

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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## **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.