

Robert Menendez

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the Justice for United States Victims of State Sponsored Terrorism Act.

IN THE SENATE OF THE UNITED STATES 117th Congress

AMENDMENT NO 6617

By *Menendez*

To: *Amdt. No. 6552*

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Page(s)

GPO: 2008 45-603 (mac)

AMENDMENT intended to be proposed by *Mr. Menendez* to the amendment (No. 6552) proposed by Mr. LEAHY

for himself,
Mr. Cotton,
Mr. Sullivan,
Mr. Grassley,
Mr. Blumenthal,
Mr. Whitehouse,
Mr. Kaine
Ms. Gillibrand,
Mr. Booker,
Mr. Cornyn,
Ms. Capito,
Mr. R. Scott,
Mr. Warnock

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . IMPROVEMENTS TO THE JUSTICE FOR UNITED**
3 **STATES VICTIMS OF STATE SPONSORED TER-**
4 **RORISM ACT.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Fairness for 9/11 Families Act”.

7 (b) IN GENERAL.—Section 404 of the Justice for
8 United States Victims of State Sponsored Terrorism Act
9 (34 U.S.C. 20144) is amended—

10 (1) in subsection (b)—

1 (A) in paragraph (1)(B), in the first sen-
2 tence, by inserting “and during the 1-year pe-
3 riod beginning on the date of enactment of the
4 Fairness for 9/11 Families Act, the Special
5 Master may utilize an additional 5 full-time
6 equivalent Department of Justice personnel”
7 before the period at the end; and

8 (B) in paragraph (2)(A), by inserting “Not
9 later than 30 days after the date of enactment
10 of the Fairness for 9/11 Families Act, the Spe-
11 cial Master shall update, as necessary as a re-
12 sult of the enactment of such Act, such proce-
13 dures and other guidance previously issued by
14 the Special Master.” after the period at the end
15 of the second sentence;

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

18 “(ii) Not later than 90 days after the
19 date of obtaining a final judgment, with
20 regard to a final judgment obtained on or
21 after the date of that publication, unless—

22 “(I) the final judgment was
23 awarded to a 9/11 victim, 9/11
24 spouse, or 9/11 dependent before the
25 date of enactment of the United

1 States Victims of State Sponsored
2 Terrorism Fund Clarification Act, in
3 which case such United States person
4 shall have 90 days from the date of
5 enactment of such Act to submit an
6 application for payment; or

7 “(II) the final judgment was
8 awarded to a 1983 Beirut barracks
9 bombing victim or a 1996 Khobar
10 Towers bombing victim before the
11 date of enactment of the Fairness for
12 9/11 Families Act, in which case such
13 United States person shall have 180
14 days from the date of enactment of
15 such Act to submit an application for
16 payment.”;

17 (3) in subsection (d)—

18 (A) in paragraph (3)(B), by adding at the
19 end the following:

20 “(iii) For the purposes of clause (i),
21 the calculation of the total compensatory
22 damages received or entitled or scheduled
23 to be received by an applicant who is a
24 1983 Beirut barracks bombing victim or a
25 1996 Khobar Towers bombing victim from

1 any source other than the Fund shall in-
2 clude the total amount received by the ap-
3 plicant as a result of or in connection with
4 the proceedings captioned Peterson v. Is-
5 lamic Republic of Iran, No. 10 Vic. 4518
6 (S.D.N.Y.), or the proceedings captioned
7 In Re 650 Fifth Avenue & Related Prop-
8 erties, No. 08 Civ. 10934 (S.D.N.Y. filed
9 Dec. 17, 2008), such that any such appli-
10 cant who has received or is entitled or
11 scheduled to receive 30 percent or more of
12 such applicant's compensatory damages
13 judgment as a result of or in connection
14 with such proceedings shall not receive any
15 payment from the Fund, except in accord-
16 ance with the requirements of clause (i), or
17 as part of a lump-sum catch-up payment
18 in accordance with paragraph (4)(D).";
19 and
20 (B) in paragraph (4)—
21 (i) in subparagraph (A), by striking
22 "(B) and (C)" and inserting "(B), (C),
23 and (D)";
24 (ii) in subparagraph (C), by adding at
25 the end the following:

1 “(iv) AUTHORIZATION.—

2 “(I) IN GENERAL.—The Special
3 Master shall authorize lump sum
4 catch-up payments in amounts equal
5 to the amounts described in sub-
6 clauses (I), (II), and (III) of clause
7 (iii).

8 “(II) APPROPRIATIONS.—

9 “(aa) IN GENERAL.—There
10 are authorized to be appropriated
11 and there are appropriated to the
12 Fund such sums as are necessary
13 to carry out this clause, to re-
14 main available until expended.

15 “(bb) LIMITATION.—
16 Amounts appropriated pursuant
17 to item (aa) may not be used for
18 a purpose other than to make
19 lump sum catch-up payments
20 under this clause.”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(D) LUMP SUM CATCH-UP PAYMENTS FOR
24 1983 BEIRUT BARRACKS BOMBING VICTIMS AND
25 1996 KHOBAR TOWERS BOMBING VICTIMS.—

1 “(i) IN GENERAL.—Not later than 1
2 year after the date of enactment of the
3 Fairness for 9/11 Families Act, and in ac-
4 cordance with clauses (i) and (ii) of para-
5 graph (3)(A), the Comptroller General of
6 the United States shall conduct an audit
7 and publish in the Federal Register a no-
8 tice of proposed lump sum catch-up pay-
9 ments to the 1983 Beirut barracks bomb-
10 ing victims and the 1996 Khobar Towers
11 bombing victims who have submitted appli-
12 cations in accordance with subsection
13 (c)(3)(A)(ii)(II) on or after such date of
14 enactment, in amounts that, after receiving
15 the lump sum catch-up payments, would
16 result in the percentage of the claims of
17 such victims received from the Fund being
18 equal to the percentage of the claims of
19 non-9/11 victims of state sponsored ter-
20 rorism received from the Fund, as of such
21 date of enactment.

22 “(ii) PUBLIC COMMENT.—The Comp-
23 troller General shall provide an opportunity
24 for public comment for a 30-day period be-

1 ginning on the date on which the notice is
2 published under clause (i).

3 “(iii) REPORT.—Not later than 30
4 days after the expiration of the comment
5 period in clause (ii), the Comptroller Gen-
6 eral of the United States shall submit to
7 the Committee on the Judiciary and the
8 Committee on Appropriations of the Sen-
9 ate, the Committee on the Judiciary and
10 the Committee on Appropriations of the
11 House of Representatives, and the Special
12 Master a report that includes the deter-
13 mination of the Comptroller General on—

14 “(I) the amount of the proposed
15 lump sum catch-up payment for each
16 1983 Beirut barracks bombing victim;

17 “(II) the amount of the proposed
18 lump sum catch-up payment for each
19 1996 Khobar Towers bombing victim;
20 and

21 “(III) amount of lump sum
22 catch-up payments described in sub-
23 clauses (I) and (II).

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

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

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

17 “(III) APPROPRIATIONS.—

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

1 “(bb) LIMITATION.—Except
2 as provided in subclause (IV),
3 amounts appropriated pursuant
4 to item (aa) may not be used for
5 a purpose other than to make
6 lump sum catch-up payments
7 under this clause.

8 “(IV) EXPIRATION.—

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

17 “(bb) REMAINING
18 AMOUNTS.—All amounts remain-
19 ing in the lump sum catch-up
20 payment reserve fund in excess of
21 the amounts described in sub-
22 clauses (I) and (II) of clause (iii)
23 shall be deposited into the Fund
24 under this section.”;

1 (4) in subsection (e)(2)(B), by adding at the
2 end the following:

3 “(v) EXCEPTION FOR 1983 BEIRUT
4 BARRACKS BOMBING VICTIMS AND 1996
5 KHOBAR TOWERS BOMBING VICTIMS.—
6 Nothing in this subparagraph shall apply
7 with respect to—

8 “(I) a 1983 Beirut barracks
9 bombing victim or a 1996 Khobar
10 Towers bombing victim who submits
11 an application under subsection
12 (c)(3)(A)(ii)(II) on or after the date
13 of enactment of the Fairness for 9/11
14 Families Act; or

15 “(II) the assets, or the net pro-
16 ceeds of the sale of properties or re-
17 lated assets, attributable to a person
18 described in subclause (I).”; and

19 (5) in subsection (j), by adding at the end the
20 following:

21 “(15) 1983 BEIRUT BARRACKS BOMBING VIC-
22 TIM.—The term ‘1983 Beirut barracks bombing vic-
23 tim’—

24 “(A) means a plaintiff, or estate or suc-
25 cessor in interest thereof, who has an eligible

1 claim under subsection (c) that arises out of the
2 October 23, 1983, bombing of the United
3 States Marine Corps barracks in Beirut, Leb-
4 anon; and

5 “(B) includes a plaintiff, estate, or suc-
6 cessor in interest described in subparagraph (A)
7 who is a judgment creditor in the proceedings
8 captioned Peterson v. Islamic Republic of Iran,
9 No. 10 Vic. 4518 (S.D.N.Y.), or a Settling
10 Judgment Creditor as identified in the order
11 dated May 27, 2014, in the proceedings cap-
12 tioned In Re 650 Fifth Avenue & Related Prop-
13 erties, No. 08 Vic.10934 (S.D.N.Y. filed Dec.
14 17, 2008).

15 “(16) 1996 KHOBAR TOWERS BOMBING VIC-
16 TIM.—The term ‘1996 Khobar Towers bombing vic-
17 tim’—

18 “(A) means a plaintiff, or estate or suc-
19 cessor in interest thereof, who has an eligible
20 claim under subsection (c) that arises out of the
21 June 25, 1996 bombing of the Khobar Tower
22 housing complex in Saudi Arabia; and

23 “(B) includes a plaintiff, estate, or suc-
24 cessor in interest described in subparagraph (A)
25 who is a judgment creditor in the proceedings

1 captioned Peterson v. Islamic Republic of Iran,
2 No. 10 Vic. 4518 (S.D.N.Y.), or a Settling
3 Judgment Creditor as identified in the order
4 dated May 27, 2014, in the proceedings cap-
5 tioned In Re 650 Fifth Avenue & Related Prop-
6 erties, No. 08 Vic.10934 (S.D.N.Y. filed Dec.
7 17, 2008).”.

8 (c) GAO REPORT ON FUNDING FOR THE UNITED
9 STATES VICTIMS OF STATE SPONSORED TERRORISM
10 FUND.—Not later than 180 days after the date of enact-
11 ment of this Act, the Comptroller General of the United
12 States shall submit to Congress a report evaluating ways
13 to increase deposits into the United States Victims of
14 State Sponsored Terrorism Fund established under para-
15 graph (1) of section 404(e) of the Justice for United
16 States Victims of State Sponsored Terrorism Act (34
17 U.S.C. 20144(e)) (in this subsection referred to as the
18 “Fund”), including assessing the advisability and effect
19 of—

20 (1) expanding the scope of the criminal offenses
21 for which funds, and the net proceeds from the sale
22 of property, forfeited or paid to the United States
23 are deposited in the Fund under paragraph (2)(A)(i)
24 of such section;

1 (2) expanding the scope of the civil penalties or
2 fines for which funds, and the net proceeds from the
3 sale of property, forfeited or paid to the United
4 States are deposited in the Fund under paragraph
5 (2)(A)(ii) of such section to include civil penalties or
6 fines imposed, including as part of a settlement
7 agreement, on an entity for providing material sup-
8 port to an organization designated as a foreign ter-
9 rorist organization under section 219 of the Immi-
10 gration and Nationality Act (8 U.S.C. 1189); and

11 (3) increasing to 100 percent the percentage of
12 funds, and the net proceeds from the sale of prop-
13 erty, forfeited or paid to the United States as a civil
14 penalty or fine that are deposited in the Fund under
15 paragraph (2)(A)(ii) of such section.

16 (d) RESCISSIONS.—

17 (1) BUSINESS LOANS PROGRAM ACCOUNT.—Of
18 the unobligated balances of amounts made available
19 under the heading “Small Business Administra-
20 tion—Business Loans Program Account, CARES
21 Act”, for carrying out paragraphs (36) and (37) of
22 section 7(a) of the Small Business Act (15 U.S.C.
23 636(a)), \$4,954,772,000 are hereby rescinded.

24 (2) SHUTTERED VENUE OPERATORS GRANT.—
25 Of the unobligated balances of amounts made avail-

1 able under the heading “Small Business Administra-
2 tion—Shuttered Venue Operators”, for carrying out
3 section 324 of division N of the Consolidated Appro-
4 priations Act, 2021 (15 U.S.C. 9009a),
5 \$459,000,000 are hereby rescinded.

6 (3) AVIATION MANUFACTURING PAYROLL SUP-
7 PORT PROGRAM.—Of the unobligated balances of
8 amounts made available under section 7202 of the
9 American Rescue Plan Act of 2021 (15 U.S.C.
10 9132), \$568,228,000 are hereby rescinded.