

Union Calendar No. 665

115TH CONGRESS
2^D SESSION

H. R. 5954

[Report No. 115–858]

To amend title 18, United States Code, to clarify the meaning of the terms “act of war” and “blocked asset”, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2018

Mr. GOODLATTE (for himself, Mr. NADLER, Mr. POSEY, Miss RICE of New York, and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on the Judiciary

JULY 23, 2018

Additional sponsors: Mr. DEUTCH, Mr. GAETZ, and Mr. RUTHERFORD

JULY 23, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 24, 2018]

A BILL

To amend title 18, United States Code, to clarify the meaning of the terms “act of war” and “blocked asset”, 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 “Anti-Terrorism Clari-*
5 *fication Act of 2018”.*

6 **SEC. 2. CLARIFICATION OF THE TERM “ACT OF WAR”.**

7 *(a) IN GENERAL.—Section 2331 of title 18, United*
8 *States Code, is amended—*

9 *(1) in paragraph (4), by striking “and” at the*
10 *end;*

11 *(2) in paragraph (5), by striking the period at*
12 *the end and inserting “; and”; and*

13 *(3) by adding at the end the following:*

14 *“(6) the term ‘military force’ does not include*
15 *any person that—*

16 *“(A) has been designated as a—*

17 *“(i) foreign terrorist organization by*
18 *the Secretary of State under section 219 of*
19 *the Immigration and Nationality Act (8*
20 *U.S.C. 1189); or*

21 *“(ii) Specially Designated Global Ter-*
22 *rorist (as such term is defined in section*
23 *594.310 of the Code of Federal Regulations)*
24 *by the Secretary of State or the Secretary of*
25 *the Treasury; or*

1 “(B) has been determined by the court to
2 not be a ‘military force’.”.

3 (b) *APPLICATION*.—The amendments made by this sec-
4 tion shall apply to any civil action pending on or com-
5 menced after the date of the enactment of this Act.

6 **SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERROR-**
7 **ISTS.**

8 (a) *IN GENERAL*.—Section 2333 of title 18, United
9 States Code, is amended by inserting at the end following:

10 “(e) *USE OF BLOCKED ASSETS TO SATISFY JUDG-*
11 *MENTS OF U.S. NATIONALS*.—For purposes of section 201
12 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C.
13 1610 note), in any action in which a national of the United
14 States has obtained a judgment against a terrorist party
15 pursuant to this section, the term ‘blocked asset’ shall in-
16 clude any asset of that terrorist party (including the blocked
17 assets of any agency or instrumentality of that party)
18 seized or frozen by the United States under section 805(b)
19 of the Foreign Narcotics Kingpin Designation Act (21
20 U.S.C. 1904(b)).”.

21 (b) *APPLICABILITY*.—The amendments made by this
22 section shall apply to any judgment entered before, on, or
23 after the date of enactment of this Act.

1 **SEC. 4. CONSENT OF CERTAIN PARTIES TO PERSONAL JU-**
2 **RISDICTION.**

3 (a) *IN GENERAL.*—Section 2334 of title 18, United
4 States Code, is amended by adding at the end the following:

5 “(e) *CONSENT OF CERTAIN PARTIES TO PERSONAL JU-*
6 *RISDICTION.*—

7 “(1) *IN GENERAL.*—Except as provided in para-
8 graph (2), for purposes of any civil action under sec-
9 tion 2333 of this title, a defendant shall be deemed to
10 have consented to personal jurisdiction in such civil
11 action if, regardless of the date of the occurrence of the
12 act of international terrorism upon which such civil
13 action was filed, the defendant—

14 “(A) after the date that is 120 days after
15 the date of enactment of this subsection, ac-
16 cepts—

17 “(i) any form of assistance, however
18 provided, under chapter 4 of part II of the
19 Foreign Assistance Act of 1961 (22 U.S.C.
20 2346 et seq.); or

21 “(ii) any form of assistance, however
22 provided, under section 481 of the Foreign
23 Assistance Act of 1961 (22 U.S.C. 2291) for
24 international narcotics control and law en-
25 forcement; or

1 “(B) in the case of a defendant benefiting
2 from a waiver or suspension of section 1003 of
3 the Anti-Terrorism Act of 1987 (22 U.S.C. 5202)
4 after the date that is 120 days after the date of
5 enactment of this subsection—

6 “(i) continues to maintain any office,
7 headquarters, premises, or other facilities or
8 establishments within the jurisdiction of the
9 United States; or

10 “(ii) establishes or procures any office,
11 headquarters, premises, or other facilities or
12 establishments within the jurisdiction of the
13 United States.

14 “(2) *APPLICABILITY.*—Paragraph (1) shall not
15 apply to any defendant who ceases to engage in the
16 conduct described in paragraphs (1)(A) and (1)(B)
17 for 5 consecutive calendar years.”.

18 (b) *APPLICABILITY.*—The amendments made by this
19 section shall take effect on the date of enactment of this Act.

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