

110TH CONGRESS
1ST SESSION

H. R. 394

To provide for payment of certain claims against the Government of Iran.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2007

Ms. ROS-LEHTINEN (for herself, Mr. SHERMAN, Mr. WILSON of South Carolina, Mr. CROWLEY, Mr. CHABOT, and Mr. ENGEL) 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

A BILL

To provide for payment of certain claims against the
Government of Iran.

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. FINDINGS.**

4 Congress finds the following:

5 (1) On November 4, 1979, the Iranian militants
6 seized the United States Embassy in Tehran, Iran,
7 and held 52 Americans hostage for 444 days until
8 their negotiated release on January 20, 1981.

16 (4) On August 6, 2001, the District Court en-
17 tered a default judgment against Iran after certi-
18 fying the case as a class action.

19 (5) The Department of State moved to vacate
20 the decision of the District Court, despite Iran's con-
21 tinued refusal to appear in court.

22 (6) In response to the motion to vacate by the
23 Department of State, Congress amended the
24 Antiterrorism and Effective Death Penalty Act of
25 1996 by adding language to allow the claim of the

1 hostages to proceed to judgment. The accompanying
2 Conference Report specifically stated that the
3 amendment “quashes the State Department’s mo-
4 tion to vacate the judgment obtained by plaintiffs in
5 Case Number 1:00CV03110 (ESG) in the United
6 States District Court for the District of Columbia”.

1 thority to abrogate the international obligations of
2 the United States”.

3 SEC. 2. STATEMENTS OF POLICY.

4 (a) PURSUIT OF JUSTICE AND ACCOUNTABILITY.—
5 It is the policy of the United States, as articulated in the
6 Antiterrorism and Effective Death Penalty Act of 1996
7 and in other United States laws, to seek justice for United
8 States victims of terrorism and to hold terrorists and their
9 state-sponsors accountable for their actions.

10 (b) PREEMPTION.—United States law regarding vic-
11 times of terrorism supersedes the Algiers Accords and any
12 other agreement with Iran stemming from the holding of
13 American hostages in Iran from November 4, 1979,
14 through January 20, 1981.

15 SEC. 3. JUSTICE FOR FORMER AMERICAN HOSTAGES IN
16 IRAN.

17 (a) INAPPLICABILITY OF ALGIERS ACCORDS.—Any
18 provision of the Algiers Accords, entered into with Iran
19 on January 19, 1981, that purports to bar a citizen of
20 the United States from prosecuting any claim in any court
21 of the United States or to limit the jurisdiction of any
22 court of the United States is hereby abrogated and deemed
23 nonapplicable.

24 (b) COMMON FUND FOR HOSTAGES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall commence payments to a common fund to be established and administered by the certified class representatives for the former American hostages in Iran and their survivors (as identified in case number 1:00CV03110 (EGS) of the United States District Court for the District of Columbia). Such common fund shall—

1 Iran, and from amounts in the Iran Foreign Military
2 Sales Fund account within the Foreign Military
3 Sales Fund. The Secretary of the Treasury may liq-
4 uidate such assets for purposes of this subsection.

5 (3) AMOUNT.—The Secretary of the Treasury
6 shall make payments into the fund in amounts equal
7 to—

8 (A) for each former hostage identified as a
9 class member under paragraph (1)(A), \$1,000
10 for each day of captivity;

11 (B) for each spouse and child identified as
12 a class member under paragraph (1)(A), \$500
13 for each day of captivity of the former hostages;
14 and

15 (C) interest on each amount under sub-
16 paragraph (A) and (B), calculated at the daily
17 prime rate, as determined by the Board of Gov-
18 ernors of the Federal Reserve System, for the
19 period from the date of the taking of the hos-
20 tages until the date of payment under this sec-
21 tion.

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