

should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

\$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;
District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;
Florida, Saint Petersburg, Combined Law Enforcement Facility;
Maryland, Montgomery County, Food and Drug;

Administration Consolidation;
Michigan, Sault St. Marie, Border Station;
Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;
Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, \$26,962,000;

California: Santa Ana, Federal Building, \$27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), \$31,780,000, Main State Building (Phase 3), \$28,775,000;

Maryland: Woodlawn, SSA National Computer Center, \$4,285,000;

Michigan: Detroit, McNamara Federal Building, \$26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, \$25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, \$8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, \$45,960,000;

New York: New York City, 40 Foley Square, \$5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, \$18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, \$54,144,000;

Utah: Salt Lake City, Bennett Federal Building, \$21,199,000;

Virginia: Reston, J.W. Powell Federal Building (Phase 2), \$22,993,000.

Nationwide:

Design Program, \$21,915,000;

Energy Program, \$5,000,000;

Glass Fragment Retention Program, \$5,000,000.

\$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

Mr. President, the criteria I use when reviewing our annual appropriations bills are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been properly reviewed. Unfortunately, on occasion, items are inadvertently included that should not be.

JUSTICE FOR VICTIMS OF TERRORISM

Mr. LAUTENBERG. Mr. President, as we adopt this valuable legislation, I consider it important to clarify the history and intent of subsection 1(f) of this bill, as amended, in the context of the bill as a whole.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgments, and a few whose related cases will soon be decided, will receive their compensatory damages as a direct result of this legislation. It is my hope and objective that this legislation will similarly help other pending and future Anti-Terrorism Act plaintiffs when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. I am particularly determined that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing.

More than 2 years ago, I joined with Senator CONNIE MACK to amend the fiscal year 1999 Treasury-Postal Appropriations bill to help victims of terrorism who successfully sued foreign states under the Anti-Terrorism Act. That amendment, which became section 117 of the Treasury and General

Government Appropriations Act for fiscal year 1999, made the assets of foreign terrorist states blocked by the Treasury Department under our sanctions laws explicitly available for attachment by U.S. courts for the very limited purpose of satisfying Anti-Terrorism Act judgments.

Unfortunately, when that provision came before the House-Senate Conference Committee, I understand the administration insisted upon adding a national security interest waiver. The waiver, however, was unclear and confusing. The President exercised that waiver within minutes of signing the bill into law.

The scope of that waiver authority added in the Appropriations Conference Committee in 1998 remains in dispute. Presidential Determination 99-1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida rejected the administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgment creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

The bill now before us, in its amended form, would replace the disputed waiver in section 117 of the fiscal year 1999 Treasury Appropriations Act with a clearer but narrower waiver of 28 U.S.C. section 1610(f)(1). In replacing the waiver, we are accepting that the President should have the authority to waive the court's authority to attach blocked assets. But to understand how we intend this waiver to be used, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims from blocked assets or use blocked assets to collect the funds from terrorist states.

This legislation also reaffirms the President's statutory authority to vest foreign assets located in the United States for the purposes of assisting and making payments to victims of terrorism. This provision restates the President's authority to assist victims with pending and future cases. Our intent is that the President will review each case when the court issues a final judgment to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the U.S., whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

Let me say that again: It is our intention that the President will consider each case on its own merits; this waiver should not be applied in a routine or blanket manner.