

107TH CONGRESS  
2D SESSION

# S. 2134

To allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states.

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## IN THE SENATE OF THE UNITED STATES

APRIL 16, 2002

Mr. HARKIN (for himself, Mr. ALLEN, Mr. SMITH of New Hampshire, Mr. SCHUMER, Mr. NICKLES, Mrs. CLINTON, Mr. WARNER, Ms. MIKULSKI, Mr. BURNS, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states.

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 “Terrorism Victim’s Ac-  
5 cess to Compensation Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that:

8 (1) The war against international terrorism  
9 must be fought and won on multiple fronts.

1           (2) The state sponsors of international ter-  
2           rorism (including their agencies and instrumental-  
3           ities) are ultimately responsible for the damages,  
4           pain, and suffering inflicted upon Americans who  
5           are victimized by terrorist acts. It is the state spon-  
6           sors, not the American taxpayer, who must be com-  
7           pelled to pay those costs.

8           (3) The Secretary of the Treasury lawfully con-  
9           trols billions of dollars in blocked assets of several  
10          governments which the President and the Depart-  
11          ment of State have determined to be state sponsors  
12          of international terrorism and responsible for mul-  
13          tiple terrorist attacks on United States citizens  
14          abroad.

15          (4) There have been multiple Federal lawsuits  
16          brought since 1996 by American victims of state  
17          sponsored terrorism abroad and final judgments and  
18          financial awards in some of those cases have been  
19          paid appropriately by using some of the blocked as-  
20          sets of state sponsors of terrorism. Additional cases  
21          are still pending.

22          (5) Paying victims of state sponsored terrorism  
23          from the blocked assets of state sponsors of acts of  
24          terrorism (including their agencies and instrumental-  
25          ities) will punish those entities, deter future acts of

1 terrorism, and provide a powerful incentive for any  
2 foreign government to stop sponsoring terrorist at-  
3 tacks on Americans.

4 (6) There must be a level playing field for all  
5 American victims of state sponsored terrorism who  
6 are pursuing redress in the Federal courts and com-  
7 pensation from the blocked assets of state sponsors  
8 of terrorism (including their agencies and instru-  
9 mentalities).

10 **SEC. 3. SENSE OF THE SENATE.**

11 Considering the policy set forth in this Act, the  
12 Antiterrorism and Effective Death Penalty Act of 1996,  
13 and in the Victims of Trafficking and Violence Protection  
14 Act of 2000, it is the sense of Congress that it should  
15 be the policy of the United States—

16 (1) to use the blocked assets of state sponsors  
17 of acts of terrorism (including their agencies and in-  
18 strumentalities) that are under the control of the  
19 Secretary of the Treasury to pay court-ordered judg-  
20 ments and awards made to United States nationals  
21 harmed by such acts; and

22 (2) to provide equal access to all United States  
23 victims of state sponsored terrorism who have se-  
24 cured judgments and awards in Federal courts  
25 against state sponsors of terrorism (including their

1 agencies and instrumentalities) and that those judg-  
2 ments and awards be paid by state sponsors of ter-  
3 rorism (including their agencies and instrumentality-  
4 ties) from any of their blocked assets controlled by  
5 the Secretary of the Treasury.

6 **SEC. 4. SATISFACTION OF JUDGMENTS FROM BLOCKED AS-**  
7 **SETS OF TERRORISTS, TERRORIST ORGANI-**  
8 **ZATIONS, AND STATE SPONSORS OF TER-**  
9 **RORISM.**

10 (a) IN GENERAL.—Except as provided in subsection  
11 (b), in every case in which a person has obtained a judg-  
12 ment against a terrorist party on a claim for compensatory  
13 damages for an act of terrorism, or a claim for compen-  
14 satory damages brought pursuant to section 1605(a)(7)  
15 of title 28, United States Code, the blocked assets of any  
16 terrorist party, or any agency or instrumentality of a ter-  
17 rorist party, shall be available for satisfaction of the judg-  
18 ment.

19 (b) PRESIDENTIAL WAIVER.—

20 (1) IN GENERAL.—Subject to paragraph (2),  
21 upon determining on an asset-by-asset basis that a  
22 waiver is necessary in the national security interest,  
23 the President may waive the requirements of sub-  
24 section (a) in connection with (and prior to the en-  
25 forcement of) any judicial order directing attach-

1 ment or satisfaction in aid of execution of judgment,  
2 or execution of judgment, against any property sub-  
3 ject to the Vienna Convention on Diplomatic Rela-  
4 tions or the Vienna Convention on Consular Rela-  
5 tions.

6 (2) EXCEPTION.—A waiver under this sub-  
7 section shall not apply to—

8 (A) property subject to the Vienna Conven-  
9 tion on Diplomatic Relations or the Vienna  
10 Convention on Consular Relations that has been  
11 used for any nondiplomatic purpose (including  
12 use as rental property), and the proceeds of  
13 such use; or

14 (B) any asset subject to the Vienna Con-  
15 vention on Diplomatic Relations or the Vienna  
16 Convention on Consular Relations that is sold  
17 or otherwise transferred for value to a third  
18 party, and the proceeds of such sale or transfer.

19 (c) DEFINITIONS.—In this Act:

20 (1) BLOCKED ASSETS.—The term “blocked as-  
21 sets” means assets seized or blocked by the United  
22 States in accordance with law.

23 (2) PROPERTY AND ASSETS SUBJECT TO VI-  
24 ENNA CONVENTIONS.—The terms “property subject  
25 to the Vienna Convention on Diplomatic Relations or

1 the Vienna Convention on Consular Relations” and  
2 “asset subject to the Vienna Convention on Diplo-  
3 matic Relations or the Vienna Convention on Con-  
4 sular Relations” mean any property or asset, respec-  
5 tively, the attachment in aid of execution or execu-  
6 tion of which may, for the limited purpose of satis-  
7 fying a judgment under subsection (a), breach an  
8 obligation of the United States under the Vienna  
9 Convention on Diplomatic Relations or the Vienna  
10 Convention on Consular Relations, as the case may  
11 be.

12 (3) **TERRORIST PARTY.**—The term “terrorist  
13 party” means a terrorist, a terrorist organization, or  
14 a foreign state designated as a state sponsor of ter-  
15 rorism under section 6(j) of the Export Administra-  
16 tion Act of 1979 (50 U.S.C. App. 2405(j)) or section  
17 620A of the Foreign Assistance Act of 1961 (22  
18 U.S.C. 2371) (including any agency or instrumen-  
19 tality of that state).

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