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

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fairness for American Victims of State-Sponsored Terrorism Act”.

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

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

(1) in subsection (b)—

(A) in paragraph (1)(B), in the first sentence, by inserting “and during the 1-year period beginning on the date of enactment of the Fairness for American Victims of State-Sponsored Terrorism Act, the Special Master may utilize an additional 5 full-time equivalent Department of Justice personnel” before the period at the end; and

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

(2) in subsection (c)(3)(A), by striking clause (ii) and inserting the following:
“(ii) Not later than 90 days after the date of obtaining a final judgment, with regard to a final judgment obtained on or after the date of that publication, unless—

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

“(II) the final judgment was awarded to a 1983 Beirut barracks bombing victim before the date of enactment of the Fairness for American Victims of State-Sponsored Terrorism Act, in which case such United States person shall have 180 days from the date of enactment of such Act to submit an application for payment.”;

(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:
“(D) Lump sum catch-up payments for Beirut barracks bombing victims, spouses, and dependents.—

“(i) In general.—Not later than 1 year after the enactment of the Fairness for American Victims of State-Sponsored Terrorism Act, and in accordance with clauses (i) and (ii) of subsection (d)(3)(A), the Comptroller General of the United States shall conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to the 1983 Beirut barracks bombing victims who have submitted applications in accordance with subsection (c)(3)(A)(ii)(II) in amounts that, after receiving the lump sum catch-up payments, would result in the percentage of the claims of such victims received from the Fund being equal to the percentage of the claims non-9/11 victim of state sponsored terrorism received from the Fund, as of the date of enactment of this subparagraph.

“(ii) Public comment.—The Comptroller General shall provide an opportunity
for public comment for a 30-day period begin-
ing on the date on which the notice is pub-
ished under clause (i).

“(iii) REPORT.—Not later than 30 days after the expiration of the comment period in clause (ii), the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and the Special Master a report that includes the deter-
mination of the Comptroller General on the amount of the proposed lump sum catch-
up payment for each Beirut barracks bombing victim and the total amount of such proposed lump sum catch-up pay-
ments.

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

“(I) IN GENERAL.—There is es-
tablished within the Fund a lump sum catch-up payment reserve fund, to re-
main in reserve except in accordance
with this subsection.

“(II) **Authorization.**—Not ear-
erlier than 90 days after the date on
which the Comptroller General sub-
mits the report required under clause
(iii), and not later than 1 year after
such date, the Special Master shall
authorize lump sum catch-up pay-
ments from the reserve fund estab-
lished under subclause (I) in amounts
equal to the amounts described in
clause (iii).

“(III) **Appropriations.**—

“(aa) **In General.**—There
are authorized to be appropriated
and there are appropriated to the
lump sum catch-up payment re-
serve fund $3,000,000,000 to
carry out this clause, to remain
available until expended.

“(bb) **Limitation.**—Except
as provided in subclause (IV),
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.

“(IV) Expiration.—

“(aa) In general.—The
lump sum catch-up payment re-
serve fund established by this
clause shall be terminated not
later than 1 year after the Spe-
cial Master disperses all lump
sum catch-up payments pursuant
to subclause (II).

“(bb) Remaining
amounts.—All amounts remain-
ing in the lump sum catch-up
payment reserve fund in excess of
the amounts described in clause
(iii) shall be deposited into the
Fund under this section.”;

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

“(2) Deposit and Transfer.—Beginning on
the date of the enactment of this Act, the following
shall be deposited or transferred into the Fund for
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.—Seventy-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
other Federal offense arising from the actions of, or doing business with or acting on behalf of, a state sponsor of terrorism.”;

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

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

“(15) 1983 BEIRUT BOMBING VICTIM.—The term ‘1983 Beirut bombing victim’ means a plaintiff, or estate or successor in interest thereof, who has an eligible claim under subsection (e) that arises out of the October 23, 1983, bombing of the United States Marine Corps barracks in Beirut, Lebanon.”.

(b) RESCISSIONS.—

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

(2) EMERGENCY RENTAL ASSISTANCE.—Of the unobligated balances of amounts made available 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.