

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. GRASSLEY

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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;

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

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

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

6 “(A) has been designated as a—

7 “(i) foreign terrorist organization by
8 the Secretary of State under section 219 of
9 the Immigration and Nationality Act (8
10 U.S.C. 1189); or

11 “(ii) Specially Designated Global Ter-
12 rorist (as such term is defined in section
13 594.310 of the Code of Federal Regula-
14 tions) by the Secretary of State or the Sec-
15 retary of the Treasury; or

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

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

21 **SEC. 3. SATISFACTION OF JUDGMENTS AGAINST TERROR-**
22 **ISTS.**

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

1 “(e) USE OF BLOCKED ASSETS TO SATISFY JUDG-
2 MENTS OF U.S. NATIONALS.—For purposes of section 201
3 of the Terrorism Risk Insurance Act of 2002 (28 U.S.C.
4 1610 note), in any action in which a national of the United
5 States has obtained a judgment against a terrorist party
6 pursuant to this section, the term ‘blocked asset’ shall in-
7 clude any asset of that terrorist party (including the
8 blocked assets of any agency or instrumentality of that
9 party) seized or frozen by the United States under section
10 805(b) of the Foreign Narcotics Kingpin Designation Act
11 (21 U.S.C. 1904(b)).”.

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

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

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

20 “(e) CONSENT OF CERTAIN PARTIES TO PERSONAL
21 JURISDICTION.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), for purposes of any civil action under sec-
24 tion 2333 of this title, a defendant shall be deemed
25 to have consented to personal jurisdiction in such

1 civil action if, regardless of the date of the occur-
2 rence of the act of international terrorism upon
3 which such civil action was filed, the defendant—

4 “(A) after the date that is 120 days after
5 the date of enactment of this subsection, ac-
6 cepts—

7 “(i) any form of assistance, however
8 provided, under chapter 4 of part II of the
9 Foreign Assistance Act of 1961 (22 U.S.C.
10 2346 et seq.);

11 “(ii) any form of assistance, however
12 provided, under section 481 of the Foreign
13 Assistance Act of 1961 (22 U.S.C. 2291)
14 for international narcotics control and law
15 enforcement; or

16 “(iii) any form of assistance, however
17 provided, under chapter 9 of part II of the
18 Foreign Assistance Act of 1961 (22 U.S.C.
19 2349bb et seq.); or

20 “(B) in the case of a defendant benefiting
21 from a waiver or suspension of section 1003 of
22 the Anti-Terrorism Act of 1987 (22 U.S.C.
23 5202) after the date that is 120 days after the
24 date of enactment of this subsection—

1 “(i) continues to maintain any office,
2 headquarters, premises, or other facilities
3 or establishments within the jurisdiction of
4 the United States; or

5 “(ii) establishes or procures any of-
6 fice, headquarters, premises, or other fa-
7 cilities or establishments within the juris-
8 diction of the United States.

9 “(2) APPLICABILITY.—Paragraph (1) shall not
10 apply to any defendant who ceases to engage in the
11 conduct described in paragraphs (1)(A) and (1)(B)
12 for 5 consecutive calendar years.”.

13 (b) APPLICABILITY.—The amendments made by this
14 section shall take effect on the date of enactment of this
15 Act.