

consent if the defendant maintains an office in the U.S. jurisdiction 120 days or more after the enactment date. By undertaking one of these acts, a potential defendant is sufficiently on notice that it is consenting to personal jurisdiction in an ATA case.

My support for H.R. 5954 is part of my longstanding efforts to secure a measure of justice for terrorism victims, including leading House efforts to reauthorize the 9/11 Victims Compensation Fund. I was also the lead House Democratic sponsor of the Justice Against Sponsors of Terrorism Act, which helped ensure that 9/11 victims and other victims of terrorism on American soil can bring their claims in court, regardless of where the foreign conduct occurred. This bill is a natural extension of those efforts.

For these reasons, I support this important bipartisan measure.

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

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. POSEY), who has been a real champion in protecting the rights of the victims of terrorism.

Mr. POSEY. Mr. Speaker, I thank my good friend Chairman GOODLATTE for introducing this legislation.

Mr. Speaker, this bill we are considering is, obviously, as you heard from both sides, a great piece of legislation that will ensure American victims of international terrorism can obtain justice in U.S. courts by holding accountable those who commit, aid, or abet terrorist activity abroad.

I have long been fighting for victims of terrorism. In fact, in 2014, I introduced legislation that would allow victims of narcoterrorism to recover court-awarded damages. A version of the bill, known as the CAPTIVE Act, passed the House by unanimous consent in 2016.

I am ecstatic that we have a bill that seeks to help a number of victims, including those I have been fighting for since 2014.

On February 13, 2003, four Americans who were Department of Defense contractors on a U.S. Government counternarcotics flight mission in Colombia were shot down by the Revolutionary Armed Forces of Colombia, also known as FARC. It is a violent guerilla gang heavily involved in narcotics trafficking.

The pilot, Tom Janis, who was immediately executed by the terrorists, and three Floridians, Keith Stansell, Mark Gonsalves, and Tom Howes, who is my constituent, were kidnapped, held hostage in the jungle, and tortured for more than 5½ years until they were rescued by the Colombian army. These heroes are seeking long-deserved justice for themselves and their families against those who carried out unthinkable acts of violence.

Today, victims cannot access frozen assets under the Kingpin Act. The bill before us, the Anti-terrorism Clarifica-

tion Act, would change that by finally closing the loophole to allow these former hostages and the family of the slain pilot access to the assets of narcotics-trafficking partners of the foreign terrorist organization FARC and other organizations that are frozen under the Kingpin Act. We owe it to these brave Americans and others, and their families, to make them whole again.

Mr. Speaker, it is a simple piece of legislation. It would make it easier for all victims of narcoterrorism to recover court-awarded damages. I urge support.

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

Mr. Speaker, although nothing can ever bring back the lives lost to terrorism or repair the emotional scars of the survivors, terrorism victims deserve the chance to achieve some justice through our courts. Congress' purpose in passing the ATA was to give them that chance.

I believe H.R. 5954 will help further that purpose by addressing procedural barriers that have unfairly stood in their way.

In closing, I thank Judiciary Committee Chairman BOB GOODLATTE for his leadership on this important measure. I strongly support H.R. 5954, and I urge my colleagues to support it.

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

Mr. GOODLATTE. Mr. Speaker, this is a good bill. I urge my colleagues to support it, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5954, the Anti-Terrorism Clarification Act of 2018, which amends title 18 of the United States Code to clarify the meaning of the terms "act of war" and "blocked asset."

Mr. Speaker, it is vital that we correctly classify terrorist activities.

H.R. 5954 (1) clarifies ambiguities in the Anti-terrorism Act of 1992 (ATA's) "act of war" exception that allow designated foreign terrorists and their supporters to avoid liability; (2) closes a loophole that prevents victims of narco-terrorism from enforcing their judgments against terrorist assets that have been blocked by the Treasury Department; and (3) addresses lower court decisions that have allowed entities that sponsor terrorist activity against U.S. nationals overseas to avoid the jurisdiction of U.S. courts.

This will amend the Anti-Terrorism Act (ATA) to make it easier for plaintiffs to pursue claims under that statute.

H.R. 5954 has three principal provisions.

First, it would clarify and narrow the "act of war" exception to liability under the ATA.

Second, the bill would provide that ATA plaintiffs may reach the assets of a defendant that have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act to satisfy an ATA judgment.

Third, H.R. 5954 would establish that for purposes of any ATA civil action, a defendant is "deemed to have consented" to personal jurisdiction in such civil action regardless of when the act of international terrorism at issue took place if the defendant accepted U.S. foreign assistance funds or, in certain cir-

cumstances, the defendant maintains an office or other facilities within U.S. jurisdiction.

H.R. 5954 legislation is necessary to allow injured persons to pursue their claims and I offer my support.

I urge my colleagues to join me in supporting H.R. 5954.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 5954, as amended.

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

A motion to reconsider was laid on the table.

□ 1630

FOUNDATION OF THE FEDERAL BAR ASSOCIATION CHARTER AMENDMENTS ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4100) to amend title 36, United States Code, to revise the Federal charter for the Foundation of the Federal Bar Association.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4100

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 "Foundation of the Federal Bar Association Charter Amendments Act of 2017".

SEC. 2. ORGANIZATION.

Section 70501 of title 36, United States Code, is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 3. MEMBERSHIP.

Section 70503 of title 36, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws."

(2) by redesignating subsection (c) as subsection (b); and

(3) by adding at the end the following:

"(c) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, sexual orientation, or national origin."

SEC. 4. GOVERNING BODY.

Section 70504 of title 36, United States Code, is amended to read as follows:

“§ 70504. Governing body

“(a) BOARD OF DIRECTORS.—The board of directors is the governing body of the corporation. The board may exercise, or provide for the exercise of, the powers of the corporation. The board of directors and the responsibilities of the board are as provided in the bylaws.

“(b) OFFICERS.—The officers and the election of the officers are as provided for in the bylaws.

“(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, sexual orientation, or national origin.”.

SEC. 5. RESTRICTIONS.

Section 70507 of title 36, United States Code, is amended to read as follows:

“§ 70507. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) POLITICAL ACTIVITIES.—The corporation or a director or officer in his or her corporate capacity may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

“(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment, in amounts approved by the board of directors, of—

“(1) reasonable compensation; or

“(2) reimbursement for expenses incurred in undertaking the corporation's business, to officers, directors, or members.

This subsection does not prevent the award of a grant to a Federal Bar Association chapter of which an officer, director, member may be a member. This subsection also does not prevent the payment of reasonable compensation to the corporation's employees for services undertaken on behalf of the corporation.

“(d) LOANS.—The corporation may not make a loan to a director, officer, member, or employee.

“(e) IMMUNITY FROM LIABILITY.—Members and private individuals are not liable for the obligations of the corporation.

“(f) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities; it may, however, acknowledge this charter.”.

SEC. 6. PRINCIPAL OFFICE.

Section 70508 of title 36, United States Code, is amended by striking “the District of Columbia,” and inserting “a United States location decided by the board of directors and specified in the bylaws.”.

SEC. 7. SERVICE OF PROCESS.

Section 70510 of title 36, United States Code, is amended to read as follows:

“§ 70510. Service of process

“The corporation shall comply with the law on service of process of the State or District in which it is incorporated.”.

SEC. 8. DEPOSIT OF ASSETS ON DISSOLUTION OR FINAL LIQUIDATION.

Section 70512 of title 36, United States Code, is amended to read as follows:

“§ 70512. Deposit of assets on dissolution or final liquidation

“On dissolution or final liquidation of the corporation, any assets of the corporation remaining after the discharge of all liabilities shall be distributed as provided by the board of directors, but in compliance with the charter and bylaws.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Maryland (Mr. RASKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4100, currently under consideration.

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

There was no objection.

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

Mr. Speaker, the mission of the Federal Bar Association is to “strengthen the Federal legal system and administration of justice by serving the interests and the needs of the Federal practitioner, both public and private, the Federal judiciary, and the public they serve.”

The Federal Bar Association's membership includes more than 18,000 Federal lawyers, including 1,500 Federal judges, who, as the Association states, “work together to promote the sound administration of justice and integrity, quality, and independence of the judiciary.”

The FBA received a Federal charter in 1954. STEVE CHABOT has introduced H.R. 4100, the Foundation of the Federal Bar Association Charter Amendments Act. The Foundation wrote to the Judiciary Committee stating that:

We wholeheartedly endorse H.R. 4100, which would provide for technical changes to the Federal charter of the Foundation of the Federal Bar Association. . . . The technical amendments embodied in H.R. 4100 will provide reasonable and necessary flexibility to the Foundation to assist in the governance and management of the Foundation's affairs. Under the legislation, the mission of the Foundation of the Federal Bar Association will remain unchanged in the promotion and support of legal research and education concerning the Federal administration of justice, the advancement of the science of jurisprudence, and the fostering of improvements in the practice of Federal law. . . . Since 1954, and especially over the past two decades, the Foundation has devoted significant effort toward the enlargement of its educational and charitable programs, including the creation of a fellows program, support of academic and legal scholarship, creation of donor advised funds, establishment of assistance funds for the victims of terrorism and natural disasters, creation of scholarship programs for law students and the children of Federal attorneys, and grant assistance for Federal Bar Association chapters conducting pro bono and other community service projects. . . . These wide-ranging efforts have been successful, but also have exposed the limitations of the Foundation's 1954 charter, particularly with respect to eligibility for membership and governance of the Foundation. . . . The technical corrections . . . would address these concerns and provide greater flexibility to the Foundation in a fashion similar to the authority and privileges enjoyed by other . . . organizations federally chartered by Congress. . . .

The bill, among other things, allows the Foundation to have its principal office outside of the District of Columbia, gives its board of directors more leeway in meeting its responsibilities, and adds a nondiscrimination clause.

Mr. Speaker, I urge my colleagues to support H.R. 4100, and I reserve the balance of my time.

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

Mr. Speaker, H.R. 4100, the Foundation of the Federal Bar Association

Charter Amendments Act of 2017, provides the Federal Bar Association, FBA, with the organizational flexibility it needs to fully meet its contemporary mission, and I support it.

The original 1954 charter created a framework that has effectively served FBA for the last six decades. During these years, the Foundation has strengthened Federal jurisprudence, advanced legal education, and promoted effective legal practice.

The organization's initiatives have also directly improved the lives of our people. For example, one of its community outreach programs, the Wills for Veterans Initiative, is a pro bono project where FBA chapters provide will drafting and signing services for veterans in their communities. I know a number of my constituents who participate have very much enjoyed working on this project. Another initiative establishes a mentorship program for law school students to work with experienced attorneys.

The current FBA charter must be amended to allow the organization greater flexibility of operation and growth. For example, the existing charter codifies strict membership and governance requirements that constrain member development and nimble governance of the organization. This rigidity presents serious challenges as the organization seeks to expand its critical charitable and educational initiatives.

H.R. 4100 makes technical fixes to the FBA charter that will give the FBA the needed flexibility. For instance, in the place of legislatively fixed membership criteria, it permits the FBA to proactively establish and update membership criteria through the bylaws process. Similar provisions authorize enhanced flexibility in the composition and duties of the members of the board of directors.

In general, this measure would enable the FBA to swiftly meet its organizational needs and overcome the challenges of the times.

I want to note, for the RECORD, that while the language of the bill's proposed nondiscrimination provision prohibits discrimination on the basis of, among other things, sex and sexual orientation, it does not explicitly prohibit discrimination on the basis of gender identity, as most of the new anti-discrimination legislation does.

While the prohibition on discrimination on the basis of sex already covers gender identity discrimination, the FBA's current diversity statement expressly states that the FBA should not exclude persons based on gender identity.

In light of this, and because it should be made clear that everyone is protected against invidious discrimination, I hope that when the Senate takes up our measure, it will explicitly clarify that this language includes protection against discrimination on the basis of gender identity. I know that Congressman CICILLINE of Rhode Island wants to address this point as well.

I believe that H.R. 4100 will help the FBA to flourish for many decades to come. I strongly support this bill. I look forward to the FBA's continued positive involvement in our Nation's legal system, and I urge my colleagues to support the bill.

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

Mr. GOODLATTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), chairman of the Small Business Committee.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for his leadership on this issue and for yielding.

Mr. Speaker, today, I rise in support of a bill that I introduced, H.R. 4100, which, put simply, helps support those Federal attorneys who prosecute major drug traffickers, white collar criminals, and other Federal crimes, and the judges who preside over those cases in our Federal courts.

The Federal Bar Association was founded back in 1920 and chartered by Congress in 1954. However, in the nearly 64 years of its existence, its charter has never been amended.

As a former educator, attorney, and current senior member of the Judiciary Committee, I would note the important work that the Federal Bar Association does to bring civics education to classrooms in my State of Ohio, and they bring that same expertise to other areas all across the country.

Without legislation like H.R. 4100, it takes an act of Congress to even allow the Federal Bar Association to make simple changes to their bylaws. More specifically, this legislation gives the association the authority to choose the location of its principal office, restricts its officers from engaging in political activity, and makes other technical changes to conform to commonly used language and other things.

This legislation provides the Federal Bar Association the continued ability to support legal research, pro bono, and community projects; continue to educate grade schoolchildren on the Federal judiciary system; and improve the practice of Federal law in our Federal courtrooms all across America.

Mr. Speaker, I again want to thank the chairman, Chairman GOODLATTE, for his leadership in helping to bring this very important legislation to the floor for consideration, and I urge my colleagues on both sides of the aisle to support it.

Mr. RASKIN. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to speak about H.R. 4100.

The Federal Bar Association is the Nation's premier association for practitioners in Federal courts and, as such, should, of course, be open to all, regardless of sexual orientation or gender identity.

Currently, the FBA recognizes the importance of nondiscrimination and

has adopted a diversity statement that includes race, gender, ethnicity, national origin, religion, age, disability, sexual orientation, and gender identity.

Diversity statements are valuable, but they do not carry the weight of law. The addition of a nondiscrimination provision to the FBA charter is an important action, but it is really unfortunate that my Republican colleagues have excluded gender identity as an enumerated protected characteristic in the law. I am not sure if they are pandering to the most extremes in their party or to their political base, but it is wrong.

Gender identity is an individual's personal and internal identification as a man, a woman, neither, or both. For transgender people, their gender identity may not match their biological or legal sex. Despite the efforts to exclude gender identity from H.R. 4100, transgender people will be protected from discrimination under Federal law.

Discrimination on the basis of gender identity is a form of sex discrimination. Laws prohibiting discrimination on the basis of sex protect transgender people.

Numerous Federal circuit and district court opinions have held that our Nation's nondiscrimination laws that prohibit discrimination on the basis of sex protect transgender people from discrimination. That includes title VII of the Civil Rights Act of 1964, the Equal Credit Opportunity Act, and title IX of the Education Amendments of 1972.

The Equal Employment Opportunity Commission determined in *Macy v. Holder* that title VII's prohibitions on sex discrimination also prohibit discrimination on the basis of gender identity. This decision is binding on the Federal Government with respect to employment practices.

While gender identity will be covered by the sex nondiscrimination provision, it is better to enumerate gender identity. Our laws work best when there are clear expectations.

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

Mr. RASKIN. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Rhode Island.

Mr. CICILLINE. Listing out protected characteristics helps those making determinations about membership understand their obligations, and helps those seeking membership understand their rights. There is no reason to refuse to include gender identity as a protected characteristic.

While I do not oppose H.R. 4100, I hope that we can continue to discuss and take into account the issues that impact the lives of LGBTI individuals and will work toward a charter that protects everyone from discrimination.

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

Mr. RASKIN. Mr. Speaker, given that the D.C. Circuit Court of Appeals has determined that title VII sex discrimi-

nation includes discrimination against people based on their gender identity, it seems somewhat petty and churlish to exclude those words from the language of this charter. I hope that this will be corrected when the legislation goes through. Otherwise, I consider this a very fine bill.

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

Mr. GOODLATTE. Mr. Speaker, I urge my colleagues to support this legislation, and 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. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4100.

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

A motion to reconsider was laid on the table.

KNOWLEDGEABLE INNOVATORS AND WORTHY INVESTORS ACT

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2245) to include New Zealand in the list of foreign states whose nationals are eligible for admission into the United States as E-1 and E-2 nonimmigrants if United States nationals are treated similarly by the Government of New Zealand.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2245

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 "Knowledgeable Innovators and Worthy Investors Act" or the "KIWI Act".

SEC. 2. NONIMMIGRANT TRADERS AND INVESTORS.

For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), New Zealand shall be considered to be a foreign state described in such section if the Government of New Zealand provides similar nonimmigrant status to nationals of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Maryland (Mr. RASKIN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2245, currently under consideration.

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

There was no objection.

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