

117TH CONGRESS
2D SESSION

S. 5156

To amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 29), 2022

Mr. COTTON (for himself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the Justice for United States Victims of State Sponsored Terrorism Act to authorize appropriations for catch-up payments from the United States Victims of State Sponsored Terrorism Fund, and for other purposes.

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 “Fairness for American
5 Victims of State-Sponsored Terrorism Act”.

1 **SEC. 2. JUSTICE FOR UNITED STATES VICTIMS OF STATE**
2 **SPONSORED TERRORISM ACT.**

3 (a) IN GENERAL.—Section 404 of the Justice for
4 United States Victims of State Sponsored Terrorism Act
5 (34 U.S.C. 20144) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1)(B), in the first sen-
8 tence, by inserting “and during the 1-year pe-
9 riod beginning on the date of enactment of the
10 Fairness for American Victims of State-Spon-
11 sored Terrorism Act, the Special Master may
12 utilize an additional 5 full-time equivalent De-
13 partment of Justice personnel” before the pe-
14 riod at the end; and

15 (B) in paragraph (2)(A), by inserting “Not
16 later than 30 days after the date of enactment
17 of the Fairness for American Victims of State-
18 Sponsored Terrorism Act, the Special Master
19 shall update, as necessary as a result of the en-
20 actment of such Act, such procedures and other
21 guidance previously issued by the Special Mas-
22 ter.” after the period at the end of the second
23 sentence;

24 (2) in subsection (c)(3)(A), by striking clause
25 (ii) and inserting the following:

1 “(ii) Not later than 90 days after the
2 date of obtaining a final judgment, with
3 regard to a final judgment obtained on or
4 after the date of that publication, unless—

5 “(I) the final judgment was
6 awarded to a 9/11 victim, 9/11
7 spouse, or 9/11 dependent before the
8 date of enactment of the United
9 States Victims of State Sponsored
10 Terrorism Fund Clarification Act, in
11 which case such United States person
12 shall have 90 days from the date of
13 enactment of such Act to submit an
14 application for payment; or

15 “(II) the final judgment was
16 awarded to a 1983 Beirut barracks
17 bombing victim before the date of en-
18 actment of the Fairness for American
19 Victims of State-Sponsored Terrorism
20 Act, in which case such United States
21 person shall have 180 days from the
22 date of enactment of such Act to sub-
23 mit an application for payment.”;

24 (3) in subsection (d)(4)—

(A) in subparagraph (A), by striking “(B) and (C)” and inserting “(B), (C), and (D)”;

(B) in subparagraph (C), by adding at the end the following:

“(iv) AUTHORIZATION.—

“(I) IN GENERAL.—The Special Master shall authorize lump sum catch-up payments in amounts equal to the amounts described in subclauses (I), (II), and (III) of clause (iii).

“(II) APPROPRIATIONS.—

“(aa) IN GENERAL.—There are authorized to be appropriated and there are appropriated to the Fund such sums as are necessary to carry out this clause, to remain available until expended.

“(bb) LIMITATION.—

Amounts appropriated pursuant to item (aa) may not be used for a purpose other than to make lump sum catch-up payments under this clause.”; and

(C) by adding at the end the following:

1 “(D) LUMP SUM CATCH-UP PAYMENTS FOR
2 BEIRUT BARRACKS BOMBING VICTIMS, SPOUSES,
3 AND DEPENDENTS.—

4 “(i) IN GENERAL.—Not later than 1
5 year after the enactment of the Fairness
6 for American Victims of State-Sponsored
7 Terrorism Act, and in accordance with
8 clauses (i) and (ii) of subsection (d)(3)(A),
9 the Comptroller General of the United
10 States shall conduct an audit and publish
11 in the Federal Register a notice of pro-
12 posed lump sum catch-up payments to the
13 1983 Beirut barracks bombing victims who
14 have submitted applications in accordance
15 with subsection (c)(3)(A)(ii)(II) in
16 amounts that, after receiving the lump
17 sum catch-up payments, would result in
18 the percentage of the claims of such vic-
19 tims received from the Fund being equal to
20 the percentage of the claims non-9/11 vic-
21 tim of state sponsored terrorism received
22 from the Fund, as of the date of enact-
23 ment of this subparagraph.

24 “(ii) PUBLIC COMMENT.—The Comp-
25 troller General shall provide an opportunity

1 for public comment for a 30-day period be-
2 ginning on the date on which the notice is
3 published under clause (i).

4 “(iii) REPORT.—Not later than 30
5 days after the expiration of the comment
6 period in clause (ii), the Comptroller Gen-
7 eral of the United States shall submit to
8 the Committee on the Judiciary and the
9 Committee on Appropriations of the Sen-
10 ate, the Committee on the Judiciary and
11 the Committee on Appropriations of the
12 House of Representatives, and the Special
13 Master a report that includes the deter-
14 mination of the Comptroller General on the
15 amount of the proposed lump sum catch-
16 up payment for each Beirut barracks
17 bombing victim and the total amount of
18 such proposed lump sum catch-up pay-
19 ments.

20 “(iv) LUMP SUM CATCH-UP PAYMENT
21 RESERVE FUND.—

22 “(I) IN GENERAL.—There is es-
23 tablished within the Fund a lump sum
24 catch-up payment reserve fund, to re-

1 main in reserve except in accordance
2 with this subsection.

3 “(II) AUTHORIZATION.—Not ear-
4 lier than 90 days after the date on
5 which the Comptroller General sub-
6 mits the report required under clause
7 (iii), and not later than 1 year after
8 such date, the Special Master shall
9 authorize lump sum catch-up pay-
10 ments from the reserve fund estab-
11 lished under subclause (I) in amounts
12 equal to the amounts described in
13 clause (iii).

14 “(III) APPROPRIATIONS.—

15 “(aa) IN GENERAL.—There
16 are authorized to be appropriated
17 and there are appropriated to the
18 lump sum catch-up payment re-
19 serve fund \$3,000,000,000 to
20 carry out this clause, to remain
21 available until expended.

22 “(bb) LIMITATION.—Except
23 as provided in subclause (IV),
24 amounts appropriated pursuant
25 to item (aa) may not be used for

1 a purpose other than to make
 2 lump sum catch-up payments
 3 under this clause.

4 “(IV) EXPIRATION.—

5 “(aa) IN GENERAL.—The
 6 lump sum catch-up payment re-
 7 serve fund established by this
 8 clause shall be terminated not
 9 later than 1 year after the Spe-
 10 cial Master disperses all lump
 11 sum catch-up payments pursuant
 12 to subclause (II).

13 “(bb) REMAINING
 14 AMOUNTS.—All amounts remain-
 15 ing in the lump sum catch-up
 16 payment reserve fund in excess of
 17 the amounts described in clause
 18 (iii) shall be deposited into the
 19 Fund under this section.”;

20 (4) in subsection (e), by striking paragraph (2)
 21 and inserting the following:

22 “(2) DEPOSIT AND TRANSFER.—Beginning on
 23 the date of the enactment of this Act, the following
 24 shall be deposited or transferred into the Fund for
 25 distribution under this section:

“(A) CRIMINAL FUNDS AND PROPERTY.—

All funds, and the net proceeds from the sale of property, forfeited or paid to the United States after the date of enactment of this Act as a criminal penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.), or any related criminal conspiracy, scheme, or other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.

“(B) CIVIL FUNDS AND PROPERTY.—Sev-

enty-five percent of all funds, and seventy-five percent of the net proceeds from the sale of property, forfeited or paid to the United States after the date of enactment of this Act as a civil penalty or fine arising from a violation of any license, order, regulation, or prohibition issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.), or any related conspiracy, scheme, or

1 other Federal offense arising from the actions
2 of, or doing business with or acting on behalf
3 of, a state sponsor of terrorism.”;

4 (5) in subsection (g)(1), by striking “(e)(2)(A)”
5 and inserting “(e)(2)”; and

6 (6) in subsection (j), by adding at the end the
7 following:

8 “(15) 1983 BEIRUT BOMBING VICTIM.—The
9 term ‘1983 Beirut bombing victim’ means a plain-
10 tiff, or estate or successor in interest thereof, who
11 has an eligible claim under subsection (c) that arises
12 out of the October 23, 1983, bombing of the United
13 States Marine Corps barracks in Beirut, Lebanon.”.

14 (b) RESCISSIONS.—

15 (1) BUSINESS LOANS PROGRAM ACCOUNT.—Of
16 the unobligated balances of amounts made available
17 under the heading “Small Business Administra-
18 tion—Business Loans Program Account, CARES
19 Act”, for carrying out paragraphs (36) and (37) of
20 section 7(a) of the Small Business Act (15 U.S.C.
21 636(a)), \$2,982,000,000 are hereby rescinded.

22 (2) EMERGENCY RENTAL ASSISTANCE.—Of the
23 unobligated balances of amounts made available
24 under section 3201(a) of the American Rescue Plan

- 1 Act of 2021 (Public Law 117–2; 135 Stat. 54),
- 2 \$3,000,000,000 are hereby rescinded.

