

**September 15, 2008**

**Mr. SCOTT of Virginia:** 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In its introduced form, the bill simply rescinded that waiver authority.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days after enactment to satisfactorily settle the claims of American victims to prevent the waiver authority from being rescinded.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.  
and the gentleman from California (Mr.  
*Issa*  
) for their leadership in making this a bipartisan effort.

*Smith,*

I urge my colleagues to support this important legislation.