

107TH CONGRESS
1ST SESSION

S. 1772

To ensure that American victims of terrorism have access to the blocked assets of terrorists, terrorist organizations, and state sponsors of terrorism.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2001

Mr. SMITH of New Hampshire introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To ensure that American victims of terrorism have access to the blocked assets of terrorists, terrorist organizations, and state sponsors of terrorism.

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 of
5 Terrorism Act”.

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

5 (a) IN GENERAL.—Except as provided in subsection
6 (b), in every case in which a person obtains a judgment
7 against a terrorist party on a claim for compensatory dam-
8 ages for an act of terrorism, or a claim for money damages
9 brought pursuant to section 1605(a)(7) of title 28, United
10 States Code, the frozen assets of that terrorist party, or
11 any agency or instrumentality of that terrorist party, shall
12 be available for satisfaction of the judgement, to the extent
13 of any compensatory damages awarded in the judgement
14 for which the terrorist party is liable.

15 (b) PRESIDENTIAL WAIVER.—

16 (1) Subject to paragraph (2), upon determining
17 on an asset-by-asset basis that a waiver is necessary
18 in the national security interest, the President may
19 waive the requirements of this section in connection
20 with (and prior to the enforcement of) any judicial
21 order directing attachment in aid of execution or
22 execution against any property subject to the Vienna
23 Convention on Diplomatic Relations or the Vienna
24 Convention on Consular Relations.

25 (2) A waiver under this subsection shall not
26 apply to—

1 (A) property subject to the Vienna Conven-
2 tion on Consular Relations that has been used
3 for any non-diplomatic purpose (including use
4 as rental property), the proceeds of such use; or

5 (B) any asset subject to the Vienna Con-
6 vention on Diplomatic Relations or the Vienna
7 Convention on Consular Relations that is sold
8 or otherwise transferred for value to a third
9 party, the proceeds of such sale or transfer.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) The term “terrorist party” means a ter-
13 rorist, a terrorist organization, or a foreign state
14 designated as a state sponsor of terrorism under sec-
15 tion 6(j) of the Export Administration Act of 1979
16 (50 U.S.C. App. 2405(j)) or section 620A of the
17 Foreign Assistance Act of 1961 (22 U.S.C. 2371).

18 (2) The term “frozen assets” means assets
19 seized or frozen by the United States in accordance
20 with law.

21 (3) The term “property subject to the Vienna
22 Convention on Diplomatic Relations or the Vienna
23 Convention on Consular Relations” and the term
24 “asset subject to the Vienna Convention on Diplo-
25 matic Relations or the Vienna Convention on Con-

1 sular Relations” mean any property or asset, respec-
2 tively, the attachment in aid of execution or execu-
3 tion of which would result in a violation of an obliga-
4 tion of the United States under the Vienna Conven-
5 tion on Diplomatic Relations or the Vienna Conven-
6 tion on Consular Relations, as the case may be.

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