

TECHNICAL CORRECTION RELATING TO JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES

Mr. HYDE. Mr. Speaker I move to suspend the rules and pass the bill (H.R. 1225) to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

The Clerk read as follows:

H.R. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to any cause of action arising, before, on, or after the date of the enactment of this Act, section 1605(a)(7)(B)(ii) of title 28, United States Code, is amended by striking "the claimant or victim was not" and inserting "neither the claimant nor the victim was".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. HYDE] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. HYDE].

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1225 corrects a drafting error in the foreign sovereign immunity provisions of last year's antiterrorism bill. We enacted these provisions to allow victims of state-sponsored terrorism, like the Pan American 103 tragedy, to sue the countries who sponsored the terrorist act in American courts.

Our intent was that families should have the benefit of these provisions so long as either the victim or the survivor was an American citizen. Unfortunately, and due to an inadvertent error, the current language can be read to allow the benefit only to those families in which both the victim and the survivor are American citizens.

H.R. 1225 corrects this error and restores the law to our original intent, that the affected person should get all of the benefits of section 221 of last year's antiterrorism bill, including the statute of limitations.

I understand this problem affects several of the Pan American 103 families, including Mr. Bruce Smith, who has been one of the leaders of those families. Mr. Smith, who is an American citizen, lost his wife, who was a British citizen, in the Pan American 103 tragedy. He now stands to lose his claim against Libya if this correction bill is not passed. The case is currently before the Supreme Court on a petition for certiorari. The Court may act on the petition as soon as this month. If that case is concluded before we act, those affected families may lose their claims.

For that reason, I believe it is important that we act expeditiously on this technical correction. The staff has consulted with both the Justice Department and the State Department, and I understand they do not have any objection to the correction.

Mr. Speaker, I am pleased that the distinguished ranking member, the gentleman from Michigan [Mr. CONYERS], the chairman of the subcommittee, the gentleman from Florida [Mr. MCCOLLUM], and the ranking member of the subcommittee, the gentleman from New York [Mr. SCHUMER], joined me in cosponsoring this legislation.

In addition, the other members of the committee from Mr. Smith's home State, the gentlemen from Florida, Mr. CANADY and Mr. WEXLER, Mr. Smith's own Congressman, Mr. MICA, and the gentleman from New York, Mr. MCNULTY, who also has an affected constituent, have joined me in cosponsoring this legislation.

I want to thank Senator HATCH, Senator LEAHY, Senator MACK, and Senator KENNEDY, who are working to get H.R. 1225 passed quickly by the Senate.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join the chairman, the gentleman from Illinois [Mr. HYDE], in supporting this legislation, H.R. 1225. In the antiterrorism bill passed into law last Congress, we amended the Foreign Sovereign Immunities Act to allow American citizens to sue for money damages in American courts for acts of terrorism that occur abroad.

Unfortunately, an error was made when that legislation was drafted. The legislation we consider here does nothing more than correct that error. As written, the law allows suit only if the claimant and the survivor are both American citizens. But if the victim of the terrorist act was not an American citizen, that victim's American spouse cannot sue.

This bill fixes the provision to allow suit if either the victim or the claimant is an American citizen. Because this correction will allow several families to continue their lawsuits against Libya over the bombing of Pan Am flight 103, as well as apply to any future cases in which American families are victimized by state-sponsored terrorism, it is our responsibility, Mr. Speaker, to protect Americans, and to protect Americans against terrorism. I think this correction goes one step further to ensuring that Americans and America and this Government stands up against terrorism. I urge my colleagues to support this legislation.

Mr. Speaker, I am pleased to join Chairman HYDE in supporting this legislation, H.R. 1225. In the antiterrorism bill passed into law last Congress, we amended the Foreign Sovereign Immunities Act to allow American citizens to sue for money damages in American courts for acts of terrorism that occur abroad.

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Because this correction will allow several families to continue with their lawsuits against Libya over the bombing of Pan Am flight 103 as well as apply to any future cases in which American families are victimized by state-sponsored terrorism, I urge my colleagues to support this legislation.

Mr. HYDE. Mr. Speaker, I thank the gentlewoman from Texas. 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 Illinois [Mr. HYDE] that the House suspend the rules and pass the bill, H.R. 1225.

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

A motion to reconsider was laid on the table.

NOTICE OF WITHDRAWAL OF BENEFITS ON ARGENTINIAN EXPORTS UNDER GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-66)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Argentina fails to provide adequate and effective means under its laws for foreign nationals to secure, to exercise, and to enforce exclusive rights in intellectual property. As a result, I have determined to withdraw benefits for 50 percent (approximately \$260 million) of Argentina's exports under the GSP program. The products subject to removal include chemicals, certain metals and metal products, a variety of manufactured products, and several agricultural items (raw cane sugar, garlic, fish, milk protein concentrates, and anchovies).

This notice is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 11, 1997.

POSTPONING FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 62 UNTIL AFTER VOTES UNDER SUSPENSION OF THE RULES

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that during consideration of House Joint Resolution 113, notwithstanding the order of the previous question, it may be in order at any time for the Chair to postpone further consideration of the joint resolution until a time designated by the Speaker after disposition of any motions to suspend the rules on which proceedings were proposed earlier in the day.

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

There was no objection.

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PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 62, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 113 and ask for its immediate consolidation.

The Clerk read the resolution, as follows:

H. RES. 113

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 62) proposing an amendment to the Constitution of the United States with respect to tax limitations. An amendment in the nature of a substitute consisting of the text recommended by the Committee on the Judiciary now printed in the joint resolution, modified by the amendment specified in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The previous question shall be considered as ordered on the joint resolution, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) three hours of debate on the joint resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) one motion to amend, if offered by the minority leader or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore [Mr. GOODLATTE]. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

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

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 113 is a straightforward rule providing for consideration in the House of House Joint Resolution 62, the tax limitation constitutional amendment.

The rule provides for 3 hours of debate, equally divided between the chairman and ranking minority member of the Committee on the Judiciary. The amendment in the nature of a substitute recommended by the Committee on the Judiciary, modified by the amendment specified in the report, will be considered as the base text for the purpose of amendment.

What that means is that the rule enacts a very important amendment sponsored by the gentleman from Florida [Mr. MCCOLLUM], a senior member of the Committee on the Judiciary, which would simply ensure that the tax limitation amendment would not have the unintended consequences of making it harder to reduce taxes in the future, a very important consideration as we move toward the dynamic scoring of major tax relief and economic growth legislation.

The rule also provides for the consideration of an amendment if offered by the minority leader or his designee. The amendment shall be considered as read and shall be debatable for 1 hour equally divided and controlled by a proponent and an opponent.

Finally, the rule provides for one motion to recommit with or without instructions. So under the rule, Mr. Speaker, our friends in the minority will have two different opportunities to amend the legislation in any way they see fit, consistent with the normal rules of the House.

Mr. Speaker, it is no coincidence that the House takes up the consideration of a constitutional tax limitation amendment today, April 15, as millions of taxpayers file their Federal income taxes. This is the day in which millions of hard-working Americans and their families are all too sharply reminded that high taxes have become a cruel and harsh fact of life in the United States of America.

What many Americans are experiencing today is middle class tax anxiety as they feel that they are working harder than ever but falling further behind. That is why so many constituents tell me that they fear the next generation will not be as fortunate or as prosperous as their generation, and why they believe their children and grandchildren will be worse off financially than they are.

It is no wonder that so many families feel this way. The truth is for the past

40 years or so, the size, scope, and tax burden imposed by the Federal Government has grown year in and year out. In 1980, the average tax burden was \$2,286 per person. By 1995, that figure had more than doubled to \$4,996. Federal, State, and local taxes take more than 38 cents out of every dollar the American family earns, and that estimation is almost as high as 50 cents in some quarters.

The Federal tax burden alone is now nearing a record one-fifth of family income. American families deserve better and they should be able to keep more of their hard-earned money to spend on things they need like food, clothing, shelter, perhaps a college education or even sometimes a family vacation. They do not need to send more of their tax dollars to Washington to be spent on a larger and larger Federal bureaucracy.

Regrettably, the power to lay and collect taxes, which was granted to Congress by the Founding Fathers, has been terribly abused. As ratified, the Constitution did not allow the direct taxation of the income of American citizens. For three-quarters of our history, three-quarters of our history the power of the U.S. Government to tax was carefully constrained by explicit constitutional restraints. For many decades the Federal Government was able to function without a permanent income tax, and it was not until 1913 when the 16th amendment to the Constitution was ratified that Congress was given specific authority to collect income taxes, and the Constitution's careful balance with respect to taxes was swept away.

As recently as 1940, Federal taxes were only 6.7 percent of the gross domestic product. Since the late 1960's, Federal taxes have approached 20 percent of GDP. Under our current system, it is simply too easy to add to the already onerous tax burden that Congress has placed on the American people.

Mr. Speaker, while many worthwhile arguments have been made against this constitutional amendment, the time has now come when we must return some fiscal discipline to the Federal Government where much of the discipline imposed by the Founding Fathers in the Constitution no longer exists.

That is exactly what this legislation seeks to do, to make it more difficult for Congresses in the future to raise taxes. The amendment will force Congress to focus on options other than raising taxes as a means of balancing the Federal budget. It does not mean, as some opponents have claimed, that taxes cannot be raised at all somewhere down the road. It merely requires a broader political consensus to achieve that goal. And the requirement can be waived temporarily, whenever a declaration of war is in effect or when the United States faces an imminent serious threat to its national security.

While we try to make it harder to raise taxes at the Federal level, several