

# GAO Highlights

Highlights of [GAO-19-139](#), a report to the Subcommittee on the Middle East and North Africa, Committee on Foreign Affairs, House of Representatives

## Why GAO Did This Study

While foreign states generally cannot be sued in a U.S. court, under FSIA, parties can sue governments for certain crimes such as injury or death from an act of terrorism, if certain factors are present. State is required by statute to serve notice of such suits or default judgments when other means for effecting service are not available, and charges plaintiffs a fee of \$2,275 to complete this task. Plaintiffs in such cases may also qualify for compensation from a fund that Congress established called the U.S. Victims of State Sponsored Terrorism Fund.

In this report, GAO examines (1) how State completes this service and the length of time it takes to complete requests, and (2) whether State has implemented key controls for executing service requests promptly. GAO reviewed State regulations, guidance, case files, and data from 2007 through 2017; and interviewed State officials in Washington, D.C., the Czech Republic, Germany, and Switzerland, which handle the vast majority of cases. GAO assessed State's controls against federal internal control standards.

## What GAO Recommends

GAO is making five recommendations to State, including that it update its record-keeping guidance to ensure its records are accurate and complete, monitor the progress of requests, periodically analyze data to identify causes of slow service and take corrective actions, and establish timeframes for completing service. State concurred with all five of GAO's recommendations and identified actions it plans to take to address them.

View [GAO-19-139](#). For more information, contact Jason Bair at (202) 512-6881 or [BairJ@gao.gov](mailto:BairJ@gao.gov).

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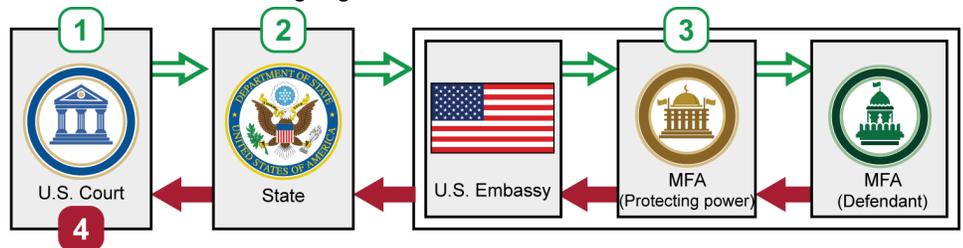
## STATE DEPARTMENT

### Better Oversight and Controls Could Improve Timely Delivery of Legal Documents for Terrorism Victims

## What GAO Found

The Department of State (State) notifies sovereign defendants of court proceedings under the Foreign Sovereign Immunities Act (FSIA) in a four stage process that has taken on average about 5 months to complete. State headquarters has overall responsibility for delivering legal documents but U.S. embassies and foreign governments play key roles as well. From 2007 through 2017, State completed 229 requests for delivery of legal documents in an average of about 5 months, but about 28 percent of the requests took longer than 6 months and 7 requests took more than a year. Slow delivery could adversely affect a plaintiff's ability to obtain compensation from a special victims' fund that Congress set up in 2015.

#### State's Process for Delivering Legal Documents



#### Four stages of State's process for completing service:

- 1 Plaintiffs submit a request addressed to State through a U.S. court;
- 2 State headquarters processes the request and sends it to the relevant U.S. embassy;
- 3 The embassy processes the request and either serves the documents directly to the foreign government or, in the case of countries such as Iran and Syria, serves them through the Ministries of Foreign Affairs (MFA) of friendly governments, known as protecting powers; and,
- 4 State headquarters notifies the U.S. court that the documents were delivered.

Legend: State = Department of State; MFA = Ministry of Foreign Affairs.

Source: GAO analysis of information provided by the Department of State and the U.S. District Court for the District of Columbia. | [GAO-19-139](#)

State's guidance and federal internal control standards require controls such as accurate and complete record-keeping, continuous monitoring, and analysis of data; however, GAO found that State lacks several key controls to manage its delivery of legal documents. First, State's records are incomplete. For example, for 82 percent of the cases, State had no information about when it received court requests. Second, State did not monitor the progress of cases, resulting in slow service. This slow service led State to waive fees of about \$57,000 because checks had expired. Third, State did not analyze case data to identify factors contributing to slow service, or establish timeframes for completing service. As a result, managers lack a sound basis for making decisions on how to improve timeliness. In June 2018, State took some actions based on GAO's review to improve its performance, including preparing step-by-step guidance and developing a new record-keeping system, but further actions could fill the gaps that have impaired program performance.