

United States Senate

WASHINGTON, DC 20510

March 31, 2021

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20220

Dear Secretary Blinken,

We are writing to express our concern about recent press reports indicating that the Palestine Liberation Organization (PLO) and Palestinian Authority (PA) are asking the State Department to help them “fix” the Promoting Security and Justice for Victims of Terrorism Act of 2019, Pub. L. 116-94, div. J, title IX, § 903 (PSJVTA). These reports suggest that the PLO and PA would like Congress to immunize them from suits brought under the Anti-Terrorism Act of 1992 (ATA) in order to facilitate the reopening of their Washington, D.C. office. We urge the State Department to support the ability of U.S. terror victims to have their day in court against sponsors of terrorism. We also wish to inform you that, as the original authors of the PSJVTA, we will vigorously oppose efforts to circumvent this statute.

The ATA, authored by Senator Grassley, provides U.S. citizens, and their successors, heirs, and estates, with a cause of action against terrorists and those who actively support terrorism that harms Americans outside of the United States. Since its passage in 1992, the bill has been strengthened twice by bipartisan legislation in direct response to lower court rulings—first with the passage of the Anti-Terrorism Clarification Act of 2018 and second with the passage of the PSJVTA. These actions demonstrate a clear message that the ability of victims to recover under the ATA advances our nation’s compelling interest in deterring and defeating terrorism. Compensating victims at the expense of those who have committed or supported terrorist acts contributes to U.S. efforts to disrupt and impede support for terrorist activity.

For 25 years, the PLO and PA responded to suits by U.S. victims and their families, and indeed settled such cases after judgments were entered against them for hundreds of millions of dollars. The courts uniformly held that the PLO and PA were subject to personal jurisdiction in ATA cases because the PLO and PA maintained a continuous and systematic presence in the United States, primarily through an office in Washington, D.C.

Starting in 2015, however, federal courts began dismissing cases against the PLO and the PA for lack of personal jurisdiction. The PSJVTA responded to those cases by providing that the maintenance or establishment of an office, as well as certain other conduct, by the PLO and PA would be deemed to be consent to personal jurisdiction in civil ATA cases.

It has long been the policy of the United States to encourage the PLO and PA to participate in the litigation process in ATA cases and resolve them through good-faith negotiations. At present, the

PLO and the PA are attempting to avoid the jurisdiction of the U.S. courts and are not engaged in any settlement negotiations with victim families. Instead, according to recent press reports, they are in “talks” with the State Department about a “fix” that would immunize them from jurisdiction while reopening their Washington office. Additionally, Acting Ambassador Richard Mills told the U.N. Security Council on January 26, 2021 that the Biden Administration would “take steps to re-open diplomatic missions that were closed by the last U.S. administration.” While we support strengthening our nation’s engagement with the Palestinians, the Administration must do so consistent with the law.

The PSJVTA was the result of constructive work between Congress and the State Department, reflecting a bi-partisan agreement to reopen the courthouse doors to American victims and their families, while permitting the restoration of humanitarian and security assistance to the Palestinians within the parameters permitted by Congress. This legislative balance reflected a consensus that it is reasonable for the United States to condition the PLO and PA’s establishment of an office in the United States on their consent to personal jurisdiction in cases that allege they have engaged in or provided material support for terrorist attacks injuring U.S. nationals and their families.

In addition to these jurisdictional requirements, the PSJVTA enabled security assistance for the Palestinians to resume. The Office of the U.S. Security Coordinator for Israel and the Palestinian Authority is the key vessel through which American leadership facilitates security cooperation with the Palestinian Authority. This multilateral cooperation between American, Israeli, and Palestinian forces is arguably the most successful security initiative ever between Israel and the PA. Resuming this assistance is beneficial to our interests in the region and bolsters the security of Palestinians, Israelis, and Americans alike. Congress appropriated \$75 million for this purpose in the Fiscal Year 2021 appropriations bill, and we will fervently support you in your efforts to resume that mission.

The law is clear that the Palestinians must consent to U.S. jurisdiction in order to establish a presence in the United States. The Administration must make clear to the PLO and PA that the only path to re-establishing a presence on American soil is to consent to U.S. jurisdiction and negotiate in good faith with terror victims to resolve their claims.

Thank you for your attention to this matter and we look forward to hearing from you.

In God We Trust,



James Lankford
United States Senator



Chuck Grassley
United States Senator