HEINONLINE

Citation: 3 Bernard D. Reams Jr. & William H. Manz Federal Law A Legislative History of the Telecommunications of 1996 Pub. L. No. 104-104 110 Stat. 56 1996 the Communications Decency Act E197 1997

Content downloaded/printed from HeinOnline (http://heinonline.org) Wed Mar 20 16:45:52 2013

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at http://heinonline.org/HOL/License

-- The search text of this PDF is generated from uncorrected OCR text.

Republic, nor have we conducted an investigation directed at Republic in respect of its banknotes dealings with Russian banks.

Very truly yours,

FINANCIAL CRIMES ENFORCEMENT NETWORK,
Vienna, VA, January 24, 1996.

ANNE T. VITALE, Esq.,
Senior Vice President and Deputy General Counsel, Republic National Bank of New York, New York, NY.

DEAR ANNE: Your letter to me, dated January 17, 1996, concerned an article entitled "The Money Plane" in the January 22 issue of New York Magazine. That article dealt, in part, with the sale of American currency to banks in Russia by Republic National Bank of New York ("Republic").

As you point out in your letter, the shipment of bank notes by United States banks to other banks, in Russia or anywhere else, is permitted by U.S. law and there is nothing inherently illegal about such activities. The New York article was certainly unfair in suggesting otherwise. Furthermore, we have never encountered a money laundering scheme which seeks to convert assets already in financial institutions into bank notes.

Banks such as Republic, with a history of strong compliance programs and valuable cooperation with law enforcement authorities in this country, can be expected to recognize the risks of particular transactions in their efforts to avoid becoming ensnared in wrongdoing. Republic has indeed, as your letter also points out, been supplying voluntary reports to federal law enforcement of its shipments of bank notes to Russia and other countries in an effort to assist U.S. authorities.

Our program of partnership with the financial community relies on highly experienced officials such as you and banks such as Republic to carry out our law enforcement mission. I look forward to continuing to work with you in the fight against money laundering.

With best wishes.

Sincerely,

STANLEY E. MORRIS,
Director.

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., ATTORNEYS AT LAW,
Washington, DC, January 29, 1996.

EDITOR, New York,
K-III Magazine Corporation,
New York, NY.

DEAR SIR: The article entitled "The Money Plane" in your January 22, 1996 issue of New York magazine misleads your readers by relying on anonymous innuendo to impeach the integrity of respected U.S. banks. As a former Ambassador to Russia, I have seen firsthand the importance of selling dollars to Russian banks: U.S. currency helps to stabilize the Russian economy as that nation's political leadership struggles to modernize and democratize their country and that in the best interests of the U.S. and the free world.

The circulation of the U.S. currency in Russia is an important element of U.S. trade and foreign policy. Through banknote and other transactions, U.S. banks remain engaged with their Russian counterparts, introduce them to and reinforce the high standards of the international banking system, and prevent the sort of economic isolation that could undermine the continuing development of Russia's financial system. Providing a steady supply of U.S. currency to Russian banks is perhaps the single most efficient form of support the U.S. can offer any country in a position as delicate as Russia's. Not to be overlooked is the fact that this banking activity also opens important avenues of commerce between Russia and the West.

Your article alleges that U.S. banks, Republic National Bank in particular, knowingly conduct banknote transactions with Russian banks that are controlled by or associated with organized crime. No one can deny that crime and corruption are today among the greatest threats to the creation of a modern democracy in Russia. However, while I am no expert on the subject, my understanding is that all banknote transactions between U.S. and Russian banks are conducted in strict accordance with the reporting and "know-your-customer" evidence to the contrary. The fact is that the U.S. banks that handle banknote transactions, with Russia or any other country, monitor to the best of their ability the activities of the banks with which they do business, continuously seek reliable information regarding the integrity of those institutions, and will discontinue transactions with any institution that government authorities indicate is involved in criminal activity. Furthermore, I know of no instances where federal banking or law enforcement officials have indicated that there are Russian banks with whom business should be discontinued.

As far as criminal activity in Russia is concerned, it should be stopped by increasing the resources and capabilities of Russian law enforcement and continuing the cooperation that exists between U.S. and Russian authorities.

You did a disservice to your readers and I hope that, as a matter of integrity, you will publicly apologize and correct your misstatements that I am sure were inadvertent.

Respectfully,

ROBERT S. STRAUSS.

At a press conference on January 18, 1996, United States Ambassador to Russia, Thomas Pickering stated:

American and international banks who are depositories with the federal reserve system will be the principal conduits, may be as many as a dozen of those bringing money here to Russia, where it will be redistributed through their arrangements with the Russian banking system into the Russian system to meet the demands that people will have in this country for new dollars.

* * * * *

We do not believe that activities taken through the currency provide an effective remedy for money laundering or the use of currency in criminal activities and, indeed, suggestions that this be done, in our view, would produce greater negative effects on the stability of worldwide currency systems than they would produce benefits in attacking the criminal culture. . . .

IN HONOR OF MR. HENRY SANCHEZ ON HIS 50 YEARS OF FEDERAL SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Mr. Henry Sanchez on the occasion of his 50th year of Government service. A special ceremony will be held in his honor on Friday, February 16, at the Harbor View Community Club, Military Ocean Terminal in Bayonne, NJ.

In February 1944, Mr. Sanchez began his career in the Navy as a signalman. For his part in the WWII effort, he served on a ship transporting American troops to France during the Normandy invasion. Mr. Sanchez was discharged from the Navy in April 1948. Two years later, be began to work at the Brooklyn Army Base in New York.

Mr. Sanchez transferred to the Bayonne Naval Supply Depot in March 1950. For over 45 years, Mr. Sanchez worked in Bayonne as a firefighter and a supervisory transportation assistant at the Seavan Container Control Division, Military Ocean Terminal. In 1980, Mr. Sanchez moved to the U.S. Air Force's Water Port Logistics Office where he held the position of deputy commander GS–12. Several years later he was promoted to GS–13 as the deputy director, Personal Property Directorate, Military Traffic Management Command, Eastern Area.

Mr. Sanchez, an outstanding leader on the job, has also dedicated much of his time to the Bayonne community. He is a board member of the United Way of Hudson County, vice president of the American Legion's Mackenzie Post 165, and a trustee for the Bayonne Veterans Relief Fund.

For his outstanding work and leadership in logistical support of the European, African, Mediterranean and Arctic regions, Mr. Sanchez was awarded the U.S. Air Force Meritorious Civilian Service Medal. He has devoted himself to serving his country with honor and dignity. I ask that my colleagues join me in honoring this wonderful individual. I am proud to have such a remarkable man working in my district.

CONFERENCE REPORT ON S. 652, TELECOMMUNICATIONS ACT OF 1996

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 1, 1996

Mrs. LOWEY. Mr. Speaker, although I support the conference report for H.R. 1555, the Communications Act of 1995, I must rise in opposition to the provision in the bill that bans discussions about abortion on the internet. This is a high-technology gag rule, and it is unacceptable.

Section 507 will apply portions of the Comstock Act to the internet. In addition to banning the dissemination of obscene materials, the Comstock Act also bans the dissemination of information about abortion. As a result, section 507 of H.R. 1555 will ban both the sending and the receipt of information about abortion on the internet.

This ban will have a chilling effect on the rights of millions of Americans. Violation of the ban bill be a felony, punishable by 5 years for the first offense and 10 years for each subsequent offense. Obviously, most American women will not risk a jail term, even to share necessary information about abortion—a legal medical procedure that is an integral part of basic women's health care.

Proponents of this provision have argued that because this provision is old and has not been enforced for decades, it will have no impact on women's speech about abortion. They

HeinOnline -- 3 Bernard D. Reams, Jr. & William H. Manz, Federal Telecommunications Law: A Legislative History of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) including the Communications Decency Act E197 1997

say that it is dead letter law, and at worst case it only bans some types of advertisements and commercial speech.

Unfortunately, we have no way of knowing whether the proponents of this provision are right about whether this provision will be interpreted very narrowly—as they claim—or very broadly. Either interpretation is possible, because the provision's scope is unclear. That is what makes this provision so dangerous. No one knows what it will do.

One problem is that no court has addressed this provision since the Supreme Court's decision in Roe versus Wade. In fact, the only Court decision directly addressing this ban on information about abortion was decided in 1915. Obviously, quite a lot has changed since then—most notably, the Supreme Court has held that abortion was a constitutionally protected right. What does this provision mean in a world where abortion is legal?

Would H.R. 1555 ban all discussion of abortion on the internet? Or, would it only apply to information about unlawful abortions, as the court in the 1915 held? And what, in 1996, does unlawful abortion mean? For example, abortion laws vary greatly from State to State. If a person receives information about abortion services that are legal in her State, but illegal in the State from which the information was sent, would she go to jail?

Would the provision only apply to advertisements and commercial speech, as some proponents claim? If it does, this provision potentially bars the providers of reproductive health services from having websites detailing the medical services they offer. This could also potentially bar many internet discussions of RU–486—discussions which could be described as facilitating the sale of a drug for use in producing abortions. Whatever its breadth, this provision—by limiting the information that women can get about abortion—puts the health of American women at direct risk.

Including this restriction on speech concerning the reproductive rights of Americans in the telecommunications reform bill—a bill that has nothing to do with abortion—will impede the reproductive rights of all American women. To bar all internet users from discussing abortion is outrageous. To bar any American from discussing a medical procedure flies in the face of every ideal that we hold dear as Americans.

Unfortunately, under parliamentary rules, I cannot offer an amendment to the conference report to strike this provision. However, I have already begun discussions with many of my colleagues about working to have this provision repealed on a future technical corrections bill. Again, although I support this conference report, I urge all of my colleagues to join me in working to remove this ban on discussions about abortion on the internet. This high-technology gag rule must not stand.

HONORING THE 1996 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 13, 1996

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the 1996 Fairfax County Chamber of Commerce Award Winners. On Thursday, February 15, 1996, the Fairfax County Chamber of Commerce will present the Annual Valor Awards at the McLean Hilton.

The Valor Awards honor public service officers who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor, the Silver Medal of Valor, the Bronze Medal of Valor, the Certificate of Valor, the Life Saving Award.

The Valor Awards is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the 18th year that these awards have been presented.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk.

The Silver Medal of Valor Award Winners for 1996 are: Sgt. J. Vincent Byrd, Detective Kenneth M. Pedigo, Detective Susan Lamar

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award Winners for 1996 are: Detective Onzlow G. Williamson, Jr., Detective Beth A. Benham, 2d Lt. Richard H. Bearen, Sgt. Samuel J. Masiello, Police Officer 1st Class Bryan W. Holland, Police Officer 1st Class Robert D. Hill, 2d Lt. Frank J. Kitzerow, Capt. Michael LoMonaco, Sgt. Jeffrey E. Powell, Master Police Officer James T. Stewart III, Police Officer 1st Class Rolland L. Watenpaugh, Police Officer Aaron M. Kush, Police Officer 1st Class Stephen M. Needels, Police Officer Mark E. Royer, Firefighter Lawrence M. Braswell, Technician Michael A. Weldon

The Bronze Medal of Valor Unit Citation Award Winners for 1996 are: Master Police Officer Michael J. Brennan, Police Officer 1st Class Richard D. Carlton, Officer Chris C. Cochran, 2d Lt. Arthur J. Hurlock, Sgt. James Kellam, Police Officer 1st Class Steven R. Mattos, Master Police Officer Jackie L. Mitchem, Police Officer 1st Class Lee P. Northrop, Police Officer 1st Class Don C. Pierson, Police Officer 1st Class James M. Pollack, Lt. David Mr. Rohrer

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award Winners for 1996 are: Capt. Randall J. Kennedy, Firefighter Edward C. Lofties, Officer Timothy C. Benedict, Police Officer First Class Robert Egan, Sgt. Matthew W. Pilger, Master Police Officer Ralph R. Scott, Technician Edson Dewhurst, Jr.

The Lifesaving Award is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award Winners for 1996 are: Detective Nancy G. Schaefer, Volunteer Firefighter Carl August Lief Ericson, Technician John H. Marlin, Firefighter William A. Sutphin, Jr., Master Technician Konrad A. Kurtz, Lt. Carlton G. Burkhammer, Firefighter George N. Pancione, Jr., Master Technician Michael J. Stone, Firefighter David D. Sweetland, Deputy Sheriff Kathleen A. Miller, Deputy Sheriff Sgt. Michael G. Dickerson, Deputy Sheriff Private First Class Melanie K. Sjurseth, Deputy Sheriff Cpl. John A. Craig, Deputy Sheriff Private First Class Barry V. Garlow, Deputy Sheriff Brian K. Harmon, Deputy Sheriff Alberto D. Pinto, Officer Edward K. Warren, Police Officer First Class Jarvis D. Lay, Public Safety Communications Assistant II Kimberly A. Wright

Mr. Speaker, I know my colleagues join me in commending these fine citizens who are truly deserving of the title "hero."

HeinOnline -- 3 Bernard D. Reams, Jr. & William H. Manz, Federal Telecommunications Law: A Legislative History of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) including the Communications Decency Act E198 1997

Document No. 87

HeinOnline -- 3 Bernard D. Reams, Jr. & William H. Manz, Federal Telecommunications Law: A Legislative History of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) including the Communications Decency Act [ccxx] 1997

HeinOnline -- 3 Bernard D. Reams, Jr. & William H. Manz, Federal Telecommunications Law: A Legislative History of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) including the Communications Decency Act [ccxxi] 1997