

Certainly for folks like my friend and others around the country who are suffering from dementia, early states or later, we have to recognize the value and importance of this bill. I might note this passed the Judiciary Committee unanimously, and I certainly urge all of my colleagues to support this legislation.

With that, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I will yield the balance of the time to the gentlelady from California (Ms. WATERS), a member of the Judiciary Committee and the author of the bill.

Ms. WATERS. I would first like to thank the gentleman from Virginia, Mr. BOBBY SCOTT, for the time. And I thank him for making sure that this bill come to the floor tonight.

I rise in strong support of my bill, H.R. 6503, the Missing Alzheimer's Disease Patient Alert Program Reauthorization Act. The Missing Alzheimer's Disease Patient Alert Program is a Department of Justice program that helps local communities and law enforcement officials quickly identify persons with Alzheimer's disease who wander or who are missing and reunite them with their families.

Since its inception more than 10 years ago, this program has funded a national registry of more than 172,000 individuals at risk of wandering and has reunited over 12,000 wanderers with their families.

It is a highly successful program whereby 88 percent of registrants who wander are found within the first 4 hours of being reported missing. A total of 1,288 wandering incidents were reported to the program in 2007. The program has a 98 percent success rate in recovering enrollees who are reported missing.

There also are technology-based options to address wandering that should be considered for funding under the Missing Alzheimer's Patient Program. For example, personalized wristbands that emit a tracking signal can be used to locate wanderers. These wristbands, when combined with specially trained search and rescue teams, can reduce search times from hours and days to minutes.

Congress originally authorized \$900,000 in appropriations for the Missing Alzheimer's Patient Program for 3 years, that is 1996 through 1998, but never reauthorized or updated the program. Since then, the program has continued to receive funding on a year-to-year basis, but funding has remained virtually flat since its inception.

H.R. 6503 reauthorizes updates and expands the Missing Alzheimer's Patient Program. The program authorizes up to \$5 million per year in appropriations for fiscal years 2009 through 2015, a modest increase over the current appropriation of \$1 million in fiscal year 2008.

The bill expands the program so as to allow the Department of Justice to award multiple competitive grants to

nonprofit organizations. Preference would be given to national nonprofit organizations that have a direct link to patients and families of patients with Alzheimer's disease and related dementias.

Finally, the bill specifies that the program will be operated under the Department of Justice's Bureau of Justice Assistance. Currently, the program is operated under the Office of Juvenile Justice, which is obviously not the most appropriate agency for a program serving the elderly.

H.R. 6503 has 25 bipartisan cosponsors, including the coauthors of the Congressional Alzheimer's Task Force, Congressmen EDWARD MARKEY and CHRISTOPHER SMITH. The bill is also supported by the Alzheimer's Foundation of America and Project Lifesaver.

Furthermore, on May 14, a diverse group of over 85 national State and local organizations sent a letter to the members of the House Judiciary Committee supporting this approach to the reauthorization of the Missing Alzheimer's Patient Program.

The Missing Alzheimer's Patient Program is a critical resource for first responders. It saves law enforcement officials valuable time, allowing them to focus on other national and local security concerns. It is critical that we reauthorize and expand this small but effective program.

I urge my colleagues to support H.R. 6503. And with that, I thank all of those who have worked to bring this bill to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for your leadership in bringing this bill to the floor. I support H.R. 6503, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program. I urge my colleagues to support this bill.

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over five million Americans suffer from Alzheimer's disease, and that 60 percent of these are likely to wander from their homes. Alzheimers diseases and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimers Association, up to 50 of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

H.R. 6503 reauthorizes the existing Missing Alzheimer's Disease Patient Alert Program. The bill authorizes \$5 million for each fiscal year through 2015 for competitive grants to nonprofit organizations. The money may be used to pay for the "costs of planning, designing, establishing, and operating locally based, proactive programs to protect and locate missing patients with Alzheimers disease and related dementias and other missing elderly individuals." The bill states a preference for "national nonprofit organizations that have a direct line to patients, and families of patients,

with Alzheimers disease and related dementias."

When I consider the necessity of this bill, I am reminded about the time when I was personally called upon by a constituent in the 18th Congressional District in Texas. A few years back, the family of Mr. Sammy Kirk, enlisted my help in searching for Kirk. Mr. Kirk was an elderly man, suffering from Alzheimers and he had wandered away from his family in Houston. He was lost. His family called me to help search for him. I, along with his family, searched many hours and many days. In total, I searched for three days for Mr. Kirk. Finally, Mr. Sammy Kirk was found. He was found and he was dead. He wandered many miles away from his family and was found dead along the bayou. It would have been so much easier, and his life could have been spared if there was an electronic monitoring service that could have been used to help keep Mr. Kirk close to his and family and it would have certainly aided in our search for Mr. Kirk. An innocent, yet vulnerable, life could have been saved. This bill is necessary and I encourage my colleagues to support it.

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The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6503.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

#### JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM ACT

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5167) to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5167

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

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Justice for Victims of Torture and Terrorism Act".*

#### SEC. 2. FINDINGS.

*The Congress finds the following:*

(1) During the Gulf War against Iraq in 1991, Americans serving in the United States Armed Forces were captured, became Prisoners of War (POWs), and were subsequently tortured, beaten, starved, hooked to electrical shock devices, and subjected to other horrendous acts by Saddam Hussein's regime.

(2) CBS News reporter Bob Simon and cameraman Roberto Alvarez were kidnapped while on

assignment during the 1991 Gulf War and were held and tortured, along with the American POWs.

(3) Following the Iraqi invasion of Kuwait in August 1990, many United States citizens were detained by Iraq, beaten, subjected to cruel, inhumane and degrading treatment, confined under deplorable conditions, and used as "human shields" for the avowed purpose of preventing the United States and its coalition allies from using military force to liberate Kuwait.

(4) At the time these acts occurred, the Department of State had classified Iraq as a state sponsor of terrorism.

(5) The brave American POWs and American civilian hostages have suffered long-term physical, emotional, and mental damage as a result of this brutal, state-sponsored torture and terrorism.

(6) When the American POWs returned home after the Gulf War ended, they were given a hero's welcome by then Secretary of Defense Dick Cheney, who told them, "Your country is opening its arms to greet you".

(7) During the Gulf War, the Congress unanimously passed resolutions condemning the brutal treatment by the Government of Iraq of captured United States service members, demanding that the Government of Iraq abide by the Geneva Convention regarding the treatment of prisoners of war, and stating an intention to hold Iraq accountable for the torture of American POWs.

(8) In 1996, Congress passed an amendment to the Foreign Sovereign Immunities Act (FSIA) provisions of title 28, United States Code, so that torture victims like the American POWs and the American "human shield" victims from the Gulf War could seek compensation for their injuries from terrorist countries, including Iraq.

(9) On April 4, 2002, 17 Gulf War POWs and their families filed claims in the United States District Court for the District of Columbia seeking compensation for damages related to their torture and abuse by the Government of Iraq. The POWs included Colonel Clifford Acree, USMC (Ret.); Lieutenant Colonel Craig Berryman, USMC (Ret.); Former Staff Sergeant Troy Dunlap, US Army; Colonel David Eberly, USAF (Ret.); Lieutenant Colonel Jeffrey D. Fox, USAF (Ret.); Chief Warrant Officer 5 Guy Hunter, USMC (Ret.); Sergeant David Lockett, US Army; Colonel H. Michael Roberts, USAF; Colonel Russell Sanborn, USMC; Captain Lawrence Randolph Slade, USN (Ret.); Major Joseph Small, USMC (Ret.); Staff Sergeant Daniel Stamaris, US Army (Ret.); Lieutenant Colonel Richard Dale Storr, Air National Guard; Lieutenant Colonel Robert Sweet, USAF; Lieutenant Colonel Jeffrey Tice, USAF (Ret.); Former Lieutenant Robert Wetzel, USN; and Former Commander Jeffrey Zaun, USN.

(10) In 2003, after the Government of Iraq repeatedly refused to participate in arbitration on the damage claims, and after hearing evidence of how the former POWs had been repeatedly tortured, a judge awarded them a judgment for damages, stating that "detering torture of POWs should be of the highest priority".

(11) Despite this ruling, the POWs and their families have not received payment, and are unable to further pursue their claims in United States courts because of the waiver that was granted for Iraq by the President under authority established in the National Defense Authorization Act for Fiscal Year 2008.

(12) In December 2001, after conducting an evidentiary hearing, the United States district court held, in *Hill v. Republic of Iraq*, that Iraq was liable for having taken United States citizens hostage following the Iraqi invasion of Kuwait and subsequently awarded 180 of those former hostages and their spouses a judgment for damages.

(13) On March 20, 2003, on the eve of Operation Iraqi Freedom, the President of the United States directed that all of the judgments that had been awarded in *Hill v. Republic of Iraq* be

paid from moneys held in blocked Iraqi accounts.

(14) On that same date, the President issued an Executive order confiscating all remaining blocked assets of Iraq and ordering them to be deposited into the United States Treasury to be used for Iraq reconstruction.

(15) The claims of more than 200 United States citizens who, at the same time and in the same manner as the *Hill* plaintiffs, were held hostage in territory occupied by Iraq are currently pending in a United States district court in the case of *Vine v. Republic of Iraq*.

(16) The plaintiffs in *Vine v. Republic of Iraq* have not been compensated and are unable to enforce any judgment they may obtain in United States courts because of the waiver that was granted for Iraq by the President under authority established in the National Defense Authorization Act for Fiscal Year 2008.

(17) Article 131 of the Third Geneva Convention relative to the Treatment of Prisoners of War (August 12, 1949) prohibits the United States as a party to that treaty from absolving the Government of Iraq of any liability incurred due to the torture of prisoners of war, such as the American POWs referred to in this section.

(18) The United States has a moral obligation to protect its past, present, and future members of its Armed Forces, and all United States citizens, from torture and hostage-taking, and the Congress is committed to holding state sponsors of terrorism accountable for such horrendous acts.

### SEC. 3. RESOLUTION OF CERTAIN CLAIMS AGAINST IRAQ.

#### (a) RESOLUTION BY IRAQ OF CERTAIN CLAIMS.—

(1) IN GENERAL.—Unless the President, before the end of the 90-day period beginning on the date described in paragraph (2)(A), certifies to the Congress that the Government of Iraq has adequately settled the claims in the cases referred to in subsection (b), then, upon the expiration of that 90-day period, the waiver authority granted to the President in section 1083(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 343), and any waiver granted before the end of that 90-day period under such authority, shall terminate.

#### (2) DATE DESCRIBED.—

(A) IN GENERAL.—The date described in this paragraph is—

(i) 30 days after the date of the enactment of this Act, unless the President has certified to the Congress, before the end of that 30-day period, that—

(I) the Government of Iraq has not, before, on, or after the enactment of this Act, compensated any foreign persons or entities for claims or liabilities incurred by or under the control of the Saddam Hussein regime, including, but not limited to, commercial or financial claims, and claims for acts against individuals similar to those described in section 1605A(a)(1) of title 28, United States Code; or

(II) negotiations are ongoing with the Government of Iraq to settle the claims in the cases referred to in subsection (b), and the President believes that those negotiations are being conducted in good faith and could lead to a satisfactory settlement of those claims; or

(ii) if a certification is made under clause (i), the day after the date on which that certification terminates or, if a subsequent certification is in effect under subparagraph (B), the day after the date on which the last such certification terminates.

(B) DURATION OF CERTIFICATIONS.—A certification under subclause (I) or (II) of subparagraph (A)(i) terminates 180 days after it is made. The President may make subsequent certifications under subclause (I) or (II) of subparagraph (A)(i) for periods of not more than 180 days each.

(b) CASES.—The cases referred to in subsection (a)(1) are cases numbered 99-00CV03346 (TPJ),

1:01CV02674 (HHK), CIV.A. 02-632 (RWR) (July 7, 2003), 1:03CV00691 (HHK), and 1:03CV00888 (HHK), in the United States District Court for the District of Columbia.

(c) ADEQUATE SETTLEMENT.—For purposes of subsection (a)(1), adequate settlement means payment by the Government of Iraq of, or an unqualified and unconditional guarantee made by a United States depository institution to pay within 30 days after the end of the 90-day period described in subsection (a)(1), at least the following amounts to the following persons:

#### (1) To any person—

(A) whose claim in the applicable case referred to in subsection (b) arose from an act of hostage taking or from being held in hostage status, and

(B) who has not obtained a judgment on the claim before the date of the enactment of this Act,

\$150,000, plus \$6,000 for each day the person was held as a hostage, but in no event more than \$900,000.

#### (2) To any person—

(A) whose claim in the applicable case referred to in subsection (b) arose from an act of hostage taking or from being held in hostage status,

(B) who, while a hostage, was subjected to torture, and

(C) who has not obtained a judgment on the claim before the date of the enactment of this Act,

\$2,500,000, plus \$6,000 for each day the person was held as a hostage.

(3) To a plaintiff in the applicable case referred to in subsection (b) who is the spouse or child of any person who qualifies for receipt of payment under paragraph (1) or (2), one third of the amount that such person qualifies for receipt under such paragraph.

(4) To any person who, before the date of the enactment of this Act, obtained a judgment for compensatory damages in a case referred to in subsection (b) (regardless of whether such judgment was subsequently vacated)—

(A) payment of the unsatisfied amount of such judgment, in an amount that is the lesser of \$1,000,000 or the unsatisfied amount of the award; and

(B) if the amount of the judgment exceeds \$1,000,000, one third of the unsatisfied amount of such excess.

(d) ADDITIONAL CONDITION IN CASE OF GUARANTEE OF PAYMENT.—If the claims in the cases referred to in subsection (b) are adequately settled for purposes of subsection (a)(1) because of a guarantee of payment by a depository institution within the 30-day period specified in subsection (c), and such payment is not made within that 30-day period, then upon the expiration of that 30-day period, the waiver authority described in subsection (a)(1), and any waiver granted before the end of that 30-day period under such authority, shall terminate.

#### (e) DEFINITIONS.—In this section:

(1) FOREIGN PERSON OR ENTITY.—The term "foreign person or entity" means—

(A) an individual other than a national of the United States; and

(B) a person or entity, other than an individual, that is organized under the laws of a country other than the United States.

(2) HOSTAGE.—The term "hostage" means an individual in hostage status or an individual seized or detained in the commission of an act of hostage taking.

(3) HOSTAGE STATUS.—The term "hostage status" has the meaning given that term in section 599C(d)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513).

(4) HOSTAGE TAKING.—The term "hostage taking" has the meaning given that term in section 1605A(h)(2) of title 28, United States Code.

(5) NATIONAL OF THE UNITED STATES.—The term "national of the United States" has the meaning given that term in section 1605A(h)(5) of title 28, United States Code.

(6) *TORTURE.*—The term “torture” has the meaning given that term in section 3 of the *Torture Victim Protection Act of 1991* (28 U.S.C. 1350 note).

(7) *UNITED STATES.*—The term “United States” means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(8) *UNITED STATES DEPOSITORY INSTITUTION.*—The term “United States depository institution” means a depository institution organized under the laws of any State, the District of Columbia, or the United States, including a branch or agency of a foreign depository institution.

#### SEC. 4. LIMITATION ON CERTAIN CLAIMS.

No funds of the United States Government may be used to pay any claim—

(1) that is cognizable under section 1605A of title 28, United States Code, as added by section 1083 of the National Defense Authorization Act for Fiscal Year 2008, for money damages against Iraq for personal injury or death that was caused by acts committed by an official, officer, or employee of the Iraqi Government under Saddam Hussein; and

(2) with respect to which the waiver authority under section 1083(d) of the National Defense Authorization Act for Fiscal Year 2008 has been or may be exercised.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the Justice and Victims of Torture and Terrorism Act, introduced by the gentleman from Iowa (Mr. BRALEY) and the gentleman from Pennsylvania (Mr. SESTAK), will enable American POWs and civilians to hold the Government of Iraq liable for the physical and emotional injuries they sustained while held captive by Iraqi officials during the Gulf War.

During the Persian Gulf War, American pilots captured by Iraq were brutalized in horrendous ways. They were starved, exposed to extreme temperatures, severely beaten, and subjected to mock executions.

Because Iraq believed that these pilots had more sensitive information, they were subjected to especially brutal treatment. They sustained long-lasting physical and emotional injuries.

American civilians who had the misfortune of being held in Iraq at the time it invaded Kuwait were held hostage as “human shields,” used as leverage to interfere with the campaign to liberate Kuwait and defeat the Iraqi forces. These civilians were held in cruel and degrading conditions and forced to live in constant fear.

While Congress has supported giving terrorism victims the right to obtain

effective relief, the executive branch has allowed State Department sensitivities to overshadow the fundamental rights of these victims to fair redress.

In amending the Foreign Sovereign Immunities Act in 1996, Congress intended to create a Federal statutory cause of action for American victims of terrorism, so that they could hold foreign States that commit or provide material support for terrorist acts accountable in United States courts.

Congress reaffirmed that intent last December in the National Defense Authorization Act. Unfortunately, the President vetoed the bill on that basis and insisted that the Congress give him waiver authority for Iraq, which he promptly exercised, once again placing relief out of reach for these victims.

In its introduced form, the bill simply rescinded that waiver authority. It has now been amended, with the assistance of the sponsors, as well as the gentleman from California (Mr. ISSA), working with the victims and their families.

The bill we are considering today would give the Iraqi Government 90 days after enactment to satisfactorily settle the claims of American victims to prevent the waiver authority from being rescinded.

The waiver authority would also survive if the President certifies that Iraq has no settlement claims of non-Americans that are similar to the claims of the POWs and human shields and has not settled commercial debts to foreign corporations.

The amended bill also specifies limits on the damage awards, to remove any argument about potentially open-ended liability. The specified amounts are a fraction of the outstanding judgment awards and pending claims.

Under this proposal, the Iraqi Government would be required to pay approximately \$415 million. The amount of recovery sought is de minimis relative to the 20 to \$32 billion in commercial claims that Iraq has reportedly settled with the corporations in Japan and Korea. It also amounts to perhaps 1 percent of the Iraqi Government assets held in United States banks.

I believe that holding Iraq accountable is an essential element in its full rehabilitation in the community of nations. This holds true to well-settled international law, as well as the Geneva Convention.

I commend my colleagues, Mr. BRALEY and Mr. SESTAK, for their leadership and unwavering dedication in bringing this important legislation forward. I also commend the Judiciary Committee ranking member, Mr. SMITH, and the gentleman from California (Mr. ISSA) for their leadership in making this a bipartisan effort.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this piece of legislation. I was not aware of

it in its earliest authorship. I became aware of it, in addition to the issue which I was aware of, only when it began to move toward our committee. As I looked at both the legislation and those affected, who had worked so valiantly for 17 years to try to bring justice to an unjust occurrence in the history of Iraq, I discovered that we had a large group of men and women who had been used as human shields, a relatively small group of people who had been tortured at Saddam's hands, Americans.

But what I also discovered was that these people had no other way to focus the injustice of what had happened to them than by seeking a remedy in the courts, and that had been denied them for so long. Now they have that remedy from the courts, and they're being denied the opportunity to avail themselves of it.

Mr. Speaker, if this were just about money, I wouldn't be standing here. This is not. This is about a much larger cause. Throughout our history, we have endeavored to compensate our men and women when we send them to war. We've endeavored to compensate them when they're prisoners of war, but we will never be able to compensate them for the torture that they've received at the hands of barbarians.

The very barbarian who ordered this misconduct, Saddam Hussein, has been executed by the new government of Iraq. The new government of Iraq every day is seeking to reenter the world of justice and civilized nations. They're doing so in a myriad of ways, including settling the wrongful acts of the Saddam regime. This is no different.

The amendments that I asked for, and on a bipartisan way were granted, in the Judiciary Committee sought to make it clear America wants no compensation from the new Iraq government unless it is consistent with other compensation for similar acts of the Saddam Hussein regime. As Mr. SCOTT has already said, the administration of Iraq is making those efforts today, and I know they will negotiate in good faith with the victims of torture if, in fact, they have standing to do so.

That's why we're working on a bipartisan basis to grant the President the ability, if there are not similar settlements, to withhold this capability until or unless there are. I don't want this to be about every past war, but it wouldn't be fair to ask for this if we hadn't previously seen Libya make settlements finally but only after the State Department had withdrawn their objections.

And to most people here on the House floor, World War II is but a memory or a piece of history they've read about. The men and women who were taken at Bataan and other places were tortured. Most of them died. Then, too, we felt that we shouldn't burden the new Japanese Government with the sins of the past government. I think that's a bad precedent.

I believe that the making whole of people for whom you have done more

than just conduct war is, in fact, the responsibility on an ongoing basis of a government if they have the ability and certainly if they grant similar compensation to people from other countries or, in the case of Japan, Libya and post-Saddam Iraq, if they grant money damages to companies who often lost nothing but money.

So, Mr. Speaker, I'm going to support this legislation wholeheartedly. I know my Republican colleagues will. I note that this is, in fact, a good message to the administration to facilitate the settlement rather than to stand aside on it.

Mr. Speaker, many members of our armed forces faced horrible abuse and torture at the hands of Iraq's former dictator, Saddam Hussein, during the first Gulf War. We owe those members of the armed forces not only our sympathy, but our deepest thanks for enduring immense pain and suffering for a larger cause that helped keep all of us safe here at home. We also owe those members of the armed forces justice. And that's why we're here today to pass H.R. 5167, the Justice for Victims of Torture and Terrorism Act.

In the closing hours before the most recent House recess, I was very pleased to see the House, and the Senate, send legislation to the President that statutorily approved an agreement that was reached between the State Department and Libya regarding the compensation of Americans injured by Libyan-sponsored terrorism. That legislation was passed by both bodies under unanimous consent. It not only approved the negotiated agreement, which provides for hundreds of millions of dollars in compensation, but it also protected the agreement from being undone by lawyers and judges who would have otherwise interfered with its implementation.

The agreement with Libya shows that State-to-State negotiations for the compensation of victims of terrorism can work. It is a far more effective means of compensating victims than lawsuits, as domestic court judgments are always difficult to enforce, and foreign entities have many ways of moving their funds offshore to avoid collection. Negotiations worked to provide fair compensation for the victims of Libya, and they can work to provide fair compensation to the victims of the torture and terrorism perpetrated by Saddam Hussein's former regime.

I was very pleased to have been able to craft a bill with Chairman CONYERS that not only facilitates, but encourages, State-to-State negotiations with the new democracy in Iraq that is the surest means of providing ultimate compensation for deserving victims. An amendment I offered at committee with Chairman CONYERS, and which is now part of this bill, provides that the negotiations process will be allowed to continue as long as "the President has certified to the Congress . . . that . . . negotiations are ongoing with the Government of Iraq to settle the claims in the [covered] cases . . . and the President believes that those negotiations are being conducted in good faith and could lead to a satisfactory settlement of those claims . . ."

Under this provision, the President must, on a regular basis, provide Congress with a status report attesting to the continuing good faith negotiations between the parties, and to the prospect that those negotiations could lead to

a satisfactory settlement. That provision is necessary to help balance several worthy goals.

One of those goals is the maintaining of a stable, free, and democratic Iraq that will help ensure horrors the likes of which were seen under Saddam Hussein will not be seen again. To that end, earlier in this Congress, Congress passed H.R. 4986, which authorized the President to waive lawsuits against the new democracy in Iraq if the President determined that the waiver is in the national security interest of the United States; that the waiver will promote the reconstruction of, the consolidation of democracy in, and the relations of the United States with, Iraq; and that Iraq continues to be a reliable ally of the United States and partner in combating acts of international terrorism. On the day the President signed that provision into law, he signed a waiver and issued a statement justifying the exercise of the waiver authority.

But H.R. 4986 also included a Sense of Congress that provides as follows:

"[T]he President, acting through the Secretary of State, should work with the Government of Iraq on a state-to-state basis to ensure compensation for any meritorious claims based on terrorist acts committed by the Saddam Hussein regime against individuals who were United States nationals or members of the United States Armed Forces at the time of those terrorist acts and whose claims cannot be addressed in courts in the United States due to the exercise of the waiver authority."

It is now time to provide the statutory requirements necessary to implement that Sense of Congress. We do that here today by passing H.R. 5167, which gives our policy of encouraging good faith negotiations to provide fair and tangible compensation to victims of torture the force of statutory law. I urge all my colleagues to support it.

Mr. Speaker, I would reserve the balance of my time while again urging support for the bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 7 minutes to one of the sponsors of the bill, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Speaker, I want to thank Mr. SCOTT and the chairman of the committee, as well as Ranking Member SMITH and my friend from California, for their support for this important bill.

I rise today because preventing torture of U.S. prisoners of war and citizens should be our highest priority as a Nation. This bill, H.R. 5167, is a bipartisan compromise that will finally, after 17 long years, provide justice for American POWs and civilian hostages who were tortured and terrorized by Saddam Hussein's regime.

And to put a human face on this, Mr. Speaker, these are some of the faces of tortured POWs that this bill is designed to address.

My friend Cliff Acree, a colonel in the United States Marine Corps, aviation, and Commander Jeffrey Zaun from the United States Navy were visible faces of the Gulf War invasion and what was happening to our troops in Iraq.

This photograph shows what happens when we put our young men and

women in harm's way and subject them to brutal regimes like what we found when Saddam Hussein invaded Kuwait, and the country of Iraq was labeled as a State sponsor of terrorism which is a necessary predicate to this claim in first place.

Immediately after these captured POWs started showing up on television, this Congress, including the House of Representatives which was under Republican control at that time, passed multiple resolutions condemning the brutal treatment of our prisoners of war, demanding that Iraq abide by the Third Geneva Convention concerning POWs and stated Congress' intention to hold Iraq accountable for tortured POWs.

Why is that important? Because the United States, along with Iraq, are part of the signatory nations to the Third Geneva Convention, and one of the most important articles for the purpose of this bill was article 131, which says no country—and this would include Iraq—shall be allowed to absolve itself or any other country of any liability related to the prohibited treatment of prisoners of war.

It wasn't just our POWs, though. There were civilian hostages taken by the Saddam Hussein regime, including famous CBS news reporter Bob Simon and his cameraman Roberto Alvarez who were kidnapped while on assignment in the Gulf War and were being held and tortured along with the POWs.

There were also numerous civilians who were captured by Saddam Hussein in Kuwait, including children, and were kept and held as human shields and subject to abusive treatment and torture along with our U.S. military forces. That is one of the reasons why this bill came about in the first place.

When these tortured POWs came home—and just so that we can put this into context, these POWs were subjected to cruel physical and mental torture. They were beaten, they were starved, they were hooked to electronic devices and shocked, and subjected to other horrendous acts.

Cliff Acree, the person whose picture is on this chart, had his nose broken on multiple occasions and his skull fractured in addition to being subjected to multiple other forms of abuse.

When these POWs came home, their Secretary of Defense, who was at that time DICK CHENEY, said your country is opening its arms to greet you.

And this body, Congress, acted promptly to address these crimes that were committed in violation of international law by passing amendments to the Foreign Sovereign Immunities Act and, in 1996, provided that Americans tortured and terrorized in Iraq could seek compensation for their injuries from those terrorist countries, including Iraq.

□ 1945

Now, these Gulf War POWs have been through hell, and they waited a long

time for their opportunity to get justice. So in 2003, after the Government of Iraq repeatedly refused to negotiate these claims with them and refused to accept service, a judge awarded these 17 POWs a judgment for damages and stated in his ruling that deterring the torture of POWs should be of the highest priority of this government.

But shortly after that award was entered, this administration, which at that time was engaged in Operation Iraqi Freedom, decided that, even though one group of human shield plaintiffs had been compensated by the Government of Iraq, that they were going to seize the assets that were held in U.S. banks that could have been used to satisfy the payment to these tortured American POWs and instead applied them to the reconstruction of Iraq. And Scott McClellan, who was a White House spokesman, on November 6 said, "The United States condemns, in the strongest terms, the brutal torture to which these Americans were subjected. However, no amount of money can truly compensate these brave men and women for the suffering they went through at the hands of Saddam Hussein's brutal regime, so that's why we're going to extinguish their claims."

There is a problem, and this problem was mentioned by my friend Mr. SCOTT, and also by Mr. ISSA; that is, that this argument is hollow when you look at what our government has done to help Iraq resolve \$20 billion of commercial debt that are outstanding to companies like Mitsubishi of Japan and Hyundai of Korea. And if you look at the fact that in this fiscal year the Government of Iraq will probably generate somewhere in the neighborhood of \$100 billion in oil revenues, this small liability to these tortured American citizens clearly should be a higher priority than settling the commercial debts of Japanese and Korean corporations.

That's why the Justice for Victims of Torture and Terrorism Act requires the Government of Iraq to resolve the claims of American victims who are willing to give up all of their punitive damage award that they've already been awarded by the court and two-thirds of their compensatory damages to try to get this matter resolved and allow Iraq to move forward as a nation that belongs to the international community. And the waiver is only eliminated if Iraq does not pay the victims within the time period allotted. And this time period has been part of the Defense Authorization bill since the President's veto last December and since we came back with a new Defense Authorization bill that passed in early January.

In closing, Mr. Speaker, why does this matter? It matters because preventing the torture of current U.S. citizens and troops should be one of our highest priorities in this body.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. Mr. Speaker, I yield the gentleman an additional minute.

Mr. BRALEY of Iowa. Upholding our international treaty obligations not to absolve sponsors of terrorism and deterring other countries from engaging in the same type of state-sponsored terrorism that Iraq engaged in should be the message that this legislation sends.

This is a bipartisan agreement. We want to work with the administration to see that these deserving heroes finally get the justice they deserve after 17 years.

Mr. ISSA. Mr. Speaker, I continue to reserve.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SESTAK), an original sponsor of the legislation.

Mr. SESTAK. Mr. Speaker, I would like to speak in support of this bill from a different perspective. My colleagues from Iowa and California spoke very well about this bill and its purpose.

For 31 years, I served in the military under laws that this Congress passed. We knew that we were allowed to kill, but we also knew that this Congress of ours, under the advising and consent agreement in the Senate, had passed a contract with me that I was not to torture. That contract was one that, if I did, I would stain this Nation, and that this Nation then would be held liable, as had been pointed out under the international law that we have accepted for my act of torture. But at the same time, I always knew that I had a contract with this Nation, a Nation of laws, not of men, and that if I were to be tortured, that this Nation would be there for me, that it would uphold its end of this law that we agreed to internationally in 1949—and that was that we would hold another country liable for that act of torture against me, someone who wore the cloth of this Nation for 31 years.

That contract—that this Nation is actually a Nation of laws and not of men—is what is beat into us day after day in the military. In 1996, one administration passed a law, the Foreign Sovereign Immunities Act, and said, you men, you can sue. Another administration in 2008 passed another law, the Terrorism Risk Insurance Act, and said, you men, you can, under law, sue. That someone, for whatever reason, decided that this contract with our military members would not be upheld I think is a stain on the institution of the Presidency and upon this institution of Congress if we do not uphold that contract with our warriors.

The best picture in the Pentagon is one across from the Secretary of Defense's office. It is of a young service-member kneeling in church and beside him is his young spouse and a young child. And under it you can tell this individual is about to deploy again into harm's way. And there is then noted that wonderful inscription from the

Bible where God has turned to Isaiah and says, "Whom shall I send? Who shall go for us?" And Isaiah said, "Here am I, send me."

We don't serve a man, we serve a Nation of laws. And that's what this is really about today. I urge everyone in this Congress, both sides, and our President, who represents us as our Commander in Chief, to support this bill.

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

Mr. Speaker, this is drawing to a close. I think that so much has been said, not nearly enough. I appreciate my colleagues on the other side of the aisle who have done such a good job of making this a bipartisan piece of legislation.

Additionally, I would like to echo the last speaker because the gentleman from Pennsylvania, rightfully so, reminded us that the men and women in our Armed Forces, in which he served and in which I served, know the rules; they know the rules that we operate under, and we know the penalty if we break those rules. We know that if our country were to, in fact, torture somebody, we would both punish those who did it and compensate those who were treated in any inconsistent way with the rule of law. We only ask that the post-Saddam Iraq, if they're paying compensation and apologizing to others, they do the same to the men who suffered at their hands.

So I think that for all the men and women serving in the Armed Forces today and those who have served in the past, this Congress, on a bipartisan basis, is taking a giant step toward saying we will hold others accountable as we have always held our own accountable.

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

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman for his cooperation in this bipartisan effort, and I hope that we pass the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support H.R. 5167, the "Justice for Victims of Torture and Terrorism Act." This bill was sponsored by Representative BRALEY of Iowa. The bill's purpose is to amend the National Defense Authorization Act for Fiscal Year 2008 to remove the authority of the President to waive certain provisions. I support this bill and I urge my colleagues to support this bill.

H.R. 5167, the Justice for Victims of Torture and Terrorism Act, responds to harms suffered by U.S. nationals under the Government of Iraq during the 1991 Gulf War and their efforts to hold Iraq, then a designated foreign state sponsor of terrorism, liable for their injuries. H.R. 5167 presents a new proposal to facilitate the settlement of these claims.

This bill is important and necessary. I was shocked when I found out that the President was going to veto the Defense Authorization bill on Christmas Eve. The President vetoed the \$3.5 billion authorization package that would have provided resources for military members, their families, and veterans, because it contained a provision that would have allowed Operation Desert Storm Prisoners of

War, POW, to continue their case against the Hussein regime.

In 2002, 17 American ex-prisoners of war were brutally tortured in Iraq during the first Persian Gulf War sued Saddam Hussein's regime. The veterans eventually won a judgement against Hussein. But shortly after the invasion of Iraq, the Bush administration stepped in and had the judgement overturned.

According to a Dec. 28 report in Congressional Quarterly, President Bush issued his veto after lawyers for the Iraqi Government threatened to withdraw \$25 billion worth of assets from U.S. banks if the provisions was allowed to become law. The American POWs were granted damages by a U.S. district court in July 2003. The court awarded \$959 million in compensatory and punitive damages to the 17 POWs—some of whom remain on active duty today and are serving in Iraq.

But earlier in 2003, after signing a bill that allowed Americans to collect court-ordered damages from the frozen assets of terrorist states—a list that included Iraq at that time—President Bush had confiscated what was then \$1.7 billion in Iraqi assets held in private banks. He allowed the payment of two judgments including one for so-called “human shield” hostages held in Iraq in 1990, but none for the Americans taken prisoner in the 1991 Gulf War.

The President chose to respect corporate interests over human interests and corporate rights over human rights. This is something that the American people have seen from this administration in the past in unrelated matters.

This bill, H.R. 5167, the “the Justice for Victims of Torture and Terrorism Act” restores a provision in the previously vetoed Defense bill that would allow American veterans and victims of torture to pursue legal claims against their torturers.

Simply put, American veterans tortured as prisoners of war do not deserve to be left behind by a presidential policy that keeps them from seeking justice. We need to hold countries accountable for torturing American troops so it never happens again. We need to get our priorities straight. Protecting American veterans and POWs should come before protecting a country's assets.

We must act today to correct this problem. I urge my colleagues to act with me, and support this bill. A strong bipartisan message of support needs to be displayed by this body to right the wrongs and send a message to the President that American soldiers deserve better. The message is clear: American soldiers deserve the right to bring torturers to justice. I invite my colleagues to stand with me today and support this important legislation.

Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5167, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: “A bill to terminate the authority of the President to waive, with regard to Iraq, certain provisions under the National Defense Authorization Act for

Fiscal Year 2008 unless certain conditions are met.”.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 11, 2008.  
Hon. NANCY PELOSI,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 11, 2008, at 4:25 p.m.:

That the Senate passed S. 3406.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,  
*Clerk of the House.*

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CAZAYOUX). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

(Mr. REYES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### HONORING TINA ALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it was with great sorrow that I learned of the passing of my dear friend and constituent, Tina Allen. Tina dedicated her life to documenting the spirit of black Americans through her sculptures.

Each of her subjects, famous or not, were her way of writing our history in bronze. As an artist, she was an inspiration. As a person, she was a beacon of life as she brought to life the features of great people.

She often said that “great people should have great monuments.” Her work includes abolitionist Frederick Douglass at the African American Museum of Birmingham and featured in the movie, “Akeelah and the Bee”; Rev. Martin Luther King in Las Vegas, Nevada; botanist George Washington Carver at the St. Louis Botanical Garden; Sojourner Truth, City Hall Park, Battle Creek, Michigan; and more recently, entertainer Sammy Davis, Jr.

□ 2000

Tina worked on projects big and small. She was best known for her

monumental statue of “Roots” author, Alex Haley, which was installed at Haley's Heritage Park in Knoxville, Tennessee in 1998. Her hands were able to create life-like images from simple mounds of clay. As a result of her work, Tina was interviewed as a featured artist on the “Best of CBS Sunday Morning.”

Ms. Allen was a child prodigy in sculpture and at age 11 was taken under the wing of internationally renowned abstract sculptor, William Zorach. After earning her BFA from the University of South Alabama in Mobile, she continued her studies in New York and also in Italy.

To her family and friends, I extend my sincerest condolences on their loss. Her sculptures will live on as a testament and inspiration to others. She will be sorely missed, but forever remembered.

And Mr. Speaker, I would like to yield the remaining part of my time to the distinguished Congresswoman from California, MAXINE WATERS.

Ms. WATERS. Mr. Speaker, I would like to thank Congresswoman WATSON for taking time out this evening to honor and recognize Tina Allen. Tina Allen was a friend. As a matter of fact, she was a friend to so many of us women in the greater Los Angeles area. We held her in such high esteem. She was such a talented artist who is famous for the many works that were just identified by Congresswoman WATSON. I have one of her sculptures in my home. And as I took another look at it, this weekend thinking about Tina, it's hard for me to reconcile that she has passed.

She was a very vibrant woman who was just full of life. She was so involved in the community. And she had been commissioned to do a bust of a community activist in my district, Ms. Lillian Mobley. And we were so looking forward to that. And so I joined with Congresswoman WATSON and others in basically saying farewell to Tina and extending my sympathy to her children and to her family. She was a great artist who will be missed by us all.

I yield back and thank you for yielding time to me, Congresswoman WATSON.

Ms. WATSON. Thank you, Ms. WATERS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### NATIONAL SECURITY INTERAGENCY REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to share my perspective