

110TH CONGRESS  
1ST SESSION

# H. R. 3369

To provide compensation for United States citizens taken hostage by terrorists or state sponsors of terrorism.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Ms. ROS-LEHTINEN (for herself, Mr. DELAHUNT, Mr. BURTON of Indiana, and Mr. POE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide compensation for United States citizens taken hostage by terrorists or 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. COMPENSATION FOR UNITED STATES CITIZENS**

4           **TAKEN HOSTAGE BY TERRORISTS OR STATE**

5           **SPONSORS OF TERRORISM.**

6       (a) IN GENERAL.—In accordance with such proce-

7       dures as the President may by regulation establish, the

8       President shall receive the claims of, and pay compensa-

1 tion to, any national of the United States, or to the estate  
2 of any such national, who—

3 (1) has obtained a judgment on a claim filed  
4 prior to the date of enactment of this Act in a court  
5 of the United States against a foreign state seeking  
6 compensation for injuries caused by an act of hos-  
7 tage-taking, and such a claim has not been fully sat-  
8 isfied;

9 (2) at any time on or after August 2, 1990, and  
10 while not serving on active duty in the Armed  
11 Forces of the United States, was taken as a hostage  
12 by a terrorist party; or

13 (3) was a representative plaintiff or class mem-  
14 ber in Case Number 1:00CV03110 (EGS) in the  
15 United States District Court for the District of Co-  
16 lumbia or a plaintiff in Case Number 1:00CV00716  
17 (HHK) in the United States District Court for the  
18 District of Columbia.

19 (b) LIMIT ON AMOUNT OF AWARD.—The amount  
20 that may be awarded to any person seeking compensation  
21 under this section shall not exceed \$500,000, adjusted to  
22 reflect the annual percentage change in the Consumer  
23 Price Index from the date on which the act of hostag-  
24 taking was initiated to the date on which such compensa-  
25 tion is paid.

1       (c) TYPE OF AWARD.—Subject to the limit in sub-  
2 section (b), any person seeking compensation under this  
3 section shall be awarded the following amounts, with re-  
4 spect to which the United States shall enjoy full subroga-  
5 tion rights in the event such person obtains any recovery  
6 in litigation or otherwise as a result of the hostage-taking  
7 on which the claim under this section is based:

8               (1) In the case of any person who has been  
9 issued a final judgment for compensatory damages,  
10 the unsatisfied amount of such judgment.

11               (2) In the case of any person who survived his  
12 or her captivity and who has not been issued a final  
13 judgment for compensatory damages, \$10,000 per  
14 day for each day during which the person was held  
15 or, if the person died or was tortured during the  
16 course of his or her captivity, the maximum amount  
17 specified in subsection (b).

18       (d) PROHIBITION ON CIVIL ACTIONS AGAINST FOR-  
19 EIGN STATES.—A person who has accepted compensation  
20 under subsection (c)(2) may not commence or maintain  
21 in any court in the United States a civil action against  
22 a foreign state, or any agency or instrumentality of a for-  
23 eign state, seeking compensation for injuries or damages  
24 associated with the act of hostage-taking on which the  
25 claim under this section is based.

1       (e) FUNDING.—Not later than 60 days after the date  
2 of the enactment of this Act, the President shall establish  
3 in the Treasury of the United States a fund (in this sec-  
4 tion referred to as the “Hostage Victims Fund”) for pay-  
5 ment of claims to persons to whom compensation is due  
6 under this section. The President shall direct deposits into  
7 the Hostage Victims Fund in amounts sufficient to pay  
8 persons to whom compensation is due under subsection  
9 (c), in such proportions as the President may determine,  
10 from—

11                   (1) the blocked assets of terrorist parties;  
12                   (2) amounts received by the United States by  
13 reason of any legal action taken by the United  
14 States against any person relating to improper con-  
15 duct in connection with the Oil for Food Program of  
16 the United Nations, including any fines, forfeitures,  
17 or disgorgements of amounts received through any  
18 activity related to such Program; or

19                   (3) amounts received as a result of any fine or  
20 forfeiture obtained from any person or entity in con-  
21 nection with a violation of—

22                   (A) the International Emergency Economic  
23 Powers Act (50 U.S.C. 1701 et seq.);  
24                   (B) section 5(b) of the Trading With the  
25 Enemy Act (50 U.S.C. App. 5(b));

1 (C) the United and Strengthening America  
2 by Providing Appropriate Tools Required to  
3 Intercept and Obstruct Terrorism (USA PA-  
4 TRIOT) Act of 2001 (Public Law 107-56; 115  
5 Stat. 272);

6 (D) chapter 53 of title 31, United States  
7 Code, chapter 2 of title I of Public Law 91-  
8 508, and section 21 of the Federal Deposit In-  
9 surance Act;

10 (E) the Export Administration Act of 1979  
11 (50 U.S.C. App. 2401–2410); or

12 (F) any regulations promulgated under an  
13 Act listed in any of subparagraphs (A) through  
14 (E).

15 (f) ADDITIONAL COMPENSATION FOR VICTIMS OF  
16 IRANIAN HOSTAGE-TAKING IN TEHRAN.—In addition to  
17 any amounts that may be awarded under subsection (c),  
18 the President shall, from monies deposited for Iran in the  
19 Iran Foreign Military Sales Fund account within the For-  
20 eign Military Sales Fund (including any amounts accrued  
21 as interest thereon)—

22 (1) pay any person who qualifies for payment  
23 under subsection (a)(3) who was taken as a hostage  
24 by the Islamic Republic of Iran on November 4,  
25 1979, or who was taken as a hostage in Lebanon by

1       Hezbollah on December 4, 1984, and subsequently  
2       transferred to Iran, additional compensation of  
3       \$500,000, adjusted to reflect the annual percentage  
4       change in the Consumer Price Index, from the date  
5       on which the act of hostage-taking was initiated to  
6       the date on which the compensation under this para-  
7       graph is paid; and

8               (2) pay any person who was, at the time of the  
9       hostage-taking described in paragraph (1), the  
10       spouse or child of the person taken hostage, 50 per-  
11       cent of the total amount of compensation paid to the  
12       person taken hostage.

13       (g) RETURN OF AMOUNTS IN HOSTAGE VICTIMS

14       FUND TO CERTAIN FOREIGN STATES.—Upon exercising  
15       all authorities necessary to terminate the designation of  
16       a foreign state as a terrorist party and the status of the  
17       assets of such foreign state as blocked assets, the Presi-  
18       dent may withdraw from the Hostage Victims Fund  
19       amounts not to exceed the value of the assets of that for-  
20       eign state which have been deposited into such Fund and  
21       return such amounts to the control of such foreign state  
22       if, prior to such withdrawal, all claims received by the  
23       President prior to the exercise of such authorities have  
24       been adjudicated and paid in full or the President has de-  
25       termined that the remaining balance of the Fund after

1 such withdrawal will be sufficient to make prompt pay-  
2 ment on all such claims in the full amount provided for  
3 under the terms of this Act.

4 (h) DEFINITIONS.—In this section:

5 (1) BLOCKED ASSET.—The term “blocked  
6 asset” has the meaning given that term in section  
7 201(d)(2) of the Terrorism Risk Insurance Act of  
8 2002 (Public Law 107–297; 28 U.S.C. 1610 note).

9 (2) HOSTAGE.—The term “hostage” has the  
10 meaning given that term in Article 1 of the Inter-  
11 national Convention Against the Taking of the Hos-  
12 tages, signed at New York on December 17, 1979  
13 (TIAS 11081), and includes any hostage taken be-  
14 fore that date.

15 (3) HOSTAGE-TAKING.—The term “hostage-tak-  
16 ing” has the meaning given that term in Article 1  
17 of the International Convention Against the Taking  
18 of the Hostages and includes any act that caused a  
19 person to be in “hostage status” within the meaning  
20 of section 599C(d)(1) of Public Law 101–513.

21 (4) TERRORIST PARTY.—The term “terrorist  
22 party” has the meaning given that term in section  
23 201(d)(4) of the Terrorism Risk Insurance Act of  
24 2002 (Public Law 107–297; 28 U.S.C. 1610 note)  
25 and includes any person, organization, or foreign

1 state that was designated as such either at the time  
2 or as a result of the act of hostage-taking for which  
3 compensation is sought.

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