

106TH CONGRESS  
1ST SESSION

# S. 1796

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

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 26, 1999

Mr. LAUTENBERG (for himself, Mr. MACK, Mr. KYL, Mr. GRAHAM, Mr. ROBB, Mr. LOTT, Mr. LIEBERMAN, Mr. HATCH, Mr. CONRAD, Mr. HELMS, Mr. TORRICELLI, Mr. SPECTER, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. SCHUMER, Mr. COVERDELL, Mr. EDWARDS, Mr. CLELAND, and Mr. SANTORUM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## 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.—

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

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

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

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

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

12                   “(1) any entity—”; and

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

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

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

23       (c) ENFORCEMENT OF JUDGMENTS.—Section  
24   1610(f) of title 28, United States Code, is amended—

25                   (1) in paragraph (1)—

1 (A) in subparagraph (A) by striking “(in-  
2 cluding any agency or instrumentality or such  
3 state)” and inserting “(including any agency or  
4 instrumentality of such state)”; and

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

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

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

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

1 “(B) A waiver under this paragraph shall not apply  
2 to—

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

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

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

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

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

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