

REPLY TO:

- ☐ 135 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1501
(202) 224-3744
www.grassley.senate.gov
- ☐ 721 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309-2106
(515) 288-1145
- ☐ 111 7TH AVENUE, SE, BOX 13
SUITE 6800
CEDAR RAPIDS, IA 52401-2101
(319) 363-6832

United States Senate

CHARLES E. GRASSLEY
PRESIDENT PRO TEMPORE

WASHINGTON, DC 20510-1501

January 24, 2019

REPLY TO:

- ☐ 120 FEDERAL BUILDING
320 6TH STREET
SIOUX CITY, IA 51101-1244
(712) 233-1860
- ☐ 210 WATERLOO BUILDING
531 COMMERCIAL STREET
WATERLOO, IA 50701-5497
(319) 232-6657
- ☐ 201 WEST 2ND STREET
SUITE 720
DAVENPORT, IA 52801-1817
(563) 322-4331
- ☐ 307 FEDERAL BUILDING
8 SOUTH 6TH STREET
COUNCIL BLUFFS, IA 51501-4204
(712) 322-7103

VIA ELECTRONIC TRANSMISSION

The Honorable Donald J. Trump
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

You have made protecting the United States and its citizens from terrorism a top priority. I applaud and fully support this effort. Which is why I am surprised that individuals in your administration are deliberately working to undermine core protections that you recently signed into law for U.S. victims of terrorism.

I led the Anti-Terrorism Act of 1992 (ATA) through Congress and into law. The ATA gives U.S. victims of international terrorism their day in court against those who carry out or support terrorism. It provides some semblance of justice and compensation for Americans whose lives have been forever impacted by terrorism. Equally important, the ATA sends an unambiguous message to deter international terrorism—those who support terrorism will face the full force of the U.S. justice system.

The law operated as intended until recent, flawed court decisions gave terrorists and their supporters a jurisdictional loophole. The Anti-Terrorism Clarification Act of 2018 (ATCA), which I introduced, closes the loophole. It makes clear that if certain defendants choose to benefit from U.S. taxpayer dollars, they should be answerable in U.S. courts to allegations of supporting terrorism. Nothing about the law prohibits the U.S. from funding any program it wishes. It simply requires a tradeoff, in the interest of U.S. victims and deterring international terrorism.

This is common sense. And Congress agreed.

The ATCA was considered and passed through regular order as a standalone bill without objection by the House Judiciary Committee, the Senate Judiciary Committee, the full House, and the full Senate. On October 3, 2018, you signed the ATCA into law.

Two months later, however, at the very end of the 115th Congress, I learned from news reports that individuals in your administration were meeting with lawmakers to try and “fix” the law to protect certain overseas programs funded by taxpayer dollars. My staff and Chairman Goodlatte’s staff worked in good faith with your administration to resolve any concerns while ensuring that terrorists are not let off the hook.

Committee Assignments:

AGRICULTURE
BUDGET
JUDICIARY

INTERNATIONAL NARCOTICS
CONTROL CAUCUS

CHAIRMAN,
FINANCE

It now seems, however, that the State Department has no interest in addressing both sides of the issue. I recently proposed a compromise to the State Department that would delay the ATCA's impact on certain security assistance programs, while ensuring that U.S. victims of terrorism can still have their day in court. Yet, my proposal was rejected and apparently did not even warrant formal feedback from your administration. Instead, the State Department remains intent on striking entirely from the new law a core provision that is of most concern to the Palestinian Authority—who just happen to be defendants in pending claims by U.S. victims of terrorism.

If your administration's anti-terrorism strategy is, as you have described, "America first," why is the State Department putting the interests of the PLO ahead of American victims?

I remain willing to work in good faith with your administration on language that will address the stated concerns, while—most importantly—protecting the very victims whose stories and suffering motivated Congress to take action last year.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style with a large initial "C" and a long, sweeping underline.

Charles E. Grassley