

114TH CONGRESS
2D SESSION

H. R. 3394

IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Received

AN ACT

To amend the Terrorism Risk Insurance Act of 2002 to allow for the use of certain assets of foreign persons and entities to satisfy certain judgments against terrorist parties, 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. SHORT TITLE.**

2 This Act may be cited as the “Clarifying Amendment
3 to Provide Terrorism Victims Equity Act” or the “CAP-
4 TIVE Act”.

5 **SEC. 2. USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS**
6 **OF U.S. PERSONS AGAINST TERRORIST PAR-**
7 **TIES.**

8 Section 201(d) of the Terrorism Risk Insurance Act
9 of 2002 (28 U.S.C. 1610 note) is amended—

10 (1) in paragraph (2)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “means”;

13 (B) by amending paragraph (2)(A) to read
14 as follows:

15 “(A) means any asset seized or frozen by
16 the United States under section 5(b) of the
17 Trading With the Enemy Act (50 U.S.C. App.
18 5(b)), under sections 202 and 203 of the Inter-
19 national Emergency Economic Powers Act (50
20 U.S.C. 1701; 1702), or under section 805(b) of
21 the Foreign Narcotics Kingpin Designation Act
22 (21 U.S.C. 1904(b)); and”;

23 (2) by redesignating paragraph (4) as para-
24 graph (5); and

25 (3) by inserting after paragraph (3) the fol-
26 lowing:

1 “(4) PERSON.—In subsection (a), the term
2 ‘person’ means—

3 “(A) a natural person who, at the time the
4 act of terrorism described in subsection (a) was
5 committed upon which the judgment described
6 in such subsection was obtained by that person,
7 was either—

8 “(i) a national of the United States as
9 defined in section 101(a)(22) of the Immi-
10 gration and Nationality Act (8 U.S.C.
11 1101(a)(22));

12 “(ii) a member of the Armed Forces
13 of the United States; or

14 “(iii) otherwise an employee of the
15 Government of the United States, or of an
16 individual performing a contract awarded
17 by the United States Government, acting
18 within the scope of the employee’s employ-
19 ment; or

20 “(B) if the person described in subpara-
21 graph (A) is deceased, the personal representa-
22 tive of the estate of that deceased person.”.

23 **SEC. 3. APPLICABILITY.**

24 The amendments made by this Act apply to any judg-
25 ment described in section 201(a) of the Terrorism Risk

1 Insurance Act of 2002 (28 U.S.C. 1610 note) that is en-
2 tered before, on, or after the date of the enactment of this
3 Act.

Passed the House of Representatives July 12, 2016.

Attest:

KAREN L. HAAS,

Clerk.