

Union Calendar No. 414

106TH CONGRESS
2^D SESSION

H. R. 3485

[Report No. 106-733]

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1999

Mr. MCCOLLUM (for himself, Mr. DELAY, Mr. DIAZ-BALART, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mr. ROGAN, Mr. FOLEY, Mr. TIAHRT, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 13, 2000

Additional sponsors: Mr. ROTHMAN, Mr. HOEFFEL, Mr. MENENDEZ, Mr. SALMON, Mr. FRANK of Massachusetts, Mr. ANDREWS, Mr. CROWLEY, Mr. CANNON, Mr. SESSIONS, Mrs. MEEK of Florida, Mr. HORN, Mr. GEKAS, Mr. CANADY of Florida, Mr. LANTOS, Mr. MCNULTY, Mr. PASCARELL, Mr. MALONEY of Connecticut, Mr. GUTIERREZ, Mr. LOBIONDO, Mr. FROST, Mr. CHABOT, and Mr. DEUTSCH

JULY 13, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on November 18, 1999]

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 “Jus-*
6 *tice for Victims of Terrorism Act”.*

7 (b) *DEFINITION.*—

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

10 (A) *in paragraph (3) by striking the period*
11 *and inserting a semicolon and “and”;*

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

15 (C) *by striking “(b)” through “entity—”*
16 *and inserting the following:*

17 “(b) *An ‘agency or instrumentality of a foreign state’*
18 *means—*

19 “(1) *any entity—*”; *and*

20 (D) *by adding at the end the following:*

21 “(2) *for purposes of sections 1605(a)(7) and*
22 *1610 (a)(7) and (f), any entity as defined under sub-*
23 *paragraphs (A) and (B) of paragraph (1), and sub-*
24 *paragraph (C) of paragraph (1) shall not apply.”.*

1 (2) *TECHNICAL AND CONFORMING AMEND-*
2 *MENT.*—Section 1391(f)(3) of title 28, United States
3 Code, is amended by striking “1603(b)” and inserting
4 “1603(b)(1)”.

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

7 (1) in paragraph (1)—

8 (A) in subparagraph (A) by striking “(in-

9 cluding any agency or instrumentality or such

10 state)” and inserting “(including any agency or

11 instrumentality of such state)”; and

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

13 “(C) Notwithstanding any other provision of law,

14 moneys due from or payable by the United States (includ-

15 ing any agency, subdivision or instrumentality thereof) to

16 any state against which a judgment is pending under sec-

17 tion 1605(a)(7) shall be subject to attachment and execu-

18 tion, in like manner and to the same extent as if the United

19 States were a private person.”; and

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

21 “(3)(A) Subject to subparagraph (B), upon deter-

22 mining on an asset-by-asset basis that a waiver is necessary

23 in the national security interest, the President may waive

24 this subsection in connection with (and prior to the enforce-

25 ment of) any judicial order directing attachment in aid of

1 *execution or execution against any property subject to the*
2 *Vienna Convention on Diplomatic Relations or the Vienna*
3 *Convention on Consular Relations.*

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

6 “(i) *if property subject to the Vienna Convention*
7 *on Diplomatic Relations or the Vienna Convention on*
8 *Consular Relations has been used for any nondiplo-*
9 *matic purpose (including use as rental property), the*
10 *proceeds of such use; or*

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

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

1 “(4) For purposes of this subsection, all assets of any
2 agency or instrumentality of a foreign state shall be treated
3 as assets of that foreign state.”.

4 (d) *TECHNICAL AND CONFORMING AMENDMENT.*—Sec-
5 tion 117(d) of the Treasury Department Appropriations
6 Act, 1999 (Public Law 105–277; 112 Stat. 2681–492) is
7 repealed.

8 (e) *EFFECTIVE DATE.*—The amendments made by this
9 section shall apply to any claim for which a foreign state
10 is not immune under section 1605(a)(7) of title 28, United
11 States Code, arising before, on, or after the date of enact-
12 ment of this Act.

13 **SEC. 2. PAYGO ADJUSTMENT.**

14 The Director of the Office of Management and Budget
15 shall not make any estimates of changes in direct spending
16 outlays and receipts under section 252(d) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985 (2
18 U.S.C. 902(d)) for any fiscal year resulting from enactment
19 of this Act.

20 **SEC. 3. TECHNICAL AMENDMENTS TO IMPROVE LITIGATION**

21 **PROCEDURES AND REMOVE LIMITATIONS ON**
22 **LIABILITY.**

23 (a) *GENERAL EXCEPTIONS TO JURISDICTIONAL IMMUN-*
24 *ITY OF FOREIGN STATE.*—Section 1605 of title 28, United
25 States Code, is amended by adding at the end the following:

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

9 (b) *EXTENT OF LIABILITY*.—Section 1606 of title 28,
10 United States Code, is amended by adding at the end the
11 following: “No Federal or State statutory limits shall apply
12 to the amount of compensatory, actual, or punitive damages
13 permitted to be awarded to persons under section
14 1605(a)(7) and this section.”.

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