

Summary of Libyan Assets for Humanitarian Relief Act of 2011

Authorization of Confiscation: The measure authorizes the President to confiscate and vest certain funds and other property of the Government of Libya currently frozen by the U.S. government, allows liquidation of the assets and sale of any property, and directs the proceeds to be used solely for humanitarian purposes to benefit the Libyan people. The Government of Libya is defined to include Libya's Central Bank.

Account Established for Confiscated Funds: The bill requires the President to establish a U.S. government account to hold confiscated funds and the proceeds from any asset or property sales. The Secretary of the Treasury may hold in escrow funds that are not needed immediately to meet urgent humanitarian needs.

Use of Confiscated Funds for Humanitarian Purposes to Benefit the Libyan People: Libyan Government funds confiscated may only be used for humanitarian purposes to benefit the Libyan people, consistent with United Nations Security Council resolutions. None may be used to purchase weapons or military equipment. The President must designate recipients of funds and impose appropriate terms and conditions, which may include detailed recordkeeping requirements, on recipients. The measure prohibits the knowing transfer of funds to: 1) foreign terrorist organizations; 2) supporters of acts of terrorism or of terrorist organizations; 3) a person whose assets are blocked by the International Emergency Economics Powers Act (IEEPA); or 4) a person the President determines to be responsible for violations of internationally recognized human rights.

Framework for Confiscation of Funds: The bill authorizes an initial confiscation and distribution of \$4 billion; if additional funds are needed, the President may notify Congress of his intent to confiscate an additional \$4 billion, to be released within 30 days unless Congress objects via enactment of a Joint Resolution of Disapproval. The President's request for the additional funds must include information about how prior aid was disbursed, a description of the need for additional funds, a plan of how the additional funds will be used, and other information. In the event of a humanitarian emergency, the measure also authorizes the President to notify Congress of his intent to confiscate, on an expedited basis and upon certification of need, an additional \$2 billion to meet emergency needs.

Investigations and Recordkeeping: The President may conduct appropriate investigations of recipients as necessary, and require recordkeeping from aid recipients, which could include books of account, records, contracts, letters, memoranda, or other papers related to distributions under the Act.

Audit and Reporting Requirements: The President must provide detailed reports to Congress every 90 days describing the amount of funds confiscated and transferred to designated recipients, the recipients of these funds, and the manner in which these funds were used. If the President notifies Congress of an additional confiscation in the middle of a 90-day period, the President must only include any new information on fund distribution. GAO is required to conduct and provide to Congress periodic audits of the program.

Penalties: Substantial penalties apply to persons who violate provisions of the Act, including huge fines provided for under section 206 of IEEPA.

Legal Protections/Judicial Review: Decisions made with respect to confiscated assets are not subject to judicial review; a "good faith" exception is provided for those acting consistent with the requirements of the Act; and any funds or property confiscated under the Act are immune from any legal process or attachment.

Termination: The authorities provided for in the bill terminate once the existing emergency determination of the President under IEEPA with respect to Libya expires. Upon termination, the President must submit to Congress a report describing a plan for use of any remaining unspent funds, including return of such funds to a successor government of Libya.

Regulations: The bill requires the President to prescribe regulations as necessary under the Act.