

EXTENSIONS OF REMARKS

JUSTICE AGAINST SPONSORS OF TERRORISM ACT

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 9, 2016

Mr. KING of New York. Mr. Speaker, as the lead sponsor of the House companion to this legislation, I would also like to address two technical items in the Justice Against Sponsors of Terrorism Act that deserve clarification.

The first issue deals with Section 4 of JASTA. Section 4 amends the Anti-Terrorism Act to create a cause of action for aiding and abetting terrorism. It is a narrowly crafted provision aimed at any "person," as defined in section 1 of title 1 of the U.S. Code. After the Senate passed JASTA, one commentator speculated that the definition of "person" in this section was too limited and would not permit such a cause of action against a foreign government. This would be an inaccurate interpretation of the text. Section 3 of JASTA expressly authorized jurisdiction for claims made under section 2333 of title 18 and made clear that such claims would be permitted against foreign states in any case in which the new jurisdictional exception of JASTA, proposed section 1605B, might apply. This language should be interpreted as controlling. This point should be obvious given the underlying purpose and structure of JASTA, but I wanted to make it emphatically clear here.

The second item addresses Section 5 of JASTA, the provision authorizing a stay of actions in appropriate circumstances. When the Senate passed JASTA on May 17, Senator CHARLES SCHUMER emphasized that, should the government pursue a stay pursuant to this provision, it should be prepared to provide substantial evidence of good faith negotiations to the court such as details about those involved in the discussions and their authority to reach a resolution, where and when the discussions occurred, and a timeline for resolving the matter.

I agree with Senator SCHUMER that these factors are important, but I also understand the concept of "good faith" to include additional requirements that the court should consider. First, we expect that good faith settlement discussions will include appropriate representatives of the plaintiffs in any litigation, such as the lead counsel designated by the court or otherwise. Second, as the court evaluates whether good faith discussions are ongoing, it should also remember that those discussions are designed to achieve a fair and equitable resolution of the disputes, taking fully into account the gravity of the harm and scope of the claims in issue, the length of the pendency of the claims, and other relevant factors. In other words, the purpose of negotiations is not simply to come to a settlement, but to come to a fair and equitable one.

Third and finally, given the realities of international terrorism and the sometimes murky relationship between private and state parties, any discussions occurring pursuant to a stay may properly encompass the resolution of claims against private parties, so as to enable a comprehensive resolution of disputes arising under JASTA that implicate foreign relations.

VA ACCOUNTABILITY FIRST AND APPEALS MODERNIZATION ACT OF 2016

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 13, 2016

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, it is with great reluctance that I rise in opposition to H.R. 5620. I am disappointed that my Republican colleagues have missed the opportunity to pass legislation that immediately reforms the Department of Veterans Affairs' disability claim appeals backlog. Instead they are determined to push through a bill that they know deprives VA employees, many of whom are veterans, of due process and abridges their constitutional rights.

Our veterans deserve better than the current disability appeals claim backlog system which currently has almost half a million claims. It is a system that has not been updated since the 1930s. My colleague, Representative DINA TITUS, has introduced legislation that would decrease wait times and save the VA over \$2.6 billion. Without this legislation our veterans may soon have to wait over a decade for their appeal to process. That is unacceptable. I fully support Representative TITUS's comprehensive solution to provide our veterans with expeditious and accurate service and I am pleased that it is included in this bill.

However, I cannot support Sections 2 through 8 and 10 of H.R. 5620 which are partisan and unconstitutional attempts by Republicans to punish VA employees. Republicans claim that their goal is to help veterans but they seemingly ignore that one-third of VA employees are veterans themselves. They have tried to pass this so-called 'administrative reform' before and faced the same constitutional challenges. It is incomprehensible that Republicans are wasting taxpayer time and resources pushing through this legislation.

While accountability and reform at the VA are necessary, constitutional rights cannot be abrogated or dismissed simply because Re-

publicans do not think that particular right is important. I am fully supportive of Ranking Member TAKANO's amendment which adds accountability at the VA but still protects the rights of VA employees. Republicans cannot claim that Democrats are against accountability because numerous amendments to H.R. 5620 adding accountability measures were introduced by Democrats, were unopposed by Republicans and passed with bipartisan support on the House floor.

I sincerely hope my Republican colleagues will introduce bipartisan legislation that they know can pass to give our veterans the service they deserve.

RECOGNITION OF THE SACRAMENTO STAND DOWN ASSOCIATION

HON. AMI BERA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 14, 2016

Mr. BERA. Mr. Speaker, I rise today to congratulate the Sacramento chapter of Stand Down on celebrating their 25th anniversary. This organization and its volunteers have served the veterans of the Sacramento region selflessly for many years and it is my pleasure to recognize them today.

In military history, a "stand down" was a refuge for soldiers fighting on the front lines. It was a place for them to rest, recover, and receive medical care. These times gave the exhausted troops safe space to recuperate. Today, the Stand Down programs do the same for our homeless veterans.

The Sacramento chapter of Stand Down has hosted a gathering for many years. There, homeless veterans can receive medical and dental care, showers, haircuts, and a hot meal. Several federal agencies, like the Social Security Administration and the Veterans Administration, are onsite to provide critical services. Veterans can renew their identification and adjudicate minor legal disputes through an onsite court.

The Stand Down program has proven to be incredibly effective, with many veterans who have gone through the program returning as volunteers. These volunteers know what it's like to be a homeless veteran, and are happy to help their fellow veterans get the leg up they need.

The Sacramento Stand Down Association has, over the past twenty-five years, spent countless hours providing meals, services, and a safe place for the homeless veterans of our region. As a doctor who has helped care for veterans, I've witnessed how much these men and women have sacrificed. I am proud to recognize the service of the Sacramento Stand Down Association, and wish them many more years of continued success.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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