

112TH CONGRESS
1ST SESSION

H. R. 3725

To authorize the President to vest certain property of the Government of Libya seized or blocked by the United States and to authorize the use of that property to defray the full costs of Operation Odyssey Dawn and United States participation in NATO Operation Unified Protector, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2011

Mr. SHERMAN (for himself and Mr. BURTON of Indiana) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To authorize the President to vest certain property of the Government of Libya seized or blocked by the United States and to authorize the use of that property to defray the full costs of Operation Odyssey Dawn and United States participation in NATO Operation Unified Protector, 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 “Libyan Assets Tax-
5 payer Reimbursement Act of 2011”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The United States Government has frozen,
4 through Executive Order 13566 of February 25,
5 2011, over \$30 billion in assets in the United States
6 owned by the late Muammar Qaddafi, his family,
7 and his regime.

8 (2) The United States military conducted ac-
9 tions, through Operation Odyssey Dawn and NATO
10 Operation Unified Protector, over the territory and
11 off the coast of Libya designed to protect the Libyan
12 people from the violence and cruelty of the Qaddafi
13 regime.

14 (3) United States military operations in Libya
15 exposed members of the United States Armed
16 Forces to the risk of death.

17 (4) The Libyan uprising against the late dic-
18 tator Qaddafi succeeded with the help of United
19 States forces.

20 (5) Libya is an oil rich country that will be able
21 to finance its economic development and reconstruc-
22 tion.

23 (6) Libya has Africa's largest oil reserves and
24 a population of approximately 6.5 million people.

25 (7) In 2010, Libya had one of the highest per
26 capita oil export revenues in the world.

1 (8) The Department of Defense estimates the
2 cost of United States military and humanitarian ef-
3 forts for the Libyan people at under \$3 billion.

4 (9) Funds collected by the United States from
5 Libya pursuant to the United States-Libya Claims
6 Settlement Agreement are insufficient to provide
7 complete relief for all of the victims of Libyan state-
8 sponsored terrorism whose claims are currently
9 being adjudicated, or have been awarded, by the
10 Foreign Claims Settlement Commission of the
11 United States. The amount of the shortfall is be-
12 lieved to be as much as \$400 million.

13 (10) Around the world, over \$150 billion of
14 Qaddafi assets are frozen, and almost all of this
15 amount will be paid to the new Libyan government,
16 including the vast majority of the assets blocked by
17 the United States.

18 **SEC. 3. STATEMENT OF POLICY.**

19 It shall be the policy of the United States Govern-
20 ment—

21 (1) to ensure that the United States Treasury
22 is reimbursed for the full cost of all military and hu-
23 manitarian operations undertaken in and with re-
24 spect to Libya from the onset of Operation Odyssey
25 Dawn through the fall of the Qaddafi regime; and

1 (2) to ensure that there are sufficient funds
2 available to the United States to fully compensate
3 victims of Libyan-sponsored terrorism, prior to pro-
4 viding assets blocked pursuant Executive Order
5 13566 of February 25, 2011 to the Government of
6 Libya or other rightful owners.

7 **SEC. 4. AUTHORITY TO VEST AND USE BLOCKED LIBYAN**
8 **ASSETS TO DEFRAY THE FULL COSTS OF OP-**
9 **ERATION ODYSSEY DAWN AND U.S. PARTICI-**
10 **PATION IN NATO OPERATION UNIFIED PRO-**
11 **TECTOR.**

12 (a) IN GENERAL.—Pursuant to the authorities of the
13 International Emergency Economic Powers Act (50
14 U.S.C. 1701 et seq.), the President is authorized to—

15 (1) by means of instructions, licenses, or other-
16 wise, vest such blocked Libyan assets that are avail-
17 able as of the date of the enactment of this Act in
18 an amount necessary for the purposes described in
19 subsection (b);

20 (2) liquidate or sell any blocked Libyan assets
21 described in paragraph (1); and

22 (3) deposit any funds taken under paragraph
23 (1) and any funds resulting from the liquidation or
24 sale of blocked Libyan assets under paragraph (2) in

1 the United States Treasury for the purposes de-
2 scribed in subsection (b).

3 (b) USE OF VESTED FUNDS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, the President shall use blocked Lib-
6 yan assets vested under subsection (a)(1) to defray
7 the full costs of Operation Odyssey Dawn and
8 United States participation in NATO Operation
9 Unified Protector and any associated humanitarian
10 efforts undertaken on behalf of the Libyan people.

11 (2) OTHER USE OF FUNDS.—Notwithstanding
12 any other provision of law, the President is author-
13 ized to use blocked Libyan assets vested under sub-
14 section (a)(1) to satisfy and pay in full all final
15 awards of compensation to United States nationals
16 ordered by the Foreign Claims Settlement Commis-
17 sion in its Libya Claims Program pursuant to the
18 Libyan Claims Resolution Act (Public Law 110–
19 301) and the International Claims Settlement Act of
20 1949 (22 U.S.C. 1621 et seq.).

21 (c) REGULATIONS.—The President may issue such
22 regulations, including regulations prescribing definitions
23 in addition to the definitions listed in subsection (d), as
24 may be necessary for the exercise of the authorities grant-
25 ed by this Act.

1 (d) DEFINITIONS.—In this section—

2 (1) the term “blocked Libyan assets” means all
3 property and interests in property that are seized or
4 blocked by the United States in accordance with Ex-
5 ecutive Order 13566 of February 25, 2011 (76 Fed.
6 Reg. 11315); and

7 (2) the term “Government of Libya” means the
8 Government of Libya on the date of the enactment
9 of this Act, including any agency or instrumentality
10 of that Government and any entity controlled by
11 that Government.

12 **SEC. 5. DETERMINATION OF AMOUNTS.**

13 (a) IN GENERAL.—For purposes of determining the
14 amount of blocked Libyan assets to vest under section
15 4(a)(1), the President shall ensure the full costs of mili-
16 tary operations and humanitarian efforts described in sec-
17 tion 4(b)(1)—

18 (1) are determined in accordance with generally
19 accepted accounting principles;

20 (2) include all expenditures properly chargeable
21 to such operations and efforts; and

22 (3) are not limited to marginal costs.

23 (b) CONSULTATION.—The President shall determine
24 the amount of blocked Libyan assets to vest under section

1 4(a)(1) after consultation with the Secretary of Defense
2 and the Foreign Claims Settlement Commission.

3 **SEC. 6. REPORT.**

4 Not later than 1 year after the date of the enactment
5 of this Act, and annually thereafter as appropriate, the
6 President shall prepare and submit to Congress a report
7 on the implementation of this Act.

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