

proceed to executive session to consider Executive Calendar No. 5, the Optional Protocol No. 1 to the Convention on Rights of the Child on Involvement of Children in Armed Conflict; that the protocol be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution for ratification and that the understandings and conditions be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask for a division.

The PRESIDING OFFICER. A division has been requested. Senators in favor of the ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification, with its understandings and conditions, was agreed to as follows:

Resolved (two-thirds of the Senators present concurring therein).

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT, SUBJECT TO UNDERSTANDINGS AND CONDITIONS.

The Senate advises and consents to the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, opened for signature at New York on May 25, 2000 (Treaty Doc. 106-37; in this resolution referred to as the "Protocol"), subject to the understandings in section 2 and the conditions in section 3.

SEC. 2. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Protocol:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER THE CONVENTION ON THE RIGHTS OF THE CHILD.—The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) IMPLEMENTATION OF OBLIGATION NOT TO PERMIT CHILDREN TO TAKE DIRECT PART IN HOSTILITIES.—The United States understands that, with respect to Article 1 of the Protocol—

(A) the term "feasible measures" means those measures that are practical or practically possible, taking into account all the circumstances ruling at the time, including humanitarian and military considerations;

(B) the phrase "direct part in hostilities"—

(i) means immediate and actual action on the battlefield likely to cause harm to the enemy because there is a direct causal relationship between the activity engaged in and the harm done to the enemy; and

(ii) does not mean indirect participation in hostilities, such as gathering and transmitting military information, transporting weapons, munitions, or other supplies, or forward deployment; and

(C) any decision by any military commander, military personnel, or other person responsible for planning, authorizing, or executing military action, including the assignment of military personnel, shall only be judged on the basis of all the relevant circumstances and on the basis of that person's assessment of the information reasonably

available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken.

(3) MINIMUM AGE FOR VOLUNTARY RECRUITMENT.—The United States understands that Article 3 of the Protocol obligates States Parties to the Protocol to raise the minimum age for voluntary recruitment into their national armed forces from the current international standard of 15 years of age.

(4) ARMED GROUPS.—The United States understands that the term "armed groups" in Article 4 of the Protocol means nongovernmental armed groups such as rebel groups, dissident armed forces, and other insurgent groups.

(5) NO BASIS FOR JURISDICTION BY ANY INTERNATIONAL TRIBUNAL.—The United States understands that nothing in the Protocol establishes a basis for jurisdiction by any international tribunal, including the International Criminal Court.

SEC. 3. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) REQUIREMENT TO DEPOSIT DECLARATION.—The President shall, upon ratification of the Protocol, deposit a binding declaration under Article 3(2) of the Protocol that states in substance that—

(A) the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age;

(B) the United States has established safeguards to ensure that such recruitment is not forced or coerced, including a requirement in section 505(a) of title 10, United States Code, that no person under 18 years of age may be originally enlisted in the Armed Forces of the United States without the written consent of the person's parent or guardian, if the parent or guardian is entitled to the person's custody and control;

(C) each person recruited into the Armed Forces of the United States receives a comprehensive briefing and must sign an enlistment contract that, taken together, specify the duties involved in military service; and

(D) all persons recruited into the Armed Forces of the United States must provide reliable proof of age before their entry into military service.

(2) INTERPRETATION OF THE PROTOCOL.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(3) REPORTS.—

(A) INITIAL REPORT.—Not later than 90 days after the deposit of the United States instrument of ratification, the Secretary of Defense shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report describing the measures taken by the military departments to comply with the obligation set forth in Article 1 of the Protocol. The report shall include the text of any applicable regulations, directives, or memoranda governing the policies of the departments in implementing that obligation.

(B) SUBSEQUENT REPORTS.—

(i) REPORT BY THE SECRETARY OF STATE.—The Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate a copy of any report submitted to the Committee on the Rights of the Child pursuant to Article 8 of the Protocol.

(ii) REPORT BY THE SECRETARY OF DEFENSE.—Not later than 30 days after any significant change in the policies of the military departments in implementing the obligation set forth in Article 1 of the Protocol, the Secretary of Defense shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate describing the change and the rationale therefor.

CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY—TREATY DOCUMENT NO. 106-37B

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 6, the Optional Protocol No. 2 to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; that the protocol be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution of ratification; and that the reservation, understandings, declaration, and condition be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I am very pleased that today the Senate is approving two Optional Protocols to the U.N. Convention on the Rights of the Child. The Optional Protocol on Involvement of Children in Armed Conflict, also known as the Child Soldiers Protocol, aims to prevent children under the age of 18 from directly participating in hostilities. The second treaty, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography aims to strengthen efforts to put a stop to the trafficking and exploitation of children.

Last March, I chaired a Senate Foreign Relations Committee hearing on these two Protocols that featured members of the State, Justice, and Defense Departments. I appreciate the cooperation the committee received from these agencies in making ratification of these two treaties possible. The hearing also featured a panel of private witnesses that was led by Jo Becker, a tireless advocate on the issue of banning the use of child soldiers.

During her testimony, Ms. Becker pointed out that in Afghanistan, two generations of children have been subject to recruitment, first into the resistance to Soviets forces, and then into various warring factions. It is well-known that the Taliban recruited children from the religious schools in Pakistan.

The Child Soldiers Protocol requires parties to the treaty to (1) take "all feasible measures" to ensure that individuals under the age of 18 do not take a "direct part" in hostilities; (2) ban involuntary recruitment into the armed forces for those under the age of 18; and (3) raise the minimum age for voluntary recruitment into the armed

forces from the current benchmark of 15 years of age to that of 16 or higher. Under current law, the minimum age for voluntary recruitment in the U.S. is already set at 17.

Why is ratification of the child Soldiers Protocol important? Right now, an estimated 300,000 children under the age of 18 are currently fighting in more than 30 conflicts around the world. In places like Sierra Leone, children have been kidnapped by rebel groups, given drugs, and forced to commit atrocities. Child soldiers not only lose their childhood, they develop psychological scars, they suffer physical injuries, and, in the worst cases, they die.

Listen to the story of a 16-year old girl who was abducted by the Lord's Resistance Army in Uganda:

One boy tried to escape, but he was caught . . . his hands were tied, and they made us, the other new captives, kill him with a stick. I felt sick. I knew this boy from before. We were from the same village. I refused to kill him and they told me they would shoot me. They pointed a gun at me, so I had to do it. The boy was asking me, "Why are you doing this?" I said I had no choice. After we killed him, they made us smear his blood on our arms . . . They said we had to do this so we would not fear death and so we would not try to escape . . . I still dream about the boy from my village who I killed. I see him in my dreams, and he is talking to me and saying I killed him for nothing, and I am crying.

Here is another story from a former child soldier in Sierra Leone:

"Most times I dream, I have a gun, I'm firing, I'm killing, amputating. I feel afraid thinking that perhaps these things will happen to me again. Sometimes I cry..."

And finally another says, "my schoolmates and I met our old teacher, and we knocked him down. We killed the teacher and we took his books and burned them."

I am proud that the Senate is taking action today to put an end to these stories. Formally adopting the protocol's standards for U.S. military operations will enable the U.S. to be able to effectively pressure other governments and forces to end the use of children within their own military ranks.

The second treaty the Senate is approving today is the Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Sale of Children Protocol requires parties to the treaty to make sure that these acts are fully covered by penal or criminal law.

The abuse of children is a global problem. Millions of boys and girls under the age of 18 are bought and sold each year. Girls are particularly vulnerable. According to the United Nations Children's Fund (UNICEF), girls appear to be forced into the sex industry at increasingly younger ages, partly as a result of the mistaken belief that younger girls are unlikely to be infected with HIV or AIDS.

Let me mention just a few atrocious examples:

A 15-year-old boy from Mali watched the torture and subsequent deaths of

two other forced laborers who tried to escape from a coffee plantation in the Ivory Coast.

A 14-year-old girl from Mexico was brutally raped and then prostituted for months by traffickers in Florida who lured her there by promising a job in the restaurant industry.

An 11-year-old in Thailand was included in a sexually explicit videotape produced by a pornographer in the United States.

Under the Protocol, countries are encouraged to cooperate to protect children trafficked across borders. The Optional Protocol also calls on nations to ensure that children who have been sexually trafficked, exploited or sexually abused receive services to ensure a complete physical and psychological recovery.

Ratification of this treaty is important to protect these vulnerable children. These children cannot often get help on their own—not only because of their young age—but also because they have no birth certificates or official documents. They are, in effect, "invisible."

Earlier this year, both of these protocols attained the necessary 10 ratifications to make them operative. The Child Soldier Protocol entered into force on February 12. The Sale of Children Protocol entered into force on January 18.

Once again, I am pleased that the United States is adding its name as a ratifying party to these two treaties and I hope that more nations join us in expanding international protections for children.

Mr. REID. I ask for a division vote.

The PRESIDING OFFICER. A division has been requested. Senators in favor of ratification please stand. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification, with its reservation, understandings, declaration and condition, was agreed to as follows:

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION, AND CHILD PORNOGRAPHY, SUBJECT TO A RESERVATION, UNDERSTANDINGS, A DECLARATION, AND A CONDITION.

The Senate advises and consents to the ratification of the Optional Protocol Relating to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, opened for signature at New York on May 25, 2000 (Treaty Doc. 106-37; in this resolution referred to as the "Protocol"), subject to the reservation in section 2, the understandings in section 3, the declaration in section 4, and the condition in section 5.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Protocol,

that, to the extent that the domestic law of the United States does not provide for jurisdiction over an offense described in Article 3(1) of the Protocol if the offense is committed on board a ship or aircraft registered in the United States, the obligation with respect to jurisdiction over that offense shall not apply to the United States until such time as the United States may notify the Secretary-General of the United Nations that United States domestic law is in full conformity with the requirements of Article 4(1) of the Protocol.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Protocol:

(1) NO ASSUMPTION OF OBLIGATIONS UNDER CONVENTION ON THE RIGHTS OF THE CHILD.—The United States understands that the United States assumes no obligations under the Convention on the Rights of the Child by becoming a party to the Protocol.

(2) THE TERM "SALE OF CHILDREN".—The United States understands that the term "sale of children", as defined in Article 2(a) of the Protocol, is intended to cover any transaction in which remuneration or other consideration is given and received under circumstances in which a person who does not have a lawful right to custody of the child thereby obtains de facto control over the child.

(3) THE TERM "CHILD PORNOGRAPHY".—The United States understands the term "child pornography", as defined in Article 2(c) of the Protocol, to mean the visual representation of a child engaged in real or simulated sexual activities or of the genitalia of a child where the dominant characteristic is depiction for a sexual purpose.

(4) THE TERM "TRANSFER OF ORGANS FOR PROFIT".—The United States understands that—

(A) the term "transfer of organs for profit", as used in Article 3(1)(a)(i) of the Protocol, does not cover any situation in which a child donates an organ pursuant to lawful consent; and

(B) the term "profit", as used in Article 3(1)(a)(i) of the Protocol, does not include the lawful payment of a reasonable amount associated with the transfer of organs, including any payment for the expense of travel, housing, lost wages, or medical costs.

(5) THE TERMS "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS" AND "IMPROPERLY INDUCING CONSENT".—

(A) UNDERSTANDING OF "APPLICABLE INTERNATIONAL LEGAL INSTRUMENTS".—The United States understands that the term "applicable international legal instruments" in Articles 3(1)(a)(ii) and 3(5) of the Protocol refers to the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption done at The Hague on May 29, 1993 (in this paragraph referred to as "The Hague Convention").

(B) NO OBLIGATION TO TAKE CERTAIN ACTION.—The United States is not a party to The Hague Convention, but expects to become a party. Accordingly, until such time as the United States becomes a party to The Hague Convention, it understands that it is not obligated to criminalize conduct proscribed by Article 3(1)(a)(ii) of the Protocol or to take all appropriate legal and administrative measures required by Article 3(5) of the Protocol.

(C) UNDERSTANDING OF "IMPROPERLY INDUCING CONSENT".—The United States understands that the term "improperly inducing consent" in Article 3(1)(a)(ii) of the Protocol means knowingly and willfully inducing consent by offering or giving compensation for the relinquishment of parental rights.

(6) IMPLEMENTATION OF THE PROTOCOL IN THE FEDERAL SYSTEM OF THE UNITED STATES.—The United States understands that the Protocol shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the State and local governments. To the extent that State and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of the Protocol.

SEC. 4. DECLARATION.

The advice and consent of the Senate under section 1 is subject to the declaration that—

(1)(A) the provisions of the Protocol (other than Article 5) are non-self-executing; and

(B) the United States will implement Article 5 of the Protocol pursuant to chapter 209 of title 18, United States Code; and

(2) except as described in the reservation in section 2—

(A) current United States law, including the laws of the States of the United States, fulfills the obligations of the Protocol for the United States; and

(B) accordingly, the United States does not intend to enact new legislation to fulfill its obligations under the Protocol.

SEC. 5. CONDITION.

The advice and consent of the Senate under section 1 is subject to the condition that the Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

Mr. REID. I ask unanimous consent that the motions to reconsider be laid upon the table, that any statements relating to the conventions be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The motions to lay on the table were agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy:

The Senator from Colorado (Mr. ALLARD), at large;

The Senator from Georgia (Mr. CLELAND), designated by the chairman of the Committee on Armed Services;

The Senator from Idaho (Mr. CRAIG), from the Committee on Appropriations (reappointment); and

The Senator from South Carolina (Mr. HOLLINGS), from the Committee on Appropriations (reappointment).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a),

appoints the following Senators to the Board of Visitors of the U.S. Naval Academy:

The Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations;

The Senator from Arizona (Mr. MCCAIN), designated by the chairman of the Committee on Armed Services;

The Senator from Maryland (Ms. MIKULSKI), from the Committee on Appropriations; and

The Senator from Maryland (Mr. SARBANES), at large.

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from Ohio (Mr. DEWINE), from the Committee on Appropriations (reappointment);

The Senator from Louisiana (Ms. LANDRIEU), from the Committee on Appropriations (reappointment);

The Senator from Rhode Island (Mr. REED), designated by the chairman of the Committee on Armed Services; and

The Senator from Pennsylvania (Mr. SANTORUM), at large.

MEASURES INDEFINITELY POSTPONED—H.R. 2586 and S. 1779

Mr. REID. I ask unanimous consent that the following calendar items be indefinitely postponed: Calendar No. 170, H.R. 2586, and Calendar No. 293, S. 1779.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN SOCIETY OF CIVIL ENGINEERS

Mr. REID. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 417, S. Con. Res. 104.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 104) recognizing the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding and for the many vital contributions of civil engineers to the quality of life of the people of the United States, including the research and development projects that have led to the physical infrastructure of modern America.

There being no objection, the Senate proceeded to the immediate consideration of the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no further intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 104) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 104

Whereas, founded in 1852, the American Society of Civil Engineers is the oldest national engineering society in the United States;

Whereas civil engineers work to constantly improve buildings, water systems, and other civil engineering works through research, demonstration projects, and the technical codes and standards developed by the American Society of Civil Engineers;

Whereas the American Society of Civil Engineers incorporates educational, scientific, and charitable efforts to advance the science of engineering, improve engineering education, maintain the highest standards of excellence in the practice of civil engineering, and protect the public health, safety, and welfare;

Whereas the American Society of Civil Engineers represents the profession primarily responsible for the design, construction, and maintenance of the roads, bridges, airports, railroads, public buildings, mass transit systems, resource recovery systems, water systems, waste disposal and treatment facilities, dams, ports, waterways, and other public facilities that are the foundation on which the economy of the United States stands and grows; and

Whereas the civil engineers of the United States, through innovation and the highest professional standards in the practice of civil engineering, protect the public health and safety and ensure the high quality of life enjoyed by the people of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the American Society of Civil Engineers on the occasion of the 150th anniversary of its founding;

(2) commends the many achievements of the civil engineers of the United States; and

(3) encourages the American Society of Civil Engineers to continue its tradition of excellence in service to the profession of civil engineering and to the public.

AMERICAN SOCIETY OF CIVIL ENGINEERS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 418, H. Con. Res. 387.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A House concurrent resolution (H. Con. Res. 387) recognizing the American Society of Civil Engineers for reaching its 150th anniversary and for the many vital contributions of civil engineers to the quality of life of our Nation's people including the research and development projects that have led to the physical infrastructure of modern America.

There being no objection, the Senate proceeded to consider the House concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution and preamble be agreed to en bloc, and the motion to reconsider be laid on the table with no further intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 387) was agreed to.