of Section 117 should his expansive interpretation hold.

The intent of Congress is clear. We will not tolerate the murder of our citizens in acts of state sponsored terrorism without a serious price to pay. The President has clearly exceeded his authority in exercising a blanket waiver over the application of Section 117, which would affect the victims' attempts to attach not only diplomatic assets of terrorist states, but commercial assets as well. It is our view that the Court should firmly and swiftly reject the President's interpretation of legislative intent and permit the victims to go forward in attaching and executing all property of terrorist nations they are able to locate.

CORRECTION OFFICERS HEALTH AND SAFETY ACT OF 1998

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. SOLOMON. Mr. Speaker, it is only fitting that on the final day of the 105th Congress, the final bill to be considered is Solomon-authored legislation. H.R. 2070, the Correction Officers Health and Safety Act of 1998, as amended, passed the House of Representatives on October 21. This legislation is absolutely vital to protect our nation's correction officers from vicious attacks by prison inmates.

Mr. Speaker, H.R. 2070 grants the Attorney General authority to test high-risk, incoming federal inmates for the presence of the human immunodeficiency virus. It also allows the testing of prisoners who may have intentionally or unintentionally transmitted the virus to any officer or employee of the United States, or to any person lawfully present in a correctional facility who is not incarcerated there. The results of any test are communicated only to the inmate tested and those whose blood came into contact with the inmate. Furthermore, the bill authorizes the Attorney General to provide the appropriate access to counseling, health care, and support services to the affected officer, employee, or other person, and to the person tested.

This bill could not have passed without the strong support of Council 82, the correction officers union in New York, AFSCME, and the Law Enforcement Alliance of America. Also, Senator ORRIN HATCH was instrumental in pushing this legislation through the Senate.

ADDING MARTIN LUTHER KING, JR., HOLIDAY TO LIST OF DAYS ON WHICH FLAG SHOULD ESPECIALLY BE DISPLAYED

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BENTSEN. Mr. Speaker, this legislation corrects an oversight that occurred in the 98th Congress during the establishment of the federal holiday celebrating the birth of our Nation's greatest civil rights leader, Dr. Martin Luther King, Jr. It is customary during the establishment of an official federal holiday to signify the importance of the date through its recognition in the U.S. Flag Code. The U.S. Flag Code encourages all Americans to remember the significance of each federal holiday through the display of our Nation's banner. The Flag Code reminds people that on certain days every year, displaying the flag will show respect for the people and events that have shaped our great Nation.

I believe the American people should be afforded the opportunity to pay their respects to the memory of Dr. King and all his marvelous achievements by displaying our flag on his birthday. Dr. King is the only American besides George Washington to have a national holiday designated for his birthday. However, of the ten permanent federal holidays, only The King Birthday lacks the notation in the U.S. Flag Code, and it is appropriate to correct this omission.

I would also like to offer my appreciation to Mr. Charles Spain, a resident of Houston and president of the North American Vexillological Association, which studies flags. Mr. Spain brought this very important matter to my attention, and I am grateful for his diligence and assistance in helping my office to correct this error. His effort demonstrates that all citizens have the ability to contact Congress and make important contributions to the legislative process.

Mr. Speaker, I rise in support of the unanimous consent request for the House to take up and pass H.R. 3216, legislation I introduced to amend the Act commonly known as the United States Flag Code and add the Martin Luther King, Jr., holiday to the list of days on which the flag should especially be displayed. I want to thank the Chairman of the Rules Committee for making this request.

While I am disappointed the Senate will not be able to consider this important legislation during the 105th Congress, I am very pleased the House will pass the legislation this evening and send a strong signal that this legislation will be enacted in the 106th Congress. I urge my colleagues to support this measure. Let us continue to honor the legacy of Dr. King and move forward with his dream.

DIGITAL MILLENIUM COPYRIGHT ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BERMAN. Mr. Speaker, anyone trying to discern the meaning of the anticircumvention provisions of H.R. 2281 risks bewilderment by the many pages of the CONGRESSIONAL RECORD that have been devoted to the detailed analyses submitted by one or another Member of this House. I am a member of the Judiciary Committee, which reviewed this legislation in detail, and which reported the key provisions in a form in which they ultimately received the approval of the House and of the conference committee, on which I also served.

First, the operative provisions which define the key prohibition of trafficking in the tools of circumvention of technological protection measures—section 1201(a)(2) and (a)(3), and section 1201(b)(1) and (b)(2), of Title 17—were not changed throughout the legislative process. They read almost verbatim in the final version of this legislation, which is on the way to the President's desk, as they read when the legislation was first introduced, when it was reported by the Judiciary Committee, and when it was unanimously approved by the House. Thus, statements on the floor that purport to explain how these provisions have been narrowed, or how implicit exceptions to them—not spelled out in the language of the bill—have been expanded, deserve little attention. In particular, the three-point test spelled out in sections 1201(a)(2) and 1201(b)(1) for determining whether a particular product or service runs afoul of the legislation has never been substantively amended. This test remains operative, not the test of "no legitimate purpose" imagined by some of my colleagues.

Second, the operative provision defining the prohibition on the act of circumvention of technological protection measures that control access to copyrighted materials—contained in section 1201(a)(1)—has also emerged from the legislative process completely unchanged. It is true that the effective date of this prohibition has been delayed, and that a rulemaking proceeding has been grafted on to this provision to determine whether, with regard to particular classes of copyrighted materials, the applicability of this particular prohibition should be delayed even further. But the prohibition itself remains unchanged, and means exactly what it meant when our committee first reported it several months ago.

Third, section 1201(c)(3)—the no mandate provision—in the final text of this legislation is identical to the provision that emerged from the Senate Judiciary Committee over six months ago. The changes proposed by the House Commerce Committee, which threatened to open a huge loophole in the protections afforded by the legislation, were rejected by the conference committee. The no mandate provision means what it says, and what it says is this: there is no design mandate in this legislation, other than the negative mandate to avoid designing a product primarily for the purpose of circumventing an effective technological measure. The addition, by the conference committee, of specific provisions concerning certain protections used to control copying of audiovisual works in analog formats does not change the meaning of section 1201(c)(3) one iota. If the conferees had intended that these new provisions were to have had any impact on the application of the "no mandate" provisions to other technological protection measures, we would have said so. We did not, in fact, we said the opposite.

Fourth, on the much-contested issue of playability, the language adopted in the conference report is the most definitive statement substantively on the circumstances under which product performance adjustment does or does not violate the anticircumvention provisions of this legislation. The conference report, which specifically addresses this issue, has been adopted without recorded dissent in both Houses, and any subsequent inconsistent interpretation should carry no weight.

I do not seek to put a new gloss on the words in the conference report. Those words