

Calendar No. 514

115TH CONGRESS
2D SESSION**S. 2946**

To amend title 18, United States Code, to clarify the meaning of the terms “act of war” and “blocked asset”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mr. GRASSLEY (for himself, Mr. NELSON, Mr. RUBIO, Mr. WHITEHOUSE, Mr. CRUZ, Mr. BLUMENTHAL, Mr. TILLIS, Mr. COONS, Mr. CORNYN, Mr. HATCH, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 12, 2018

Reported by Mr. GRASSLEY, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 18, United States Code, to clarify the meaning of the terms “act of war” and “blocked asset”, 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 “Anti-Terrorism Clari-
5 fication Act of 2018”.

1 **SEC. 2. CLARIFICATION OF THE TERM “ACT OF WAR”.**

2 (a) ~~IN GENERAL.~~—Section 2331 of title 18, United
3 States Code, is amended—

4 (1) in paragraph (4), by striking “and” at the
5 end;

6 (2) in paragraph (5), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(6) the term ‘military force’ does not include
10 any person that—

11 “(A) has been designated as a—

12 “(i) foreign terrorist organization by
13 the Secretary of State under section 219 of
14 the Immigration and Nationality Act (8
15 U.S.C. 1189); or

16 “(ii) Specially Designated Global Ter-
17 rorist (as such term is defined in section
18 594.310 of the Code of Federal Regula-
19 tions) by the Secretary of State or the Sec-
20 retary of the Treasury; or

21 “(B) has been determined by the court to
22 not be a ‘military force’.”

23 (b) ~~APPLICATION.~~—The amendments made by this
24 section shall apply to any civil action pending on or com-
25 menced after the date of the enactment of this Act.

1 **SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERROR-**
 2 **ISTS.**

3 (a) ~~IN GENERAL.~~—Section 2333 of title 18, United
 4 States Code, is amended by inserting at the end following:

5 “(e) ~~USE OF BLOCKED ASSETS TO SATISFY JUDG-~~
 6 ~~MENTS OF U.S. NATIONALS.~~—For purposes of section 201
 7 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C.
 8 1610 note), in any action in which a national of the United
 9 States has obtained a judgment against a terrorist party
 10 pursuant to this section, the term ‘blocked asset’ shall in-
 11 clude any asset of that terrorist party (including the
 12 blocked assets of any agency or instrumentality of that
 13 party) seized or frozen by the United States under section
 14 805(b) of the Foreign Narcotics Kingpin Designation Act
 15 (21 U.S.C. 1904(b)).”.

16 (b) ~~APPLICABILITY.~~—The amendments made by this
 17 section shall apply to any judgment entered before, on,
 18 or after the date of enactment of this Act.

19 **SEC. 4. CONSENT OF CERTAIN PARTIES TO PERSONAL JU-**
 20 **RISDICTION.**

21 (a) ~~IN GENERAL.~~—Section 2334 of title 18, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing:

24 “(e) ~~CONSENT OF CERTAIN PARTIES TO PERSONAL~~
 25 ~~JURISDICTION.~~—For purposes of any civil action under
 26 section 2333 of this title, a defendant shall be deemed to

1 have consented to personal jurisdiction in such civil action
 2 if, regardless of the date of the occurrence of the act of
 3 international terrorism upon which such civil action was
 4 filed, the defendant—

5 “(1) after the date of enactment of this sub-
 6 section, accepts—

7 “(A) assistance under chapter 4 of part H
 8 of the Foreign Assistance Act of 1961 (22
 9 U.S.C. 2346 et seq.); or

10 “(B) assistance under section 481 of the
 11 Foreign Assistance Act of 1961 (22 U.S.C.
 12 2291) for international narcotics control and
 13 law enforcement; or

14 “(2) in the case of a defendant benefiting from
 15 a waiver or suspension of section 1003 of the Anti-
 16 Terrorism Act of 1987 (22 U.S.C. 5202)—

17 “(A) after the date that is 120 days after
 18 the date of enactment of this subsection, con-
 19 tinues to maintain any office, headquarters,
 20 premises, or other facilities or establishments
 21 within the jurisdiction of the United States; or

22 “(B) after the date of enactment of this
 23 subsection, establishes or procures any office,
 24 headquarters, premises, or other facilities or es-

1 tablishments within the jurisdiction of the
2 United States.”.

3 ~~(b) APPLICABILITY.—The amendments made by this~~
4 ~~section shall apply to any civil action filed after the date~~
5 ~~of enactment of this Act.~~

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Anti-Terrorism Clari-*
8 *fication Act of 2018”.*

9 **SEC. 2. CLARIFICATION OF THE TERM “ACT OF WAR”.**

10 (a) *IN GENERAL.*—Section 2331 of title 18, United
11 States Code, is amended—

12 (1) *in paragraph (4), by striking “and” at the*
13 *end;*

14 (2) *in paragraph (5), by striking the period at*
15 *the end and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 “(6) *the term ‘military force’ does not include*
18 *any person that—*

19 “(A) *has been designated as a—*

20 “(i) *foreign terrorist organization by*
21 *the Secretary of State under section 219 of*
22 *the Immigration and Nationality Act (8*
23 *U.S.C. 1189); or*

24 “(ii) *specially designated global ter-*
25 *rorist (as such term is defined in section*

594.310 of title 31, Code of Federal Regulations) by the Secretary of State or the Secretary of the Treasury; or

“(B) has been determined by the court to not be a ‘military force’.”.

(b) *APPLICABILITY.*—The amendments made by this section shall apply to any civil action pending on or commenced after the date of the enactment of this Act.

SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERRORISTS.

(a) *IN GENERAL.*—Section 2333 of title 18, United States Code, is amended by inserting at the end following:

“(e) *USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS OF U.S. NATIONALS.*—For purposes of section 201 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note), in any action in which a national of the United States has obtained a judgment against a terrorist party pursuant to this section, the term ‘blocked asset’ shall include any asset of that terrorist party (including the blocked assets of any agency or instrumentality of that party) seized or frozen by the United States under section 805(b) of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1904(b)).”.

1 (b) *APPLICABILITY.*—*The amendments made by this*
 2 *section shall apply to any judgment entered before, on, or*
 3 *after the date of enactment of this Act.*

4 **SEC. 4. CONSENT OF CERTAIN PARTIES TO PERSONAL JU-**
 5 **RISDICTION.**

6 (a) *IN GENERAL.*—*Section 2334 of title 18, United*
 7 *States Code, is amended by adding at the end the following:*

8 “(e) *CONSENT OF CERTAIN PARTIES TO PERSONAL JU-*
 9 *RISDICTION.*—

10 “(1) *IN GENERAL.*—*Except as provided in para-*
 11 *graph (2), for purposes of any civil action under sec-*
 12 *tion 2333 of this title, a defendant shall be deemed to*
 13 *have consented to personal jurisdiction in such civil*
 14 *action if, regardless of the date of the occurrence of the*
 15 *act of international terrorism upon which such civil*
 16 *action was filed, the defendant—*

17 “(A) *after the date that is 120 days after*
 18 *the date of enactment of this subsection, ac-*
 19 *cepts—*

20 “(i) *any form of assistance, however*
 21 *provided, under chapter 4 of part II of the*
 22 *Foreign Assistance Act of 1961 (22 U.S.C.*
 23 *2346 et seq.);*

24 “(ii) *any form of assistance, however*
 25 *provided, under section 481 of the Foreign*

1 *Assistance Act of 1961 (22 U.S.C. 2291) for*
2 *international narcotics control and law en-*
3 *forcement; or*

4 “(iii) *any form of assistance, however*
5 *provided, under chapter 9 of part II of the*
6 *Foreign Assistance Act of 1961 (22 U.S.C.*
7 *2349bb et seq.); or*

8 “(B) *in the case of a defendant benefiting*
9 *from a waiver or suspension of section 1003 of*
10 *the Anti-Terrorism Act of 1987 (22 U.S.C. 5202)*
11 *after the date that is 120 days after the date of*
12 *enactment of this subsection—*

13 “(i) *continues to maintain any office,*
14 *headquarters, premises, or other facilities or*
15 *establishments within the jurisdiction of the*
16 *United States; or*

17 “(ii) *establishes or procures any office,*
18 *headquarters, premises, or other facilities or*
19 *establishments within the jurisdiction of the*
20 *United States.*

21 “(2) *APPLICABILITY.—Paragraph (1) shall not*
22 *apply to any defendant who ceases to engage in the*
23 *conduct described in paragraphs (1)(A) and (1)(B)*
24 *for 5 consecutive calendar years.”.*

1 (b) *APPLICABILITY.*—*The amendments made by this*
2 *section shall take effect on the date of enactment of this Act.*

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