

114TH CONGRESS
1ST SESSION

H. R. 3858

To reauthorize the September 11th Victim Compensation Fund and to create a fund to compensate U.S. victims of state sponsored terrorism who hold final judgments from Article III courts and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2015

Mr. CHABOT (for himself, Mr. GOODLATTE, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To reauthorize the September 11th Victim Compensation Fund and to create a fund to compensate U.S. victims of state sponsored terrorism who hold final judgments from Article III courts 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 “September 11th VCF
5 Reauthorization and U.S. Victims of State Sponsored Ter-
6 rorism Compensation Act”.

1 **TITLE I—REAUTHORIZATION OF**
2 **THE SEPTEMBER 11TH VIC-**
3 **TIM COMPENSATION FUND**

4 **SEC. 101. DEFINITIONS.**

5 Section 402 of the September 11th Victim Compensa-
6 tion Fund of 2001 (49 U.S.C. 40101 note) is amended—

7 (1) by redesignating paragraphs (5), (6), (7),
8 (8), (9), (10), (11), (12), (13), and (14) as para-
9 graphs (6), (7), (8), (9), (10), (11), (13), (14), (15),
10 and (19), respectively;

11 (2) by inserting after paragraph (4) the fol-
12 lowing:

13 “(5) CERTIFIED-ELIGIBLE WTC SURVIVOR.—
14 The term ‘certified-eligible WTC survivor’ has the
15 meaning given such term in section 3321(a)(2) of
16 the Public Health Service Act (42 U.S.C. 300mm—
17 31(a)(2)).”;

18 (3) in paragraph (10), as so redesignated—

19 (A) by striking “medical expense loss,”;

20 (B) by striking “and loss of business or
21 employment opportunities” and inserting “, loss
22 of business or employment opportunities, and
23 past out-of-pocket medical expense loss”; and

1 (C) by inserting “, but does not include fu-
2 ture medical expense loss” before the period at
3 the end;

4 (4) by inserting after paragraph (11), as so re-
5 designated, the following:

6 “(12) ENROLLED WTC RESPONDER.—The term
7 ‘enrolled WTC responder’ has the meaning given
8 such term in section 3306 of the Public Health
9 Service Act (42 U.S.C. 300mm–5).”;

10 (5) by inserting after paragraph (15), as so re-
11 designated, the following:

12 “(16) WORLD TRADE CENTER HEALTH PRO-
13 GRAM.—The term ‘World Trade Center Health Pro-
14 gram’ means the program established by section
15 3301 of the Public Health Service Act (42 U.S.C.
16 300mm).

17 “(17) WTC PROGRAM ADMINISTRATOR.—The
18 term ‘WTC Program Administrator’ has the mean-
19 ing given such term in section 3306 of the Public
20 Health Service Act (42 U.S.C. 300mm–5).

21 “(18) WTC-RELATED PHYSICAL HEALTH CON-
22 DITION.—

23 “(A) IN GENERAL.—The term ‘WTC-re-
24 lated physical health condition’—

1 “(i) means, subject to clause (ii), a
2 WTC-related physical health condition as
3 defined by section 3312(a) of the Public
4 Health Service Act (42 U.S.C. 300mm–
5 22(a)), including the conditions listed in
6 section 3322(b) of such Act (42 U.S.C.
7 300mm–32(b)); and

8 “(ii) does not include any type of
9 mental health condition.

10 “(B) MEDICAL JUDGMENT OF WTC PRO-
11 GRAM ADMINISTRATOR.—For purposes of deter-
12 mining the conditions that meet the definition
13 of a WTC-related physical health condition, the
14 Special Master shall rely on the medical judg-
15 ment of the WTC Program Administrator.”;
16 and

17 (6) in paragraph (19), as so redesignated, by
18 amending subparagraph (C) to read as:

19 “(C) the area in Manhattan that is south
20 of the line that runs along Canal Street from
21 the Hudson River to the intersection of Canal
22 Street and East Broadway, north on East
23 Broadway to Clinton Street, and east on Clin-
24 ton Street to the East River; and”.

1 **SEC. 102. PURPOSE.**

2 Section 403 of the September 11th Victim Compensa-
3 tion Fund of 2001 (49 U.S.C. 40101 note) is amended
4 by inserting “, or the rescue and recovery efforts during
5 the immediate aftermath of such crashes” before the pe-
6 riod at the end.

7 **SEC. 103. DETERMINATION OF ELIGIBILITY FOR COM-**
8 **PENSATION.**

9 Section 405 of the September 11th Victim Compensa-
10 tion Fund of 2001 (49 U.S.C. 40101 note) is amended—

11 (1) in subsection (a)(3), by striking “during the
12 period” and all that follows through the period and
13 inserting “during either—

14 “(i) the period beginning on October
15 3, 2011, and ending on October 3, 2016;
16 or

17 “(ii) the period beginning on October
18 4, 2016, and ending on October 4, 2021.”;

19 (2) in subsection (b)(6), by inserting “, or the
20 rescue and recovery efforts during the immediate
21 aftermath of such crashes” before the period; and

22 (3) in subsection (c)(3)—

23 (A) in subparagraph (A)—

24 (i) in clause (i), by striking “the pe-
25 riod described in subsection (a)(3)(B)” and

1 inserting “a period described in clause (i)
2 or (ii) of subsection (a)(3)(B)”;

3 (ii) in clause (i)(I)—

4 (I) by striking “the date specified
5 in clause (iii)” and inserting “October
6 3, 2011”;

7 (II) by striking “before such
8 specified date” and inserting “before
9 such date”; and

10 (III) by striking “such specified
11 date.” and inserting “October 3,
12 2011.”;

13 (iii) in clause (i)(II)—

14 (I) by striking “date specified in
15 clause (iii)” and inserting “October 3,
16 2011,”; and

17 (II) by striking “on or after such
18 specified date” and inserting “on or
19 after such date”; and

20 (iv) by striking clauses (ii) and (iii)
21 and inserting the following:

22 “(ii) WTC HEALTH PROGRAM RE-
23 QUIREMENTS FOR ELIGIBILITY.—

24 “(I) IN GENERAL.—Subject to
25 subclause (II), an individual may file

1 a claim during a period described in
2 clause (i) or (ii) of subsection
3 (a)(3)(B) only if the individual has a
4 WTC-related physical health condition
5 and with respect to such condition—

6 “(aa) the individual is an
7 enrolled WTC responder;

8 “(bb) the individual is a cer-
9 tified-eligible WTC survivor; or

10 “(cc) the individual is an in-
11 dividual described in section
12 3323(b) of the Public Health
13 Service Act (42 U.S.C. 300mm-
14 33(b)).

15 “(II) PERSONAL REPRESENTA-
16 TIVES.—An individual who is a per-
17 sonal representative described in para-
18 graph (2)(C) may file a claim during
19 a period described in clause (i) or (ii)
20 of subsection (a)(3)(B) only if the
21 Special Master, with assistance from
22 the WTC Program Administrator as
23 necessary, determines that the Admin-
24 istrator would have determined that—

1 “(aa) the condition that
 2 caused the death of the decedent
 3 was a WTC-related physical
 4 health condition; and

5 “(bb) on the date of the
 6 death of a decedent, the decedent
 7 would have qualified to be an en-
 8 rolled WTC responder, a cer-
 9 tified-eligible WTC survivor, or
 10 an individual described in section
 11 3323(b) of the Public Health
 12 Service Act (42 U.S.C. 300mm–
 13 33(b)).”; and

14 (B) in subparagraph (C)—

15 (i) in clause (ii), by striking “the pe-
 16 riod described in subsection (a)(3)(B)” and
 17 inserting “a period described in clause (i)
 18 or (ii) of subsection (a)(3)(B)”; and

19 (ii) in clause (iii), by striking “the
 20 date on which the James Zadroga 9/11
 21 Health and Compensation Act of 2010 was
 22 enacted” and inserting “January 2, 2011”.

23 **SEC. 104. PAYMENTS TO ELIGIBLE INDIVIDUALS.**

24 Section 406 of the September 11th Victim Compensa-
 25 tion Fund of 2001 (49 U.S.C. 40101 note) is amended—

1 (1) in subsection (b)—

2 (A) by striking “This title constitutes” and
3 inserting the following:

4 “(1) FIRST EXTENDED PERIOD.—This title
5 constitutes”;

6 (B) by striking “subsection (d)(1)” and in-
7 serting “subsection (d)(1)(A)”; and

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

9 “(2) FINAL EXTENDED PERIOD.—For claims
10 submitted between October 4, 2016, and October 4,
11 2021, amounts in the 9/11 Fund shall be available,
12 without further appropriation, for the payment of
13 amounts for compensation under this title subject to
14 the limitations under subsection (d).”; and

15 (2) by amending subsection (d) to read as fol-
16 lows:

17 “(d) LIMITATION.—

18 “(1) IN GENERAL.—

19 “(A) FIRST EXTENDED PERIOD.—The
20 total amount of Federal funds paid for com-
21 pensation under this title, with respect to
22 claims filed during the 5-year period described
23 in section 405(a)(3)(B)(i), shall not exceed
24 \$2,775,000,000. Of such amounts, not to ex-

1 ceed \$875,000,000 shall be available to pay
2 such claims during such 5-year period.

3 “(B) FINAL EXTENDED PERIOD.—The
4 total amount of Federal funds paid for com-
5 pensation under this title, with respect to
6 claims filed during the 5-year period described
7 in section 405(a)(3)(B)(ii), shall not exceed
8 \$2,775,000,000. Of such amounts, not to ex-
9 ceed \$1,400,000,000 shall be available to pay
10 such claims during such 5-year period.

11 “(2) PRO-RATION AND PAYMENT OF REMAINING
12 CLAIMS.—

13 “(A) IN GENERAL.—The Special Master
14 shall ratably reduce the amount of compensa-
15 tion due claimants under this title in a manner
16 to ensure, to the extent possible, that—

17 “(i) all claimants who, before applica-
18 tion of the limitation under the second sen-
19 tence of subparagraph (A) or (B) of para-
20 graph (1), as applicable, would have been
21 determined to be entitled to a payment
22 under this title during the applicable 5-
23 year period, receive a payment during such
24 period; and

1 “(ii) the total amount of all such pay-
2 ments made during the applicable 5-year
3 period do not exceed the amount available
4 under the second sentence of subparagraph
5 (A) or (B) of paragraph (1), as applicable,
6 to pay claims during such period.

7 “(B) PAYMENT OF REMAINDER OF CLAIM
8 AMOUNTS.—

9 “(i) IN GENERAL.—In any case in
10 which the amount of a claim is ratably re-
11 duced pursuant to subparagraph (A), on or
12 after the first day after the 5-year period
13 described in subparagraph (A) or (B) of
14 paragraph (1), as applicable, but in no
15 event later than 1 year after the applicable
16 5-year period, the Special Master shall pay
17 to the claimant the amount that is equal to
18 the difference between—

19 “(I) the amount that the claim-
20 ant would have been paid under this
21 title during the applicable 5-year pe-
22 riod without regard to the limitation
23 under the second sentence of subpara-
24 graph (A) or (B) of paragraph (1) ap-

1 applicable to the 5-year period described
2 in such applicable subparagraph; and
3 “(II) the amount the claimant
4 was paid under this title during the
5 applicable 5-year period.

6 “(ii) PRO RATA DISTRIBUTION.—The
7 Special Master shall ratably reduce the
8 payments made under this subparagraph
9 to ensure that the total amount of pay-
10 ments made for claims submitted during
11 the applicable 5-year period do not exceed
12 the limitations under the first sentence of
13 paragraph (1)(A) or paragraph (1)(B) as
14 applicable. In addition, for payments made
15 pursuant to this subparagraph for claims
16 submitted during the 5-year period de-
17 scribed in section 405(a)(3)(B)(ii), the
18 Special Master shall, if necessary, reduce
19 such payments to ensure that the propor-
20 tional ratio for such payments does not ex-
21 ceed the proportional ratio for payments
22 made on claims submitted during the 5-
23 year period described in section
24 405(a)(3)(B)(i).

1 “(iii) FINAL ALLOCATION.—If after
2 all payments are made pursuant to sub-
3 paragraph (B) on claims submitted be-
4 tween October 4, 2016, and October 4,
5 2021, funds remain in the 9/11 Fund and
6 claims were ratably reduced pursuant to
7 clause (ii), the Special Master shall dis-
8 tribute the remaining funds on a pro rata
9 basis to claimants who submitted claims
10 during either 5-year period described in
11 section 405(a)(3)(B) whose claims were
12 ratably reduced. If funds remain in the 9/
13 11 Fund after such payments, such funds
14 shall be transferred into the United States
15 Victims of State Sponsored Terrorism
16 Fund created by title II of this Act.

17 “(C) TERMINATION.—Upon completion of
18 all payments pursuant to this subsection, the
19 Victim’s Compensation Fund shall be perma-
20 nently closed.”.

21 **SEC. 105. 9/11 FUND.**

22 The September 11th Victim Compensation Fund of
23 2001 (49 U.S.C. 40101 note) is amended by adding at
24 the end the following new section:

1 **“SEC. 410. 9/11 FUND.**

2 “(a) ESTABLISHMENT OF THE 9/11 FUND.—There
3 is established in the Treasury a fund, to be designated
4 as the 9/11 Fund.

5 “(b) FUNDING.—Beginning on the date of the enact-
6 ment of this Act, \$2,775,000,000 of the funds paid to the
7 United States Government by BNP Paribas S.A. (BNPP)
8 as part of, or related to, a plea agreement dated June 27,
9 2014, entered into between the United States Department
10 of Justice and BNPP, and subject to a consent order en-
11 tered by the United States District Court for the Southern
12 District of New York on May 1, 2015, in United States
13 v. BNPP, No. 14 Cr. 460 (SDNY) to settle charges
14 against BNPP for conspiracy to commit an offense
15 against the United States in violation of section 371 of
16 title 18, United States Code, by conspiring to violate the
17 International Emergency Economic Powers Act (50
18 U.S.C. 1701 et seq.), and the Trading with the Enemy
19 Act (50 U.S.C. App. 1 et seq.) shall be deposited or trans-
20 ferred into the Fund for distribution for claims submitted
21 between October 4, 2016, and October 4, 2021, under this
22 Act.

23 “(c) MANAGEMENT OF FUND.—The Fund shall be
24 managed and invested in the same manner as a trust fund
25 is managed and invested under section 9602 of the Inter-
26 nal Revenue Code of 1986.”.

1 **TITLE II—COMPENSATION FOR**
2 **UNITED STATES VICTIMS OF**
3 **STATE SPONSORED TER-**
4 **RORISM ACT**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Justice for United
7 States Victims of State Sponsored Terrorism Act”.

8 **SEC. 202. ADMINISTRATION OF THE U.S. VICTIMS OF STATE**
9 **SPONSORED TERRORISM FUND.**

10 (a) ADMINISTRATION OF THE FUND.—

11 (1) APPOINTMENT AND TERMS OF SPECIAL
12 MASTER.—

13 (A) INITIAL APPOINTMENT.—Not later
14 than 60 days after the date of the enactment of
15 this Act, the Attorney General shall appoint a
16 Special Master. The initial term for the Special
17 Master shall be 18 months.

18 (B) ADDITIONAL TERMS.—Thereafter,
19 each time the Attorney General determines suf-
20 ficient money is available in the Fund to com-
21 pensate eligible victims, the Attorney General
22 shall appoint or reappoint a Special Master for
23 such period as is appropriate, not to exceed one
24 year.

1 (C) SPECIAL MASTER TO ADMINISTER
2 COMPENSATION FROM THE FUND.—The Special
3 Master shall administer the compensation pro-
4 gram described in this title for United States
5 persons who are victims of state sponsored ter-
6 rorism.

7 (2) USE OF DEPARTMENT OF JUSTICE PER-
8 SONNEL.—The Special Master may utilize, as nec-
9 essary, no more than five full-time equivalent De-
10 partment of Justice personnel to assist in carrying
11 out the duties of the Special Master under this title.

12 (3) COMPENSATION OF SPECIAL MASTER.—The
13 Special Master shall be compensated from the Fund
14 at a rate not to exceed the annual rate of basic pay
15 for level IV of the Executive Schedule, as prescribed
16 by section 5315 of title 5, United States Code.

17 (b) PUBLICATION OF REGULATIONS AND PROCE-
18 DURES.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date of the initial appointment of the Special
21 Master, the Special Master shall publish in the Fed-
22 eral Register and on a website maintained by the
23 Department of Justice a notice specifying the proce-
24 dures necessary for United States persons to apply
25 and establish eligibility for payment. Such notice is

1 not subject to the requirements of section 533 of
2 title 5, United States Code.

3 (2) INFORMATION REGARDING OTHER SOURCES
4 OF COMPENSATION.—As part of the procedures for
5 United States persons to apply and establish eligi-
6 bility for payment, the Special Master shall require
7 applicants to provide the Special Master with infor-
8 mation regarding the amount of compensation from
9 any source other than this Fund that the claimant
10 (or, in the case of a personal representative, the vic-
11 tim’s beneficiaries) has received or is entitled to re-
12 ceive as a result of the act of international terrorism
13 that gave rise to a claimant’s final judgment.

14 (c) DECISIONS OF THE SPECIAL MASTER.—All deci-
15 sions made by the Special Master with regard to com-
16 pensation from the Fund shall be—

17 (1) in writing and provided to the Attorney
18 General, each claimant and, if applicable, the attor-
19 ney for each claimant; and

20 (2) final and, except as provided in subsection
21 (d), not subject to administrative or judicial review.

22 (d) REVIEW HEARING.—

23 (1) Not later than 30 days after receipt of a
24 written decision by the Special Master, a claimant
25 whose claim is denied in whole or in part by the Spe-

1 cial Master may request a hearing before the Special
2 Master pursuant to procedures established by the
3 Special Master.

4 (2) Not later than 90 days after any such hear-
5 ing, the Special Master shall issue a written decision
6 affirming or amending the original decision. This
7 written decision is final and nonreviewable.

8 **SEC. 203. ELIGIBLE CLAIMS.**

9 (a) GENERALLY.—For the purposes of this title, a
10 claim is an eligible claim if the Special Master determines
11 that—

12 (1) the judgment holder is a United States per-
13 son;

14 (2) the claim is described in subsection (b); and

15 (3) the requirements of subsection (c) are met.

16 (b) IN GENERAL.—The claims referred to in sub-
17 section (a) are claims for—

18 (1) compensatory damages awarded to a United
19 States person in a final judgment—

20 (A) issued by a United States district
21 court under State or Federal law against a
22 state sponsor of terrorism; and

23 (B) arising from acts of international ter-
24 rorism, for which the foreign state was deter-
25 mined not to be immune from the jurisdiction

1 of the courts of the United States under section
2 1605A, or section 1605(a)(7) (as such section
3 was in effect on January 27, 2008), of title 28,
4 United States Code; or

5 (2) the sum total of \$10,000 per day for each
6 day that a United States person was taken and held
7 hostage from the United States embassy in Tehran,
8 Iran, during the period beginning November 4,
9 1979, and ending January 20, 1981.

10 (c) DEADLINE FOR APPLICATION SUBMISSION.—

11 (1) The deadline for submitting an application
12 for a payment under this section is as follows:

13 (A) Not later than 90 days after the date
14 of the publication required under section
15 202(b)(2), with regard to an application based
16 on—

17 (i) a final judgment described in sub-
18 section (b)(1) obtained before that date of
19 publication; or

20 (ii) a claim described in subsection
21 (b)(2).

22 (B) Not later than 90 days after the date
23 of obtaining a final judgment, with regard to a
24 final judgment obtained on or after the date of
25 that publication.

1 (2) For good cause shown, the Special Master
2 may grant a claimant a reasonable extension of a
3 deadline under this subsection.

4 **SEC. 204. PAYMENTS.**

5 (a) TO WHOM MADE.—The Special Master shall
6 order payment from the Fund for each eligible claim of
7 a United States person to that person or, if that person
8 is deceased, to the personal representative of the estate
9 of that person.

10 (b) TIMING OF INITIAL PAYMENTS.—The Special
11 Master shall authorize all initial payments to satisfy eligi-
12 ble claims under this title not later than 1 year after the
13 date of the enactment of this Act.

14 (c) PAYMENTS TO BE MADE PRO RATA.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the Special Master shall carry out sub-
17 section (a), by dividing all available funds on a pro
18 rata basis, based on the amounts outstanding and
19 unpaid on eligible claims, until all such amounts
20 have been paid in full. In the event that a United
21 States person has an eligible claim that exceeds
22 \$100 million, the Special Master shall treat that
23 claim as if it were for \$100 million for purposes of
24 this section.

25 (2) MINIMUM PAYMENTS.—

1 (A) Any applicant with an eligible claim
2 described in section 203(b)(1) who has received,
3 or is eligible or scheduled to receive, any pay-
4 ment that is equal to, or in excess of, 30 per-
5 cent of the total compensatory damages owed to
6 such applicant on the applicant's claim from
7 any source other than this Fund shall not re-
8 ceive any payment from the Fund until such
9 time as all other eligible applicants have re-
10 ceived from the Fund an amount equal to 30
11 percent of the compensatory damages awarded
12 to those applicants. For purposes of calculating
13 the pro rata for these payments, the Special
14 Master shall not include the total compensatory
15 damages for applicants excluded from payment
16 by this subparagraph.

17 (B) To the extent that an applicant with
18 an eligible claim has received less than 30 per-
19 cent of the compensatory damages owed that
20 applicant under a final judgment described in
21 section 203(b)(1) from any source other than
22 this Fund, such applicant may apply to the
23 Special Master for the difference between the
24 percentage of compensatory damages the appli-
25 cant has received from other sources and the

1 percentage of compensatory damages to be
2 awarded other eligible applicants from the
3 Fund.

4 (d) ADDITIONAL PAYMENTS.—On January 1 of the
5 second calendar year that begins after the date of the ini-
6 tial payments described in subsection (a) if funds are
7 available in the Fund, the Special Master shall authorize
8 additional payments on a pro rata basis to those claimants
9 with eligible claims under section 203(b)(1) and shall au-
10 thorize additional payments for eligible claims annually
11 thereafter if funds are available in the Fund.

12 (e) SUBROGATION AND RETENTION OF RIGHTS.—

13 (1) UNITED STATES SUBROGATED TO CRED-
14 ITOR RIGHTS TO THE EXTENT OF PAYMENT.—The
15 United States shall be subrogated to the rights of
16 any person who applies for and receives payments
17 under this title, but only to the extent and in the
18 amount of such payments made under this title. The
19 President shall pursue these subrogated rights as
20 claims or offsets of the United States in appropriate
21 ways, including any negotiation process that pre-
22 cedes the normalization of relations between the for-
23 eign state designated as a state sponsor of terrorism
24 and the United States or the lifting of sanctions
25 against such foreign state.

1 (2) RIGHTS RETAINED.—To the extent amounts
2 of damages remain unpaid and outstanding under
3 this section, each applicant shall retain that appli-
4 cant’s creditor rights in any unpaid and outstanding
5 amounts of the judgment, including any prejudg-
6 ment or post-judgment interest, or punitive dam-
7 ages, awarded by the United States district court
8 pursuant to a judgment.

9 **SEC. 205. UNITED STATES VICTIMS OF STATE SPONSORED**
10 **TERRORISM FUND.**

11 (a) ESTABLISHMENT OF U.S. VICTIMS OF STATE
12 SPONSORED TERRORISM FUND.—There is established in
13 the Treasury a fund, to be designated as the United States
14 Victims of State Sponsored Terrorism Fund.

15 (b) IN GENERAL.—Beginning on the date of the en-
16 actment of this Act, the following shall be deposited or
17 transferred into the Fund for distribution under this title:

18 (1) FORFEITED FUNDS AND PROPERTY.—All
19 funds, and the net proceeds from the sale of prop-
20 erty, forfeited or paid to the United States after the
21 date of enactment of this Act as a civil or criminal
22 penalty or fine arising from a violation of any li-
23 cense, order, regulation, or prohibition issued under
24 the International Emergency Economic Powers Act
25 (50 U.S.C. 1701 et seq.) or the Trading with the

1 Enemy Act (50 U.S.C. App. 1 et seq.), or any re-
2 lated civil or criminal conspiracy, scheme, or other
3 Federal offense arising from the actions of, or doing
4 business with, a state sponsor of terrorism.

5 (2) TRANSFER OF FORFEITED FUNDS RELATED
6 TO PLEA AGREEMENT AND SETTLEMENT BETWEEN
7 THE UNITED STATES AND BNP PARIBAS S.A.—All
8 funds, excluding those funds transferred to the 9/11
9 Fund by title I of this Act, paid to the United States
10 Government by BNP Paribas S.A. (BNPP) as part
11 of, or related to, a plea agreement dated June 27,
12 2014, entered into between the United States De-
13 partment of Justice and BNPP, and subject to a
14 consent order entered by the United States District
15 Court for the Southern District of New York on
16 May 1, 2015, in United States v. BNPP, No. 14 Cr.
17 460 (SDNY) to settle charges against BNPP for
18 conspiracy to commit an offense against the United
19 States in violation of section 371 of title 18, United
20 States Code, by conspiring to violate the Inter-
21 national Emergency Economic Powers Act (50
22 U.S.C. 1701 et seq.), and the Trading with the
23 Enemy Act (50 U.S.C. App. 1 et seq.).

1 (3) TRANSFER INTO FUND OF CERTAIN AS-
2 SIGNED ASSETS OF IRAN AND ELECTION TO PARTICI-
3 PATE IN FUND.—

4 (A) DEPOSIT INTO FUND OF ASSIGNED
5 PROCEEDS FROM SALE OF PROPERTIES AND
6 RELATED ASSETS IDENTIFIED IN IN RE 650
7 FIFTH AVENUE & RELATED PROPERTIES.—

8 (i) IN GENERAL.—Except as provided
9 in clause (ii), if the United States receives
10 a final judgment forfeiting the properties
11 and related assets identified in the pro-
12 ceedings captioned as In Re 650 Fifth Av-
13 enue & Related Properties, No. 08 Civ.
14 10934 (S.D.N.Y. filed Dec. 17, 2008), the
15 net proceeds (not including the litigation
16 expenses and sales costs incurred by the
17 United States) resulting from the sale of
18 such properties and related assets by the
19 United States shall be deposited into the
20 Fund.

21 (ii) LIMITATION.—The following pro-
22 ceeds resulting from any sale of the prop-
23 erties and related assets identified in
24 clause (i) shall not be transferred into the
25 Fund:

1 (I) The percentage of proceeds
2 attributable to any party identified as
3 a Settling Judgment Creditor in the
4 order dated April 16, 2014, in such
5 proceedings, who does not make an
6 election (described in subparagraph
7 (C)) to participate in the Fund.

8 (II) The percentage of proceeds
9 attributable to the parties identified
10 as the Hegna Judgment Creditors in
11 such proceedings, unless and until a
12 final judgment is entered denying the
13 claims of such creditors.

14 (B) DEPOSIT INTO FUND OF ASSIGNED AS-
15 SETS IDENTIFIED IN PETERSEN V. ISLAMIC RE-
16 PUBLIC OF IRAN.—If a final judgment is en-
17 tered in Peterson v. Islamic Republic of Iran,
18 No. 10 Civ. 4518 (S.D.N.Y.), awarding the as-
19 sets at issue in that case to the plaintiffs, those
20 assets shall be deposited into the Fund, but
21 only to the extent, and in such percentage, that
22 the rights, title, and interest to such assets
23 were assigned through elections made pursuant
24 to subparagraph (C).

1 (C) ELECTION TO PARTICIPATE IN THE
2 FUND.—Upon written notice to the Attorney
3 General, the Special Master, and the chief
4 judge of the United States District Court for
5 the Southern District of New York within 60
6 days of the date of enactment of this Act, a
7 United States person, who is a plaintiff in the
8 proceedings captioned Petersen v. Islamic Re-
9 public of Iran, No. 10 Civ. 4518 (S.D.N.Y.), or
10 a Settling Judgment Creditor as identified in
11 the proceedings captioned In Re 650 Fifth Ave-
12 nue & Related Properties, No. 08 Civ. 10934
13 (S.D.N.Y. filed Dec. 17, 2008), shall have the
14 right to elect to participate in the Fund and, to
15 the extent any such person exercises such right,
16 shall irrevocably assign to the Fund all rights,
17 title, and interest to such person's claims to the
18 assets at issues in such proceedings. To the ex-
19 tent that a United States person is both a
20 plaintiff in the proceedings captioned Petersen
21 v. Islamic Republic of Iran, No. 10 Civ. 4518
22 (SDNY) and a Settling Judgment Creditor in
23 In Re 650 Fifth Avenue & Related Properties,
24 No. 08 Civ. 10934 (S.D.N.Y. filed Dec. 17,
25 2008), any election by such person to partici-

1 pate in the Fund pursuant to this paragraph
2 shall operate as an election to assign any and
3 all rights, title, and interest in the assets in
4 both actions for the purposes of participating in
5 the Fund. The Attorney General is authorized
6 to pursue any such assigned rights, title, and
7 interest in those claims for the benefit of the
8 Fund.

9 (D) APPLICATION FOR CONDITIONAL PAY-
10 MENT.—A United States person who is a plain-
11 tiff in the proceedings identified in subpara-
12 graph (C) and who does not elect to participate
13 in the Fund may, notwithstanding such failure
14 to elect, submit an application for conditional
15 payment from the Fund, subject to the fol-
16 lowing limitations:

17 (i) Notwithstanding any such claim-
18 ant’s eligibility for payment and the initial
19 deadline for initial payments set forth in
20 section 204(b), the Special Master shall al-
21 locate but withhold payment to an eligible
22 claimant who applies for a conditional pay-
23 ment under this paragraph until such time
24 as an adverse final judgment is entered in

1 both of the proceedings identified in sub-
2 paragraph (C).

3 (ii) In the event that a final judgment
4 is entered in favor of the plaintiffs in the
5 proceedings identified in subparagraph (C),
6 the payments allocated to claimants who
7 applied for a conditional payment under
8 this subparagraph shall be considered void,
9 and any funds previously allocated to such
10 conditional payments shall be made avail-
11 able and distributed to all other eligible
12 claimants pursuant to section 204.

13 (c) EXPENDITURES FROM FUND.—Amounts in the
14 Fund shall be available, without further appropriation, for
15 the payment of eligible claims and compensation of the
16 Special Master in accordance with this title.

17 (d) MANAGEMENT OF FUND.—The Fund shall be
18 managed and invested in the same manner as a trust fund
19 is managed and invested under section 9602 of the Inter-
20 nal Revenue Code of 1986.

21 **SEC. 206. AWARD OF COMPENSATION TO INFORMERS.**

22 (a) IN GENERAL.—Any United States person who
23 holds a final judgment described in section 203(b)(1) and
24 who meets the requirements set forth in subsection (b) of
25 this section is entitled to receive an award of 10 percent

1 of the funds deposited in the Fund attributable to infor-
2 mation such person furnished to the Attorney General that
3 leads to a forfeiture described in section 203(a)(1), which
4 is made after the date of enactment of this Act pursuant
5 to a proceeding resulting in forfeiture that was initiated
6 after the date of enactment of this Act.

7 (b) PERSON DESCRIBED.—A person meets the re-
8 quirements of this subsection if—

9 (1) the person identifies and notifies the Attor-
10 ney General of funds or property—

11 (A) of a state sponsor of terrorism, or held
12 by a third party on behalf of or subject to the
13 control of that state sponsor of terrorism;

14 (B) that were not previously identified or
15 known by the United States Government; and

16 (C) that are subsequently forfeited directly
17 or in the form of substitute assets to the United
18 States; and

19 (2) the Attorney General finds that the identi-
20 fication and notification under paragraph (1) by
21 that person substantially contributed to the for-
22 feiture to the United States.

23 **SEC. 207. SPECIAL EXCLUSION FROM COMPENSATION.**

24 In no event shall an individual who is criminally cul-
25 pable for an act of international terrorism receive any

1 compensation under this title, either directly or on behalf
2 of a victim.

3 **SEC. 208. REPORT TO CONGRESS.**

4 Within 30 days after authorizing the payment of
5 compensation of eligible claims pursuant to section 204,
6 the Special Master shall submit to the chairman and rank-
7 ing minority member of the Committee on the Judiciary
8 of the House of Representatives and the chairman and
9 ranking minority member of the Committee on the Judici-
10 ary of the Senate a report on the payment of eligible
11 claims, which shall include—

12 (1) an explanation of the procedures for filing
13 and processing of applications for compensation; and

14 (2) an analysis of the payments made to United
15 States persons from the Fund and the amount of
16 outstanding eligible claims, including—

17 (A) the number of applications for com-
18 pensation submitted;

19 (B) the number of applications approved
20 and the amount of each award;

21 (C) the number of applications denied and
22 the reasons for the denial;

23 (D) the number of applications for com-
24 pensation that are pending for which compen-
25 satory damages have not been paid in full; and

1 (E) the total amount of compensatory
2 damages from eligible claims that have been
3 paid and that remain unpaid.

4 **SEC. 209. DEFINITIONS.**

5 In this title the following definitions apply:

6 (1) ACT OF INTERNATIONAL TERRORISM.—The
7 term “act of international terrorism” includes—

8 (A) an act of torture, extrajudicial killing,
9 aircraft sabotage, or hostage taking as those
10 terms are defined by section 1605A(h) of title
11 28, United States Code; and

12 (B) as defined by section 2339A of title
13 18, United States Code, the provision of mate-
14 rial support or resources for an act described in
15 subparagraph (A).

16 (2) ADVERSE FINAL JUDGMENT.—The term
17 “adverse final judgment” means a final judgment in
18 favor of the defendant, or defendants, in the pro-
19 ceedings identified in section 205(b)(3)(C), or which
20 does not order any payment from, or award any in-
21 terest in, the assets at issue in such proceedings to
22 the plaintiffs or Settling Judgment Creditors in such
23 proceedings.

1 (3) COMPENSATORY DAMAGES.—The term
2 “compensatory damages” does not include pre-judg-
3 ment or post-judgment interest or punitive damages.

4 (4) FINAL JUDGMENT.—The term “final judg-
5 ment” means an enforceable final judgment, decree
6 or order on liability and damages entered by a
7 United States district court that is not subject to
8 further appellate review, but does not include a
9 judgment, decree, or order that has been waived, re-
10 linquished, satisfied, espoused by the United States,
11 or subject to a bilateral claims settlement agreement
12 between the United States and a foreign state.

13 (5) FUND.—The term “Fund” means the
14 United States Victims of State Sponsored Terrorism
15 Fund established by this title.

16 (6) SOURCE OTHER THAN THIS FUND.—The
17 term “source other than this Fund” means all col-
18 lateral sources, including life insurance, pension
19 funds, death benefit programs, and payments by
20 Federal, State, or local governments (including pay-
21 ments from the September 11th Victims Compensa-
22 tion Fund (49 U.S.C. 40101 note)), and court
23 awarded compensation related to the act of inter-
24 national terrorism that gave rise to a claimant’s
25 final judgment.

1 (7) STATE SPONSOR OF TERRORISM.—The term
2 “state sponsor of terrorism” means a country the
3 government of which the Secretary of State has de-
4 termined, for purposes of section 6(j) of the Export
5 Administration Act of 1979 (50 U.S.C. App.
6 2405(j)), section 620A of the Foreign Assistance
7 Act of 1961 (22 U.S.C. 2371), section 40 of the
8 Arms Export Control Act (22 U.S.C. 2780), or any
9 other provision of law, is a government that has re-
10 peatedly provided support for acts of international
11 terrorism.

12 (8) UNITED STATES PERSON.—The term
13 “United States person” means a natural person en-
14 titled to a private right of action under section
15 1605A(c) of title 28, United States Code.

16 **SEC. 210. SEVERABILITY.**

17 The provisions of this title are severable. If any provi-
18 sion of this title, or any application thereof, is found un-
19 constitutional, that finding shall not affect any provision
20 or application of the Act not so adjudicated.

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