

MESSAGES FROM THE HOUSE

At 1:23 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

At 4:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 761) to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces, and for other purposes.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 4079. An act to require the Comptroller General of the United States to conduct comprehensive fraud audit of the Department of Education.

H.J. Res. 101. An act recognizing the 225th birthday of the United States Army.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 266. Concurrent resolution expressing the sense of Congress regarding the benefits of music education.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9212. A communication from the Deputy General Counsel, Office of SDB Certification and Eligibility, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "8(a) Business Development/Small Disadvantaged Business Status Determinations" (RIN 3245-AE46) received on June 5, 2000; to the Committee on Small Business.

EC-9213. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; to the Committee on Foreign Relations.

EC-9214. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of the resolution and order approving the fiscal year 2000 financial plan and budget; to the Committee on Governmental Affairs.

EC-9215. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Children Suffering from Spina Bifida Who Are Children of Vietnam Veterans" (RIN 2900-A-J25) received on June 1, 2000; to the Committee on Veterans' Affairs.

EC-9216. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Exports of Commercial Communications Satellite Components, Systems, Parts, Accessories and Associated Technical Data on the United States Munitions Lists" received on May 24, 2000; to the Committee on Foreign Relations.

EC-9217. A communication from the Attorney-Adviser, Bureau of Educational and Cultural Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Fees for Exchange Visitor Program Designation Services" (Public Notice 3284) received on June 5, 2000; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Appropriations:

Report to accompany S. 2720. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106-390).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 303: A resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty.

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Report No. 106-309).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. THOMPSON for the Committee on Governmental Affairs.

Alan Craig Kessler, of Pennsylvania, to be a Governor of the United States Postal Service for a term expiring December 8, 2008.

Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics for a term of five years.

Anna Blackburne-Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Thomas J. Motley, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Carol Waller Pope, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term expiring July 1, 2004.

John McAdam Mott, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

By Mr. KENNEDY (for himself, Mr. BRYAN, Ms. MIKULSKI, and Mr. WELLSTONE):

S. 2727. A bill to improve the health of older Americans and persons with disabilities, and for other purposes; to the Committee on Finance.

By Mr. BRYAN (for himself and Mr. REID):

S. 2728. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; to the Committee on Energy and Natural Resources.

By Mr. CONRAD (for himself and Mr. SMITH of Oregon):

S. 2729. A bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mrs. FEINSTEIN, Mr. DOMENICI, Mrs. BOXER, and Mr. BINGAMAN):

S. 2730. A bill to provide for the appointment of additional Federal district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. KENNEDY):

S. 2731. A bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. LEVIN, Mr. BRYAN, Mr. KENNEDY, Mrs. MURRAY,

Mr. MOYNIHAN, Mr. SESSIONS, Mr. DEWINE, Mr. HELMS, Mr. THURMOND, Mr. SCHUMER, and Mr. INOUE):

S. Res. 323. A resolution to designating Monday, June 19, 2000, as National Eat-Dinner-With-Your-Children Day; considered and agreed to.

By Mr. DURBIN (for himself, Mr. GORTON, Mr. ROBB, Mr. GRAMS, and Mr. VOINOVICH):

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. LOTT, Mr. WARNER, Mr. HATCH, Mr. GRAMS, and Mr. SHELBY):

S. 2726. A bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party; to the Committee on Foreign Relations.

AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2000

Mr. HELMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2726

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 "American Servicemembers' Protection Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On July 17, 1998, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, meeting in Rome, Italy, adopted the "Rome Statute of the International Criminal Court." The vote on adoption of the Statute was 120 in favor to 7 against, with 21 countries abstaining. The United States voted against final adoption of the Rome Statute.

(2) As of May 30, 2000, 96 countries had signed the Rome Statute and 10 had ratified it. Pursuant to Article 126 of the Rome Statute, the Statute will enter into force on the first day of the month after the 60th day following the date that the 60th country deposits an instrument ratifying the Statute.

(3) Since adoption of the Rome Statute, a Preparatory Commission for the International Criminal Court has continued to meet regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, definitions of Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress, the lead United States negotiator, Ambassador David Scheffer stated that the United States could not sign the Rome Statute because certain critical negotiating objectives of the United States had not been achieved. As a result, he stated: "We are left with consequences that do not serve the cause of international justice."

(5) Ambassador Scheffer went on to tell the Congress that: "Multinational peacekeeping forces operating in a country that has joined the treaty can be exposed to the Court's jurisdiction even if the country of the individual peacekeeper has not joined the treaty. Thus, the treaty purports to establish an arrangement whereby United States armed forces operating overseas could be conceivably prosecuted by the international court even if the United States has not agreed to be bound by the treaty. Not only is this contrary to the most fundamental principles of treaty law, it could inhibit the ability of the United States to use its military to meet alliance obligations and participate in multinational operations, including humanitarian interventions to save civilian lives. Other contributors to peacekeeping operations will be similarly exposed."

(6) Any Americans prosecuted by the International Criminal Court will, under the Rome Statute, be denied many of the procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, including, among others, the right to trial by jury, the right not to be compelled to provide self-incriminating testimony, and the right to confront and cross-examine all witnesses for the prosecution.

(7) American servicemen and women deserve the full protection of the United States Constitution when they are deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect American servicemen and women, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(8) In addition to exposing American servicemen and women to the risk of international criminal prosecution, the Rome Statute creates a risk that the President and other senior elected and appointed officials of the United States Government may be prosecuted by the International Criminal Court. Particularly if the Preparatory Commission agrees on a definition of the Crime of Aggression, senior United States officials may be at risk of criminal prosecution for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression. No less than American servicemen and women, senior officials of the United States Government deserve the full protection of the United States Constitution with respect to official actions taken by them to protect the national interests of the United States.

SEC. 3. TERMINATION OF PROHIBITIONS OF THIS ACT.

The prohibitions and requirements of sections 4, 5, 6, and 7 shall cease to apply, and the authority of section 8 shall terminate, if the United States becomes a party to the International Criminal Court pursuant to a treaty made under article II, section 2, clause 2 of the Constitution of the United States.

SEC. 4. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section apply only to cooperation with the International Criminal Court and shall not be construed to apply to cooperation with an ad hoc international criminal tribunal established by the United Nations Security Council before or after the date of the enactment of this Act to investigate and prosecute war crimes committed in a specific country or during a specific conflict.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—No agency or en-

tity of the United States Government or of any State or local government, including any court, may cooperate with the International Criminal Court in response to a request for cooperation submitted by the International Criminal Court pursuant to Part 9 of the Rome Statute.

(c) PROHIBITION ON SPECIFIC FORMS OF COOPERATION.—No agency or entity of the United States Government or of any State or local government, including any court, may undertake any action described in the following articles of the Rome Statute with the purpose or intent of cooperating with, or otherwise providing support or assistance to, the International Criminal Court:

(1) Article 89 (relating to arrest, extradition, and transit of suspects).

(2) Article 92 (relating to provisional arrest of suspects).

(3) Article 93 (relating to seizure of property, asset forfeiture, execution of searches and seizures, service of warrants and other judicial process, taking of evidence, and similar matters).

(d) RESTRICTION ON ASSISTANCE PURSUANT TO MUTUAL LEGAL ASSISTANCE TREATIES.—The United States shall exercise its rights to limit the use of assistance provided under all treaties and executive agreements for mutual legal assistance in criminal matters, multilateral conventions with legal assistance provisions, and extradition treaties, to which the United States is a party, and in connection with the execution or issuance of any letter rogatory, to prevent the transfer to, or other use by, the International Criminal Court of any assistance provided by the United States under such treaties and letters rogatory.

(e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF AGENTS.—No agent of the International Criminal Court may conduct, in the United States or any territory subject to the jurisdiction of the United States, any investigative activity relating to a preliminary inquiry, investigation, prosecution, or other proceeding at the International Criminal Court.

SEC. 5. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date that the Rome Statute enters into force pursuant to Article 126 of the Rome Statute, the President should use the voice and vote of the United States in the United Nations Security Council to ensure that each resolution of the Security Council authorizing a peacekeeping operation pursuant to chapter VI or VII of the charter of the United Nations permanently exempts United States military personnel participating in such peacekeeping operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—United States military personnel may not participate in a peacekeeping operation authorized by the United Nations Security Council pursuant to chapter VI or VII of the charter of the United Nations on or after the date that the Rome Statute enters into effect pursuant to Article 126 of the Rome Statute, unless the President has submitted to the appropriate congressional committees a certification described in subsection (c) with respect to such peacekeeping operation.

(c) CERTIFICATION.—The certification referred to in subsection (b) is a certification by the President that United States military personnel are able to participate in a peacekeeping operation without risk of criminal prosecution by the International Criminal Court because—

(1) in authorizing the peacekeeping operation, the United Nations Security Council