



H.R. 5167 – JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM ACT

FLOOR SITUATION

H.R. 5167 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Bruce Braley (D-IA) on January 29, 2008. The House Committee on the Judiciary agreed to the bill, as amended, by voice vote on July 30, 2008.

H.R. 5167 is expected to be considered on the floor of the House on September 15, 2008.

BACKGROUND

On December 28, 2007, the President vetoed the National Defense Authorization Act for fiscal year 2008 (H.R. 1585), citing concerns with provisions regarding law suits brought against foreign countries under U.S. law, specifically Section 1083.

According to the White House, "Section 1083 of the NDAA amends the Foreign Sovereign Immunities Act, which establishes rules on how foreign countries may be sued under U.S. law. The amendments would dramatically change these rules and potentially invite foreign governments to take reciprocal action allowing suits to proceed against the United States even for legitimate government activities. Among other things, Section 1083 would allow plaintiffs' lawyers pursuing Iraq for Saddam-era acts of terrorism to freeze Iraq's assets in the amount of damages claimed in their lawsuits, and would permit the relitigation of billions of dollars of lawsuits against Iraq that have already been dismissed by our courts. At the same time, by subjecting the democratically elected Government of Iraq to this liability, the provision would imperil billions of dollars of Iraqi assets at a crucial juncture in that Nation's reconstruction efforts and undermine the foreign policy and commercial interests of the United States."

On January 16, 2008, the House passed H.R. 4986, which is a revised version of the vetoed H.R. 1585. H.R. 4986 provides a presidential waiver for Section 1083 of the National Defense Authorization Act for FY2008 (NDAA) (P.L. 110-181). Section 1083 of the NDAA amends the Foreign Sovereign Immunities Act (P.L. 94-583) which allows U.S. nationals, members of the Armed Services, and U.S. Government employees and contractors to sue foreign states that are designated as state sponsors of terror for personal injury or death. H.R. 4986 grants the President a waiver specific to Iraq if it is necessary for U.S. national security and for reconstruction and democracy efforts in Iraq. Additionally, the President must determine that Iraq remains a reliable ally and partner in combating terrorism.

[White House Fact Sheet on Section 1083](#)

SUMMARY

H.R. 5167 removes the President's authority to exempt the Government of Iraq from court claims brought by victims of hostage taking, torture, or terrorist related activities occurring while Iraq was considered a state sponsor of terrorism under Saddam Hussein.

The bill removes Iraq from exemption unless the President certifies to Congress, within 90 days of enactment, either: 1) that the Government of Iraq has settled all claims; or 2) that negotiations are ongoing with Iraq to settle the claims and the President believes those negotiations are being conducted in good faith and could lead to a satisfactory settlement of the claims that were brought against Iraq while it was considered a state sponsor of terrorism.



LEGISLATIVE DIGEST

HOUSE REPUBLICAN CONFERENCE | CHAIRMAN ADAM PUTNAM

1420 LONGWORTH HOB, WASHINGTON, DC 20515

www.GOP.gov

PHONE 202.225.5107

FAX 202.226.0154

COST

The Congressional Budget Office estimates that “enacting H.R. 5167 would have no significant effects on the federal budget.” [CBO cost estimate for H.R. 5167](#)

STAFF CONTACT

For questions or further information contact Justin Hanson at 6-2302.