

# Calendar No. 514

115TH CONGRESS  
2D SESSION

# S. 2946

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

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## IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mr. GRASSLEY (for himself, Mr. NELSON, Mr. RUBIO, Mr. WHITEHOUSE, Mr. CRUZ, Mr. BLUMENTHAL, Mr. TILLIS, Mr. COONS, Mr. CORNYN, Mr. HATCH, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 12, 2018

Reported by Mr. GRASSLEY, with an amendment

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

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## 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~~”.

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

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

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

6 (2) in paragraph (5), by striking the period at  
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(6) the term ‘military force’ does not include  
10 any person that—

11 “(A) has been designated as a—

12 “(i) foreign terrorist organization by  
13 the Secretary of State under section 219 of  
14 the Immigration and Nationality Act (8  
15 U.S.C. 1189); or

16 “(ii) Specially Designated Global Ter-  
17 rorist (as such term is defined in section  
18 594.310 of the Code of Federal Regula-  
19 tions) by the Secretary of State or the Sec-  
20 retary of the Treasury; or

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

23 (b) **APPLICATION.**—The amendments made by this  
24 section shall apply to any civil action pending on or com-  
25 menced after the date of the enactment of this Act.

1 **SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERROR-**  
 2 **ISTS.**

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

5 “(e) USE OF BLOCKED ASSETS TO SATISFY JUDG-  
 6 MENTS OF U.S. NATIONALS.—For purposes of section 201  
 7 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C.  
 8 1610 note), in any action in which a national of the United  
 9 States has obtained a judgment against a terrorist party  
 10 pursuant to this section, the term ‘blocked asset’ shall in-  
 11 clude any asset of that terrorist party (including the  
 12 blocked assets of any agency or instrumentality of that  
 13 party) seized or frozen by the United States under section  
 14 805(b) of the Foreign Narcotics Kingpin Designation Act  
 15 (21 U.S.C. 1904(b)).”.

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

19 **SEC. 4. CONSENT OF CERTAIN PARTIES TO PERSONAL JU-**  
 20 **RISDICTION.**

21 (a) IN GENERAL.—Section 2334 of title 18, United  
 22 States Code, is amended by adding at the end the fol-  
 23 lowing:

24 “(e) CONSENT OF CERTAIN PARTIES TO PERSONAL  
 25 JURISDICTION.—For purposes of any civil action under  
 26 section 2333 of this title, a defendant shall be deemed to

1 have consented to personal jurisdiction in such civil action  
2 if, regardless of the date of the occurrence of the act of  
3 international terrorism upon which such civil action was  
4 filed, the defendant—

5           “(1) after the date of enactment of this sub-  
6           section, accepts—

7                   “(A) assistance under chapter 4 of part H  
8                   of the Foreign Assistance Act of 1961 (22  
9                   U.S.C. 2346 et seq.); or

10                   “(B) assistance under section 481 of the  
11                   Foreign Assistance Act of 1961 (22 U.S.C.  
12                   2291) for international narcotics control and  
13                   law enforcement; or

14           “(2) in the case of a defendant benefiting from  
15           a waiver or suspension of section 1003 of the Anti-  
16           Terrorism Act of 1987 (22 U.S.C. 5202)—

17                   “(A) after the date that is 120 days after  
18                   the date of enactment of this subsection, con-  
19                   tinues to maintain any office, headquarters,  
20                   premises, or other facilities or establishments  
21                   within the jurisdiction of the United States; or

22                   “(B) after the date of enactment of this  
23                   subsection, establishes or procures any office,  
24                   headquarters, premises, or other facilities or es-

1           tablichments within the jurisdiction of the  
2           United States.”.

3           (b) ~~APPLICABILITY.~~—The amendments made by this  
4 section shall apply to any civil action filed after the date  
5 of enactment of this Act.

6 **SECTION 1. SHORT TITLE.**

7           *This Act may be cited as the “Anti-Terrorism Clari-*  
8 *fication Act of 2018”.*

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

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

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

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

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

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

19           “(A) *has been designated as a—*

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

24           “(ii) *specially designated global ter-*  
25 *rorist (as such term is defined in section*

1                   594.310 of title 31, Code of Federal Regula-  
 2                   tions) by the Secretary of State or the Sec-  
 3                   retary of the Treasury; or

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

6                   (b) *APPLICABILITY.*—The amendments made by this  
 7                   section shall apply to any civil action pending on or com-  
 8                   menced after the date of the enactment of this Act.

9                   **SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERROR-**  
 10                   **ISTS.**

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

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

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

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

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

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

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

17                       “(A) *after the date that is 120 days after*  
 18 *the date of enactment of this subsection, ac-*  
 19 *cepts—*

20                               “(i) *any form of assistance, however*  
 21 *provided, under chapter 4 of part II of the*  
 22 *Foreign Assistance Act of 1961 (22 U.S.C.*  
 23 *2346 et seq.);*

24                               “(ii) *any form of assistance, however*  
 25 *provided, under section 481 of the Foreign*

1           *Assistance Act of 1961 (22 U.S.C. 2291) for*  
2           *international narcotics control and law en-*  
3           *forcement; or*

4           “*(iii) any form of assistance, however*  
5           *provided, under chapter 9 of part II of the*  
6           *Foreign Assistance Act of 1961 (22 U.S.C.*  
7           *2349bb et seq.); or*

8           “*(B) in the case of a defendant benefiting*  
9           *from a waiver or suspension of section 1003 of*  
10           *the Anti-Terrorism Act of 1987 (22 U.S.C. 5202)*  
11           *after the date that is 120 days after the date of*  
12           *enactment of this subsection—*

13           “*(i) continues to maintain any office,*  
14           *headquarters, premises, or other facilities or*  
15           *establishments within the jurisdiction of the*  
16           *United States; or*

17           “*(ii) establishes or procures any office,*  
18           *headquarters, premises, or other facilities or*  
19           *establishments within the jurisdiction of the*  
20           *United States.*

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



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

**Calendar No. 514**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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**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.

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JULY 12, 2018

Reported with an amendment