

# Congress of the United States

Washington, DC 20510

September 27, 2017

The Honorable Rex W. Tillerson  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Tillerson,

It is our understanding that the Administration will soon decide whether to permanently lift terrorism-related sanctions on the Republic of the Sudan. We write to urge the Administration to refrain from doing so unless and until Sudan commits to resolve or settle the judgments rendered against it in United States courts for materially supporting international terrorist attacks. As Chairmen of the House and Senate committees with jurisdiction over our counterterrorism and victim compensation laws, we believe that anything less than a binding commitment from Sudan to resolve or settle these judgments, as a condition of lifting sanctions, will cast doubt on the continued ability of our laws to deter and combat international terrorism and to effectively compensate American victims of terrorist attacks both here and abroad.

The ability of terrorism victims to obtain compensation and some semblance of justice against foreign sovereigns that support terrorism rests on laws that have been carefully crafted by our committees and Congress as a whole in recent years. In 1996, and again in 2008, Congress amended the Foreign Sovereign Immunities Act ("FSIA") to provide victims of terrorism direct recourse in U.S. courts against foreign governments, like Sudan, that directly supported terrorism. And just last year, Congress, with overwhelming bipartisan support, further amended the FSIA to provide an exception to foreign sovereign immunity for any country that sponsors an act of international terrorism on U.S. soil. Together, these laws make clear that foreign governments will be held fully accountable in our legal system for their support of terrorists and create another mechanism to pressure terrorist states to change course.

As you know, on August 7, 1998, Al-Qaeda carried out simultaneous bombings of the United States embassies in Nairobi, Kenya and Dar es Salaam, Tanzania, killing more than 200 people, including twelve Americans. The victims included U.S. military personnel, diplomats, consular and intelligence officers, as well as other embassy workers. In the years preceding these attacks, Sudan provided safe harbor and material support to Al-Qaeda and Osama bin Laden, which prompted the United States to officially designate Sudan as a state sponsor of terrorism in August 1993.

Pursuant to the "terrorism exception" to the FSIA, lawsuits have been brought against Sudan by the victims of the embassy attacks in Kenya and Tanzania. Although the process has taken years, the U.S. District Court for the District of Columbia thoroughly examined the extensive evidence presented and determined that Sudan is legally responsible for both of these attacks, awarding substantial damages to the victims and their families. On July 28, 2017, the

United States Court of Appeals for the D.C. Circuit unanimously affirmed the district court in an opinion that details how Sudan's assistance to Al-Qaeda resulted in the murder of American diplomats and personnel, and others, stationed at those embassies. To date, however, Sudan has not shown any willingness to compensate the victims and has only sought to stretch out court proceedings to flout, rather than pay, the damages owed.

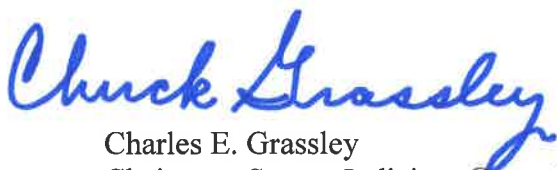
In light of Sudan's intransigence, the Administration would be wise to consult recent history as it considers whether to lift sanctions. When Libya renounced terrorism and terrorism-related sanctions against Libya were lifted, as a central condition of normalizing relations, the U.S. government secured a clear commitment by the Libyan government to accept responsibility for its prior support of terror and to provide funds to compensate American victims and their families. The resulting Libya Claims Resolution Act, signed into law in August 2008, further ensured that the lifting of sanctions was accompanied by appropriate settlement payments to the American victims of Libya's historical support of terrorism.

Guided by that model, the Administration should seek a clear commitment from Sudan that it will resolve or settle pending cases in good faith and will compensate American victims when their judgments become final. Anything less would violate longstanding United States policy, undermine our nation's counterterrorism and victim compensation laws, negate the efforts of the victims who have fought for justice in federal courts, and reward Sudan for its prior support of international terrorism.

Finally, the Administration should be equally aware that securing such a commitment from Sudan will benefit not only victims of Sudanese-backed terror but also American victims of other state sponsored terrorist attacks. In December 2015, Congress established the U.S. Victims of State Sponsored Terrorism Fund to compensate American victims of state sponsored terrorism. The Fund helps provide some degree of compensation and justice to those who otherwise have been unable to satisfy their judgments against a state sponsor of terror. Since its creation, the Fund has paid over \$1 billion in compensatory damages to victims. Despite its successes, however, the Fund has only finite funding available to pay claims on a pro rata basis. By securing a commitment from Sudan to resolve the judgments rendered against it in U.S. courts, the Administration will effectively remove a class of claims from the Fund, thereby making available more funds for other victims who have been injured or killed by terrorist attacks supported by other state sponsors.

In conclusion, we take no position herein as to whether the terrorism-related sanctions should be lifted on Sudan. We simply urge that should the Administration decide to lift those sanctions, it put American victims first by securing a binding commitment from Sudan to resolve the terrorism judgments entered against it in our courts.

Sincerely,



Charles E. Grassley  
Chairman, Senate Judiciary Committee



Bob Goodlatte  
Chairman, House Judiciary Committee