II

114TH CONGRESS
2D SESSION

S. 2909

To amend the Terrorism Risk Insurance Act of 2002 to allow for the use of certain assets of foreign persons and entities to satisfy certain judgments against terrorist parties, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2016

Mr. NELSON (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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A BILL

To amend the Terrorism Risk Insurance Act of 2002 to allow for the use of certain assets of foreign persons and entities to satisfy certain judgments against terrorist parties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clarifying Amendment to Provide Terrorism Victims Equity Act" or the "CAPTIVE Act".

SEC. 2. USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS OF U.S. PERSONS AGAINST TERRORIST PARTIES.

Section 201(d) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "means";

(B) by amending paragraph (2)(A) to read as follows:

"(A) means any asset seized or frozen by the United States under section 5(b) of the Trading With the Enemy Act (50 U.S.C. 4305(b)), under sections 202 and 203 of the International Emergency Economic Powers Act (50 U.S.C. 1701 and 1702), or under section 805(b) of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1904(b)); and";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) PERSON.—In subsection (a), the term 'person' means—

"(A) a natural person who, at the time the act of terrorism described in subsection (a) was committed upon which the judgment described in such subsection was obtained by that person, was either—

"(i) a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(ii) a member of the Armed Forces of the United States; or

"(iii) otherwise an employee of the Government of the United States, or of an individual performing a contract awarded by the United States Government, acting within the scope of the employee's employment; or

"(B) if the person described in subparagraph (A) is deceased, the personal representative of the estate of that deceased person.".

SEC. 3. APPLICABILITY.

The amendments made by this Act apply to any judgment described in section 201(a) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note) that is entered before, on, or after the date of the enactment of this Act.

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