

105TH CONGRESS
2D SESSION

H. R. 4292

To amend title 28, United States Code, to allow attachment of certain property of foreign states in execution of judgments for acts of terrorism.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1998

Mr. SAXTON (for himself, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. WATTS of Oklahoma, Mr. SALMON, Mr. SESSIONS, Mr. FORBES, Mr. ENGEL, Mr. HAYWORTH, Mr. FOX of Pennsylvania, Mr. FRELINGHUYSEN, Mr. PAPPAS, Mr. FRANKS of New Jersey, Mr. BOB SCHAFER of Colorado, Mr. SNOWBARGER, Mr. ROHRBACHER, Mr. EHRLICH, Mr. HORN, and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to allow attachment of certain property of foreign states in execution of judgments for acts 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
5 of Terrorism Act of 1998”.

1 **SEC. 2. EXCEPTION TO IMMUNITY FROM ATTACHMENT OR**
2 **EXECUTION.**

3 (a) IN GENERAL.—Section 1610 of title 28, United
4 States Code, is amended by adding at the end the follow-
5 ing new subsection:

6 “(f)(1)(A) Notwithstanding any other provision of
7 law, including but not limited to section 208(f) of the
8 State Department Basic Authorities Act (22 U.S.C.
9 4308(f)), and except as provided in subparagraph (B), any
10 property with respect to which financial transactions are
11 prohibited or regulated pursuant to section 5(b) of the
12 Trading with the Enemy Act (50 U.S.C. App. 5(b)), sec-
13 tion 620(a) of the Foreign Assistance Act of 1961 (22
14 U.S.C. 2370(a)), sections 202 and 203 of the Inter-
15 national Emergency Economic Powers Act (50 U.S.C.
16 1701–1702), or any other proclamation, order, regulation,
17 or license issued pursuant thereto, shall be subject to exe-
18 cution or attachment in aid of execution of any judgment
19 relating to a claim for which a foreign state (including
20 any agency or instrumentality of such State) is not im-
21 mune under section 1605(a)(7).

22 “(B) Subparagraph (A) shall not apply if, at the time
23 the property is expropriated or seized by the foreign state,
24 the property has been held in title by a natural person
25 or, if held in trust, has been held for the benefit of a natu-
26 ral person or persons.

1 “(2)(A) At the request of any party in whose favor
2 a judgment has been issued with respect to a claim for
3 which the foreign state is not immune under section
4 1605(a)(7), the Secretary of the Treasury and the Sec-
5 retary of State shall fully, promptly, and effectively assist
6 any judgment creditor or any court that has issued any
7 such judgment in identifying, locating, and executing
8 against the property of that foreign state or any agency
9 or instrumentality of such State.

10 “(B) In providing such assistance, the Secretaries—

11 “(i) may provide such information to the court
12 under seal; and

13 “(ii) shall provide the information in a manner
14 sufficient to allow the court to direct the United
15 States Marshall’s office to promptly and effectively
16 execute against that property.”.

17 (b) CONFORMING AMENDMENT.—Section 1606 of
18 title 28, United States Code, is amended by inserting after
19 “punitive damages” the following: “, except in any action
20 under section 1605(a)(7) or 1610(f)”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 subsections (a) and (b) shall apply to any claim for which
23 a foreign state is not immune under section 1605(a)(7)

1 of title 28, United States Code, arising before, on, or after
2 the date of enactment of this Act.

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