

Mr. ACKERMAN. If the gentleman will yield back the balance of his time, we are prepared to do so as well.

Mr. BOOZMAN. Madam Speaker, I yield back the balance of my time.

Mr. ACKERMAN. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 1678.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ACKERMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

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EXPRESSING DEEP CONCERN OVER  
THE USE OF CIVILIANS AS  
HUMAN SHIELDS

Mr. ACKERMAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 125) expressing deep concern over the use of civilians as "human shields" in violation of international humanitarian law and the law of war during armed conflict, including Hezbollah's tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 125

Whereas the term "human shields" refers to the use of civilians, prisoners of war, or other noncombatants whose mere presence is designed to protect combatants and objects from attack;

Whereas the use of human shields violates international humanitarian law (also referred to as the Law of War or Law of Armed Conflict);

Whereas throughout the summer of 2006 conflict with the State of Israel, Hezbollah forces utilized human shields to protect themselves from counterattacks by Israeli forces;

Whereas the majority of civilian casualties of that conflict might have been avoided and civilian lives saved had Hezbollah not employed this tactic;

Whereas the news media made constant mention of civilian casualties but rarely pointed to the culpability, under international law, of Hezbollah for their endangerment of such civilians;

Whereas United States and international leaders attempted to call the use of human shields to the world's attention;

Whereas on August 11, 2006, Secretary of State Condoleezza Rice stated, "Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose, and exploiting them as human shields . . .";

Whereas on August 14, 2006, President George W. Bush stated, "Hezbollah terrorists targeted Israeli civilians with daily rocket

attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response . . .";

Whereas Jan Egeland, United Nations Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, accused Hezbollah of "cowardly blending . . . among women and children";

Whereas for states parties to Additional Protocol I, such as Lebanon, Article 50(1) to the Geneva Convention defines civilian as, "[a]ny person who does not belong to one of the categories of persons referred to in Article 4(A)(1), (2), (3), and (6) of the Third Convention and in Article 43 of this Protocol. In the case of doubt whether a person is a civilian, that person shall be considered a civilian.":

Whereas for states parties to Additional Protocol I, such as Lebanon, Article 51(7) to the Geneva Convention states, "[T]he presence or movement of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.":

Whereas Convention IV, Article 28, Relative to the Protection of Civilian Persons in Time of War of the Geneva Convention states, "The presence of a protected person may not be used to render certain points or areas immune from military operations.": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) strongly condemns the use of innocent civilians as human shields, including Hezbollah's use of this brutal and illegal tactic during the summer of 2006 conflict with Israel;

(2) calls on responsible nations to condemn the use of civilians as human shields as a violation of international humanitarian law; and

(3) calls on responsible nations and experts in the area of international humanitarian law to focus particular attention on the use of human shields in violation of international humanitarian law and make further recommendations on the prevention of such violation in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I might consume.

Last year, we witnessed a tragic conflict in Lebanon, instigated by Hezbollah's unprovoked cross-border raid into Israel. This Hezbollah action

resulted in the killing of eight brave Israeli soldiers and the kidnapping of two others, Ehud Goldwasser and Eldad Regev.

The suffering of the Lebanese people was immense as thousands fled their homes in the subsequent fighting. Many homes were damaged or destroyed, and lives were lost.

The key reason that civilian areas were destroyed was the cynical strategy of Hezbollah guerrillas to stage their attacks from the middle of towns and residential areas.

The use of civilians as human shields is reprehensible and is in direct violation of all the laws of warfare. Indeed, the Rome Statute of the International Criminal Court provides that such conduct is a serious violation of the laws of war and should be prosecuted.

This resolution properly condemns the use of human shields and, in particular, the conduct of Hezbollah in this bloody conflict. Let us make no mistake. The loss of civilian life in Lebanon was due solely to Hezbollah's cruel and uncivilized use of civilian areas as military bases. Meanwhile, Hezbollah used rocket fire to murder Israeli civilians indiscriminately and to destroy Israeli civilian areas that were of no military value whatsoever.

This resolution calls on all responsible nations to condemn such heinous acts and to work to eliminate them. No nation that calls itself a member of the international community can engage in such barbaric practices. In conflicts all over the globe, human shields have been used for various purposes. None of them are acceptable.

Let us urge the President and our friends and allies to join us and do their utmost to stop the use of human shields once and for all.

Madam Speaker, I urge all of our colleagues to support the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Madam Speaker, I yield myself such time as I may consume.

During last summer's war between Israel and Lebanon, which was initiated by Hezbollah jihadist militants breaching Israel's border and killing and kidnapping Israeli soldiers, Hezbollah extremists used Lebanese civilians as human shields to protect themselves from counterattacks by Israeli forces.

Hezbollah jihadists embedded their forces among innocent civilians in violation of international law.

According to Secretary of State Condoleezza Rice, "Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose, and exploiting them as human shields."

To express deep concern over the use of civilians by Hezbollah and to condemn these actions, my distinguished colleagues, Congressman RON KLEIN and Congresswoman ILEANA ROS-LEHTINEN, introduced this bill.

Among other things in the bill, it strongly condemns the use of innocent civilians as human shields, including Hezbollah's use of this savage and illegal tactic during last summer's war between Israel and Lebanon; calls on the international community to recognize and condemn these violations of international law; and calls on responsible nations and experts in the area of international humanitarian law to pay special attention on the use of human shields in violation of international humanitarian law and make further recommendations on the prevention of such violation in the future.

I urge my colleagues to support this very important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. KUCINICH), the chairman of the Oversight and Government Reform Subcommittee on Domestic Policy.

Mr. KUCINICH. Madam Speaker, I want to thank my good friend Mr. ACKERMAN for the opportunity to address the Congress on this issue.

As some of my colleagues are aware, on July 19, 2006, I introduced legislation to this Congress calling on the President to appeal to all sides in the crisis in the Middle East for an immediate cessation of violence and to commit the United States diplomats to multiparty negotiations with no pre-conditions. This resolution specifically related to the events that brought violence to Lebanon and to Israel as well.

I want to say from the start that I took that position because I believe that Israel has a right to survive and Israel is entitled to its security and so, too, the people of Lebanon have a right to survive and were entitled to their security.

I think that it is regrettable that our government did not become immediately involved in diplomatic relations so that we could have been able to forestall the disaster that was visited upon south Lebanon where tens of thousands of structures were leveled.

I am not speaking about this theoretically, Madam Speaker, because my wife and I went to south Lebanon and surveyed the damage, and it was utter destruction.

I would refer my colleagues to Amnesty International's report regarding the destruction in south Lebanon.

I also would like to put into the RECORD a copy of H. Con. Res. 450 which called on the President to appeal to all sides in the crisis.

#### H. CON. RES. 450

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

(1) calls upon the President to—

(A) appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence;

(B) commit United States diplomats to multi-party negotiations with no pre-conditions; and

(C) send a high-level diplomatic mission to the region to facilitate such multi-party negotiations;

(2) urges such multi-party negotiations to begin as soon as possible, including delegations from the governments of Israel, the Palestinian Authority, Lebanon, Iran, Syria, Jordan, and Egypt; and

(3) supports an international peacekeeping mission to southern Lebanon to prevent cross-border skirmishes during such multi-party negotiations. —

[From the New York Times, Jan. 28, 2007]

#### ISRAEL MAY HAVE VIOLATED ARMS PACT, U.S. SAYS

(By David S. Cloud and Greg Myre)

WASHINGTON, Jan. 27.—The Bush administration will inform Congress on Monday that Israel may have violated agreements with the United States when it fired American-supplied cluster munitions into southern Lebanon during its fight with Hezbollah last summer, the State Department said Saturday.

The finding, though preliminary, has prompted a contentious debate within the administration over whether the United States should penalize Israel for its use of cluster munitions against towns and villages where Hezbollah had placed its rocket launchers.

Cluster munitions are anti-personnel weapons that scatter tiny but deadly bomblets over a wide area. The grenade-like munitions, tens of thousands of which have been found in southern Lebanon, have caused 30 deaths and 180 injuries among civilians since the end of the war, according to the United Nations Mine Action Service.

Midlevel officials at the Pentagon and the State Department have argued that Israel violated American prohibitions on using cluster munitions against populated areas, according to officials who described the deliberations. But other officials in both departments contend that Israel's use of the weapons was for self-defense and aimed at stopping the Hezbollah attacks that claimed the lives of about 40 Israeli soldiers and civilians and at worst was only a technical violation.

Any sanctions against Israel would be an extraordinary move by the Bush administration, a strong backer of Israel, and several officials said they expected little further action, if any, on the matter.

But sanctions against Israel for misusing the weapons would not be unprecedented. The Reagan administration imposed a six-year ban on cluster-weapon sales to Israel in 1982, after a Congressional investigation found that Israel had used the weapons in civilian areas during its 1982 invasion of Lebanon. One option under discussion is to bar additional sales of cluster munitions for some period, an official said.

The State Department is required to notify Congress even of preliminary findings of possible violations of the Arms Export Control Act, the statute governing arms sales. It began an investigation in August.

Sean McCormack, the State Department spokesman, said that the notification to Congress would occur Monday but that a final determination about whether Israel violated the agreements on use of cluster bombs was still being debated.

"It is important to remember the kind of war Hezbollah waged," he said. "They used innocent civilians as a way to shield their fighters."

Even if Israel is found to be in violation, the statute gives President Bush discretion about whether to impose sanctions, unless Congress decides to take legislative action. Israel makes its own cluster munitions, so a cutoff of American supplies would have mainly symbolic significance.

Israel gave the State Department a dozen-page report late last year in which it ac-

knowledged firing thousands of American cluster munitions into southern Lebanon but denied violating agreements that prohibit their use in civilian areas, the officials said. The cluster munitions included artillery shells, rockets and bombs dropped from aircraft, many of which had been sold to Israel years ago, one official said.

Before firing at rocket sites in towns and villages, the Israeli report said, the Israeli military dropped leaflets warning civilians of the attacks. The report, which has not previously been disclosed, also noted that many of the villages were deserted because civilians had fled the fighting, the officials said.

David Siegel, a spokesman for the Israeli Embassy in Washington, said Israel "provided a detailed response to the administration's request for information" on its use of cluster munitions "to halt Hezbollah's unprovoked rocket attacks against our civilian populations centers."

He added, "Israel suffered heavy casualties in these attacks and acted as any government would in exercise of its right to self-defense."

John Hillen, who was assistant secretary of state in charge of the bureau until he resigned this month, told Bloomberg News in December that Israel had provided "great cooperation" in the investigation. "From their perspective, use of the munitions was clearly done within the agreements," he said.

Another administration official said the investigation had caused "head-butting" involving the Bureau of Political-Military Affairs and the Bureau of Near Eastern Affairs at the State Department, as well as Pentagon arms sales officials. Some officials "are trying to find a way to not have to call this a substantial violation," the official said.

In particular, the State Department has asked Israel for additional information on reports that commanders and troops violated orders that restricted how cluster bombs could be used, an official said. In November, Lt. Gen. Dan Halutz, the chief of staff of the Israeli military until his resignation on Jan. 17, ordered an investigation into whether restrictions on use of the weapons were ignored by some units.

That investigation is still under way, and military officials have refused to divulge any details in public.

Israel's Channel 2 television reported in December that the military's judge advocate general was gathering evidence for possible criminal charges against military officers who might have ordered cluster bombs fired into populated areas.

Israel has told the State Department that it originally tried targeted strikes against Hezbollah rocket sites, but those proved ineffective.

Heavy use of cluster bombs was tried instead, to kill or maim Hezbollah fighters manning the launchers. Israeli commanders employed cluster weapons because they suspected that they would flee after firing their rockets. Even those attacks failed to stop the rockets barrages.

The agreements that govern Israel's use of American cluster munitions go back to the 1970s. But the details, which have been revised several times, are classified.

However, officials said that the agreements specified that cluster weapons could not be used in populated areas, in part because of the risk to civilians after a conflict is over if the bomblets fail to self-destruct, as they are designed to do.

The agreements said the munitions be used only against organized armies and clearly defined military targets under conditions similar to the Arab-Israeli wars of 1967 and 1973, when Israel arguably faced threats to its survival, officials said.

Since the end of last summer's war, de-mining teams have located 800 cluster-bomb strike areas, and they destroyed 95,000 bomblets, said Christopher Clark, program manager for the United Nations Mine Action Service in Lebanon. "We found them pretty much everywhere—in villages, at road junctions, in olive groves and on banana plantations," Mr. Clark said.

The casualty rate has come down sharply, he said. Right after the war, there were more than 40 casualties a week; now it is about 3 or 4 a week.

Donatella Rovera, a researcher with Amnesty International in London, said older American cluster weapons used by Israel during the war did not reliably self-destruct, compared with Israel's own cluster munitions, which are newer and are said to have a much lower dud rate.

"We've asked them to release detailed maps on where the cluster bombs were used," Ms. Rovera said of the Israeli military. "That is the one thing that could help speed up the cleanup process."

[From Human Rights Watch]

**ISRAELI CLUSTER MUNITIONS HIT CIVILIANS IN LEBANON: ISRAEL MUST NOT USE INDISCRIMINATE WEAPONS**

BEIRUT, July 24, 2006.—Israel has used artillery-fired cluster munitions in populated areas of Lebanon, Human Rights Watch said today. Researchers on the ground in Lebanon confirmed that a cluster munitions attack on the village of Blida on July 19 killed one and wounded at least 12 civilians, including seven children. Human Rights Watch researchers also photographed cluster munitions in the arsenal of Israeli artillery teams on the Israel-Lebanon border.

"Cluster munitions are unacceptably inaccurate and unreliable weapons when used around civilians," said Kenneth Roth, executive director of Human Rights Watch. "They should never be used in populated areas."

According to eyewitnesses and survivors of the attack interviewed by Human Rights Watch, Israel fired several artillery-fired cluster munitions at Blida around 3 p.m. on July 19. The witnesses described how the artillery shells dropped hundreds of cluster submunitions on the village. They clearly described the submunitions as smaller projectiles that emerged from their larger shells.

The cluster attack killed 60-year-old Maryam Ibrahim inside her home. At least two submunitions from the attack entered the basement that the Ali family was using as a shelter, wounding 12 persons, including seven children. Ahmed Ali, a 45-year-old taxi driver and head of the family, lost both legs from injuries caused by the cluster munitions. Five of his children were wounded: Mira, 16; Fatima, 12; 'Ali, 10; Aya, 3; and 'Ola, 1. His wife Akram Ibrahim, 35, and his mother-in-law 'Ola Musa, 80, were also wounded. Four relatives, all German-Lebanese dual nationals sheltering with the family, were wounded as well: Mohammed Ibrahim, 45; his wife Fatima, 40; and their children 'Ali, 16, and Rula, 13.

Human Rights Watch researchers photographed artillery-delivered cluster munitions among the arsenal of Israel Defense Forces (IDF) artillery teams stationed on the Israeli-Lebanese border during a research visit on July 23. The photographs show M483A1 Dual Purpose Improved Conventional Munitions, which are U.S.-produced and -supplied, artillery-delivered cluster munitions. The photographs contain the distinctive marks of such cluster munitions, including a diamond-shaped stamp, and a shape that is longer than ordinary artillery, according to a retired IDF commander who asked not to be identified.

The M483A1 artillery shells deliver 88 cluster submunitions per shell, and have an unacceptably high failure rate (dud rate) of 14 percent, leaving behind a serious unexploded ordnance problem that will further endanger civilians. The commander said that the IOF's operations manual warns soldiers that the use of such cluster munitions creates dangerous minefields due to the high dud rate.

Lebanese security forces, who to date have not engaged in the fighting between Israel and Hezbollah, also accused Israel of using cluster munitions in its attacks on Blida and other Lebanese border villages. These sources also indicated they have evidence that Israel used cluster munitions earlier this year during fighting with Hezbollah around the contested Shebaa Farms area. Human Rights Watch is continuing to investigate these additional allegations.

Human Rights Watch believes that the use of cluster munitions in populated areas may violate the prohibition on indiscriminate attacks contained in international humanitarian law. The wide dispersal pattern of their submunitions makes it very difficult to avoid civilian casualties if civilians are in the area. Moreover, because of their high failure rate, cluster munitions leave large numbers of hazardous, explosive duds that injure and kill civilians even after the attack is over. Human Rights Watch believes that cluster munitions should never be used, even away from civilians, unless their dud rate is less than 1 percent.

Human Rights Watch conducted detailed analyses of the U.S. military's use of cluster bombs in the 1999 Yugoslavia war, the 2001-2002 Afghanistan war, and the 2003 Iraq war. Human Rights Watch research established that the use of cluster munitions in populated areas in Iraq caused more civilian casualties than any other factor in the U.S.-led coalition's conduct of major military operations in March and April 2003, killing and wounding more than 1,000 Iraqi civilians. Roughly a quarter of the 500 civilian deaths caused by NATO bombing in the 1999 Yugoslavia war were also due to cluster munitions.

"Our research in Iraq and Kosovo shows that cluster munitions cannot be used in populated areas without huge loss of civilian life," Roth said. "Israel must stop using cluster bombs in Lebanon at once."

Human Rights Watch called upon the Israel Defense Forces to immediately cease the use of indiscriminate weapons like cluster munitions in Lebanon.

**BACKGROUND**

Israel used cluster munitions in Lebanon in 1978 and in the 1980s. At that time, the United States placed restrictions on their use and then a moratorium on the transfer of cluster munitions to Israel out of concern for civilian casualties. Those weapons used more than two decades ago continue to affect Lebanon.

Israel has in its arsenal cluster munitions delivered by aircraft, artillery and rockets. Israel is a major producer and exporter of cluster munitions, primarily artillery projectiles and rockets containing M85 DPICM (Dual Purpose Improved Conventional Munition) submunitions. Israeli Military Industries, an Israeli government-owned weapons manufacturer, has reportedly produced more than 60 million M85 DPICM submunitions. Israel also produces at least six different types of air-dropped cluster bombs, and has imported from the United States M26 rockets for its Multiple Launch Rocket Systems.

There is growing international momentum to stop the use of cluster munitions. Belgium became the first country to ban cluster munitions in February 2006, and Norway announced a moratorium on the weapon in

June 2006. Cluster munitions are increasingly the focus of discussion at the meetings of the Convention on Conventional Weapons, with ever more states calling for a new international instrument dealing with cluster munitions.

[From the New York Times, Aug. 25, 2006]

**INQUIRY OPENED INTO ISRAELI USE OF U.S. BOMBS**

(By David S. Cloud)

WASHINGTON, Aug. 24.—The State Department is investigating whether Israel's use of American-made cluster bombs in southern Lebanon violated secret agreements with the United States that restrict when it can employ such weapons, two officials said.

The investigation by the department's Office of Defense Trade Controls began this week, after reports that three types of American cluster munitions, anti-personnel weapons that spray bomblets over a wide area, have been found in many areas of southern Lebanon and were responsible for civilian casualties.

Gonzalo Gallegos, a State Department spokesman, said, "We have heard the allegations that these munitions were used, and we are seeking more information." He declined to comment further.

Several current and former officials said that they doubted the investigation would lead to sanctions against Israel but that the decision to proceed with it might be intended to help the Bush administration ease criticism from Arab governments and commentators over its support of Israel's military operations. The investigation has not been publicly announced; the State Department confirmed it in response to questions.

In addition to investigating use of the weapons in southern Lebanon, the State Department has held up a shipment of M-26 artillery rockets, a cluster weapon, that Israel sought during the conflict, the officials said.

The inquiry is likely to focus on whether Israel properly informed the United States about its use of the weapons and whether targets were strictly military. So far, the State Department is relying on reports from United Nations personnel and nongovernmental organizations in southern Lebanon, the officials said.

David Siegel, a spokesman for the Israeli Embassy, said, "We have not been informed about any such inquiry, and when we are we would be happy to respond."

Officials were granted anonymity to discuss the investigation because it involves sensitive diplomatic issues and agreements that have been kept secret for years.

The agreements that govern Israel's use of American cluster munitions go back to the 1970's, when the first sales of the weapons occurred, but the details of them have never been publicly confirmed. The first one was signed in 1976 and later reaffirmed in 1978 after an Israeli incursion into Lebanon. News accounts over the years have said that they require that the munitions be used only against organized Arab armies and clearly defined military targets under conditions similar to the Arab-Israeli wars of 1967 and 1973.

A Congressional investigation after Israel's 1982 invasion of Lebanon found that Israel had used the weapons against civilian areas in violation of the agreements. In response, the Reagan administration imposed a six-year ban on further sales of cluster weapons to Israel.

Israeli officials acknowledged soon after their offensive began last month that they were using cluster munitions against rocket sites and other military targets. While Hezbollah positions were frequently hidden in civilian areas, Israeli officials said their,

intention was to use cluster bombs in open terrain.

Bush administration officials warned Israel to avoid civilian casualties, but they have lodged no public protests against its use of cluster weapons. American officials say it has not been clear whether the weapons, which are also employed by the United States military, were being used against civilian areas and had been supplied by the United States. Israel also makes its own types of cluster weapons.

But a report released Wednesday by the United Nations Mine Action Coordination Center, which has personnel in Lebanon searching for unexploded ordnance, said it had found unexploded bomblets, including hundreds of American types, in 249 locations south of the Litani River.

The report said American munitions found included 559 M-42's, an anti-personnel bomblet used in 105-millimeter artillery shells; 663 M-77's, a submunition found in M-26 rockets; and 5 BLU-63's, a bomblet found in the CBU-26 cluster bomb. Also found were 608 M-85's, an Israeli-made submunition.

The unexploded submunitions being found in Lebanon are probably only a fraction of the total number dropped. Cluster munitions can contain dozens or even hundreds of submunitions designed to explode as they scatter around a wide area. They are very effective against rocket-launcher units or ground troops.

The Lebanese government has reported that the conflict killed 1,183 people and wounded 4,054, most of them civilians. The United Nations reported this week that the number of civilian casualties in Lebanon from cluster munitions, land mines and unexploded bombs stood at 30 injured and eight killed.

Dozen of Israelis were killed and hundreds wounded in attacks by Hezbollah rockets, some of which were loaded with ball bearings to maximize their lethality.

Officials say it is unlikely that Israel will be found to have violated a separate agreement, the Arms Export Control Act, which requires foreign governments that receive American weapons to use them for legitimate self-defense. Proving that Israel's campaign against Hezbollah did not constitute self-defense would be difficult, especially in view of President Bush's publicly announced support for Israel's action after Hezbollah fighters attacked across the border, the officials said.

Even if Israel is found to have violated the classified agreement covering cluster bombs, it is not clear what actions the United States might take.

In 1982, delivery of cluster-bomb shells to Israel was suspended a month after Israel invaded Lebanon after the Reagan administration determined that Israel "may" have used them against civilian areas.

But the decision to impose what amounted to a indefinite moratorium was made under pressure from Congress, which conducted a long investigation of the issue. Israel and the United States reaffirmed restrictions on the use of cluster munitions in 1988, and the Reagan administration lifted the moratorium.

I also want to ask for this moment when we are talking about the use of human shields to remember that certainly the people of Israel suffered, and my wife and I visited Israel and we talked to government officials who were concerned about the threat to Israel's security that was presented by Hezbollah.

□ 1200

But I also have to say that the use of cluster munitions and the use of bombs

against the people of Lebanon needs to be recognized at this point. I could stand here, certainly, objecting, and I do, to Hezbollah's conduct, because we know what they did in creating conditions to use people in populated areas was wrong.

But I also think that it's important to call to the attention of this Congress the suffering of the people in Lebanon, because what happened was that bombs were dropped and perhaps over 1,000 people were killed. That needs to be discussed. We also need to recognize that the people of Lebanon have a love for America despite our Government's actions in standing back.

Let me share with you a story out of Qana that my wife and I visited. We went there late at night, and there was destruction everywhere. We were led to a graveyard where people had their families buried as a result of a U.S. attack. Then we were led to the site of where a bomb fragment or a bomb burst through an apartment building, and it killed dozens of people. It was thought that bomb was paid for by U.S. tax dollars.

The people who gathered around late at night from the village, knowing there was an American Congressman there, spoke out and said, you know, we love America. We don't like what your leaders do, but we love America. We do not wish anyone ill in America, and we want peace. We don't want Israel to be destroyed. This was made very clear. These were people who from the depths of their humanity were crying out for recognition about their suffering.

Madam Speaker, this is a fragment of the bomb which burst through an apartment building and killed dozens of women and children. I wanted to just show Congress this, because what we are talking about, using people as human shields, it's important also for the Israeli Government to take responsibilities for their actions as well. I say this as someone who speaks in defense of Israel and the defense of Israel's right to survive.

If we are going to ever have peace in the region, there has to be a mutual recognition of everyone's right to survive, and opportunity for all people to be able to bring their grievances forward and have them resolved.

I appreciate my friend's opportunity to present this.

Mr. BOOZMAN. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. ISSA).

(Mr. ISSA asked and was given permission to revise and extend his remarks.)

Mr. ISSA. Madam Speaker, I rise today in support of H. Res. 125 and join with my colleagues in denouncing Hezbollah for employing the use and the tactic of placing weapons, defensive and offensive, in the midst of communities in which innocent civilians live.

I also associate myself with the previous speaker, though, in saying that

we have to go beyond a narrow issue of a single enemy in the Middle East. The use of human shields in the Middle East is unfortunately widespread, not just by the cancer that grows, that is known as Hezbollah in Lebanon, but also throughout the region.

On this point, I would like to give credit where credit is due. These pictures were taken, this one was taken in 2004, where a 13-year-old Palestinian boy named Mohammed Badwan was tied to the hood of an Israeli police jeep in the West Bank. A group of Palestinian youths had been reportedly throwing rocks at Israeli police, so the boy was taken and tied to the jeep so that they would stop throwing their rocks.

On October 6, and I want to give credit where credit is due, because this has not been unanswered, on October 6, 2005, the Israel High Court of Justice, the equivalent of our Supreme Court, ruled that it was illegal for Israeli forces to use Palestinian civilians during military operations. This ruling effectively ended the officially sanctioned tactic known as neighborhood procedure, whereby Israeli soldiers would forcibly use Palestinian civilians for tasks, including entering buildings to check to see if they were booby-trapped, removing building occupants, and moving suspicious objects from roads used by the army.

One of the victims of this neighborhood procedure was a 19-year-old Palestinian student who in 2002 was killed in the West Bank after troops took the young man out of his house and forced him to knock on the door of a neighboring building, where a senior Hamas fugitive was hiding. Gunfire erupted, and the student was killed.

In addition to the Israeli Supreme Court, human rights group have also been recognized for their work, and I commend them. B'Tselem, Rabbis for Human Rights, and Adalah have worked extensively on these cases and brought them to the court. To the credit of the Israeli people and their court system, they have denounced it, and they have sought to stop it.

The Israeli Army itself, most recently, acted swiftly to suspend a commander caught on videotape using two Palestinian youths as human shields earlier this month. In the video that has been seen around the world and covered by the Associated Press, a peace activist is heard shouting to the Israeli soldiers who have positioned two youths standing in front of their vehicle, "You can't use them as human shields. It's against the law."

The Israeli soldier responds, "We are not using them as a human shield."

"They are standing in front of your jeep. How is that not a human shield? You are using them to protect you from stones," the activist retorts.

"We asked them to speak to their friends and ask them to stop throwing stones at us," the soldier says.

Shortly after this videotape was posted, the Israeli military announced

the mission commander had been relieved of operational duty following this incident, in which IDF soldiers had apparently used these civilians, and the Israeli Government acted quickly.

I applaud their swift response and their efforts to make this use of human shields, once and for all, stop. This morning I circulated a Dear Colleague via e-mail with links to these videos and news stories.

I encourage my colleagues to take a look at these articles and efforts under way to stop the use of human shields. I have also issued statements that are on my Web site at [www.issa.house.gov](http://www.issa.house.gov) under the heading of "Banning the use of Human Shields."

Madam Speaker, I believe there are two sides to this. There is a difference. One side is continuing to be a cancer on the people of Lebanon. One side is continuing to use human shields with very little to stop them. The other side is taking those measures.

I came here today to commend the Israeli Government for taking those measures, to ask them to continue to use the strongest methods possible to make sure that is eliminated from one side of the equation. I will support this resolution denouncing the other side of the equation that continues to use human shields.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I might consume.

To my good friend from California, as well as my good friend from Ohio, I would address the following observations and concerns. First, I would like to thank each of them for their support for this resolution condemning Hezbollah for their actions.

But I would like to note for the record that there is a tremendous difference between a perpetrator and a victim. A perpetrator is the one who initiates the act. The victim is the one who is victimized by the act. Very often, in an act of violence, murder, mayhem, the victim fights back. The victim has every single right in the world, legally and morally, to defend itself against violence. Some might argue sometimes that in defense of oneself, the victim goes too far. The woman being raped tries to scratch out the eyes of the rapist. Who is to blame her?

I thank my two friends for also pointing out that there is a difference in systems, that there is a difference in moral values between that which the Hezbollah does and the response of the Israelis. I appreciated the fact that the gentleman from Ohio brought in part of a weapon of destruction that was used in self-defense, but I am also happy that we did not bring in gory pictures of Israeli children and women on their way to school or working on farms or in their villages, who every day are subject to attacks and missiles fired by Hezbollah as they go about their daily, innocent lives.

I thank the gentleman from California for calling to the House's atten-

tion in so eloquent a way of what is rarely government and governance and society and what Israel is all about, who points out graphically and with the evidence he brought before us the fact that it was an Israeli human rights defender who called out to the Israeli soldiers whose conduct he properly called into question, that they have no right to do that and that there are laws against it.

Where were the Lebanese people calling out to the Hezbollah who invaded their homes and their neighborhoods and took over and used them, sometimes willingly, sometimes not, as human shields, and said to them, we forbid you to do this, it's against our human rights, and it's against our laws? Not once.

I thank the gentleman from California for pointing out the Israeli system of justice, which stands basically equal to ours. We, too, in the pursuit of terrorists and evildoers, as the President would call them, sometimes unfortunately commit acts in that pursuit and in defense of ourselves against the terrorists, where civilians are hurt and civilians do die. But that is not our purpose. When the Hezbollah does that, that is their intention for the civilians to die.

I thank the gentleman from California for pointing out that this went through the Israeli justice system because it is contrary to the laws of the democracy of the democratic State of Israel. It went to the Supreme Court of Israel, and that court found, in full view, because Israeli television shows showed their soldiers doing something wrong, and they were charged, and the court found them guilty, and the court banned it.

People were held responsible in a responsible society. That did not happen with the Hezbollah. That did not happen in Lebanon. It happened in Israel where people paid the price, where the military officers who were in charge of the operation were found guilty.

That is the difference between a democratic, humane society, where there are innocent victims of self-defense, who unfortunately, as individuals within the military, sometimes get carried away. That happens in every army in the history of the world. But holding people responsible for those individual actions is a sign of a true democracy.

That did not happen with the Hezbollah. That did not happen with Lebanon. That is the difference between democratic, humane societies and terrorist organizations.

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I thank our two colleagues for bringing this to the attention of the House so that we might highlight the differences between two societies, Hezbollah, governed by terror, whose only purpose is to wreak havoc upon civilian populations, and a democracy like Israel, who responds to terrorism and sometimes have unfortunate inci-

dents for which they hold individuals responsible and who pay the price.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of House Resolution 125, championed by Ranking Member ILEANA ROS-LEHTINEN, Dr. BOOZMAN and Mr. ACKERMAN, which opposes using civilians as human shields.

As a member of the Armed Services Committee, as a 31-year veteran of the Army Reserves and National Guard, and as the father of four sons in the U.S. military, I know firsthand that using human shields violates international law.

Just last year, American and international leaders condemned the use of human shields. The Lebanese have been particularly victims of human shields in the past year. On August 11, 2006, Secretary of State Condoleezza Rice stated, "Hezbollah and its sponsors have brought devastation upon the people of Lebanon, dragging them into a war that they did not choose and exploiting them as human shields."

On August 14, President George W. Bush stated, "Hezbollah terrorists targeted Israeli civilians with daily rocket attacks. Hezbollah terrorists used Lebanese civilians as human shields, sacrificing the innocent in an effort to protect themselves from Israeli response."

Also, as to Israel, we should note that the Israeli Supreme Court has ruled a ban to the use of human shields. Additionally, Israel has a strict policy against the use of civilians as human shields, and in dealing with the isolated incidents where the policy is violated, takes measure to punish those responsible and prevent these acts from occurring in the future.

It is clear, as eloquently reviewed by Mr. ACKERMAN, that no one should seek to apply a moral equivalency between isolated incidents formally opposed by Israel's democratically elected government and the actions of Hezbollah, whose policies and tactics show disregard for human life and advocate intentionally using the tactic of embedding its forces among civilians to use them as human shields, abusing the people of Lebanon.

I urge my colleagues to support House Resolution 125, condemning the use of human shields.

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman, and I commend my colleagues for bringing this important legislation to the floor.

It was obvious, I think, to all people watching the news coverage during the recent Hezbollah-Israel war that it was standard operating procedure for Hezbollah to place its soldiers that were firing rockets into Israel, in housing projects, in housing areas where there were civilians, and the only way

that Israel could respond to that rocket fire involved risking the lives of the women and children who lived in those areas. It was disgraceful and it was a violation of international law. And to me it is absolutely ridiculous that Hezbollah would find some photo of a bunch of Palestinian youths leaning on a tank and try to make an argument in front of the world stage that that is the moral equivalent of what they were doing. There is absolutely no comparison.

Mr. Speaker, I just wanted to commend my colleague from New York and people on both sides of the aisle for bringing forward this important piece of legislation.

Mr. HOYER. Mr. Speaker, last summer, Hezbollah militants kidnapped two Israeli soldiers and instigated an armed conflict in which they indiscriminately fired thousands of rockets and mortar shells into Israel with the hope of inflicting as many civilian casualties as possible.

And what was most disturbing about Hezbollah's actions was not that they targeted innocent men, women, and children with their attacks—the world has come to expect such cowardly tactics from terrorist organizations that are dedicated to inflicting anguish and destruction.

Rather, it was the fact that Hezbollah embedded their equipment and bases of operations amid the Lebanese civilian population—effectively using them as “human shields” to protect them from retaliation.

This brutal exploitation of a civilian population—and others like it that take place all too often in areas controlled by Hezbollah and Hamas—stands in direct violation of international humanitarian law and laws of war during armed conflict.

Today, I am proud to join with my fellow Members of Congress in condemning the use of human shields in armed conflict—and I stand with all of the people of the world who understand that the role of a soldier is to protect civilians, not exploit them for security or political gain.

Mr. GARRETT of New Jersey. Mr. Speaker, today I rise in support of the resolution condemning Hezbollah's frequent use of civilians to protect their military forces and cache of weapons. All too often we hear claims that Hezbollah and the Israeli Defense Forces are moral equivalents. But when we look at the facts, we see that Hezbollah constantly demonstrates that it is a force that does not operate under the international treaties that attempt to govern warfare.

Hezbollah has set up shop in southern Lebanon and, while they attempt to participate in the legal process of that nation, they are not under the control of any government. They use the funds of Iran and Syria to act as their proxies in the fight against Israel. There is little dispute that they store much of their military equipment below civilian houses and during the most recent conflict their military leadership holed up in bunkers filled with non-combatants.

Hezbollah fights their wars in the international press as much as they fight them in the battlefield. Sadly, civilian deaths are seen as a victory since they can use the cry of war atrocities to keep the Israelis from engaging their forces.

On the other side we see Israeli forces who clearly identify their military personnel by uniform and delineate their military installations from civilian. Yet, Hezbollah still chooses to indiscriminately shoot their rockets into principally civilian areas.

Hezbollah operates far outside the bounds of international law, something we must not forget as we seek to control them through international bodies such as the United Nations. With no regard for the lives of their own nationals, can we expect them to hold up their end of Security Council resolutions? We must stand with the legitimate government of Israel, a shining light of democracy and freedom besieged by those with no respect for law or life.

Mr. BOOZMAN. Mr. Speaker, I yield back the balance of my time.

Mr. ACKERMAN. Mr. Speaker, I have no further speakers on our side, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 125, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: “Resolution expressing deep concern over the use of civilians as ‘human shields’ in violation of international humanitarian law, including Hezbollah’s tactic of embedding its forces among civilians to use them as human shields during the summer of 2006 conflict between Hezbollah and the State of Israel.”

A motion to reconsider was laid on the table.

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URGING ALL MEMBER COUNTRIES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE TO EXPEDITE RATIFICATION PROCESS

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 240) urging all member countries of the International Commission of the International Tracing Service (ITS) who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 240

Whereas the International Tracing Service (ITS) archives located in Bad Arolsen, Germany, which are administered by the International Committee of the Red Cross, contain an estimated 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes;

Whereas the ITS archives at Bad Arolsen remain the largest closed Holocaust-era archives in the world; while access to individual records can be requested by Holocaust survivors and their descendants, many who

have requested information in the past have reported facing significant delays and even unresponsiveness; furthermore, the records remain inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords, the treaty governing the administration of the ITS, established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) charged with overseeing the administration of the ITS Holocaust archives;

Whereas following years of delay, in May 2006 in Luxembourg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would allow researchers to use the archives and would allow each Commission member country to receive digitized copies of archive materials and make the records available to researchers under the respective national laws relating to archives and privacy;

Whereas the May 2006 Amendments to the Bonn Accords require each of the 11 members of the International Commission to ratify the amendments before open access to the Holocaust archives is permitted;

Whereas although the final signature was affixed to the amendments in October 2006, only 4 out of the 11 Commission member countries (the United States, Israel, Poland, and the Netherlands) have ratified the amendments to date;

Whereas the United States Holocaust Memorial Museum has for years been working tirelessly to provide public access to the materials in the Bad Arolsen archives;

Whereas on March 8, 2007, representatives from the 11 member countries of the International Commission of the ITS met in the Netherlands and reviewed the current ratification status of each country and the ratification process in its entirety;

Whereas it is a moral and humanitarian imperative to permit public access to the millions of Holocaust records housed at Bad Arolsen;

Whereas it is essential that Holocaust researchers obtain access now, while survivors are living, so that the researchers can benefit in their scholarly work from the insights of eyewitnesses;

Whereas in the Holocaust’s aftermath, there have been far too many instances of survivors and heirs of Holocaust victims being refused their moral and legal right to information—for restitution purposes, slave labor compensation, and personal closure;

Whereas opening the historic records is a vital contribution to the world’s collective memory and understanding of the Holocaust and efforts to ensure that the anti-Semitism that made such horrors possible is never again permitted to take hold;

Whereas anti-Semitism has seen a resurgence in recent years; as recently as December 2006, the President of Iran, Mahmoud Ahmadinejad, held the second Holocaust denial conference in Tehran in one year; and

Whereas in light of this conference, President Ahmadinejad’s anti-Semitic rhetoric, and a resurgence of anti-Semitism in part of the world, the opening of the archives at Bad Arolsen could not be more urgent: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends in the strongest terms all countries that have to date ratified the amendments to the Bonn Accords to allow for open access to the Holocaust archives of the International Tracing Service (ITS) located at Bad Arolsen, Germany;