

106TH CONGRESS
2D SESSION

H. R. 3485

AN ACT

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

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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,*

1 **SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM**
2 **JUDGMENTS.**

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

5 (b) **DEFINITION.**—

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

8 (A) in paragraph (3) by striking the period
9 and inserting “; and”;

10 (B) by redesignating paragraphs (1), (2),
11 and (3) as subparagraphs (A), (B), and (C), re-
12 spectively;

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

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

17 “(1) any entity—”; and

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

19 “(2) for purposes of sections 1605(a)(7) and
20 1610 (a)(7) and (f), any entity as defined under
21 subparagraphs (A) and (B) of paragraph (1), and
22 subparagraph (C) of paragraph (1) shall not
23 apply.”.

24 (2) **TECHNICAL AND CONFORMING AMEND-**
25 **MENT.**—Section 1391(f)(3) of title 28, United

1 States Code, is amended by striking “1603(b)” and
2 inserting “1603(b)(1)”.

3 (c) ENFORCEMENT OF JUDGMENTS.—Section
4 1610(f) of title 28, United States Code, is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A) by striking “(in-
7 cluding any agency or instrumentality or such
8 state)” and inserting “(including any agency or
9 instrumentality of such state)”; and

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

11 “(C) Notwithstanding any other provision of law,
12 moneys due from or payable by the United States (includ-
13 ing any agency or instrumentality thereof) to any state
14 against which a judgment is pending under section
15 1605(a)(7) shall be subject to attachment and execution
16 with respect to that judgment, in like manner and to the
17 same extent as if the United States were a private per-
18 son.”; and

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

20 “(3)(A) Subject to subparagraph (B), upon deter-
21 mining on an asset-by-asset basis that a waiver is nec-
22 essary in the national security interest, the President may
23 waive this subsection in connection with (and prior to the
24 enforcement of) any judicial order directing attachment in
25 aid of execution or execution against any property subject

1 to the Vienna Convention on Diplomatic Relations or the
2 Vienna Convention on Consular Relations.

3 “(B) A waiver under this paragraph shall not apply
4 to—

5 “(i) if property subject to the Vienna Conven-
6 tion on Diplomatic Relations or the Vienna Conven-
7 tion on Consular Relations has been used for any
8 nondiplomatic purpose (including use as rental prop-
9 erty), the proceeds of such use; or

10 “(ii) if any asset subject to the Vienna Conven-
11 tion on Diplomatic Relations or the Vienna Conven-
12 tion on Consular Relations is sold or otherwise
13 transferred for value to a third party, the proceeds
14 of such sale or transfer.

15 “(C) In this paragraph, the term ‘property subject
16 to the Vienna Convention on Diplomatic Relations or the
17 Vienna Convention on Consular Relations’ and the term
18 ‘asset subject to the Vienna Convention on Diplomatic Re-
19 lations or the Vienna Convention on Consular Relations’
20 mean any property or asset, respectively, the attachment
21 in aid of execution or execution of which would result in
22 a violation of an obligation of the United States under the
23 Vienna Convention on Diplomatic Relations or the Vienna
24 Convention on Consular Relations, as the case may be.

1 United States Code, is amended by adding at the end the
2 following:

3 “(h) If a foreign state, or its agency or instrumen-
4 tality, is a party to an action pursuant to subsection (a)(7)
5 and fails to furnish any testimony, document, or other
6 thing upon a duly issued discovery order by the court in
7 the action, such failure shall be deemed an admission of
8 any fact with respect to which the discovery order relates.
9 Nothing in this subsection shall supersede the limitations
10 set forth in subsection (g).”.

11 (b) MODIFICATION OF LIMITATION ON LIABILITY.—
12 Section 1605(a)(7)(B)(i) is amended to read as follows:

13 “(i) the act occurred in the foreign
14 state against which the claim has been
15 brought and the foreign state has not had
16 a reasonable opportunity to arbitrate the
17 claim in a neutral forum outside the for-
18 eign state in accordance with accepted
19 international rules of arbitration; or

20 (c) EXTENT OF LIABILITY.—Section 1606 of title 28,
21 United States Code, is amended by adding at the end the
22 following: “No Federal or State statutory limits shall
23 apply to the amount of compensatory, actual, or punitive
24 damages permitted to be awarded to persons under section
25 1605(a)(7) and this section.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to any claim for which a foreign
3 state is not immune under section 1605(a)(7) of title 28,
4 United States Code, arising before, on, or after the date
5 of the enactment of this Act.

Passed the House of Representatives July 25, 2000.

Attest:

Clerk.