claim using
25 the method established pursuant to paragraph (1) to

1 discuss the status of the covered claim, including the
2 status of any settlement discussions with the Pales-
3 tinian Authority or the Palestine Liberation Organi-
4 zation.

5 (3) Not later than 180 days after the date of
6 enactment of this Act, the Secretary of State, or a
7 designee of the Secretary, shall make every effort to
8 meet (and make every effort to continue to meet on
9 a regular basis thereafter) with representatives of
10 the Palestinian Authority and the Palestine Libera-
11 tion Organization to discuss the covered claims iden-
12 tified pursuant to subsection (a) and potential settle-
13 ment of the covered claims.

14 (c) REPORT TO CONGRESS.—The Secretary of State
15 shall, not later than 240 days after the date of enactment
16 of this Act, and annually thereafter for 5 years, submit
17 to the Committee on the Judiciary and the Committee on
18 Foreign Relations of the Senate and the Committee on
19 the Judiciary and the Committee on Foreign Affairs of
20 the House of Representatives a report describing activities
21 that the Department of State has undertaken to comply
22 with this section, including specific updates regarding
23 paragraphs (2) and (3) of subsection (b).

24 (d) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) covered claims should be resolved in a man-
2 ner that provides just compensation to the victims;

3 (2) covered claims should be resolved and set-
4 tled in favor of the victim to the fullest extent pos-
5 sible and without subjecting victims to unnecessary
6 or protracted litigation;

7 (3) the United States Government should take
8 all practicable steps to facilitate the resolution and
9 settlement of all covered claims, including engaging
10 directly with the victims or their representatives and
11 the Palestinian Authority and the Palestine Libera-
12 tion Organization; and

13 (4) the United States Government should
14 strongly urge the Palestinian Authority and the Pal-
15 estine Liberation Organization to commit to good-
16 faith negotiations to resolve and settle all covered
17 claims.

18 (e) DEFINITION.—In this section, the term “covered
19 claim” means any pending action by, or final judgment
20 in favor of, a national of the United States, or any action
21 by a national of the United States dismissed for lack of
22 personal jurisdiction, under section 2333 of title 18,
23 United States Code, against the Palestinian Authority or
24 the Palestine Liberation Organization.

1 **SEC. 3. JURISDICTIONAL AMENDMENTS TO FACILITATE**
2 **RESOLUTION OF TERRORISM-RELATED**
3 **CLAIMS OF NATIONALS OF THE UNITED**
4 **STATES.**

5 (a) IN GENERAL.—Section 2334(e) of title 18,
6 United States Code, is amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A)—

9 (i) in the matter preceding clause (i),
10 by striking “after the date that is 120
11 days after the date of enactment of this
12 subsection, accepts” and inserting “after
13 January 31, 2019, and except as provided
14 in paragraph (3), enters into a new con-
15 tract, grant, or other agreement, or ex-
16 pands the scope of or extends in any way
17 an existing contract, grant, or other agree-
18 ment, with the United States Government
19 that obligates”;

20 (ii) in clause (i), by adding “or” at
21 the end;

22 (iii) by striking clause (ii); and

23 (iv) by redesignating clause (iii) as
24 clause (ii); and

25 (B) by striking subparagraph (B) and in-
26 serting the following:

1 “(B)(i) after 15 days after the date of en-
2 actment of the Promoting Security and Justice
3 for Victims of Terrorism Act of 2019—

4 “(I) continues to maintain any office,
5 headquarters, premises, or other facilities
6 or establishments in the United States;

7 “(II) establishes or procures any of-
8 fice, headquarters, premises, or other fa-
9 cilities or establishments in the United
10 States; or

11 “(III) conducts any activity while
12 physically present in the United States on
13 behalf of the Palestine Liberation Organi-
14 zation or the Palestinian Authority;

15 “(ii)(I) after 120 days after the date of en-
16 actment of the Promoting Security and Justice
17 for Victims of Terrorism Act of 2019, has not
18 submitted a notice of withdrawal from all spe-
19 cialized agencies of the United Nations of which
20 the defendant has the same standing as a mem-
21 ber state in the United Nations or any special-
22 ized agency thereof outside an agreement nego-
23 tiated between Israel and the Palestinians; or

24 “(II) after 2 years after the date of enact-
25 ment of the Promoting Security and Justice for

1 Victims of Terrorism Act of 2019, has the same
2 standing as a member state in the United Na-
3 tions or any specialized agency thereof outside
4 an agreement negotiated between Israel and the
5 Palestinians; or

6 “(iii) after the date of enactment of this
7 clause, makes, renews, promotes, or advances
8 any application in order to obtain the same
9 standing as a member state in the United Na-
10 tions or any specialized agency thereof, or ac-
11 cepts such standing, outside an agreement ne-
12 gotiated between Israel and the Palestinians.”;
13 and

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

15 “(3) EXCEPTION FOR CERTAIN PAYMENTS AND
16 ASSISTANCE.—In determining whether a defendant
17 shall be deemed to have consented to personal juris-
18 diction under paragraph (1)(A), no court may con-
19 sider any payment or assistance described in section
20 1004(b)(1) of the Taylor Force Act (22 U.S.C.
21 2378e-1(b)(1)).

22 “(4) EXCEPTION FOR CERTAIN ACTIVITIES AND
23 LOCATIONS.—In determining whether a defendant
24 shall be deemed to have consented to personal juris-

1 diction under paragraph (1)(B), no court may con-
2 sider—

3 “(A) any office, headquarters, premises, or
4 other facility or establishment used exclusively
5 for the purpose of conducting official business
6 of the United Nations;

7 “(B) any activity undertaken exclusively
8 for the purpose of conducting official business
9 of the United Nations;

10 “(C) any activity involving officials of the
11 United States that the Secretary of State deter-
12 mines is in the national security interest of the
13 United States if the Secretary reports to the
14 appropriate congressional committees annually
15 on the use of the authority under this subpara-
16 graph;

17 “(D) any activity undertaken exclusively
18 for the purpose of meetings with officials of the
19 United States or participation in training and
20 related activities funded or arranged by the
21 United States Government; or

22 “(E) any activity related to legal represen-
23 tation—

24 “(i) for matters related to activities
25 described in this paragraph;

1 “(ii) for the purpose of adjudicating
2 or resolving claims filed in courts of the
3 United States; or

4 “(iii) to comply with this subsection.

5 “(5) SUSPENSION.—

6 “(A) IN GENERAL.—In determining wheth-
7 er a defendant shall be deemed to have con-
8 sented to personal jurisdiction under this sub-
9 section, no court may consider assistance under
10 paragraph (1)(A) if such assistance is obligated
11 under any new contract, grant, or other agree-
12 ment, or expansion of the scope of or extension
13 of an existing contract, grant, or other agree-
14 ment with the United States Government dur-
15 ing a period in which the Secretary of State, in
16 consultation with the Attorney General, certifies
17 in writing to the President pro tempore of the
18 Senate and Speaker of the House of Represent-
19 atives that—

20 “(i) all covered claims have been re-
21 solved and settled, or are proceeding to-
22 ward settlement because the defendant is
23 actively engaged in settlement discussions
24 with victims who have covered claims; and

1 “(ii) any claims similar to those de-
2 scribed in section 2 Promoting Security
3 and Justice for Victims of Terrorism Act
4 of 2019 and that have been filed after the
5 date of enactment of this paragraph are
6 proceeding toward settlement because the
7 defendant is actively engaged in settlement
8 discussions with victims who have such
9 claims.

10 “(B) RECERTIFICATION.—A certification
11 under this paragraph may be made for renew-
12 able periods of up to 1 year.

13 “(6) RULE OF CONSTRUCTION.—Notwith-
14 standing any other law (including any treaty), any
15 office, headquarters, premises, or other facility or es-
16 tablishment within the territory of the United States
17 that is not specifically exempted by paragraph
18 (4)(A) shall be considered to be in the United States
19 for purposes of subclauses (I) and (II) of paragraph
20 (1)(B)(i).

21 “(7) SUNSET.—Paragraph (1)(A) shall termi-
22 nate on the date on which the Secretary of State, in
23 consultation with the Attorney General, certifies in
24 writing to the President pro tempore of the Senate
25 and Speaker of the House of Representatives that—

1 “(A) all covered claims have been resolved
2 and settled in a manner that is satisfactory to
3 the parties; and

4 “(B) on or after the 2-year period begin-
5 ning on the date of enactment of this para-
6 graph, there are no similar claims under section
7 2333 against a defendant that—

8 “(i) were filed on or after the date of
9 enactment of this paragraph; and

10 “(ii) that are pending.

11 “(8) DEFINITIONS.—In this subsection—

12 “(A) the term ‘covered claim’ has the
13 meaning given the term in section 2 Promoting
14 Security and Justice for Victims of Terrorism
15 Act of 2019; and

16 “(B) term ‘defendant’ means—

17 “(i) the Palestinian Authority;

18 “(ii) the Palestine Liberation Organi-
19 zation;

20 “(iii) any organization or other entity
21 that is a successor to or affiliated with the
22 Palestinian Authority or the Palestine Lib-
23 eration Organization; or

24 “(iv) any organization or other enti-
25 ty—

1 “(I) identified in clause (i), (ii),
2 or (iii); and

3 “(II) that self-identifies as, holds
4 itself out to be, or carries out conduct
5 in the name of, the ‘State of Pal-
6 estine’ or ‘Palestine’ in connection
7 with official business of the United
8 Nations.”.

9 (b) **PRIOR CONSENT NOT ABROGATED.**—The amend-
10 ments made by this section shall not abrogate any consent
11 deemed to have been given under section 2334(e) of title
12 18, United States Code, as in effect on the day before
13 the date of enactment of this Act.

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