

grants for other jurisdictions. Thus, more of our police officers will be protected while providing our communities with security.

This bill provides that each qualifying jurisdiction that serves under 100,000 residents will receive a full 50–50 matching grant for body armor purchases. This provision ensures that police officers in our small towns and rural areas that operate under limited budgets are provided the same level of protection available to officers in our larger cities who have larger budgets to purchase safety equipment.

Our officers that patrol our neighborhoods are not the only ones who will receive additional safety equipment. H.R. 4033 provides money to purchase body armor for our correction officers who work in the closed sectors of our county and state jails.

So, as we enjoy the protection provided by our police officers, let us remember that we have a duty to make their jobs as safe for them as possible. I ask that all my colleagues support H.R. 4033, the Bulletproof Vest Partnership Grant Act of 2000.

Mr. SCOTT. Mr. Speaker, I thank those who have worked so hard on this bill, and I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, once again, I thank my colleagues, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Indiana (Mr. VISCLOSKEY), all of those on the Committee on the Judiciary, and all of my colleagues who co-sponsored this legislation.

Mr. Speaker, many times in this House when there are good ideas that come before us, we do not get a chance to act on them. I think, to reiterate what I mentioned earlier, this is a great example of a positive partnership. These are ideas that generated within our districts from citizens and police officers and law enforcement officers and corrections officers who were in the real world every day, as we heard our other colleagues talk about.

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Instead of having to have local community groups raise money a little bit at a time, the officers in New Jersey in the second district, officers like Dominic Romeo in Cape May County, in the City of Wildwood, Sergeant Rich Gray, Shield-the-Blue, the corrections officers PBA-105, all those who are associated with the Vest-a-Cop program can look to us here in Washington and realize that we have joined together in a very special way, in a very bipartisan way, to generate legislation that means a great deal to law enforcement across this Nation.

Mr. Speaker, I urge all the Members of this body to vote for this legislation and show their commitment to law enforcement officers by voting for H.R. 4033.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended.

The question was taken.

Mr. LOBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3485) to modify the enforcement of certain anti-terrorism judgments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3485

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) SHORT TITLE.—This Act may be cited as the "Justice for Victims of Terrorism Act".

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting "; and";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking "(b)" through "entity—" and inserting the following:

"(b) An 'agency or instrumentality of a foreign state' means—

"(1) any entity—"; and

(D) by adding at the end the following:

"(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply."

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking "1603(b)" and inserting "1603(b)(1)".

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "(including any agency or instrumentality or such state)" and inserting "(including any agency or instrumentality of such state)"; and

(B) by adding at the end the following:

"(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution with respect to that judgment, in like manner and to the same extent as if the United States were a private person."; and

(2) by adding at the end the following:

"(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

"(B) A waiver under this paragraph shall not apply to—

"(i) if property subject to the Vienna Convention on Diplomatic Relations or the Vi-

enna Convention on Consular Relations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

"(ii) if any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

"(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' and the term 'asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

"(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state."

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 117(d) of the Treasury Department Appropriations Act, 1999, as enacted by section 101(h) of Public Law 105-277 (112 Stat. 2681-492) is repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

#### SEC. 2. PAYGO ADJUSTMENT.

The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from the enactment of this Act.

#### SEC. 3. TECHNICAL AMENDMENTS TO IMPROVE LITIGATION PROCEDURES AND REMOVE LIMITATIONS ON LIABILITY.

(a) GENERAL EXCEPTIONS TO JURISDICTIONAL IMMUNITY OF FOREIGN STATE.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

"(h) If a foreign state, or its agency or instrumentality, is a party to an action pursuant to subsection (a)(7) and fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in the action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates. Nothing in this subsection shall supersede the limitations set forth in subsection (g)."

(b) MODIFICATION OF LIMITATION ON LIABILITY.—Section 1605(a)(7)(B)(i) is amended to read as follows:

"(i) the act occurred in the foreign state against which the claim has been brought and the foreign state has not had a reasonable opportunity to arbitrate the claim in a neutral forum outside the foreign state in accordance with accepted international rules of arbitration; or

(c) EXTENT OF LIABILITY.—Section 1606 of title 28, United States Code, is amended by adding at the end the following: "No Federal or State statutory limits shall apply to the amount of compensatory, actual, or punitive damages permitted to be awarded to persons under section 1605(a)(7) and this section."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Ohio (Mr. CHABOT) and the gentleman from New Jersey (Mr. ROTHMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3485.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider H.R. 3485, the Justice for Victims of Terrorism Act legislation introduced by the gentleman from Florida (Mr. MCCOLLUM). This bill would finally provide justice for the victims of State-sponsored terrorism. These victims are entitled to compensation out of the frozen assets of the guilty terrorist state once the victim obtains a legitimate judgment. Sadly, these victims have been denied that justice that they so richly deserve.

In the 1980s, several Americans were kidnapped in Beirut and held hostage in deplorable conditions by agents of the Islamic Republic of Iran including Terry Anderson who resides in my home State of Ohio. Mr. Anderson, as we all recall, was barbarically held by Iranian terrorists for over 7 years.

In 1995, an American college student was killed in the Gaza strip when a terrorist from the Iranian backed Islamic Jihad rammed his car loaded with explosives into a bus.

In February 1996, two Americans studying in Israel were killed in a suicide bombing of a bus in Jerusalem. Those responsible were provided training, money, and resources by Iran.

Also in February of 1996, Cuban MiG aircraft shot down two aircraft flown by the Brothers to the Rescue organization in international airspace over the Florida Straits. Three American citizens were killed in that attack.

After the Brothers to the Rescue incident, President Clinton publicly encouraged Congress to pass legislation to provide compensation to the families out of Cuba's blocked assets in the U.S.

In 1996, the Antiterrorism and Effective Death Penalty Act became law. That law allowed American citizens injured in an act of terrorism or their survivors to bring a private lawsuit against the terrorist state responsible for that act.

All of the victims of terrorism that I have mentioned went to courts and received judgments awarding them millions of dollars in damages. Each time a judgment has been awarded, the administration has fought to block the attachment of the assets of the countries that sponsored these terrorist acts to satisfy the awards.

In 1999, the Congress passed section 117 of the fiscal year 1999 Treasury De-

partment Appropriations Acts, mandating that the executive branch must allow Americans to attach the assets of terrorist states in the U.S. in order to collect judgments won in Federal court. At the insistence of the administration, that legislation included a provision for a Presidential waiver to block the attachment of assets if it was in the interest of national security.

The President determined that the authority granted by section 117 for the attachment of assets of terrorist states in general would not be in the interest of national security and Presidential Determination No. 99-1. This determination effectively applied the Presidential waiver in section 117 to all judgments attempting to attach terrorist state assets.

In March 1999, a Federal judge upheld a \$187 million judgment against Cuba for its attack against the Brothers to the Rescue aircraft. In that judgment, Federal District Court Judge Lawrence King stated, "The court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this court that Cuba's blocked assets ought not to be used to compensate the families of the U.S. nationals murdered by Cuba. The executive branch's approach to this situation has become inconsistent at best. It now apparently believes that shielding a terrorist foreign state's assets is more important than compensating for the loss of American lives."

The President's broad use of his waiver power has frustrated the legitimate rights of victims of terrorism. That is why H.R. 3485 would amend the law to specifically deny blockage of attachment of proceeds from any property which has been used for any non-diplomatic purpose or of proceeds from any asset which is sold or transferred for value to a third party.

Also, it specifically provides that a judgment against a foreign state that sponsors terrorism can be executed against assets of an agency or instrumentality of that foreign state even if there is no proof of fraud or any proof that the agency or instrumentality has an alter ego of the foreign state.

We bring this bill to the floor today with a manager's amendment. This amendment was born from issues brought to the attention of the committee and language offered and withdrawn in committee by the distinguished gentleman from Michigan (Mr. CONYERS), ranking member.

The compromised language, motivated by the compassion of the gentleman from Michigan (Mr. CONYERS) for victims' rights has further improved the intent of this legislation, providing a legitimate remedy to American citizens harmed by terrorist states.

The amendment includes compromised language to make it easier for victims of state-sponsored terrorism to provide to court after a for-

eign state has had an opportunity to proceed to court after a foreign state has had an opportunity to arbitrate the claim.

The burden on the claimant under current law to allow arbitration by the terrorist state prior to a claim going forward under the Foreign Sovereign Immunities Act is often very difficult to meet given the fact that the foreign state is a known terrorist country where the claimant may not be offered the same rights as in other countries.

The amendment simply requires that the foreign state have a reasonable opportunity to arbitrate the case in a neutral forum that is outside the foreign state, and removes the burden on the victim to provide that opportunity. A provision to clarify that the costs estimated for this legislation are not appropriate funds has also been included.

The President has exercised what was intended to be a narrow national security waiver too broadly and, as a consequence, those who have admitted acts of terror resulting in the death of American citizens are effectively going unpunished and Americans are not receiving just compensation after favorable court verdicts.

These families have not only suffered the pain and loss of life associated with these terrorist acts, they have suffered the abandonment of their government in their pursuit of justice, justice that their President said they deserved. This legislation will make sure that they finally get it, that they finally get the justice that they deserve.

I urge my colleagues to vote to pass H.R. 3485.

Mr. Speaker, I reserve the balance of my time.

Mr. ROTHMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for all of his fine work in this matter. I also want to recognize the great work of the gentleman from Florida (Chairman MCCOLLUM) and the distinguished gentleman from Michigan (Mr. CONYERS), ranking member, who made this very important bill even better and brought it to this point in its legislative process.

Mr. Speaker, last year, I stood in Teaneck, New Jersey at the dedication of a monument that I wish was never built, a monument built to honor the memory of Sarah Duker, a 22-year-old American citizen from my congressional district who was killed in 1996 in a bus bombing incident in Jerusalem, a bombing masterminded by Palestinian terrorists. At the time of her death, Sarah was a graduate student at Barnard College and she was working as a research technician in microbiology at the Hebrew University.

Last September, I also had a meeting with Steven Flatow, a meeting that I also wish never had to take place. See, Mr. Flatow's daughter Alisa was murdered by a Palestinian terrorist in the Gaza strip in 1995. Mr. Flatow had come to meet me in Washington to try

to get justice from those who had killed his daughter. At the time of her death, Alisa Flatow was a student at Brandeis University in Massachusetts, and she was spending a semester abroad in Israel.

Mr. Speaker, I have come to the floor today to speak in support of this bill because I believe that Sarah Duker's mother, Arline; Alisa Flatow's family; the families of the victims of the Brothers to the Rescue shoot-down; and all Americans who have had family members victimized by terrorists abroad, all of these Americans deserve one thing, justice.

See, the sponsors of terrorism, and by that I do not just mean the individuals committing the acts, I mean the states sponsoring those individuals, they must pay for their crimes. They must first pay a diplomatic price for supporting the murder of Americans, and that means isolating those states which sponsor terrorism.

But I also believe that state sponsors of terrorism must pay more than just a political price. They must pay literally for their cold-blooded murders of Americans.

So it should be the policy of the United States of America to seize the U.S.-based nondiplomatic assets of states which are involved in the murder of Americans.

It is critically important that this bill be enacted into law because this measure delivers a powerful and essential message to state sponsors of terrorism around the world who target American citizens.

If one conspires in the murder of innocent Americans and tear our families apart, the United States of America will demand and receive justice. Justice, Mr. Speaker, can wait no longer. Terrorists will never win, and state sponsors of terrorism will always pay a price if we pass this legislation. They will pay a political and economic price. That is not too great a burden to place upon them and their assets for the killing of innocent Americans.

Mr. Speaker, I urge my colleagues to vote for H.R. 3485, the Justice for Victims of Terrorism Act.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to be an original cosponsor of the Justice for Victims of Terrorism Act and rise to speak in support of it.

Terrorism, defined as the systematic use of terror and violence as a means of coercion and intimidation, has become a global problem. It knows no boundaries—geographical or political. It does not discriminate among its victims. The damage it inflicts upon society extends far beyond the immediate physical destruction of each attack. The emotional and psychological scars are far greater. The question is not only how many lives have been lost in each terrorist attack, but how many futures were lost in their aftermath.

In the last 15 years, the United States has experienced in vivid terms the effects of terrorism, as our citizens have been targeted over and over again—in Beirut, over

Lockerbie, in Saudi Arabia, in Israel, over international waters, in New York, and in Nairobi and Dar es Salaam, where Americans who devoted their lives to building better relations between the U.S. and other nations, died in a campaign of hatred against this country.

There is no justification for terrorism, and the United States must be committed to finding those who prey on innocent victims and put an end to their reign of terror.

The Justice for Victims of Terrorism Act is critical to achieving this goal. This bill allows the victims—our constituents—to seek justice for the crimes committed against them and their families by making their attackers—the terrorists—pay for their crimes.

The bill before us allows for the execution of judgements and recovery of punitive damages from pariah states such as Iran which sponsor terrorist groups that kill and maim hundreds of Americans, Israelis, and other innocent human beings each year.

It would punish the Castro regime for shooting down two U.S. registered civilian planes over international waters, killing Carlos Costa and Mario de la Pena (two U.S.-born citizens in the prime of their youth); Armando Alejandro (a decorated Vietnam veteran); and Pablo Morales (a U.S. resident who, years before, had escaped Castro's island prison in search of freedom in the U.S.)

Some would argue that terrorism is not about money. Certainly it is about life and the right to live free of fear. But, while terrorism requires a multifaceted approach, one of the key elements to curtailing the proliferation of terrorism and limiting its capabilities, is by cutting off the flow and access to financial resources.

By upholding and enforcing the right of American victims of terrorism to sue foreign states, in court, for damages, this bill would have a chilling effect on terrorist activities and would help deter future aggression against American citizens.

In the last few months, there have been numerous attempts to trade with terrorist states, which would afford them increased financial resources and would enable them to, not only continue their reign of terror over their own people, but to expand their campaign of violence against our allies, our neighbors, and our own U.S. citizens.

These states have even been down-graded to "states of concern"—despite the overwhelming evidence of their support for terrorist attacks against Americans.

In spite of this, I hope my colleagues will listen to their conscience. I ask my colleagues to pause for a moment. They will hear the cries of anguish and despair of little Alisa Flatow from New Jersey, who was killed in a Palestine Islamic Jihad suicide bombing in April 1995.

I ask my colleagues to understand the frustration of Alisa's parents; of the relatives of Carlos, Armando, Mario, and Pablo; of the families of the servicemen who died during the attack on the Kovar Towers; of all the victims' families.

Let us demonstrate our resolve to the sanctity of human life and principles of justice; our commitment to fundamental legal standards; and our dedication to the welfare of the American people. Support the Justice for Victims of Terrorism Act.

Mr. DELAY. Mr. Speaker, the first duty of our Government is to protect American citi-

zens. This bill would help meet that responsibility by assisting the victims of terrorism. The Clinton administration has been quick to offer words of comfort to the bereaved relatives of those who have been killed by international violence. Their actions, however, have done little to hold the vile regimes responsible for such crimes accountable. It may be hard to believe, but the Clinton Justice Department has actively worked to stop terrorism victims from receiving just compensation out of the seized assets of terrorist states. This administration has thwarted the efforts of victims as they tried to collect court-ordered compensation from countries like Iran, Libya, and Fidel Castro's evil regime in Cuba. Held in even the most favorable light, this policy is unacceptable. It is a policy that smacks not only of appeasement, but capitulation to perpetrators of international terrorism.

And of this administration's poor foreign policy decisions, this is truly one of the most contemptible and distressing. The President of the United States should not be protecting the assets of foreign terror states. This bill would stop the Treasury Department from continuing to withhold these assets from victims' families.

The President gave his word to help injured parties collect compensation from terrorist states. Now, the foot-dragging of his administration requires us to pass legislation that would simply fulfill his promises to those victims. We look forward to the day when a handshake in the Oval Office is enough to guarantee justice for victims of terror. Unfortunately, the President's handshake apparently isn't enough. Therefore, we must pass this bill to ensure that terror victims don't first have to fight their way past their own government before they can receive the compensation owed to them.

To understand the importance of this proposal, consider the following example. In 1996, Fidel Castro gave the order to murder American pilots who were searching the Gulf of Mexico for refugees from his repressive dictatorship. Four years later, the pilots' families still haven't been compensated. This sad reality should spur the House to action. We ought to pass this bill and put terrorists on notice.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3485, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 768) to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of