

106TH CONGRESS
1ST SESSION

H. R. 3382

To modify the enforcement of certain anti-terrorism judgments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1999

Mr. McCOLLUM (for himself, Mr. DELAY, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To modify the enforcement of certain anti-terrorism judgments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM**

4 **JUDGMENTS.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Justice for Victims of Terrorism Act”.

7 (b) **DEFINITION.**—

8 (1) **IN GENERAL.**—Section 1603(b) of title 28,
9 United States Code, is amended—

1 (A) in paragraph (3) by striking the period
2 and inserting a semicolon and “and”;

3 (B) by redesignating paragraphs (1), (2),
4 and (3) as subparagraphs (A), (B), and (C), re-
5 spectively;

6 (C) by striking “(b)” through “entity—”
7 and inserting the following:

8 “(b) An ‘agency or instrumentality of a foreign state’
9 means—

10 “(1) any entity—”; and

11 (D) by adding at the end the following:

12 “(2) for purposes of sections 1605(a)(7) and
13 1610 (a)(7) and (f), any entity as defined under
14 subparagraphs (A) and (B) of paragraph (1), and
15 subparagraph (C) of paragraph (1) shall not
16 apply.”.

17 (2) TECHNICAL AND CONFORMING AMEND-
18 MENT.—Section 1391(f)(3) of title 28, United
19 States Code, is amended by striking “1603(b)” and
20 inserting “1603(b)(1)”.

21 (c) ENFORCEMENT OF JUDGMENTS.—Section
22 1610(f) of title 28, United States Code, is amended—

23 (1) in paragraph (1)—

24 (A) in subparagraph (A) by striking “(in-
25 cluding any agency or instrumentality or such

1 state)” and inserting “(including any agency or
2 instrumentality of such state)”; and

3 (B) by adding at the end the following:

4 “(C) Notwithstanding any other provision of law,
5 moneys due from or payable by the United States (includ-
6 ing any agency, subdivision or instrumentality thereof) to
7 any state against which a judgment is pending under sec-
8 tion 1605(a)(7) shall be subject to attachment and execu-
9 tion, in like manner and to the same extent as if the
10 United States were a private person.”; and

11 (2) by adding at the end the following:

12 “(3)(A) Subject to subparagraph (B), upon deter-
13 mining on an asset-by-asset basis that a waiver is nec-
14 essary in the national security interest, the President may
15 waive this subsection in connection with (and prior to the
16 enforcement of) any judicial order directing attachment in
17 aid of execution or execution against the premises of a
18 foreign diplomatic mission to the United States, or any
19 funds held by or in the name of such foreign diplomatic
20 mission determined by the President to be necessary to
21 satisfy actual operating expenses of such foreign diplo-
22 matic mission.

23 “(B) A waiver under this paragraph shall not apply
24 to—

1 “(i) if the premises of a foreign diplomatic mis-
2 sion has been used for any nondiplomatic purpose
3 (including use as rental property), the proceeds of
4 such use; or

5 “(ii) if any asset of a foreign diplomatic mission
6 is sold or otherwise transferred for value to a third
7 party, the proceeds of such sale or transfer.

8 “(4) For purposes of this subsection, all assets of any
9 agency or instrumentality of a foreign state shall be treat-
10 ed as assets of that foreign state.”.

11 (d) TECHNICAL AND CONFORMING AMENDMENT.—
12 Section 117(d) of the Treasury Department Appropria-
13 tions Act, 1999 (Public Law 105–277; 112 Stat. 2681–
14 492) is repealed.

15 (e) EFFECTIVE DATE.—The amendments made by
16 this section shall apply to any claim for which a foreign
17 state is not immune under section 1605(a)(7) of title 28,
18 United States Code, arising before, on, or after the date
19 of enactment of this Act.

○