

## M E M O R A N D U M

**To:** Members, Subcommittee on Monetary Policy and Trade

**From:** Committee Majority Staff

**Date:** July 14, 2014

**Subject:** July 17, 2014, Monetary Policy and Trade Subcommittee Hearing entitled “A Legislative Proposal Entitled the ‘Bank Account Seizure of Terrorist Assets (BASTA) Act’”

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The Subcommittee on Monetary Policy and Trade will hold a hearing entitled “A Legislative Proposal Entitled the ‘Bank Account Seizure of Terrorist Assets (BASTA) Act’” at 9:45 a.m. on Thursday, July 17, 2014, in room 2128 of the Rayburn House Office Building. The hearing will focus on matters related to the execution of court judgments against assets of the Fuerzas Armadas Revolucionarias de Colombia (FARC) for actions taken against Americans captured in Columbia by that group in 2003.

This two-panel hearing will include the following witnesses:

**First Panel:**

- Jennifer Fowler, Deputy Assistant Secretary for Terrorist Financing and Financial Crime, Department of Treasury
- Marshall L. Miller, Acting Principal Deputy Assistant Attorney General and Chief of Staff, Department of Justice

**Second Panel:**

- Author and journalist Douglas Farah, President, IBI Consultants
- Lawyer Steven R. Perles, Perles Law Firm, P.C.
- Thomas R. Howes

**Background**

On February 13, 2003, Keith Stansell, Marc Gonsalves, Tom Howes, and Tom Janis (the “Stansell Plaintiffs”) were engaged in a counter-narcotics operation in Columbia under the auspices of the Department of Defense when their plane crash-landed. They were subsequently captured by members of the Fuerzas Armadas Revolucionarias de Colombia (FARC), a violent Marxist guerilla group that has engaged

in narcotics trafficking and fighting the government of Columbia. The guerillas executed Tom Janis at the crash site. The three remaining Stansell Plaintiffs were held hostage and tortured for more than five years until rescued by the Columbian military.

The Stansell Plaintiffs successfully sued the FARC in U.S. court and were awarded compensatory damages of more than \$300 million. They were not, however, able to execute this judgment against blocked assets of individuals or entities related to the FARC because assets were considered “drug-related” and not included in the definition of “blocked assets” eligible for distribution to terrorist victims under section 201 of the Terrorism Risk Insurance Act (TRIA). Consequently, the U.S. 11th Circuit Court of Appeals denied the Stansell Plaintiffs’ motion to satisfy their claims.

Rep. Bill Posey has circulated a legislative proposal entitled the “Bank Account Seizure of Terrorist Assets (BASTA) Act,” which would allow all “blocked assets”—including those considered “drug-related”—to be used to satisfy judgments. This hearing will provide a forum for views on that proposal.