

107TH CONGRESS
2^D SESSION

H. R. 4647

To provide for satisfaction of judgements from frozen assets of terrorists, terrorist organizations, and State sponsors of terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2002

Mr. FOSSELLA (for himself, Mr. CANNON, and Mr. KING) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for satisfaction of judgements from frozen assets of terrorists, terrorist organizations, and State sponsors of terrorism, 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. SHORT TITLE.**

4 This Act may be cited as the “Justice for Victims
5 of Terrorism Act of 2002”.

1 **SEC. 2. SATISFACTION OF JUDGMENTS FROM FROZEN AS-**
2 **SETS OF TERRORISTS, TERRORIST ORGANI-**
3 **ZATIONS, AND STATE SPONSORS OF TER-**
4 **RORISM.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, and except as provided in subsection (b), in
7 every case in which a person has obtained a judgment
8 against a terrorist party on a claim based upon an act
9 of terrorism or for which a terrorist party is not immune
10 under section 1605(a)(7) of title 28, United States Code,
11 the blocked assets of that terrorist party (including the
12 blocked assets of any agency or instrumentality of that
13 terrorist party) shall be subject to execution or attachment
14 in aid of execution in order to satisfy such judgment to
15 the extent of any compensatory damages for which such
16 terrorist party has been adjudged liable.

17 (b) PRESIDENTIAL WAIVER.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 upon determining on an asset-by-asset basis that a
20 waiver is necessary in the national security interest,
21 the President may waive the requirements of sub-
22 section (a) in connection with (and prior to the en-
23 forcement of) any judicial order directing attach-
24 ment in aid of execution or execution against any
25 property subject to the Vienna Convention on Diplo-

1 matic Relations or the Vienna Convention on Con-
2 sular Relations.

3 (2) EXCEPTION.—A waiver under this sub-
4 section shall not apply to—

5 (A) property subject to the Vienna Conven-
6 tion on Diplomatic Relations or the Vienna
7 Convention on Consular Relations that has been
8 used by the United States for any nondiplo-
9 matic purpose (including use as rental prop-
10 erty), or the proceeds of such use; or

11 (B) the proceeds of any sale or transfer for
12 value to a third party of any asset subject to
13 the Vienna Convention on Diplomatic Relations
14 or the Vienna Convention on Consular Rela-
15 tions.

16 (c) SPECIAL RULE FOR CASES AGAINST IRAN.—Sec-
17 tion 2002 of the Victims of Trafficking and Violence Pro-
18 tection Act of 2000 (Public Law 106–386; 114 Stat.
19 1542) is amended—

20 (1) in subsection (a)(2)(A)(ii), by inserting
21 after “July 27, 2000” the following: “or before Oc-
22 tober 28, 2000,”;

23 (2) in subsection (b)(2)(B)(i), by inserting after
24 “the date of enactment of this Act” the following:
25 “(less amounts therein as to which the United

1 States has an interest in subrogation pursuant to
2 subparagraph (C) arising prior to the date of entry
3 of the judgment or judgments to be satisfied in
4 whole or in part hereunder.”;

5 (3) by redesignating subsections (d), (e), and
6 (f) as subsections (e), (f), and (g), respectively; and

7 (4) by inserting after subsection (c) the fol-
8 lowing new subsection (d):

9 “(d) DISTRIBUTION OF FOREIGN MILITARY SALES
10 FUNDS INADEQUATE TO SATISFY FULL AMOUNT OF
11 COMPENSATORY AWARDS AGAINST IRAN.—

12 “(1)(A) In the event that the Secretary deter-
13 mines that the amounts available to be paid under
14 subsection (b)(2) are inadequate to pay the entire
15 amount of compensatory damages awarded in judg-
16 ments issued as of the date of the enactment of the
17 Justice for Victims of Terrorism Act of 2002 in
18 cases identified in subsection (a)(2)(A), the Sec-
19 retary shall, not later than 60 days after such date,
20 make payment from the account specified in sub-
21 section (b)(2) to each party to which such judgment
22 has been issued a share of the amounts in that ac-
23 count which are not subject to subrogation to the
24 United States under this Act.

1 “(B) The amount so paid to each such person
2 shall be calculated by the proportion that the
3 amount of compensatory damages awarded in a
4 judgment issued to that particular person bears to
5 the total amount of all compensatory damages
6 awarded to all persons to whom judgments have
7 been issued in cases identified in subsection
8 (a)(2)(A) as of the date referred to in subparagraph
9 (A).

10 “(2) Nothing herein shall bar, or require delay
11 in, enforcement of any judgment to which this sub-
12 section applies under any procedure or against as-
13 sets otherwise available under this section or under
14 any other provision of law.

15 “(3) Any person receiving less than the full
16 amount of compensatory damages awarded to that
17 party in judgments to which this subsection applies
18 shall not be required to make the election set forth
19 in subsection (a)(2)(C) in order to qualify for pay-
20 ment hereunder.”.

21 (d) DEFINITIONS.—In this section:

22 (1) The term “terrorist party” means a ter-
23 rorist, a terrorist organization, or a foreign state
24 designated as a state sponsor of terrorism under sec-
25 tion 6(j) of the Export Administration Act of 1979

1 (50 U.S.C. App. 2405(j)) or section 620A of the
2 Foreign Assistance Act of 1961 (22 U.S.C. 2371).

3 (2) The term “blocked asset” means any asset
4 seized or frozen by the United States in accordance
5 with law, or otherwise held by the United States
6 without claim of ownership by the United States.

7 (3) The term “property subject to the Vienna
8 Convention on Diplomatic Relations or the Vienna
9 Convention on Consular Relations” and the term
10 “asset subject to the Vienna Convention on Diplo-
11 matic Relations or the Vienna Convention on Con-
12 sular Relations” mean any property or asset, respec-
13 tively, the attachment in aid of execution or execu-
14 tion of which would result in a violation of an obliga-
15 tion of the United States under the Vienna Conven-
16 tion on Diplomatic Relations or the Vienna Conven-
17 tion on Consular Relations, as the case may be.

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