

CONFERENCE REPORT ON H.R. 4328,
DEPARTMENT OF TRANSPORTATION
AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. MEEK of Florida. Mr. Speaker, as a Conferee on the Treasury-Postal Appropriations Bill for Fiscal Year 1999, I note that the legislative debates in Congress include inconsistent statements regarding the proper interpretation and application of that section, and in particular in connection with subsection (d) which allows the President to waive the "requirements of the section" in the interests of national security.

In their joint statement, Senators MACK, GRAHAM, LAUTENBERG, and FAIRCLOTH have accurately stated my understanding of the provision and my understanding of the intent of the conferees. Any other interpretation would allow the President to, in effect, nullify this provision as if vetoing it, and thereby eliminate the important antiterrorism statement which Congress made by enacting the provision. For these reasons, I add my voice to those of Senators MACK, GRAHAM, LAUTENBERG, and FAIRCLOTH and join them in their understanding of the proper interpretation and application of Section 117.

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HON. MICHAEL P. FORBES

OF NEW YORK

HON. FRANK R. WOLF

OF VIRGINIA

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

HON. ANNE M. NORTHUP

OF KENTUCKY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. FORBES. Mr. Speaker, my colleagues, Mr. WOLF, Mr. ISTOOK, Ms. NORTHUP, Mr. ADERHOLT and I, as members of the House Appropriations Subcommittee on Treasury, Postal Service and General Government, strongly support Section 117 of the Treasury Appropriations Conference Report, now part of the FY 1999 Omnibus Appropriations Bill, which was passed by the House of Representatives on October 20, 1998 and signed into law shortly thereafter. Section 117 expands existing law to allow American victims of terrorism, who have been granted judgements against terrorist states, to attach the assets of those terrorist states that are located here in the U.S. It then requires the Secretary of State and Secretary of Treasury to assist victims of terrorism in locating assets of terrorist states here in the United States.

This provision was made necessary because of the Administration's repeated efforts

in Federal Court to block terrorism victims from attaching assets of terrorist states to help satisfy judgments they had received by such courts. This misguided policy has sent exactly the wrong message to terrorist states by telling them that, in the event they are found liable for killing Americans, the U.S. government will spare no effort to prevent the seizure of their assets.

In 1996 Congress passed and the President signed the "Anti-Terrorism and Effective Death Penalty" Act (P.L. No: 104-132). This Act allowed victims of state-sponsored terrorism to sue foreign governments in Federal Court for damages arising from acts of terrorism. In 1997, an amendment to the Committee Report for the Omnibus Consolidated Appropriations Bill for Fiscal Year 1997 (Comm. Rept. 104-863) allowed victims of state-sponsored terrorism to recover punitive damages from states that sponsor terrorism. In enacting these two laws, Congress surely foresaw that victims would prevail in Court, and would thereafter seek to attach and execute terrorist-state assets. However, what was not foreseen was that the Administration would seek to block such attachments by arguing that such attachments violated international agreements. As a result, it was necessary to once again revisit this issue, and create Section 117.

Section 117 has a Presidential waiver, inserted only at the insistence of the Administration, which allows the President to issue a waiver over the "requirements" of the section in the interest of "national security." The intent of this waiver was to allow the President, only in limited circumstances, to waive the requirement that the Secretary of State and Secretary of the Treasury, under Subsection (f)(2)(A), cooperate with victims in locating terrorist assets. It was never intended to allow the President to waive Subsection (f)(1)(A), the change in the law which allows victims to attach such assets they are able to find on their own. Unfortunately, shortly after signing the Omnibus Appropriations Bill, the President issued a blanket waiver, in which he invoked a national security waiver over the application of both Subsection (f)(1)(A) and Subsection (f)(2)(A).

It should be clear that the waiver provision of Section 117 only applies to Subsection (f)(2)(A). This reading of legislative intent is crucial in order to allow the victims of Pan Am 103, the families of the Brothers to the Rescue, the Cicippio and Jacobsen families and the Flatows, to go forward with their respective cases. The Court should not permit the expansive reading of Section 117 the President is attempting to invoke. Nor should the Court mistake the intent of Congress in allowing this waiver to be inserted.

It is clear to us that, at no time, did Congress intend to give the President the absolute veto power he would have over the application of Section 117 should his expansive interpretation hold.

The intent of Congress is clear. We will not tolerate the murder of our citizens in acts of state sponsored terrorism without a serious price to pay. The President has clearly exceeded his authority in exercising a blanket waiver over the application of Section 117, which would affect the victims' attempts to attach not only diplomatic assets of terrorist states, but commercial assets as well. It is our view that the Court should firmly and swiftly reject the President's interpretation of legislative intent and permit the victims to go forward

in attaching and executing all property of terrorist nations they are able to locate.

CORRECTION OFFICERS HEALTH
AND SAFETY ACT OF 1998

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SOLOMON. Mr. Speaker, it is only fitting that on the final day of the 105th Congress, the final bill to be considered is Solomon-authored legislation. H.R. 2070, the Correction Officers Health and Safety Act of 1998, as amended, passed the House of Representatives on October 21. This legislation is absolutely vital to protect our nation's correction officers from vicious attacks by prison inmates.

Mr. Speaker, H.R. 2070 grants the Attorney General authority to test high-risk, incoming federal inmates for the presence of the human immunodeficiency virus. It also allows the testing of prisoners who may have intentionally or unintentionally transmitted the virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there. The results of any test are communicated only to the inmate tested and those whose blood came into contact with the inmate. Furthermore, the bill authorizes the Attorney General to provide the appropriate access to counseling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

This bill could not have passed without the strong support of Council 82, the correction officers union in New York, AFSCME, and the Law Enforcement Alliance of America. Also, Senator ORRIN HATCH was instrumental in pushing this legislation through the Senate.

ADDING MARTIN LUTHER KING,
JR., HOLIDAY TO LIST OF DAYS
ON WHICH FLAG SHOULD ESPECIALLY
BE DISPLAYED

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BENTSEN. Mr. Speaker, this legislation corrects an oversight that occurred in the 98th Congress during the establishment of the federal holiday celebrating the birth of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. It is customary during the establishment of an official federal holiday to signify the importance of the date through its recognition in the U.S. Flag Code. The U.S. Flag Code encourages all Americans to remember the significance of each federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days every year, displaying the flag will show respect for the people and events that have shaped our great Nation.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all his marvelous achievements by displaying our flag on his birthday. Dr. King is the only American besides George Washington to have a national