

Calendar No. 715

106TH CONGRESS
2^D SESSION**H. R. 3485**

IN THE SENATE OF THE UNITED STATES

JULY 26, 2000

Received; read twice and placed on the calendar

AN ACT

To modify the enforcement of certain anti-terrorism
judgments, 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. ENFORCEMENT OF CERTAIN ANTI-TERRORISM**
4 **JUDGMENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Justice for Victims of Terrorism Act”.

7 (b) DEFINITION.—

8 (1) IN GENERAL.—Section 1603(b) of title 28,
9 United States Code, is amended—

10 (A) in paragraph (3) by striking the period
11 and inserting “; and”;

1 (B) by redesignating paragraphs (1), (2),
 2 and (3) as subparagraphs (A), (B), and (C), re-
 3 spectively;

4 (C) by striking “(b)” through “entity—”
 5 and inserting the following:

6 “(b) An ‘agency or instrumentality of a foreign state’
 7 means—

8 “(1) any entity—”; and

9 (D) by adding at the end the following:

10 “(2) for purposes of sections 1605(a)(7) and
 11 1610 (a)(7) and (f), any entity as defined under
 12 subparagraphs (A) and (B) of paragraph (1), and
 13 subparagraph (C) of paragraph (1) shall not
 14 apply.”.

15 (2) TECHNICAL AND CONFORMING AMEND-
 16 MENT.—Section 1391(f)(3) of title 28, United
 17 States Code, is amended by striking “1603(b)” and
 18 inserting “1603(b)(1)”.

19 (c) ENFORCEMENT OF JUDGMENTS.—Section
 20 1610(f) of title 28, United States Code, is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A) by striking “(in-
 23 cluding any agency or instrumentality or such
 24 state)” and inserting “(including any agency or
 25 instrumentality of such state)”; and

1 (B) by adding at the end the following:

2 “(C) Notwithstanding any other provision of law,
3 moneys due from or payable by the United States (includ-
4 ing any agency or instrumentality thereof) to any state
5 against which a judgment is pending under section
6 1605(a)(7) shall be subject to attachment and execution
7 with respect to that judgment, in like manner and to the
8 same extent as if the United States were a private per-
9 son.”; and

10 (2) by adding at the end the following:

11 “(3)(A) Subject to subparagraph (B), upon deter-
12 mining on an asset-by-asset basis that a waiver is nec-
13 essary in the national security interest, the President may
14 waive this subsection in connection with (and prior to the
15 enforcement of) any judicial order directing attachment in
16 aid of execution or execution against any property subject
17 to the Vienna Convention on Diplomatic Relations or the
18 Vienna Convention on Consular Relations.

19 “(B) A waiver under this paragraph shall not apply
20 to—

21 “(i) if property subject to the Vienna Conven-
22 tion on Diplomatic Relations or the Vienna Conven-
23 tion on Consular Relations has been used for any
24 nondiplomatic purpose (including use as rental prop-
25 erty), the proceeds of such use; or

1 “(ii) if any asset subject to the Vienna Conven-
 2 tion on Diplomatic Relations or the Vienna Conven-
 3 tion on Consular Relations is sold or otherwise
 4 transferred for value to a third party, the proceeds
 5 of such sale or transfer.

6 “(C) In this paragraph, the term ‘property subject
 7 to the Vienna Convention on Diplomatic Relations or the
 8 Vienna Convention on Consular Relations’ and the term
 9 ‘asset subject to the Vienna Convention on Diplomatic Re-
 10 lations or the Vienna Convention on Consular Relations’
 11 mean any property or asset, respectively, the attachment
 12 in aid of execution or execution of which would result in
 13 a violation of an obligation of the United States under the
 14 Vienna Convention on Diplomatic Relations or the Vienna
 15 Convention on Consular Relations, as the case may be.

16 “(4) For purposes of this subsection, all assets of any
 17 agency or instrumentality of a foreign state shall be treat-
 18 ed as assets of that foreign state.”.

19 (d) TECHNICAL AND CONFORMING AMENDMENT.—
 20 Section 117(d) of the Treasury Department Appropria-
 21 tions Act, 1999, as enacted by section 101(h) of Public
 22 Law 105–277 (112 Stat. 2681–492) is repealed.

23 (e) EFFECTIVE DATE.—The amendments made by
 24 this section shall apply to any claim for which a foreign
 25 state is not immune under section 1605(a)(7) of title 28,

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

3 **SEC. 2. PAYGO ADJUSTMENT.**

4 The Director of the Office of Management and Budg-
5 et shall not make any estimates of changes in direct
6 spending outlays and receipts under section 252(d) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from
9 the enactment of this Act.

10 **SEC. 3. TECHNICAL AMENDMENTS TO IMPROVE LITIGA-**
11 **TION PROCEDURES AND REMOVE LIMITA-**
12 **TIONS ON LIABILITY.**

13 (a) GENERAL EXCEPTIONS TO JURISDICTIONAL IM-
14 MUNITY OF FOREIGN STATE.—Section 1605 of title 28,
15 United States Code, is amended by adding at the end the
16 following:

17 “(h) If a foreign state, or its agency or instrumen-
18 tality, is a party to an action pursuant to subsection (a)(7)
19 and fails to furnish any testimony, document, or other
20 thing upon a duly issued discovery order by the court in
21 the action, such failure shall be deemed an admission of
22 any fact with respect to which the discovery order relates.
23 Nothing in this subsection shall supersede the limitations
24 set forth in subsection (g).”.

1 (b) MODIFICATION OF LIMITATION ON LIABILITY.—

2 Section 1605(a)(7)(B)(i) is amended to read as follows:

3 “(i) the act occurred in the foreign
4 state against which the claim has been
5 brought and the foreign state has not had
6 a reasonable opportunity to arbitrate the
7 claim in a neutral forum outside the for-
8 eign state in accordance with accepted
9 international rules of arbitration; or

10 (c) EXTENT OF LIABILITY.—Section 1606 of title 28,
11 United States Code, is amended by adding at the end the
12 following: “No Federal or State statutory limits shall
13 apply to the amount of compensatory, actual, or punitive
14 damages permitted to be awarded to persons under section
15 1605(a)(7) and this section.”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to any claim for which a foreign
18 state is not immune under section 1605(a)(7) of title 28,
19 United States Code, arising before, on, or after the date
20 of the enactment of this Act.

Passed the House of Representatives July 25, 2000.

Attest:

JEFF TRANDAHL,

Clerk.

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