

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3394
OFFERED BY MR. GOODLATTE OF VIRGINIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Clarifying Amendment
3 to Provide Terrorism Victims Equity Act” or the “CAP-
4 TIVE Act”.

**5 SEC. 2. USE OF BLOCKED ASSETS TO SATISFY JUDGMENTS
6 OF U.S. PERSONS AGAINST TERRORIST PAR-
7 TIES.**

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

10 (1) in paragraph (2)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “means”;

13 (B) by amending paragraph (2)(A) to read
14 as follows:

15 “(A) means any asset seized or frozen by
16 the United States under section 5(b) of the
17 Trading With the Enemy Act (50 U.S.C. App.
18 5(b)), under sections 202 and 203 of the Inter-

1 national Emergency Economic Powers Act (50
2 U.S.C. 1701; 1702), or under section 805(b) of
3 the Foreign Narcotics Kingpin Designation Act
4 (21 U.S.C. 1904(b)); and”;

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

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

9 “(4) PERSON.—In subsection (a), the term
10 ‘person’ means—

11 “(A) a natural person who, at the time the
12 act of terrorism described in subsection (a) was
13 committed upon which the judgment described
14 in such subsection was obtained by that person,
15 was either—

16 “(i) a national of the United States as
17 defined in section 101(a)(22) of the Immi-
18 gration and Nationality Act (8 U.S.C.
19 1101(a)(22));

20 “(ii) a member of the Armed Forces
21 of the United States; or

22 “(iii) otherwise an employee of the
23 Government of the United States, or of an
24 individual performing a contract awarded
25 by the United States Government, acting

1 within the scope of the employee’s employ-
2 ment; or

3 “(B) if the person described in subpara-
4 graph (A) is deceased, the personal representa-
5 tive of the estate of that deceased person.”.

6 **SEC. 3. APPLICABILITY.**

7 The amendments made by this Act apply to any judg-
8 ment described in section 201(a) of the Terrorism Risk
9 Insurance Act of 2002 (28 U.S.C. 1610 note) that is en-
10 tered before, on, or after the date of the enactment of this
11 Act.

