

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5677

To allow suits to be filed against foreign states or other persons for damages arising from the terrorist attacks of September 11, 2001, regardless of whether a claim has been filed under the September 11th Victims Compensation Fund of 2001, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2002

Ms. MCKINNEY introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To allow suits to be filed against foreign states or other persons for damages arising from the terrorist attacks of September 11, 2001, regardless of whether a claim has been filed under the September 11th Victims Compensation Fund of 2001, 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 “Lasting Justice for  
5 Victims of 9/11 Act”.

1 **SEC. 2. JURISDICTION OF FEDERAL COURTS.**

2 (a) JURISDICTION.—Notwithstanding chapter 97 of  
3 title 28, United States Code, in any action brought in any  
4 court of the United States or of any State in which money  
5 damages are sought against a foreign state or other per-  
6 son for personal injury or death that was caused by the  
7 terrorist attacks of September 11, 2001, including any ac-  
8 tion brought on the basis of the defendant’s direct partici-  
9 pation in such attacks or other acts of the defendant that  
10 caused, permitted, provided material support or resources  
11 (as defined in section 2339A of title 18, United States  
12 Code) for, or in any other way assisted the perpetrators  
13 in the commission of, such attacks, the jurisdiction of the  
14 court shall not be barred—

15 (1) on the grounds that the defendant is im-  
16 mune from suit as a foreign state, or is immune  
17 from suit under the Vienna Convention on Diplo-  
18 matic Relations, the Convention on Privileges and  
19 Immunities of the United Nations, the Diplomatic  
20 Relations Act (22 U.S.C. 254a et seq.), or any other  
21 law extending diplomatic privileges or immunities; or

22 (2) on the basis of section 408(b) of the Sep-  
23 tember 11th Victims Compensation Fund of 2001  
24 (49 U.S.C. 40101 note).

1 (b) STATUTE OF LIMITATIONS.—No action to which  
2 subsection (a) applies may be brought more than 25 years  
3 after the date of the enactment of this Act.

4 (c) DEFINITIONS.—In this section:

5 (1) STATE.—The term “State” means each of  
6 the several States, the District of Columbia, and any  
7 commonwealth, territory, or possession of the United  
8 States.

9 (2) FOREIGN STATE.—The term “foreign state”  
10 has the meaning given that term in section 1603 of  
11 title 28, United States Code.

12 (d) ACTIONS AGAINST AIR CARRIERS NOT AF-  
13 FECTED.—This section does not supersede the applica-  
14 bility of section 408(a) of the September 11th Victims  
15 Compensation Fund of 2001 (49 U.S.C. 40101 note).

16 **SEC. 3. RIGHTS UNDER SEPTEMBER 11TH VICTIMS COM-**  
17 **PENSATION FUND.**

18 Sections 405(c)(3)(B) and 409 of the September  
19 11th Victims Compensation Fund of 2001 (49 U.S.C.  
20 40101 note) shall not apply with respect to any action to  
21 which section 2(a) of this Act applies, except that if a per-  
22 son receives a money judgment in an action to which sec-  
23 tion 2(a) applies—

1           (1) the court shall so notify the Special Master  
2 appointed under section 404(a) of the September  
3 11th Victims Compensation Fund of 2001; and

4           (2)(A) if the person has already been paid com-  
5 pensation under section 406 of that Act, the court  
6 shall order the reimbursement of the appropriate ac-  
7 count of the United States Treasury in an amount  
8 which is the lesser of—

9                   (i) the amount of the judgment, less costs  
10 and attorneys fees; or

11                   (ii) the amount of the compensation paid  
12 under such section 406; or

13           (B) if no payment under section 406 of that  
14 Act has yet been made to that person, the Special  
15 Master referred to in paragraph (1) shall reduce the  
16 amount of any compensation defined under section  
17 405(b)(1)(B)(ii) of that Act by the amount of the  
18 judgment, less costs and attorneys fees, except that  
19 no amount of compensation shall be reduced to less  
20 than 0.

21 **SEC. 4. ACTION BY EXECUTIVE BRANCH.**

22           The heads of the appropriate departments and agen-  
23 cies of the United States shall assist plaintiffs in actions  
24 to which section 2(a) applies in enforcing any decision,

1 judgment, or order issued in favor of plaintiffs in such  
2 actions.

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