

Calendar No. 460

106TH CONGRESS
2D SESSION

S. 1796

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

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, Mr. SANTORUM, Mr. CRAIG, Mr. BREAUX, Mrs. FEINSTEIN, Mr. SESSIONS, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 9, 2000

Reported by Mr. HATCH, without amendment

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,*

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 a semicolon and “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, subdivision or instrumentality thereof) to
14 any state against which a judgment is pending under sec-
15 tion 1605(a)(7) shall be subject to attachment and execu-
16 tion, in like manner and to the same extent as if the
17 United States were a private person.”; and

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

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

1 funds held by or in the name of such foreign diplomatic
 2 mission determined by the President to be necessary to
 3 satisfy actual operating expenses of such foreign diplo-
 4 matic mission.

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

7 “(i) if the premises of a foreign diplomatic mis-
 8 sion has been used for any nondiplomatic purpose
 9 (including use as rental property), the proceeds of
 10 such use; or

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

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

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 20 492) is repealed.

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

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