

114TH CONGRESS
1ST SESSION

H. R. 3394

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 HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. POSEY (for himself, Mr. TROTT, Mr. DEUTCH, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary

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.

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 “Clarifying Amendment
5 to Provide Terrorism Victims Equity Act” or the “CAP-
6 TIVE Act”.

1 **SEC. 2. USE OF CERTAIN ASSETS TO SATISFY JUDGMENTS**
2 **AGAINST TERRORIST PARTIES.**

3 Section 201(a) of the Terrorism Risk Insurance Act
4 of 2002 (28 U.S.C. 1610 note) is amended by adding at
5 the end the following: “For purposes of this section, the
6 blocked assets of a terrorist party are subject to execution
7 or attachment in aid of execution in order to satisfy such
8 judgment regardless of whether the terrorist party ceases
9 to be a terrorist party after such judgment is entered.”.

10 **SEC. 3. DEFINITIONS.**

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

13 (1) in paragraph (2)—

14 (A) in the matter preceding subparagraph
15 (A), by striking “means”;

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

18 “(A) means any asset seized or frozen by
19 the United States under section 5(b) of the
20 Trading With the Enemy Act (50 U.S.C. App.
21 5(b)), under sections 202 and 203 of the Inter-
22 national Emergency Economic Powers Act (50
23 U.S.C. 1701; 1702), or under section 805(b) of
24 the Foreign Narcotics Kingpin Designation Act
25 (21 U.S.C. 1904(b)); and”;

1 (2) by redesignating paragraph (4) as para-
2 graph (5); and

3 (3) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) PERSON.—In subsection (a), the term
6 ‘person’ means a person who, at the time the act of
7 terrorism described in subsection (a) was committed
8 upon which the judgment described in such sub-
9 section was obtained by that person, was either—

10 “(A) a national of the United States as de-
11 fined in section 101(a)(22) of the Immigration
12 and Nationality Act (8 U.S.C. 1101(a)(22));

13 “(B) a member of the Armed Forces of the
14 United States; or

15 “(C) otherwise an employee of the Govern-
16 ment of the United States, or of an individual
17 performing a contract awarded by the United
18 States Government, acting within the scope of
19 the employee’s employment.”.

20 **SEC. 4. EFFECTIVE DATE.**

21 The amendments made by this Act apply to any judg-
22 ment entered before, on, or after the date of the enactment
23 of this Act.

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