

Congress of the United States
Washington, DC 20510

July 22, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Elizabeth B. Prelogar
Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

VIA ELECTRONIC TRANSMISSION

Dear Attorney General Garland and Solicitor General Prelogar:

For more than 30 years, Congress has passed strong bipartisan legislation to help ensure American victims of international terrorism and their families can have their day in court. This has created an opportunity for these victims to obtain some level of justice and hold these evil perpetrators and their harboring organizations to account. This issue has long been a priority for us and several other Members of Congress. Today, we write to highlight the importance of the Promoting Security and Justice for Victims of Terrorism Act (PSJVTA) and ask you keep us informed of the progress of the cases challenging its constitutionality.

In 2019, Congress passed the PSJVTA to ensure these victims could pursue claims against the Palestine Liberation Organization (PLO) and Palestinian Authority (PA). The PSJVTA is an amendment to the Anti-Terrorism Act of 1992 (ATA). The ATA opened the courthouse doors to U.S. terror victims and their families, granting them the right to bring civil lawsuits in U.S. courts. This legislation and its underlying public policy motivations further federal interests by aiming to deter and disrupt international terrorism—either these organizations abandon their evil, criminal ways or else they will be financially liable for the Americans who are injured and killed.

For 25 years, the ATA worked as intended, and many U.S. families successfully sought redress from the PLO and PA for their role in perpetrating terror attacks in Israel and elsewhere abroad. Every federal court could exercise jurisdiction over the PLO and PA in these cases. However, in 2016, the legal landscape changed dramatically when the U.S. Court of Appeals for the Second Circuit held it was unconstitutional to exercise jurisdiction over the PLO and PA when their liability-creating conduct occurred entirely outside the territorial jurisdiction of the United States.

Congress immediately responded to this and similar decisions by passing legislation, like the PSJVTA. The bipartisan PSJVTA provides an alternate path forward for American victims of terror seeking justice. Under the PSJVTA, the PLO and PA are deemed to consent to personal jurisdiction in civil cases if they pay terrorists who killed or injured U.S. citizens in terror attacks or if they engage in any activities in the United States, subject to a few limited exceptions. Congress worked closely with the State Department when crafting the PSJVTA to ensure the proper scope for this law.

Certainly, the PSJVTa advances important U.S. policies, such as:

- Incentivizing the PLO and PA to end their abhorrent pay-for-slay policies;
- Deterring and disrupting PLO- and PA-sponsored terror attacks; and
- Assuring terrorism victims and their families the ability to seek justice.

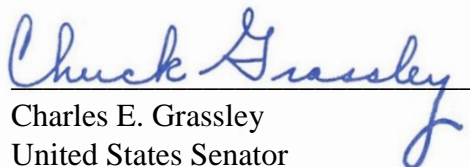
However, the PLO and PA have challenged the PSJVTa's constitutionality in several cases, including *Fuld v. Palestine Liberation Organization* and *Sokolow v. Palestine Liberation Organization*.

Additionally, the Second Circuit's recent decision holding that the PSJVTa is unconstitutional hinders victims and their families' ability to obtain justice. This ruling risks undermining our country's anti-terror laws and vital national policy interests.

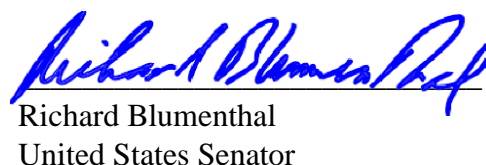
During Attorney General Garland's confirmation hearing before the Senate Judiciary Committee, he reminded the Committee that the Department of Justice's longstanding practice is to defend the constitutionality of the laws passed by Congress, subject to only a handful of exceptions. Attorney General Garland committed to uphold this traditional practice.¹ The Justice Department long ago intervened in *Fuld*, *Sokolow*, and similar cases and has reliably defended the PSJVTa's constitutionality as a party in those cases, including by filing a petition for rehearing in banc in the Second Circuit in 2023.

We request you and the Department of Justice consider these views as you determine whether the United States will file a petition for a writ of certiorari. We also ask you keep us informed of the progress of this exceptionally important statute and related litigation.

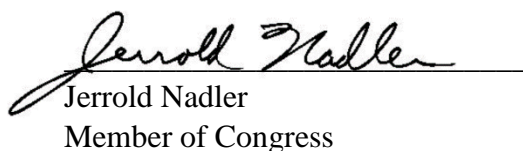
Sincerely,



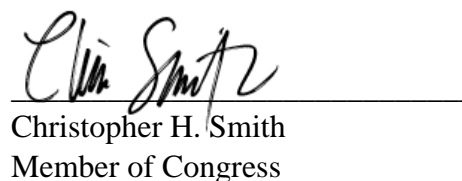
Charles E. Grassley
United States Senator



Richard Blumenthal
United States Senator

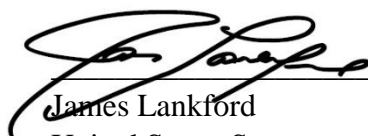


Jerrold Nadler
Member of Congress



Christopher H. Smith
Member of Congress

¹ [Responses to Questions for the Record to Judge Merrick Garland, Nominee to be United States Attorney General](#), p. 17, Sen. Grassley QRF #28, 117th Cong., Feb. 22, 2021.



James Lankford
United States Senator



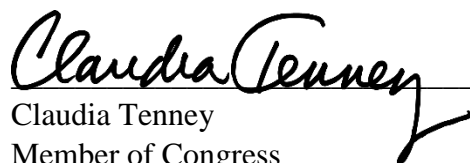
Thom Tillis
United States Senator



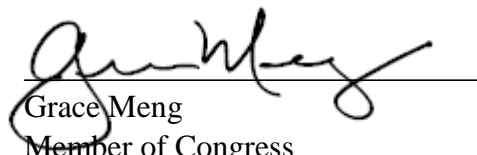
Bradley S. Schneider
Member of Congress



Jacky Rosen
United States Senator



Claudia Tenney
Member of Congress



Grace Meng
Member of Congress