

8

**AMENDMENT TO H.R. 5658, AS REPORTED
OFFERED BY MR. BRALEY OF IOWA AND MR.
SESTAK OF PENNSYLVANIA**

Add at the end of title X the following:

1 **SEC. 1071. RESOLUTION OF CERTAIN CLAIMS AGAINST**
2 **IRAQ.**

3 (a) RESOLUTION BY IRAQ OF CERTAIN CLAIMS.—
4 Unless the President, before the end of the 90-day period
5 beginning on the date of the enactment of this Act, cer-
6 tifies to the Congress that the Government of Iraq has
7 adequately settled the claims in the cases referred to in
8 subsection (b), then, upon the expiration of that 90-day
9 period, the waiver authority granted to the President in
10 section 1083(d) of the National Defense Authorization Act
11 for Fiscal Year 2008 (Public Law 110-181; 122 Stat.
12 343), and any waiver granted before the end of that 90-
13 day period under such authority, terminate.

14 (b) CASES.—The cases referred to in subsection (a)
15 are cases numbered 99:00CV03346 (TPJ), 1:01CV02674
16 (HHK), CIV.A. 02-632 (RWR) (July 7, 2003),
17 1:03CV00691 (HHK), and 1:03CV00888 (HHK), in the
18 United States District Court for the District of Columbia.

1 (c) ADEQUATE SETTLEMENT.—For purposes of sub-
2 section (a), adequate settlement means payment by the
3 Government of Iraq of, or an unqualified and uncondi-
4 tional guarantee made by a United States depository insti-
5 tution to pay within 30 days after the end of the 90-day
6 period described in subsection (a), at least the following
7 amounts to the following persons:

8 (1) To any person—

9 (A) whose claim in the applicable case re-
10 ferred to in subsection (b) arose from an act of
11 hostage taking or from being held in hostage
12 status, and

13 (B) who has not obtained a judgment on
14 the claim before the effective date of this Act,
15 \$150,000, plus \$6,000 for each day the person was
16 held as a hostage, but in no event more than
17 \$900,000.

18 (2) To any person—

19 (A) whose claim in the applicable case re-
20 ferred to in subsection (b) arose from an act of
21 hostage taking or from being held in hostage
22 status,

23 (B) who, while a hostage, was subjected to
24 torture, and

1 (C) who has not obtained a judgment on
2 the claim before the effective date of this Act,
3 \$2,500,000 plus \$6,000 per day for each day the
4 person was held as a hostage.

5 (3) To a plaintiff in the applicable case referred
6 to in subsection (b) who is the spouse or child of any
7 person who qualifies for receipt of payment under
8 paragraph (1) or (2), one third of the amount that
9 such person qualifies for receipt under such para-
10 graph.

11 (4) To any person who, before the effective date
12 of this Act, obtained a judgment for compensatory
13 damages in a case referred to in subsection (b) (re-
14 gardless of whether such judgment was subsequently
15 vacated)—

16 (A) the unsatisfied amount of such judg-
17 ment, if the amount of the judgment is
18 \$1,000,000 or less; or

19 (B) one third of the unsatisfied amount of
20 such judgment, if the amount of such judgment
21 exceeds \$1,000,000.

22 (d) ADDITIONAL CONDITION IN CASE OF GUAR-
23 ANTEE OF PAYMENT.—If the claims in the cases referred
24 to in subsection (b) are adequately settled for purposes
25 of subsection (a) because of a guarantee of payment by

1 a depository institution within the 30-day period specified
2 in subsection (c), and such payment is not made within
3 that 30-day period, then upon the expiration of that 30-
4 day period, the waiver authority described in subsection
5 (a), and any waiver granted before the end of that 30-
6 day period under such authority, terminate.

7 (e) DEFINITIONS.—In this section:

8 (1) HOSTAGE.—The term “hostage” means an
9 individual in hostage status or an individual seized
10 or detained in the commission of an act of hostage
11 taking.

12 (2) HOSTAGE STATUS.—The term “hostage sta-
13 tus” has the meaning given that term in section
14 599C(d)(1) of the Foreign Operations, Export Fi-
15 nancing, and Related Programs Appropriations Act,
16 1991 (Public Law 101-513)).

17 (3) HOSTAGE TAKING.—The term “hostage
18 taking” has the meaning given that term in section
19 1605A(h)(2) of title 28, United States Code.

20 (4) TORTURE.—The term “torture” has the
21 meaning given that term in section 3 of the Torture
22 Victim Protection Act of 1991 (28 U.S.C. 1350
23 note).

24 (5) UNITED STATES DEPOSITORY INSTITU-
25 TION.—The term “United States depository institu-

1 tion” means a depository institution organized under
2 the laws of any State, the District of Columbia, or
3 the United States, including a branch or agency of
4 a foreign depository institution.

