Keller	Oxley	Simpson
Kelly	Paul	Skeen
Kennedy (MN)	Pence	Smith (MI)
Kerns	Peterson (MN)	Smith (NJ)
King (NY)	Peterson (PA)	Smith (TX)
Kingston	Petri	Souder
Kirk	Pickering	Spence
Knollenberg	Pitts	Stearns
Kolbe	Platts	Sununu
LaHood	Pombo	Sweeney
Lantos	Portman	Tancredo
Largent	Pryce (OH)	Tauzin
Latham	Putnam	Taylor (MS)
LaTourette	Quinn	Taylor (NC)
Leach	Radanovich	Terry
Lee	Ramstad	Thomas
Lewis (CA)	Regula	Thornberry
Lewis (KY)	Rehberg	Thune
Linder	Reynolds	Tiahrt
Lipinski	Riley	Tiberi
LoBiondo	Rogers (KY)	Toomey
Lucas (OK)	Rogers (MI)	Traficant
Manzullo	Rohrabacher	Upton
McCrery	Roukema	Vitter
McHugh	Royce	Walden
McInnis	Ryan (WI)	Walsh
McKeon	Ryun (KS)	Wamp
Mica	Saxton	Watkins
Miller (FL)	Scarborough	Watts (OK)
Miller, Gary	Schaffer	Weiner
Moran (KS)	Schiff	Weldon (FL)
Morella	Schrock	Weldon (PA)
Myrick	Sessions	Weller
Nethercutt	Shadegg	Whitfield
Ney	Shaw	Wicker
Northup	Shays	Wilson
Norwood	Sherwood	Wolf
Nussle	Shimkus	Young (FL)
Osborne	Shows	
Otter	Simmons	

NAYS—192

Ackerman	Ford	McDermott
Allen	Frank	McGovern
Andrews	Frost	McIntyre
Baca	Gephardt	McKinney
Baird	Gonzalez	McNulty
Baldacci	Green (TX)	Meehan
Baldwin	Gutierrez	Meek (FL)
Barrett	Hall (OH)	Meeks (NY)
Becerra	Harman	Millender-McDonald
Bentsen	Hastings (FL)	Miller, George
Berkley	Hill	Mink
Berman	Hilliard	Mollohan
Berry	Hinchey	Moore
Bishop	Hinojosa	Moran (VA)
Blagojevich	Hoeffel	Murtha
Blumenauer	Holden	Nadler
Bonior	Holt	Napolitano
Borski	Honda	Neal
Boswell	Hooley	Oberstar
Boucher	Hoyer	Obey
Brady (PA)	Inslee	Olver
Brown (FL)	Israel	Ortiz
Brown (OH)	Jackson (IL)	Ose
Capps	Jackson-Lee (TX)	Owens
Capuano	Jefferson	Pallone
Cardin	John	Pascrell
Carson (IN)	Johnson, E.B.	Pastor
Carson (OK)	Jones (OH)	Payne
Clay	Kanjorski	Pelosi
Clayton	Kaptur	Phelps
Clyburn	Kennedy (RI)	Pomeroy
Condit	Kildee	Price (NC)
Conyers	Kilpatrick	Rahall
Costello	Kind (WI)	Rangel
Coyne	Kleczka	Reyes
Cramer	Kucinich	Rodriguez
Crowley	LaFalce	Roemer
Cummings	Lampson	Ross
Davis (CA)	Langevin	Rothman
Davis (FL)	Larsen (WA)	Roybal-Allard
Davis (IL)	Larson (CT)	Rush
DeFazio	Levin	Sabo
DeGette	Lewis (GA)	Sanchez
DeLauro	Lofgren	Sanders
Deutsch	Lowey	Sandlin
Dicks	Lucas (KY)	Sawyer
Dingell	Luther	Schakowsky
Doggett	Maloney (CT)	Scott
Dooley	Maloney (NY)	Serrano
Doyle	Markey	Sherman
Edwards	Mascara	Skelton
Eshoo	Matheson	Slaughter
Etheridge	Matsui	Smith (WA)
Evans	McCarthy (MO)	Snyder
Farr	McCarthy (NY)	Solis
Fattah	McCollum	Spratt
Filner		

Stark	Thurman	Waters
Stenholm	Tierney	Watt (NC)
Strickland	Towns	Waxman
Stupak	Turner	Wexler
Tanner	Udall (CO)	Woolsey
Tauscher	Udall (NM)	Wu
Thompson (CA)	Velazquez	Wynn
Thompson (MS)	Visclosky	

NOT VOTING—13

Abercrombie	Hunter	Sensenbrenner
Clement	Menendez	Stump
Cubin	Moakley	Young (AK)
Delahunt	Rivers	
Engel	Ros-Lehtinen	

□ 1058

Messrs. BARRETT of Wisconsin, CLYBURN, and ROSS, and Mrs. McCARTHY of New York changed their vote from ''yea'' to ''nay.''

Mr. PAUL changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CLEMENT. Mr. Speaker, on rollcall vote No. 105, I was unavoidably detained on official business. Had I been present, I would have voted ''nay.''

Mr. ABERCROMBIE. Mr. Speaker, earlier today I was unavoidably absent and I was unable to cast my vote on rollcall No. 105, the rule for H.R. 1646, the State Department Authorization bill.

Had I been present, I would have voted ''nay.''

AMENDMENT PROCESS FOR H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute.)

Mr. DIAZ-BALART. Mr. Speaker, today a ''Dear Colleague'' letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of May 14 to grant a rule which may limit the amendment process on H.R. 1, the No Child Left Behind Act of 2001. The bill was ordered reported yesterday by the Committee on Education and the Workforce.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H312 in the Capitol no later than noon on Tuesday, May 15.

Amendments should be drafted to the text of H.R. 1 as ordered reported by the Committee on Education and the Workforce. That text will be available at the Committee on Education and the Workforce and will be posted on its Web site tomorrow.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1271

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1271.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1100

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1646.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore. Pursuant to House Resolution 138 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1646.

□ 1100

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1646, the Department of State's authorization for fiscal years 2002 and 2003.

The distinguished gentleman from California, (Mr. LANTOS), the ranking member of the Committee on International Relations, and I introduced the bill, which was favorably reported to the House by voice vote.

I want to emphasize this is not a foreign aid bill. That subject will be discussed at a later time.

Standing at the edge of a new century, it is appropriate to pause and wonder what lies ahead for us, our descendents, and our country. For the United States, the century just past was one of unprecedented American

triumph. So great was our prominence, so expansive our fortune, that it has been called the ''American century.''

For many others around the world, however, the experience of that same period of time was quite different. Universally hailed at its beginning as an era of peace and progress, the 20th century proved to be the bloodiest and most savage in human history.

Tens of millions perished; scores of cities were obliterated, continents were more thoroughly ravaged by modern warfare than any other long-ago barbarian could have dreamed. In our present-day complacency, it is easy to forget how razor thin were the margins by which our civilization survived, how close the enemies of the West came to winning.

So although it is right for us to be hopeful about the next century, we would do well to be mindful of these different experiences and to remember we are guaranteed nothing.

But neither are we at the mercy of chance. In large part, our fate will be determined by our own actions, both wise and foolish. Although we might wish by some simple stratagem to guarantee our success and safety, easy answers promise only to lull us into a deadly sleep.

The only certain advantage we can possess in meeting the future is to steel ourselves as best we can to meet its inevitable surprises. As the saying goes, fortune favors the well prepared.

If the United States were to advance confidently into the future, we require a sober foreign policy that rests upon a solid foundation, one whose prescriptions are rooted in reality. On that score, there is much to be done.

One area in particular that I intend to emphasize is the need to shift our policies away from an excessive focus on short-term problems and recast them towards the achievement of long-term goals. But that is a different task than that which engages us here today. First, we must start with laying a strong foundation. That process begins with this bill.

The President's budget request for the main State Department operating accounts identifies new priorities which support the U.S. State Department and its foreign policy platform. Notably, the budget increases focus on the Administration of Foreign Affairs accounts, which reflect a 19 percent increase over the current fiscal year.

I note the accounts covered in this bill are funded at or above the President's request. Among the bill's principal features: The bill authorizes funds requested by the Bush administration to enhance embassy security, undertake reform of workplace rules and make long-overdue improvements to the Department's less than state-of-the-art computer systems.

It clears the way for the transfer and sale of four *Kidd*-class destroyers to Taiwan, announced late last month by President Bush, a decision hailed by Members of both parties.

The bill also designates Taiwan as the equivalent of a non-NATO ally, a designation which, among other things, permits it to purchase surplus U.S. military equipment.

It creates a special envoy post for Sudan to work for a peaceful settlement of a conflict that has been marked by enormous human rights abuses, persecution of Christian and other minorities, and the deaths of an estimated 4 million people.

It increases funding for activities of the broadcast services of Radio Free Europe, Radio Liberty, Voice of America, Radio Marti, and Radio Free Asia to nations including Russia, Cuba, China, North Korea and Vietnam, whose government-run and controlled media routinely suppress the democratic aspirations of their people.

It significantly reduces the U.S. share of dues paid annually to the United Nations. Our assessed rate for the U.N. regular budget is cut from 25 percent to 22 percent, while the U.S. share of peacekeeping operations will drop from about 32 percent to 28 percent, effective January 1, 2001.

Further reductions in peacekeeping will take place on a sliding scale, reaching about 27.5 percent in July of this year and falling further to near 25 percent by 2006. As part of the agreement to reduce the percentage of the U.N. budget paid by the United States, the U.S. is obliged to pay an arrearage of $582 million primarily for peacekeeping operations. I should note these latter funds were appropriated last year.

It includes a provision from the Contract With America which amends the U.N. Participation Act of 1945 to ensure that no agreement deploying U.S. troops is effective without the approval of Congress.

In sum, the bill provides ample safeguard that the U.N. and its specialized agencies will stay on their present course of management, budget, and personnel reforms.

Now, these are some of the key aspects of this bill. Let me conclude by emphasizing one in particular; namely, that of security. The most important concerns the security of our people and diplomatic facilities around the world.

The State Department states that last year alone, there were over 50 significant incidents involving violence or intrusion at our diplomatic facilities. As the technologies of destruction available to the world's terrorists continue to grow, we cannot stand idly by, waiting for our self-declared enemies to finalize preparations for their next attack which is certain to happen somewhere.

The men and women of the Department of State and other agencies, serving their country far away from home in difficult and often dangerous conditions, deserve the fullest protection we can provide them and their families. We owe them at least that and much more.

For that reason, as well as many others I have laid before you, I urge my colleagues to support H.R. 1646 so that we may get on with the great task of preparing our foreign policy for the new century.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1646, the foreign relations authorization bill for fiscal year 2002 and 2003, as it was reported by our committee.

This is a good bill, Mr. Chairman, and I am proud to be a cosponsor with the gentleman from Illinois (Chairman HYDE), my good friend.

I am very pleased, Mr. Chairman, that the bill fully funds the administration's requests for the Department of State, including funding for upgrading embassy security and improving conditions for the men and women who serve our Nation in far-flung corners of the world.

The diplomatic profession has always been a difficult and dangerous one, but in recent decades the level and nature of threats facing our men and women overseas in the Diplomatic Corps has grown exponentially. The bombing of our embassy in Beirut in the 1980s and, more recently, the tragic bombings in Africa are only the latest and most dramatic examples of the threat and challenges facing our diplomats abroad.

The sad and disturbing fact is that Americans serving in our Diplomatic Corps face the same day-in and day-out threats to their safety as those men and women who serve our Nation in the military. In fact, since the end of World War II, more American Ambassadors have been killed in the line of duty than generals and admirals.

We have done an excellent job in equipping our military with the best and latest technology and equipment. As a result, Mr. Chairman, our military is the best-trained, best-equipped, best-led force in the world. But, unfortunately, we have not done the same for the men and women who serve on the front lines of diplomacy.

As Secretary Powell noted at his confirmation hearing, diplomacy is our first line of defense. We must ensure that this line of defense is as strong and as well equipped as our military defense.

We need to upgrade the technology and the security of our embassies. Our bill contains authorities and resources Secretary Powell has requested to help him do just that.

Frankly, Mr. Chairman, I had hoped that Secretary Powell would have been more ambitious in his request. Given his high standing in the Congress and in the country, I believe Congress would have supported a bolder request, but as he said in his hearing before our committee, there is always next year; which is why I am pleased that the bill provides flexibility for fiscal year 2003.

Mr. Chairman, there are a few important provisions contained in this bill

that I would like to highlight. First, this legislation goes a long way towards paying our past dues to the United Nations. Despite last week's deplorable vote on the U.N. Human Rights Commission, I still strongly support payment of these arrears.

The United Nations is an indispensable partner in our dealings around the globe, and we must not lose sight of that fact. However, I, along with the rest of my colleagues and with the bulk of the American people, am outraged by the vote last week that put the Sudan on the U.N. Human Rights Commission and took the United States off.

The United States has been the champion of human rights long before there was a U.N. Human Rights Commission or even a United Nations. We shall continue to champion human rights and chastise the abusers of those rights, regardless of our membership on any commission.

However, it is incomprehensible that any commission on human rights could include in its membership the worst abusers of human rights in the world. Last week's vote makes a mockery of the commission.

□ 1115

The gentleman from Illinois (Chairman HYDE) and I will introduce an amendment that will add a new condition on paying U.N. arrears. The United States will not pay off all of its arrears to the U.N. until the United States once again becomes a member of the U.N. Commission on Human Rights.

Turning to some other important provisions, this bill contains a significant provision introduced by the gentlewoman from California (Ms. LEE) that overturns the President's Mexico City policy. We will hear much about this provision from my colleagues as they argue that it funds abortions. While I strongly believe in a woman's right to choose, this provision has nothing to do with abortion. No U.S. Government money has gone towards funding abortion since 1973. It has been illegal since that year, and this bill does not change that.

Simply put, the provision of the gentlewoman from California (Ms. LEE) ensures that no foreign nongovernmental organization is denied our funding solely on the basis of health and medical services that it provides through non-U.S. government funds and that no foreign NGOs are restricted in using non-U.S. government funds for advocacy.

Our provision merely tries to safeguard that nongovernmental organizations in developing countries have the same rights to free speech that our Constitution guarantees to every American citizen and every American organization. I hope that in the spirited debate that is soon to follow, Members will keep this fact in mind.

Some other important elements of this bill include two provisions strengthening our relationship and commitment to Taiwan and the sense of the Congress provision urging U.S. reengagement with the Kyoto process regarding global climate change.

Lastly, Mr. Chairman, I was very pleased to work with the gentleman from Iowa (Mr. LEACH) in our successful effort to include the provision in the bill to have the United States rejoin UNESCO, the United Nations Educational Scientific and Cultural Organization.

When UNESCO was founded half a century ago, its slogan was, ''Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must first be constructed.'' This is as true today as it was the day UNESCO came into being. I earnestly hope that my colleagues will support our rejoining UNESCO which is so much in the American interest.

I also find it ironic that, while we are complaining of having been removed from the U.N. Human Rights Commission, we voluntarily remove ourselves from UNESCO where all we need to do is express our desire to rejoin.

This is a very good bill, Mr. Chairman. It is a bipartisan bill. Virtually every element of this bill has the support of some Republicans and some Democrats. This is in large part due to the leadership of the gentleman from Illinois (Chairman HYDE), and I want publicly to salute him for having conducted our hearings and the activities of the committee in a singularly fair and bipartisan fashion. I want to thank him for the open and collegial way in which he has brought this bill through the committee to this floor.

I hope my colleagues in the House will support the bill in the same bipartisan manner in which it was passed by our committee.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from California (Mr. LANTOS) for his overly generous comments. I can only respond by saying praise from Caesar is praise indeed.

Mr. Chairman, I yield 7 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the pending Foreign Relations Authorization Act crafted so ably by the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member.

I want to thank the gentleman from Illinois (Mr. HYDE) for his extraordinary leadership as chairman of the committee. I think we are off to a good start, and I commend him and thank him for his great leadership.

H.R. 1646, Mr. Chairman, authorizes a myriad of critical State Department functions, funding for international organizations, freedom broadcasting, democracy initiatives, public diplomacy, cultural and educational exchanges, refugee protection, and funding and conditions on such funding for the United Nations.

This legislation builds on our achievements in the last Congress regarding these issues and is especially important in strengthening security for our missions abroad. In light of the significant increase in threats to our personnel and embassies overseas, Congress has a sacred duty to ensure that every imaginable step be taken to make posting abroad as risk-free as humanly possible. This bill is a faithful attempt to achieve that goal.

Finally, the bill contains several disparate provisions from authorizing the transfer of naval vessels to Taiwan, Poland, Brazil, and Turkey; to the establishment of special envoys within the State Department to Tibet and Sudan; to promoting police reform & peace in Northern Ireland.

After general debate, Mr. Chairman, the House will consider several amendments; and today it is my understanding we will only be getting to the U.N. amendments, so I would like to address some of those briefly.

First, let me urge my colleagues to strongly support a modest compromise amendment to be offered by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) to condition the release of the third and final arrearage payment of $244 million, which would be released next year, on the U.S. reclaiming its seat on the U.N. Human Rights Commission.

Tragically, the U.N. Human Rights Commission, created to be a watchdog for human rights, has become seriously flawed and compromised. The membership includes some of the most egregious violators of human rights, including countries like China, Cuba, Syria, Libya, Vietnam, and Sudan.

This rogue's gallery of torturers, persecutors, and bullies exploit the commission process to avoid scrutiny and to deflect criticism of their barbarism. In Geneva, the home of the Commission, and in foreign capitals, they aggressively lobby and intimidate nations to effectively silence and paralyze any actions against them; and it works.

The U.S. resolution, for example, condemning China for its pervasive violations of human rights, lost from a no action vote just a few weeks ago. It is no coincidence, Mr. Chairman, that Jiang Zemin made a blitzkrieg tour of Latin American nations who just happened to be on the commission immediately prior to the vote to shore up his vote count. In the end, money, contracts, and fear prevailed; and China again got off scot-free from scrutiny and exposure for its abusing its own citizens.

Mr. Chairman, permitting dictatorships on the commission, the U.N. Human Rights Commission, which Mary Robinson, the High Commissioner, has called the conscience of humanity, is an outrage. Dictators like China and Cuba, they are not the conscience of humanity. That is an oxymoron, and they do not belong there.

It is time we demanded sweeping reform of the commission itself. At the absolute minimum, and this is reflected in section 603 of the bill, human rights monitors should have unfettered access to any country, including its prisons, who serve on the commission.

Next, I would like to urge Members to support the amendment of the gentleman from Texas (Mr. DELAY) because of the profoundly serious detrimental consequences the international criminal court would have on U.S. service men and women, especially our peacekeepers, and on elected and public officials.

Known as the Rome Statute of the International Criminal Court, 120 delegations voted to establish the tribunal in July of 1998. The Rome Statute, is comprised of 128 articles. Those who oppose it included the Clinton administration and six other nations, and there was some 21 countries that abstained.

Core crimes with expansive definitions include genocide, crimes against humanity, war crimes, and aggression. The problem is, Mr. Chairman, there are serious questions as to how the definitions of these crimes will play out.

For example, the definition of war crimes includes extensive destruction and appropriation of property. What is that? The term aggression, Mr. Chairman, is still in the process of being defined.

Then there is the issue of the independence of the prosecutor. Our delegation in Rome had sought a check and a balance that would have vested final authority in the U.N. Security Council. They lost. A more nuanced and problematic two-tier approach was adopted that confers considerable powers to the prosecutor to self-initiate prosecution.

There are problems of constitutionality. As Members know, both Federal laws and treaties entered into and ratified are subordinate to the U.S. Constitution. While the accused enjoy some U.S.-style rights, there are no protections from unreasonable searches, and there are no requirements for a trial by jury.

As we have seen at the United Nations Commission for Human Rights, there is considerable chance that rogue nations will have influence, and I would submit undue influence, in both prosecutions and convictions and in the meting out of sentences, thus subjecting U.S. military personnel and public officials to criminal prosecution that a reasonable person might not think to be a war crime or aggression.

Last July, I asked Ambassador Scheffer, who was our lead negotiator at Rome, and Undersecretary Slocombe if past U.S. military actions from the bombing in Tokyo to Dresden to Hiroshima to Nagasaki or any action in Korea or Vietnam might be construed as an actionable offense. He pointed out that the United States, looking back, would have a good defense if such cases, in my hypothetical case had been tried. Then he underscored that our concern is with politically motivated prosecutions.

I do not want to put our military men and women, our peacekeepers in harm's way. While this may be a well-intentioned court, it certainly has some very serious flaws. I think the amendment by the gentleman from Texas (Mr. DELAY) helps to rectify that, at least in terms of our participation.

Let me say that I take a back seat to no one for pushing for ad hoc tribunals. When the Rwandan as well as the Yugoslavia tribunal were in their infant stages, I offered the amendments in the committee to boost the funding; but it needs to be done on an ad hoc basis. And I do believe it needs to be done in a way that is more likely to lead to prosecution of serious war criminals and not these kinds of prosecutions that would be frivolous and unjust.

Mr. Chairman, I am also pleased that H.R. 1646 includes the Smith/King amendment regarding human rights and the peace process in Northern Ireland.

As adopted by the Committee, our amendment, now Section 203, updates and modifies a provision Mr. KING and I authored two years ago to ban Federal funds from being used to support training or exchange programs conducted by the Federal Bureau of Investigation for the Royal Ulster Constabulary (RUC, Northern Ireland's police force). Specifically, we are intent on ensuring that RUC members who are believed to have committed or condoned human rights violations, including any role in the murder of human rights attorneys Patrick Finucane or Rosemary Nelson, are ''vetted out'' or prohibited from any program sponsored or subsidized by the U.S. government. We hope that by example, those working on police reform in Northern Ireland will similarly isolate and ''vet out'' RUC members who condone human rights abuses. Section 203 of this new bill reinforces the ban on the funding—until the President certifies that human rights standards and vetting procedures are integrated into the program—and requires a report, within 60 days of enactment, on the scope of previous training programs.

Section 203 also requires a second report that outlines the extent to which the British government has implemented the 175 recommendations listed in the Patten Commission report on policing reforms in Northern Ireland including those recommendations that emphasize the integration of respect for human rights and emphasize efforts to recruit Catholics for the new police force. As you know, the RUC has proportionally far fewer Catholics than the population of Northern Ireland and the imbalance has underscored the RUC's inability to achieve confidence in all communities who are signatories to the peace process. The required report will also provide information on the integration of members of the Garda Siochana (the national police force of the Republic of Ireland) or other experienced police force applicants into the senior ranks of the RUC by both the British and Irish governments, as envisioned by the Patten report. As part of the Good Friday Agreement, the implementation of the full Patten report is critical to a just and lasting peace in Northern Ireland.

Finally, Mr. Chairman, Section 203 requires that the report also include information on the status of the murder investigations of defense attorneys Rosemary Nelson and Patrick Finucane and the murder of Robert Hamill. In April 1999, the House of Representatives passed by resolution (H. Res. 128) condemning the murder of Rosemary Nelson, who had testified before the International Relations Subcommittee on Human Rights on the status of police reform in Northern Ireland. The House is also on record calling for independent, RUC-free judicial inquiries into the Finucane and Nelson murders. To date, the British government has rebuffed the call, that has also been supported by numerous human rights organizations around the globe. The mandated report is designed to provide Congress with up-to-date information on these matters so that we can continue to effectively promote accountability and justice for these victims and their families.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I rise in support of this important legislation. I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, in particular, and my colleagues on the committee for making it possible to include in the bill various provisions that I have sponsored.

The bill includes a resolution I introduced in committee on the Kyoto Protocol that expresses the sense of the Congress that, first, global warming is a serious problem, and the United States must take responsible action to reduce emissions of carbon dioxide and other greenhouse gases from all sectors; and, second, that the United States continue to participate in ongoing international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol consistent with U.S. interest and respecting the integrity of the Protocol.

On another matter, last Thursday, the GAO reported that, despite years of effort from the Congress, the State Department has failed to make any significant progress in the recruitment and promotion of qualified minorities to senior management positions. I am glad to have developed language in this bill to ensure that the Department moves forward in its recruitment and promotion to senior most ranks of minorities. I have been working on this, this is my 9th year now, and I am glad to see the bill provides $2 million to increase minority recruitment into the Department and requires that a databank track its results. I urge the President and Secretary Powell to make sure that we obtain results at the State Department in minority recruiting and promotion.

This bill also provides the National Endowment for Democracy with a modest increase for the first time in years.

This vital and cost-effective organization promotes internationally our fundamental American values, democracy and human rights. Promoting these values overseas is in our national interest since democracies make peaceful allies and good trading partners and neither support terrorism nor proliferate dangerous weapons. By leading many efforts on the struggle for freedom worldwide, the NED enjoys strong bipartisan support as it advances our national security.

Finally, I urge my colleagues to support my amendment on the IAEA. Iran does not need a nuclear power plant or U.S. money to conduct a nuclear power plant and create a nuclear threat for that part of the world and for our country.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I rise in support of H.R. 1646, and I commend the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for their leadership in bringing this legislation to the floor.

This legislation would authorize $8.2 billion for the State Department and among other important items provides for the enhancement of embassy security, significantly reduces the U.S. share of dues paid annually to the United Nations, and states that Congress maintain its commitment to relocate the United States Embassy in Israel to Jerusalem.

□ 1130

In addition, the measure increases funding for U.S. broadcast services and requires the United States to oppose nations seeking membership on the United Nations Human Rights Commission that fail to permit monitoring of human rights in their own territory.

In particular, I would like to highlight a provision of this bill that authorizes $15 million for the Middle East Radio Network. I thank the gentleman from Illinois (Mr. HYDE) for his leadership and guidance in securing this funding and commend the gentleman from Florida (Mr. WEXLER) and the gentleman from California (Mr. SHERMAN) for their efforts on behalf of this bipartisan provision.

Currently, Voice of America Arabic only reaches about 2 percent of the population in this region, far behind the British Broadcasting Company and other major international networks. The Middle East Radio Network initiative will serve to broaden the opportunity for open discussion and individual freedom to a region where antidemocratic rhetoric is strong.

This measure will authorize the resources for Middle East Radio Network programming that will be a combination of news, music, talk, and interaction with listeners. Featuring reliable news and discussion of issues relevant to the audience, the Middle East Radio Network will appeal to young adults and to news seekers of all ages. Constant program themes will be individual choice and respect for others.

The MRN is a worthwhile program to promote Jeffersonian ideals and democratic principles. I would again like to thank the gentleman from Illinois (Mr. HYDE) for his support on this issue and Kristen Gilley of the committee staff for her assistance in drafting this provision.

Unfortunately, I remain concerned about several provisions in the bill that were approved during the committee markup for this legislation. Specifically, I opposed the Lee amendment overturning the Mexico City policy that prohibits the use of American tax dollars to fund foreign organizations that perform or actively promote abortion overseas. Under no circumstances should American taxpayers underwrite abortion activities in foreign countries.

In addition, I remain opposed to the Kyoto Protocol and UNESCO provisions, and I urge my colleagues to support elimination of these provisions from the bill.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to mention to my good friend from Virginia that not one dime of American taxpayer funds are devoted to abortion purposes abroad.

Mr. Chairman, I am delighted to yield 1½ minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my good friend and colleague.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I am honored to join my colleagues in strong support of H.R. 1646, the Foreign Relations Authorization Act. I certainly commend the gentleman from Illinois (Mr. HYDE), chairman of our Committee on International Relations, and the gentleman from California (Mr. LANTOS) for their leadership and cooperation which resulted in this exceptionally bipartisan legislation.

The bill contains an uncontested provision urging the administration to continue negotiation of the Kyoto Treaty on the global warming, despite President Bush's recent announcement to the contrary. Our colleagues understand that the American people view global climate change as a serious environmental challenge that must be addressed.

With only 4 percent of the world's population, our Nation accounts for almost 25 percent of the carbon dioxide released into the atmosphere, one of the main causes of global warming. Mr. Speaker, as the world's per capita leader in fossil fuel emissions, our Nation has a moral responsibility and duty to lead global efforts to address climate warming.

What is needed are binding commitments from all nations of the world to remedy the problem of global warming, and the Kyoto Protocol is the means by which a fair and equitable solution to this serious and environmental problem can be achieved.

I also want to commend both the chairman and the ranking member for including a provision expressing the sense of the Congress concerning the human rights problems of West Papua New Guinea, and especially also for the continuous funding of the East-West Center in Honolulu, Hawaii.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, foreign policy issues now matter even more on Chicagoland's Main Street. The Seattle paper said it when the stocktickers will now read ''The Chicago-based Boeing Company.'' On behalf of the people of the northern suburbs, I want to welcome the Boeing headquarters to our community. This move will make Chicago home to the Nation's number two exporter, Motorola, and now America's number one exporter, Boeing. Chicago, Illinois, America's export capital.

This move is a coups for the mayor of Chicago, our Governor and Speaker Hastert. It is a testament to our infrastructure investments in road, rail, and aviation. To win these battles in the future, we must continue such investments. Exporting jobs are the highest paid in America, and exports soften the blow of a recession and lead our way to economic growth. And Chicago is a toddling town tonight.

I rise to congratulate the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this important foreign policy bill to the Congress. I would like to thank specifically the gentleman from New Jersey (Mr. SMITH) for his support for international broadcasting and specifically for Radio Free Asia.

RFA, like its predecessor, Radio Free Europe, and Radio Liberty, provides a critical service to the people living under oppression. Currently, RFA broadcasts to seven Asian countries in nine languages. This bill includes an extension of an increased authorization, which the broadcasting board of governors received last year as part of the China Permanent Normal Trade relations bill. This increased funding for Radio Free Asia and Voice of America is desperately needed to combat the jamming practices of the Chinese Government.

During this time, when the U.S. is at a critical juncture with China, it is essential that various avenues are available to bring democracy to China and freedom to the Tibetan people and stability to the region. Radio Free Asia provides that very important link, a voice of democracy, freedom, and truth.

Radio Free Asia was the first to broadcast the Tiananmen Papers inside China, and it recently linked a Tibetan inside Tibet with the Dalai Lama's private secretary in Darmsala to discuss Commentary Tibetan Buddhism and provided critical news and information

to the Chinese during the recent plane incident.

I look forward to RFA's continued service to create an even greater audience to bring democracy and freedom to Asia. I strongly support this bill. I congratulate the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) and especially congratulate the gentleman from New Jersey (Mr. SMITH) on funding for Radio Free Asia.

Mr. LANTOS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE), a valued member of the committee, and my friend and colleague.

Ms. LEE. Mr. Chairman, I rise today in strong support of H.R. 1646, as it passed out of committee with strong bipartisan support. I want to thank our chairman, the gentleman from Illinois (Mr. HYDE), and especially our ranking member, the gentleman from California (Mr. LANTOS), for their leadership. But I urge my colleagues to oppose the Hyde-Smith amendment, which will be offered next week, to strike our bipartisan pro-family planning language incorporated in the bill during our committee hearing.

This amendment added the text of H.R. 755, the bipartisan Lowey-Greenwood-Pelosi-Shays Global Democracy Promotion Act. Now, the Hyde-Smith amendment will eliminate vital family-planning funds. This is for family-planning services. This amendment will eliminate this totally as it relates to our nongovernmental organizations that use their own privately raised funds for their own health care and counseling services.

And I want to remind my colleagues once again that per the 1973 Helms amendment, no United States funds, that is zero, no United States taxpayer funds go to fund abortions overseas. So we must defeat the Hyde-Smith amendment next week to ensure that women overseas have access to vital health care services that they need, and also which amounts to really the same health care services women in our own country are entitled to. Family-planning services are essential for the prevention of the spread of sexually transmitted diseases, including HIV and AIDS, which kills 7,000 people a day.

I also support this bill because it includes a bipartisan measure urging the United States to complete the Kyoto process and address the problems of global warming. I am proud to stand with my colleagues, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Florida (Mr. HASTINGS), and the gentleman from American Samoa (Mr. FALEOMAVAEGA), in recognizing these dangers and in crafting the bipartisan global climate change amendment.

This amendment is so important. It incorporates many of the provisions of the language of my resolution, H.R. 117, the Carbon Dioxide Emissions and Global Climate Change Act. It is very important in terms of our leadership in the world with regard to the reduction of greenhouse gases. As passed by the committee, this bill helps create a more forward-thinking foreign policy that truly advances our values, protects human rights, preserves the environment, and promotes peace.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL), a valued member of the committee.

Mr. HOEFFEL. Mr. Chairman, I rise in strong support of the State Department authorization bill. Under the terms of this bill, we will rejoin the Kyoto Treaty negotiation on global warming, as we should; we will pay our dues to the United Nations, as we should; we will rejoin UNESCO, as we should; and we will lift the gag rule on international family planning, as we should.

I would like to point out two additional things that I sponsored in the committee. With the bipartisan support of the gentleman from Illinois (Mr. HYDE) and the leadership of our ranking member, the gentleman from California (Mr. LANTOS), these measures were included in the bill.

First, requiring the State Department to conduct a 5-year strategic study of our arms control and nonproliferation program; and, secondly, for the Bush administration to undertake a policy review of our relations with China. Both of these are needed with the talk of unilateral deployment of a national missile defense and the unilateral reductions in the number of warheads. It is time for us to have a 5-year strategic plan developed and publicized, and I ask for approval of this bill.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), my friend and colleague.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this bill. I wish to congratulate the chairman, the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from California (Mr. LANTOS), for their leadership. It has some important measures that will improve the United States' standing in the international community.

The bill incorporates the Lee language, which successfully repeals the antiwoman, antidemocratic global gag rule. And the bill contains a provision which would urge the administration to continue negotiations on the Kyoto Treaty. Finally, the bill authorizes the release of the second and third installments of a 3-year $926 million schedule of back payment of U.S. dues to the United Nations.

I am very concerned about the Hyde-Lantos-Sweeney amendment, which will deny the U.N. its rightful U.S. dues. We made a deal with the U.N., and now we want to go back on our word because the U.N. voted us off the Human Rights Commission. This really is not logical. The U.N. did not remove the U.S. from the Human Rights Commission, the action was made by the 54 member states of the U.N. Economic and Social Council. And to quote the Los Angeles Times, ''It is hard to conceive of anything more foolish than making a payment of a legitimate debt conditional on action by a subsidiary of the U.N. body.''

Mr. Chairman, I urge a ''no'' vote on this particular amendment, a ''yes'' vote on the underlying bill.

Mr. HYDE. May I inquire how much time I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has 10 minutes remaining, and the gentleman from California (Mr. LANTOS) has 13½ minutes remaining.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time. Let me just respond very briefly. I thought we would be having this debate next week, but the Hyde-Barcia-Smith-Oberstar amendment has been mentioned several times and a response is warranted.

Unfortunately, the underlying language that was adopted in committee would reverse the Bush-Mexico City policy. As a matter of historical record, I have been offering the pro-life language since 1984. We have never won, not once, in the Committee on International Relations; but this House in every instance has overturned what the committee had done in every instance as well. So I think that is important to point out, that at the end of the process, the House votes to uphold the Mexico City Policy.

It is simply inaccurate, to say we do not pay for abortions, when we fund abortion organizations overseas. It is a bookkeeping ploy to fund organizations that fund abortions. We are not fooled. The issue comes down to this: how important are the unborn children? Are they important or are they not?

□ 1145

If we are talking about discrimination or some other issue, we would say that we want to have conditions that would not give money to the organization if it discriminates, even if the nongovernmental organization did something that was laudable, like feeding the hungry. If they practiced discrimination as well, we would simply say thanks, but no thanks; we will find another nongovernmental organization.

The Mexico City policy works this way, and has worked well. During the Reagan and Bush years, when we had this policy in effect for about 9 years, 350 nongovernmental organizations that provide family planning, including 57 international Planned Parenthood affiliates, accepted the pro-life safeguards and provided family planning. We established a wall of separation between family planning and abortion.

Abortion, the killing of an unborn child, is not family planning. We have

$425 million currently being used for family planning. That would not be reduced by even one penny, as a result of the Mexico City policy. Every dime will go to NGOs and programs that provide family planning, but not abortion. That is what this is all about.

Mr. Chairman, I would hope that Members next week would vote for the Hyde-Barcia-Smith-Oberstar amendment.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a valued member of the committee.

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

Mr. BLUMENAUER. Mr. Chairman, I salute the work that the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have done in moving forward this critical framework for how the Department of State is going to operate. I do appreciate the words that we heard from the Secretary of State, Colin Powell. I think there is going to be a lot of potential progress, and it is embodied in this legislation.

Mr. Chairman, there are two things that I would refer to in the context here. Number one, I am very pleased with the language that has been added to encourage the United States to participate in the implementation of the Kyoto Protocol. I think it is absolutely critical that the United States not abrogate its leadership in issues of the global environment and climate change. I am one of those people who does not sit back, and I am saying that global warming is a problem for the planet. I think the Federal Government should take steps to mitigate the impact of global climate change. Our planet has already warmed by over a degree in the last 100 years. Sea level has risen between 4 and 8 inches. The problems are predicted to be much, much worse.

Mr. Chairman, today more than 50 percent of our Nation's population lives within 30 miles of the coast. If we have increased raising of sea level, increased dramatic climate incidents, heavy rainfall, these are things that are going to be more and more serious for all of our citizens.

Mr. Chairman, Congress can help in many ways, keeping this language in the resolution, and then by stepping forward to do simple, commonsense things to reduce the consumption of energy. A simple one-half mile per gallon improvement in vehicle mileage would be the energy equivalent of what we would drill in ANWR, and would not only protect energy but protect the climate.

Mr. Chairman, I hope that we keep this language in, and I strongly urge its adoption.

Mr. Chairman, the programs and budget contained within the State Department impact the lives of thousands of federal employees, millions of American citizens both at home and abroad, and the diplomatic relations between the United States and the rest of the world. Few other federal agencies that Congress works with have such an impact on our nation's economy, security, and livability.

I have a great interest in bringing about common-sense practices in the planning and management of our overseas buildings infrastructure. I am impressed with the business-like approach being taken by General Chuck Williams (US Army Corps of Engineers, Ret.), Chief Operating Officer for the State Department's Office of Foreign Building Operations and I look forward to working with him on some needed reforms. He has instigated a long-range planning process which will allow us to gain greater value for our investment of resources.

There are some statutory changes that need to be made in order to best assure that our 260 diplomatic missions located in some 130 countries have appropriate facilities to achieve our foreign policy objectives. We must provide all 20,000 employees at our missions with safe, secure, and functional facilities. I want to begin a dialogue on this topic to prepare to make needed changes.

General Williams has done yeoman's work in the short time since he was appointed March 12 and we are just getting started in bringing about these practical reforms. I am working with my colleagues to incorporate needed language into the conference report on this bill. The language that is needed in the conference report on this bill should accomplish the following:

(1) Allow the Office of Foreign Buildings Operations to be a stand-alone organization within the State Department as Secretary Powell has proposed, (2) Transfer the office into a results-based organization, and (3) Create a rent or capital surcharge program to require agencies to share in the cost of secure overseas facilities for their personnel.

Congress can play a constructive role in solving some of these problems. We can begin to make planning drive the funding and thereby help the State Department best do its job.

Mr. HYDE. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I would like to clarify a couple of points that the gentleman from New Jersey (Mr. SMITH) raised.

Mr. Chairman, let me first mention the purpose of family planning. Family planning's purpose is to allow information to be distributed to women with regard to pregnancy prevention. Family planning information, family planning education, family planning counseling, prevents abortions. Women in developing countries oftentimes are living off of very minimal resources and do not have a lot of money, and they only have maybe one or two health clinics within a radius of 500 or 600 miles. They need to learn how to space their children.

That is what this amendment incorporated in the committee is about. It is about preventing abortions through the use of family planning methods which provide information to women with regard to the spacing of their children and information with regard to how to prevent sexually transmitted diseases, including HIV and AIDS.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to very briefly make some short comments with respect to the Hyde-Lantos amendment that will be coming up later on.

First of all, I think it is very important that the United States speak loudly and clearly that nations such as Sudan and Libya and China that are on the human rights committee, that this is an outrageous and hypocritic designation and vote, when some of the biggest violators of human rights are on this commission. The United States needs to use its diplomacy, and it needs to use as leverage its position in the world to make a very strong statement in opposition to this.

However, we cannot oversimplify why we did not get on the commission. I think there are a variety of reasons for that. One, I think it is some reflection around the world of this so-called new foreign policy that the Bush administration has called aggressive unilateralism. Whether that be disagreement with our reluctance to be involved with AIDS or the Kyoto Protocol or the missile shield policy coming from the United States, other countries are having some reaction to this.

Secondly, we were maybe surprised and flat-footed in negotiating and trying to get the votes on this commission. France, Austria, and Sweden all outworked us. We finished fourth. This is not the United Nations saying the United States can or cannot get off. We had to lobby 54 other countries for this vote. We finished fourth. We did not lobby well.

Mr. Chairman, I think this is a balanced approach that the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) have arrived at. It does not overdo and potentially exacerbate the problem. It is a somewhat measured step, but I think we have to work harder to build coalitions in the future.

Mr. GILMAN. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on International Relations.

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time.

Shortly we will be considering an amendment labeled the American Servicemembers Protection Act. It purports to protect American soldiers from the dangers they allegedly face from the International Criminal Court. In fact, it would do the opposite. The authors of the amendment make two claims about the International Criminal Court, and both are false.

Mr. Chairman, the first is that the court does not guarantee due process.

Clearly they have never read the treaty. It contains perhaps the most extensive list of due process rights ever codified: the presumption of innocence, the right to counsel, the right to remain silent, the right to confront one's accusers, the privilege against self-incrimination; and that is just to start.

The critics also complain that the treaty does not provide for trial by jury. Well, under our Constitution, the right to a jury trial does not apply to military actions on foreign soil. And the last time I looked at the Uniform Code of Military Justice, the law that does apply to crimes by military personnel, it does not provide for trial by jury either.

The second false claim is that the treaty places American soldiers at risk of prosecution abroad. Not only does it not do this, it helps prevent it from happening.

Under the treaty, Americans charged with war crimes would be tried by our military courts, not the International Criminal Court. The court has no jurisdiction unless our government, the American Government, is unable or unwilling to prosecute. And that is the treaty's entire purpose. Not to replace national courts, but to ensure that crimes against humanity do not go unpunished when no legitimate justice system exists.

These provisions were added to the treaty at American insistence, and rightly so. The truth is that our soldiers are at greater risk today without the treaty. Today they can be prosecuted by any nation for actions within its borders. The treaty corrects this by giving primary jurisdiction over American soldiers to American courts.

Mr. Chairman, we have nothing to fear from this treaty and everything to gain, because we benefit from a world order that promotes stability, holds war criminals accountable, and it stems the rule of law. I hope that this amendment is rejected.

Mr. GILMAN. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Chairman, I rise today in protest of the gag rule and in support of the amendment of the gentlewoman from California (Ms. LEE) that would incorporate into the Global Democracy Promotion Act her amendment that came out of committee on a bipartisan vote of 26 to 22, that added to the Department of State authorization bill allowing discussions with regard to family planning.

This is a strong signal that our colleagues on both sides of the aisle realize that the gag rule is wrong-headed. If the gag rule was introduced in our country, it would unconstitutionally restrict free speech and limit the ability of men and women to plan their family. The Hyde-Barcia-Smith-Oberstar amendment would impose on other countries what would be illegal here. I urge my colleagues to vote no next week on this issue.

Mr. Chairman, the global gag rule places unjust restrictions on the way organizations outside the United States use their own money, effectively hampering their ability to provide information on family planning.

Mr. Chairman, I request the rest of my remarks be added into the RECORD.

We know that this policy of the Reagan, Bush, and now the second Bush administration has cost many lives and is a travesty that actually increases unintended pregnancies, illegal abortion, death, and disability.

The Bush administration has claimed that the gag rule prevents taxpayer money from supporting abortions abroad. Don't be fooled. These activities have not been eligible for U.S. funds for decades. What has suffered are programs that provide women, men and young people with the information and services they need to reduce unplanned pregnancies and control their own lives. Programs such as HIV prevention, informational materials and medical referrals, condoms, emergency contraception, telephone hotlines, as well as career advice, skills training, Internet sites on reproductive health, and self esteem training to encourage abstinence.

It is a principal position of policies of family planning groups such as the International Planned Parenthood Federation, that abortion is not a method of family planning. These groups are committed to reducing the numbers of abortions worldwide by ensuring that contraception is widely and safely available. The Bush administration reinstated the gag rule this year to pay back its pro-life campaign supporters. As reflected in its other policies, this is hypocrisy masquerading as compassion.

Real compassion means that we should not impose restrictions on women and men in other countries that disempower and undermine their efforts to extricate themselves from poverty. We know that the economic stability, and thus, the political stability of countries around the world increases when women and men are able to effectively plan their families. Let's show real compassion and real concern. Let's keep the Global Democracy Promotion Act and reject the Hyde amendment.

Mr. WOLF. Mr. Chairman, I appreciate the work of Chairman HYDE and the International Relations Committee to bring this legislation to the floor today. While the bill contains some language that remains to be debated and which is cause for concern, I rise in strong support of the provision calling for the creation of a special envoy post for Sudan.

This position is critical in the work for a just peace to a civil war that has claimed over two million lives, has displaced an estimated four million from their homes, and threatens another two million with death due to famine.

And while I applaud the International Relations Committee for including language calling for a special envoy to Sudan, I also today appeal to President Bush and Secretary Powell to be leaders of action, not just placaters of words. It is time for the administration to take action to appoint a high-profile special envoy who has the President's full backing and commitment to end the continuing atrocities in Sudan.

More people have died in Sudan in the past 15 years—then have died in Somalia, Kosovo, Rwanda and Bosnia combined. The most recent statistics available put the number of dead at 2.2 million. That's an additional 400,000 deaths since I spoke on this floor in June 1999 in support of a House resolution condemning the National Islamic Front (NIF) government and calling for a special envoy to end the suffering of innocent southern Sudanese people.

Well, we got a special envoy then, but unfortunately President Clinton never proved he was serious about ending the suffering. In fairness, that special envoy was not empowered by nor did he have access to the President. So the suffering has gone on and on.

It is time for a high-profile special envoy who has the backing of the President, Secretary of State, Congress and the will of the people to bring an end to the atrocities. It is time for the United States and the nations of the world to join together to end the genocide that is taking place in Sudan in the 21st century. One man concerned for the people of southern Sudan recently said, ''No one should be able to sit out a holocaust.''

As many in Congress noted nearly two years ago, millions of people are still starving in southern Sudan, kept alive only by the brave efforts of international humanitarian organizations, like World Vision, Save the Children, UNICEF and others. The World Food Program estimated last month that nearly 600,000 people in southern Sudan are in immediate danger of starving to death this summer alone and that 2.9 million are at risk of starvation and in need of assistance. The Khartoum government—which took power in a coup in 1989 and has intensified the war ever since—is waging genocide against the people of southern Sudan who are fighting for religious freedom and self-determination. The government continues to use relief food as a weapon against the people in the south who are mostly Christians or animists.

The word ''genocide'' is now the word used most commonly to describe what is taking place in Sudan. Since I spoke on this floor nearly two years ago in calling for a special envoy, the Committee on Conscience of the United States Holocaust Museum has issued a genocide warning for Sudan, Africa's largest country. In addition, the people of southern Sudan continue their familiarity with terms such as high-altitude bombings, abduction, slavery, famine, forced religious conversion and a new term that has appeared during the past 18 months, ''scorched earth.''

Government planes use high-altitude bombing to demolish civilian targets such as hospitals and terrorize the population. Russian-made Antonov bombers randomly bomb civilians day and night. Sometimes, just the sound and sight of an Antonov approaching a village will send the innocent scurrying into hiding. I personally witnessed this form of terrorism this past January during my trip to southern Sudan.

Videos of the aftermath of a government bombing of a marketplace were distributed to Congress this week. The video documents a savage attack that claimed innocent life. One Catholic Bishop asked me, why did the world stop the killing in Kosovo and not in Sudan: ''Is it because of our skin color?''

We know that women and children from southern Sudan are being sold into slavery.

They are kidnaped by slave raiders who sweep into destabilized regions following government attacks and capture women and children. It is clear that the government of Sudan tolerates, and even condones, these slave raids. Women and girls are used as concubines and domestic servants. Boys are used as farm hands, domestic servants and sometimes, sent to the front lines.

Former District of Columbia delegate, the Reverend Walter Fauntroy, and Joe Madison, a syndicated radio personality here in Washington, recently returned from Sudan where they witnesses 21st century slavery first hand. They recently spoke of their trip before a Congressional Human Rights Caucus hearing. Joe Madison noted that when he arrived in a slave camp, where 2,931 slaves were redeemed during his visit, he thought the scene before his eyes could have been staged for the movie ''Roots,'' except it was real. He and Delegate Fauntroy witnessed individual accounts of abuses many of the slaves suffered at the hands of their former slave masters.

They spoke to a 13-year old boy, who had been a slave since he was 8 and who had all his fingers cut off because he refused to clean a goat pen.

They met a 20-year old woman who had been enslaved for five years and was forced to have sex with her own brother while 12 men watched and later raped her.

They listened as another young woman explained how she had her throat cut and her breast burned because she refused to give up her baby to a slave master.

And finally, Joe Madison was numbed by the story of a young mother whose baby's throat was slit by a slave raider. The raider then cut the tottler's head off. The mother, after being raped, was forced to carry the head of her child on the march north where she was ordered by her slave master to throw the child's head into a fire. She remained a slave for several years.

Modern-day slavery in Sudan is just an airplane ride from the shores of America. There are real people with real stories and they are asking for our help. It would be easy for them to think that Americans don't care about what is happening to them. But, Americans do care.

My office, as do many others in Congress, continues to hear from citizens from across our nation expressing their outrage at these atrocities and they demand that our government do something about them. I recently received 68 letters from students at Olivet Nazarene University in Bourbonnais, Illinois, about their concern for the plight of the Sudanese people. These students, like many other citizens around the world, are saying, enough is enough. Do something to stop the suffering of these innocent people.

Slavery is only part of the problem in Sudan. Starvation is only part of the problem. Unfortunately, bombing of innocent men, women and children is only part of the problem.

Now, a new term is becoming the norm in southern Sudan. ''Scorched earth.'' Oil has been discovered in vast amounts during the past two years. The Khartoum government has begun aerial and ground attacks in and around the oil fields in an effort to eliminate any living thing that happens to inhabit the area. Oil companies from around the world are lining up to pump this ''blood oil'' to benefit the stock portfolios of their investors. For those who follow the situation in Sudan, names and terms such as the Nuba mountains, Heglig and Unity oil fields, upper Nile region, helicopter gun-ships, oil road, displacement, scorched earth and death are routinely reported in news accounts of the ongoing atrocities against humanity. It is estimated that the Khartoum government is bringing in an additional $500 million a year from its new-found resource. Most of these additional funds are going to double the military spending in Sudan so that the suffering can increase on those living in the south.

Nearly two years ago, I stated on this floor that, ''what is needed is a comprehensive, just and permanent solution to end the fighting—a solution which provides the people of Southern Sudan the ability to practice their faith as they choose and determine their future. All the people of Sudan are suffering at the hands of the NIF regime, but the people of southern Sudan have been the real losers.''

Now, sadly to say, since those words were spoken in June 1999, another 400,000 innocent lives have been lost. A special envoy was created, in name only, but without the full support of President Clinton or his administration. My colleagues, I encourage you to speak out and encourage President Bush and his new administration to do whatever it takes to end the suffering in Sudan that has gone on far too long.

Our nation has received many blessing over the past 225 years. Though things are not perfect, our citizens don't worry about their homes, schools or churches being bombed by their government. Our men, women and children are not sold into slavery or starved because of their religious beliefs. Our nation was founded on religious principles. Luke 12:48 reminds us that to whom much is given, much is expected.

The United States can and must do more to facilitate the negotiation of a just peace in Sudan. The innocent in southern Sudan and those in the world who support the principles of freedom; life, liberty and the pursuit of happiness, are counting on this administration to make a serious effort to bring peace to Sudan in 2001.

Again, I thank Chairman HYDE and the committee for the work on this bill.

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the Lee language included in this bill. President Bush's gag rule is a destructive policy that threatens women's health around the world.

This is not about abortion or protecting the tax money of the American people. This is about the fact that each year, more than 600 thousand women die of pregnancy-related deaths that are preventable.

This is about the fact that more than 150 million married women in developing nations want contraceptives, but have no access to them.

This is about giving women an option, and some control over their lives. The Global Gag Rule does not prevent abortions. Instead, it forces women around the world to resort to life-threatening acts of desperation in the attempt to get rid of unwanted pregnancies.

Mr. Speaker I have met with family planning providers from across the world and they consider this aid to be the most important assistance they receive from the United States—especially the providers from the former Soviet Union and African nations. This is not about promoting abortion—it's about helping women and their families. Remember, foreign countries have been prohibited from using US funds for abortions since 1973.

Mr. Chairman, I urge my colleagues to support the Lee language in this billl.

Mr. LANTOS. Mr. Chairman, we have no additional speakers, and I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I submit for the RECORD an exchange of letters between Chairman STUMP and myself.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,

Washington, DC, May 4, 2001.

Hon. BOB STUMP,
Chairman, Armed Services Committee, House of Representatives, Washington, DC.

DEAR BOB: I am writing to you concerning the bill H.R. 1646, the Foreign Relations Authorization Act for Fiscal Years 2002 and 2003. The bill, in the form reported by the committee, contains language which falls within the Rule X jurisdiction of your Committee. Specifically, section 831, relating to international counterproliferation education and training activities and section 841, relating to the detail of uniformed military officers as munitions license review officers are provisions within your subject matter jurisdiction.

Due to the exigencies of time, I hereby request that your Committee waive the opportunity to request a referral of the bill. I will support appointment of conferees from your Committee on these or other related matters within your jurisdiction.

I appreciate your assistance in this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC May 3, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR HENRY: In recognition of the desire to expedite floor consideration of H.R. 1646, the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 1646, as ordered reported by the Committee on International Relations on May 2, 2001, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to rule X of the Rules of the House of Representatives. Both section 831, relating to international counterproliferation education and training activities, and section 841, relating to the detail of uniformed military officers as munitions license review officers, are of jurisdictional and substantive concern to this Committee.

While the Committee on Armed Services will not seek referral of the legislation, this Committee will continue to work with you as the House considers H.R. 1646, and in any subsequent conference with the Senate, to address these concerns in a mutually satisfactory manner.

The Committee on Armed Services takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill remains intact.

Sincerely,

BOB STUMP,
Chairman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1646

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 ''Foreign Relations Authorization Act, Fiscal Years 2002 and 2003''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DEPARTMENT.—The term ''Department'' means the Department of State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of State.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Diplomatic and Consular Programs'' of the Department of State, $3,705,140,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(B) LIMITATIONS.—

(i) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), $487,735,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 are authorized to be appropriated only for worldwide security upgrades.

(ii) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), $16,000,000 for the fiscal year 2002 and $20,000,000 for the fiscal year 2003 are authorized to be appropriated only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(iii) RECRUITMENT OF MINORITY GROUPS.—Of the amounts authorized to be appropriated by subparagraph (A), $2,000,000 for the fiscal year 2002 and $2,000,000 for the fiscal year 2003 are authorized to be appropriated only for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(iv) MOBILE LIBRARY FOR UNITED STATES INTERESTS SECTION IN CUBA.—Of the amounts authorized to be appropriated by subparagraph (A), $70,000 for the fiscal year 2002 and $70,000 for the fiscal year 2003 are authorized to be appropriated only for the establishment and operation of a mobile library at the United States Interests Section in Cuba primarily for use by dissidents and democracy activists in Cuba.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'' of the Department of State, $210,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—In addition to amounts otherwise authorized to be appropriated for ''Embassy Security, Construction and Maintenance'' by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 604 of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470), there are authorized to be appropriated for ''Embassy Security, Construction and Maintenance'', $475,046,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(4) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $9,000,000 for the fiscal year 2002 and $9,000,000 for the fiscal year 2003.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $15,500,000 for the fiscal year 2002 and $15,500,000 for the fiscal year 2003.

(6) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $29,264,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $17,044,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AMOUNTS AUTHORIZED TO BE APPROPRIATED.—For ''Protection of Foreign Missions and Officials'', $10,000,000 for the fiscal year 2002 and $10,000,000 for the fiscal year 2003.

(B) AVAILABILITY OF FUNDS.—Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount was appropriated.

(9) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,219,000 for the fiscal year 2002 and $1,219,000 for the fiscal year 2003, for administrative expenses.

SEC. 102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'', $7,452,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003; and

(B) for ''Construction'', $25,654,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $989,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $7,282,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $19,780,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

SEC. 103. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out international activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the ''Fulbright Academic Exchange Programs'' (other than programs described in subparagraph (B)), $125,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(ii) NEW CENTURY SCHOLARS INITIATIVE—HIV/AIDS.—Of the amounts authorized to be appropriated under clause (i), up to $1,000,000 for the fiscal year 2002 and up to $1,000,000 for the fiscal year 2003 are authorized to be available only for HIV/AIDS research and mitigation strategies under the Health Issues in a Border-Less World academic program of the New Century Scholars Initiative.

(iii) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available for ''Ngawang Choephel Exchange Programs'' (formerly known as educational and cultural exchanges with Tibet) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For other educational and cultural exchange programs authorized by law, $117,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $750,000 for the fiscal year 2002 and $750,000 for the fiscal year 2003 are authorized to be available for ''South Pacific Exchanges''.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available for ''East Timorese Scholarships''.

(iv) AFRICAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available only for ''Educational and Cultural Exchanges with Sub-Saharan Africa''.

(v) ISRAEL-ARAB PEACE PARTNERS PROGRAM.—Of the amounts authorized to be appropriated under clause (i), $750,000 for the fiscal year 2002 and $750,000 for the fiscal year 2003 are authorized to be available only for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the ''Israel-Arab Peace Partners Program''.

(vi) SUDANESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), $500,000 for the fiscal year 2002 and $500,000 for the fiscal year 2003 are authorized to be available only for scholarships for students from southern Sudan for secondary or postsecondary

education in the United States, to be known as ''Sudanese Scholarships''.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—For the ''National Endowment for Democracy'', $36,000,000 for the fiscal year 2002 and $40,000,000 for the fiscal year 2003.

(3) REAGAN-FASCELL DEMOCRACY FELLOWS.—For a fellowship program, to be known as the ''Reagan-Fascell Democracy Fellows'', for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans, $1,000,000 for the fiscal year 2002 and $1,000,000 for the fiscal year 2003.

(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—For ''Dante B. Fascell North-South Center'' $4,000,000 for the fiscal year 2002 and $4,000,000 for the fiscal year 2003.

(5) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the ''Center for Cultural and Technical Interchange between East and West'', $13,500,000 for the fiscal year 2002 and $13,500,000 for the fiscal year 2003.

SEC. 104. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated under the heading ''Contributions to International Organizations'' $944,067,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) UNESCO.—

(A) Of the amounts authorized to be appropriated under paragraph (1), $59,800,000 for the fiscal year 2002 and $59,800,000 for the fiscal year 2003 is authorized to be appropriated only for payment of assessed contributions of the United States to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

(B) Of the amounts authorized to be appropriated under paragraph (1) for the fiscal year 2002, $5,500,000 is authorized to be appropriated only for payments to the UNESCO Working Capital Fund.

(b) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—Of the amounts authorized to be appropriated under the heading ''Contributions to International Organizations'' for fiscal year 2002 and for each fiscal year thereafter such sums as may be necessary are authorized for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(c) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 2002–2003 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the International Criminal Court.

(d) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 and 2003 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(e) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

SEC. 105. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated under the heading ''Contributions for International Peacekeeping Activities'' $844,139,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

SEC. 106. GRANTS TO THE ASIA FOUNDATION.

Section 404 of the Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

''SEC. 404. There are authorized to be appropriated to the Secretary of State $15,000,000 for the fiscal year 2002 and $15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.''.

SEC. 107. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State for ''Voluntary Contributions to International Organizations'', $186,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(b) LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), $5,000,000 for the fiscal year 2002 and $5,000,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a), $240,000 for the fiscal year 2002 and $240,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the Organization of American States for the Office of the Special Rapporteur for Freedom of Expression in the Western Hemisphere, solely for the purpose of conducting investigations, including field visits, to establish a network of nongovernmental organizations, and to hold hemispheric conferences, of which $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Cuba, $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Peru, $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Colombia, and $6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Haiti.

(c) RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2002 and 2003 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(d) UNICEF.—There is authorized to be appropriated $120,000,000 for the fiscal year 2002 for a United States voluntary contribution to UNICEF.

(e) ORGANIZATIONS AND PROGRAMS THAT SUPPORT COERCIVE ABORTION OR INVOLUNTARY STERILIZATION.—None of the funds authorized to be appropriated by this Act may be made available to any organization or program which, as determined by the President of the United States, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization.

(f) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 108. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State for ''Migration and Refugee Assistance'' for authorized activities, $817,000,000 for the fiscal year 2002 and $817,000,000 for the fiscal year 2003.

(2) LIMITATIONS.—

(A) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2002 and $2,000,000 for the fiscal year 2003 are authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), $60,000,000 for the fiscal year 2002 and $60,000,000 for the fiscal year 2003 are authorized to be available only for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), $2,000,000 for the fiscal year 2002 and $2,000,000 for the fiscal year 2003 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

Subtitle B—United States International Broadcasting Activities

SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For ''International Broadcasting Operations'', $428,234,000 for the fiscal year 2002, and such sums as may be necessary for the fiscal year 2003.

(B) LIMITATIONS.—

(i) TRANSMISSION FACILITIES IN BELIZE.—Of the amounts authorized to be appropriated under subparagraph (A), $750,000 for the fiscal year 2002 is authorized to be appropriated only for enhancements to and costs of transmission from the facilities in Belize.

(ii) RADIO FREE ASIA.—Of the amounts authorized to be appropriated under subparagraph (A), $30,000,000 for the fiscal year 2002 and $30,000,000 for the fiscal year 2003 are authorized to be appropriated only for ''Radio Free Asia''.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For ''Broadcasting Capital Improvements'', $16,900,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $25,000,000 for the fiscal year 2002 and $25,000,000 for the fiscal year 2003.

(b) CONTINUATION OF ADDITIONAL AUTHORIZATION FOR BROADCASTING TO THE PEOPLE'S REPUBLIC OF CHINA AND NEIGHBORING COUNTRIES.—Section 701 of Public Law 106–286 (22 U.S.C. 7001) is amended—

(1) in subsection (a) by striking ''2001'' and inserting ''2002''; and

(2) in subsection (b)(1) by striking ''2001 and 2002'' and inserting ''2001, 2002, and 2003''.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF AMERICA.—In addition to such amounts as are made available for the Middle East Radio Network of Voice of America pursuant to the authorization of appropriations under subsection (a), there is authorized to be appropriated $15,000,000 for the fiscal year 2002 for the Middle East Radio Network of Voice of America.

Subtitle C—Global Democracy Promotion Act of 2001

SEC. 131. SHORT TITLE.

This title may be cited as the ''Global Democracy Promotion Act of 2001''.

SEC. 132. FINDINGS.

The Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the ''right of the people peaceably to assemble, and to petition the government for a redress of grievances'' is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

SEC. 133. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

TITLE II—AUTHORITIES AND ACTIVITIES OF THE DEPARTMENT OF STATE

Subtitle A—Basic Authorities and Activities

SEC. 201. CONTINUATION OF REPORTING REQUIREMENTS.

(a) REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''seventh'' and inserting ''eleventh''.

(b) REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''September 30, 2001,'' and inserting ''September 30, 2003,''.

(c) RELATIONS WITH VIETNAM.—Section 2805 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''September 30, 2001,'' and inserting ''September 30, 2003,''.

(d) REPORTS ON BALLISTIC MISSILE COOPERATION WITH RUSSIA.—Section 2705(d) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking ''and January 1, 2001,'' and inserting ''January 1, 2001, January 1, 2002, and January 1, 2003''.

SEC. 202. CONTINUATION OF OTHER REPORTS.

(a) SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.—Section 704(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 704(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113, appendix G; 113 Stat. 1501A–460) is amended by striking ''and 2001,'' and inserting '', 2001, 2002, and 2003,''.

(b) REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.—Section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470) is amended by striking ''October 1, 2001,'' and inserting ''October 1, 2003,''.

SEC. 203. ROYAL ULSTER CONSTABULARY TRAINING.

(a) REPORT ON PAST TRAINING PROGRAMS.—Section 405(b) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–447) is amended in the matter preceding paragraph (1)—

(1) by striking ''The President'' and inserting ''Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President''; and

(2) by striking ''during fiscal years 1994 through 1999'' and inserting ''during each of the fiscal years 1994 through 2000''.

(b) REPORT ON RELATED MATTERS.—Section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

''(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

''(2) The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.''.

(c) CONFORMING AMENDMENTS.—Section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, as amended by subsections (a) and (b), is further amended—

(1) in subsection (a)—

(A) by striking ''the report required by subsection (b)'' and inserting ''the reports required by subsections (b) and (c)''; and

(B) by striking ''subsection (c)(1)'' and inserting ''subsection (d)(1)''; and

(2) in subsection (d)(2) (as redesignated)—

(A) in the heading, by striking ''2001'' and inserting ''2003''; and

(B) by striking ''2001'' and inserting ''2003''.

SEC. 204. REPORT CONCERNING ELIMINATION OF COLOMBIAN OPIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) There is a growing heroin crisis in the United States resulting from increasingly cheap, pure, and deadly heroin flooding into this country, much of it from Colombia.

(2) Interdicting heroin entering the United States is difficult, in part because it can be trafficked in such small quantities.

(3) Destruction of opium, from which heroin is derived, at its source in Colombia is traditionally one of the best strategies to combat the heroin crisis according to Federal law enforcement officials.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, shall submit to the Congress a report which outlines a comprehensive strategy to address the crisis of heroin in the United States due to opium originating from Colombia including destruction of opium at its source.

SEC. 205. REPEAL OF PROVISION REGARDING HOUSING FOR FOREIGN AGRICULTURAL ATTACHE.

Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–34) is repealed.

SEC. 206. HUMAN RIGHTS MONITORING.

Funds authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor pursuant to section 101(1)(B)(ii) are authorized to be available to fund positions at United States posts abroad that are primarily responsible for following human rights developments in foreign countries and that are assigned at the recommendation of such bureau in conjunction with the relevant regional bureau.

SEC. 207. CORRECTION OF FISHERMEN'S PROTECTIVE ACT OF 1967.

Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(A)(3)) is amended by striking ''Secretary of Commerce'' and inserting ''Secretary of State''.

SEC. 208. INTERNATIONAL LITIGATION FUND.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsection:

''(e) RETENTION OF FUNDS.—

''(1) IN GENERAL.—To reimburse the expenses of the United States Government in preparing or prosecuting a claim against a foreign government or other foreign entity, the Secretary of State shall retain 1.5 percent of any amount between $100,000 and $5,000,000, and one percent of any amount over $5,000,000, received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).

''(2) TREATMENT.—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).''.

SEC. 209. EMERGENCY EVACUATION SERVICES.

Section 4(b)(2)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(A)) is amended to read as follows:

''(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of (i) United States Government employees and their dependents, and (ii) private United States citizens or third-country nationals, on a reimbursable basis to the extent feasible, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended. No reimbursement shall be required which is greater than the amount the person evacuated would have been charged for a commercial air fare at the lowest rate available immediately prior to the onset of the war, civil unrest, or natural disaster giving rise to the evacuation;''.

SEC. 210. IMPLEMENTATION OF THE INTERCOUNTRY ADOPTION ACT OF 2000.

The Secretary of State, acting through the Assistant Secretary of State for Consular Affairs, shall consult with the appropriate congressional committees on a regular basis on the implementation of the Intercountry Adoption Act of 2000 (Public Law 106–279; 42 U.S.C. 14901 et seq.).

SEC. 211. REPORT CONCERNING THE EFFECT OF PLAN COLOMBIA ON ECUADOR.

(a) FINDINGS.—The Congress makes the following findings:

(1) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of particular concern. It faces the Colombian Putumayo zone, where there is no presence of military or law enforcement personnel.

(2) Activities relating to the implementation of Plan Colombia have resulted in incursions on Ecuadorian territory by drug traffickers and guerrilla and paramilitary groups from Colombia and a concomitant increase in the levels of violence and delinquency. Recent kidnappings of American and other foreign nationals, as well as discoveries of clandestine cocaine laboratories, are especially troublesome.

(3) Ecuador is receiving an influx of Colombian refugees and its own indigenous communities have been displaced from their ancestral villages.

(4) Ecuador has demonstrated its moral and political commitment in the fight against drugs. The agreement signed in November 1999 with the United States to establish a forward operating location in Manta is a clear sign of this active stance.

(5) Ecuador is implementing a comprehensive program aimed at reinforcing its security mechanisms in the northern border, as well as converting the area into a buffer zone of peace and development.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, shall submit to Congress a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.

SEC. 212. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with 162 countries. Approximately 25 countries do not have any diplomatic relations with Israel and another 4 countries have only limited relations.

(3) The government of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After 52 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report which includes the following information (in classified or unclassified form, as appropriate) to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary of State from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

SEC. 213. REPORTS ON ACTIVITIES IN THE REPUBLIC OF COLOMBIA.

(a) REPORT ON REFORM ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department of State in the Republic of Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

(2) CONTENTS.—Each such report shall contain the following:

(A) A summary of activities described in paragraph (1) during the previous 180-day period.

(B) An estimated timetable for the conduct of such activities in the subsequent 180-day period.

(C) An explanation of any delays in meeting timetables contained in previous reports submitted in accordance with this subsection.

(D) An assessment of steps to be taken to correct any delays in meeting such timetables.

(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

(1) DECLARATION OF POLICY.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in the Republic of Colombia by United States businesses that have entered into agreements with the Department of State to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than March 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements with the Department of State to carry out counternarcotics activities in the Republic of Colombia.

(3) CONTENTS.—Each such report shall contain the following:

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department of State to each such business for such activities.

(C) A written statement justifying the decision by the Department of State to enter into an agreement with each such business for such activities.

(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) DEFINITION.—In this subsection, the term ''United States business'' means any corporation, partnership, or other organization that employs 3 or more individuals and is organized under the laws of the United States.

Subtitle B—Consular Authorities

SEC. 231. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended in the first sentence of paragraph (3)—

(1) by striking ''2001, and 2002,'' and inserting ''2001, 2002, and 2003,''; and

(2) by striking ''and $316,715,000 for fiscal year 2002'' and inserting ''$414,000,000 for fiscal year 2002, and $422,000,000 for fiscal year 2003,''.

SEC. 232. ESTABLISHMENT OF A CONSULAR BRANCH OFFICE IN LHASA, TIBET.

The Secretary of State shall make best efforts to establish a branch office in Lhasa, Tibet, of the United States Consulate General in Chengdu, People's Republic of China, to monitor political, economic, and cultural developments in Tibet.

SEC. 233. ESTABLISHMENT OF A DIPLOMATIC OR CONSULAR POST IN EQUATORIAL GUINEA.

The Secretary of State shall establish a diplomatic or consular post in Equatorial Guinea.

SEC. 234. PROCESSING OF VISA APPLICATIONS.

It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant K–1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

SEC. 235. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) CONGRESSIONAL STATEMENT OF POLICY.—The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel.

SEC. 236. DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.

(a) DENIAL OF VISAS TO PERSONS SUPPORTING COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC); or

(2) has willfully conspired to allow, facilitate, or promote the illegal activities of any group listed in paragraph (1).

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that issuance of a visa to the alien is necessary to support the peace process in Colombia, for urgent humanitarian reasons, for significant public benefit, or to further the national security interests of the United States.

Subtitle C—Migration and Refugees

SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) MIGRATION AND REFUGEE ASSISTANCE.—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term ''to effect the involuntary return'' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 252. REPORT ON OVERSEAS REFUGEE PROCESSING.

(a) REPORT ON OVERSEAS REFUGE PROCESSING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report on overseas processing of refugees for admission to the United States.

(b) CONTENTS.—The report shall include the following detailed information:

(1) United States procedures for the identification of refugees who are particularly vulnerable or whose individual circumstances otherwise suggest an urgent need for resettlement, including the extent to which the Department now insists on referral by the United Nations High Commissioner for Refugees as a prerequisite to consideration of such refugees for resettlement in the United States, together with a plan for the expanded use of alternatives to such referral, including the use of field-based nongovernmental organizations to identify refugees in urgent need of resettlement.

(2) The extent to which the Department makes use in overseas refugee processing of the designation of groups of refugees who are of special concern to the United States, together with the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.

(3) The extent to which the United States currently provides opportunities for resettlement in the United States of individuals who are close family members of citizens or lawful residents of the United States, together with the reasons for any decline in the extent of such provision over the last 10 years and a plan for expansion of such opportunities in the future.

(4) The extent to which opportunities for resettlement in the United States are currently provided to ''urban refugees'' and others who do not currently reside in refugee camps, together with a plan for increasing such opportunities, particularly for refugees who are in urgent need of resettlement, who are members of refugee groups of special interest to the United States, or who are close family members of United States citizens or lawful residents.

(5) The Department's assessment of the feasibility and desirability of modifying the Department's current list of refugee priorities to create an additional category for refugees whose need for resettlement is based on a long period of residence in a refugee camp with no immediate prospect of safe and voluntary repatriation to their country of origin or last permanent residence.

(6) The extent to which the Department uses private voluntary agencies to assist in the identification of refugees for admission to the United States, including the Department's assessment of the advantages and disadvantages of private voluntary agencies, the reasons for any decline in the Department's use of voluntary agencies over the last 10 years, and a plan for the expanded use of such agencies.

(7) The extent to which the per capita reception and placement grant to voluntary agencies assisting in resettlement of refugees has kept up over the last 10 years with the cost to such agencies of providing such services.

(8) An estimate of the cost of each change in current practice or procedure discussed in the report, together with an estimate of any increase in the annual refugee admissions ceiling that would be necessary to implement each change.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organizational Matters

SEC. 301. COMPREHENSIVE WORKFORCE PLAN.

(a) WORKFORCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a comprehensive workforce plan for the Department of State for the fiscal years 2002 through 2006. The plan shall consider personnel needs in both the civil service and the Foreign Service and expected domestic and overseas personnel allocations. The workforce plan should set forth the detailed mission of the Department, the definition of work to be done and cyclical personnel needs based on expected retirements and the time required to hire, train, and deploy new personnel.

(b) DOMESTIC STAFFING MODEL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall compile and submit to the appropriate congressional committees a domestic staffing model for the Department of State.

SEC. 302. "RIGHTSIZING" OVERSEAS POSTS.

(a) ''RIGHTSIZING'' AT THE DEPARTMENT OF STATE.—

(1) The Secretary of State shall establish a task force within the Department of State on the issue of ''rightsizing'' overseas posts.

(2) PRELIMINARY REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the task force.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of the Department with primary responsibility for the issue of ''rightsizing''.

(D) The plans of the Department for the reallocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C. area.

(3) PERIODIC REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary of State shall establish an interagency working group on the issue of ''rightsizing'' the overseas presence of the United States Government.

(2) PRELIMINARY REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which

outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the working group.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of each agency with primary responsibility for the issue of ''rightsizing''.

(3) PERIODIC REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).

SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.—

''(1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

''(2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

''(3) OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to international narcotics and law enforcement, or that officer's principal deputy, shall have substantial professional qualifications in the fields of management and Federal law enforcement.''.

SEC. 304. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

(a) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There shall be within the Department of State a United States Special Coordinator for Tibetan Issues.

(b) CONSULTATION.—The Secretary of State shall consult with the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to the designation of the special coordinator.

(c) CENTRAL OBJECTIVE.—The central objective of the special coordinator is to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives.

(d) DUTIES AND RESPONSIBILITIES.—The special coordinator shall—

(1) coordinate United States Government policies, programs, and projects concerning Tibet;

(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;

(3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People's Republic of China, and to Tibetan refugee settlements in India and Nepal;

(4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;

(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and

(6) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the special coordinator.

SEC. 305. UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by inserting after subsection (f) (as added by section 303 of this Act) the following new subsection (g):

''(g) UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.—

''(1) IN GENERAL.—There shall be within the Department of State a United States Special Envoy for Sudan Issues who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) DUTIES.—In addition to such duties as the President and Secretary of State shall prescribe, the envoy shall work for a peaceful resolution of the conflict in Sudan and an end to abuses of human rights, including religious freedom, in Sudan.''.

Subtitle B—Personnel Matters

SEC. 331. REPORT CONCERNING RETIRED MEMBERS OF THE FOREIGN SERVICE AND CIVIL SERVICE WHO ARE REGISTERED AGENTS OF A GOVERNMENT OF A FOREIGN COUNTRY.

The Secretary of State shall submit, annually, a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate which lists members of the Foreign Service and the civil service who have retired, have been issued an identification which authorizes access to facilities of the Department of State, and are registered under the Foreign Agents Registration Act of 1938 as an agent of a government of a foreign country. The report shall specify each individual and the governments represented by that individual.

SEC. 332. TIBETAN LANGUAGE TRAINING.

The Secretary of State shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to the consulate in China responsible for tracking developments in Tibet.

SEC. 333. DEPENDENTS ON FAMILY VISITATION TRAVEL.

(a) IN GENERAL.—Section 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(8)) is amended by striking ''Service'' and inserting ''Service, and members of his or her family,''.

(b) PROMULGATION OF GUIDANCE.—The Secretary shall promulgate guidance for the implementation of the amendment made by subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which guidance for implementation of such amendment is issued by the Secretary.

SEC. 334. THOMAS JEFFERSON STAR.

Section 36A of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708a) is amended—

(1) in the section heading by striking ''FOREIGN SERVICE'' and inserting ''THOMAS JEFFERSON''; and

(2) by striking ''Foreign Service star'' each place it appears and inserting ''Thomas Jefferson Star''.

SEC. 335. HEALTH EDUCATION AND DISEASE PREVENTION PROGRAMS.

Section 904(b) of the Foreign Service Act of 1980 (22 U.S.C. 4084(b)) is amended by striking ''families, and (3)'' and inserting ''families, (3) health education and disease prevention programs for all employees, and (4)''.

SEC. 336. TRAINING AUTHORITIES.

Section 2205(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of Public Law 105–277) is amended by striking paragraph (3).

SEC. 337. FOREIGN NATIONAL RETIREMENT PLANS.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking ''(C)'' and all that follows through ''covered employees.'' and inserting ''(C) payments by the Government and employees to (i) a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest and dividends for the benefit of covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary of State, at whose direction the Secretary of the Treasury shall invest amounts not required for the current needs of the fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.''.

SEC. 338. PRESIDENTIAL RANK AWARDS.

(a) COMPARABLE TO PAYMENTS TO MERITORIOUS EXECUTIVES AND DISTINGUISHED EXECUTIVES.—Section 405(b)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(3)) is amended by striking the second sentence and inserting ''Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of base pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the base pay established under section 4507(e)(2) of title 5, United States, Code, for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

SEC. 339. EMERGENCY MEDICAL ADVANCE PAYMENTS.

Section 5927(a)(3) of title 5, United States Code, is amended to read as follows:

''(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

''(A) pursuant to government authorization is located outside the country of employment; and

''(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.''.

SEC. 340. UNACCOMPANIED AIR BAGGAGE.

Section 5924(4)(B) of title 5, United States Code, is amended by inserting after the first sentence the following: ''At the option of the employee, in lieu of the transportation of the baggage of a dependent child from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee. The amount of the payment or reimbursement may not exceed the cost that the government would incur to transport the baggage.''.

SEC. 341. SPECIAL AGENT AUTHORITIES.

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended in paragraph (3)(F) by inserting ''or President-elect'' after ''President''.

SEC. 342. REPORT CONCERNING MINORITY EMPLOYMENT.

During each of the years 2002 and 2003, the Secretary of State shall submit a comprehensive

report to the Congress concerning the status of employment of members of minority groups at the Department of State, including the Civil Service, the Foreign Service, and State Department employees serving abroad. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;

(B) the numbers and percentages of members of all minority groups successfully completing and passing the written Foreign Service examination;

(C) the numbers and percentages of members of all minority groups successfully completing and passing the oral Foreign Service examination;

(D) the numbers and percentages of members of all minority groups entering the junior officers class of the Foreign Service;

(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

(F) the numbers of and percentages of members of all minority groups promoted at each grade of the Foreign Service Officer Corps.

(2) For the last preceding year for Civil Service employment at the Department of State for which such information is available—

(A) numbers and percentages of members of all minority groups entering the Civil Service;

(B) the number and percentages of members of all minority groups who are civil service employees at each grade of the Civil Service; and

(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.

SEC. 343. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.

(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 101(1)(B)(iii) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.

(2) LIMITATION.—Amounts authorized to be appropriated for minority recruitment under section 101(1)(B)(iii) may not be used to pay salaries of employees of the Department of State.

(b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.—The Secretary of State shall expand the recruitment efforts of the Department of State to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act) in the United States.

(c) EVALUATION OF RECRUITMENT EFFORTS.—The Secretary of State shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees annually on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. For each of the years 2002 and 2003, such a report may be part of the report required under section 342.

TITLE IV—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

SEC. 401. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.

Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended by striking ''for the fiscal year 2000'' and inserting ''for each of the fiscal years 2002 and 2003''.

SEC. 402. NONPROFIT ENTITIES FOR CULTURAL PROGRAMS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America's creative, visual and performing arts, is an especially effective means of advancing the United States national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 per cent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity, and vitality of the arts in the United States are presented to foreign audiences by, and in cooperation with, our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of corporations and other private sector contributors.

(7) The United States private sector should be encouraged to cooperate closely with the Secretary of State and representatives of the Department to expand and spread appreciation of United States cultural and artistic accomplishments.

(b) AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.—Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2255) is amended by striking subsection (g) and inserting the following:

''(g) NONPROFIT ENTITIES FOR CULTURAL PROGRAMMING.—

''(1) The Secretary of State is authorized to provide for the establishment of private nonprofit entities to assist in carrying out the purposes of this subsection. Any such entity shall not be considered an agency or instrumentality of the United States Government and employees of such an entity shall not be considered employees of the United States Government for any purpose.

''(2) An entity established pursuant to the authority of paragraph (1) may carry out the following:

''(A) Encourage participation and support by United States corporations and other elements of the private sector for cultural, arts, and educational exchange programs which will enhance international appreciation of America's cultural and artistic accomplishments.

''(B) Solicit and receive contributions from the private sector to support cultural, arts, and educational exchange programs.

''(C) Provide grants and other assistance for such programs.

''(3) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of any entity established pursuant to paragraph (1) including the following:

''(A) The solicitation and receipt of funds for an entity.

''(B) Designation of a program in recognition of such contributions.

''(C) Appointment of members of the board of directors or other body established to administer an entity, including the appointment of employees of the United States Government as ex officio nonvoting members of such a board or other administrative body.

''(D) Making recommendations with respect to specific artistic and cultural programs to be carried out by the entity.

''(4) For fiscal years 2002 and 2003, not to exceed $500,000 of funds available to the Department of State are authorized to be made available for each fiscal year for administrative and other costs for the establishment of entities pursuant to paragraph (1). An entity established pursuant to paragraph (1) is authorized to invest amounts made available to the entity by the Department of State, and such amounts, as well as interest or earnings on such amounts, may be used by the entity to carry out its purposes.

''(5) Each entity established pursuant to paragraph (1) shall submit an annual report on the sources and amount of funds and other resources received and the programs funded by the entity to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

''(6) The financial transactions of each entity established under paragraph (1) for each fiscal year shall be the subject of an independent audit. A report of each such audit shall be made available to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.''.

SEC. 403. FULBRIGHT-HAYS AUTHORITIES.

Section 112(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(d) is amended by striking ''operating under the authority of this Act and consistent with'' and inserting ''which operate under the authority of this Act or promote''.

SEC. 404. ETHICAL ISSUES IN INTERNATIONAL HEALTH RESEARCH.

(a) IN GENERAL.—The Secretary shall make available funds for public diplomacy and international exchanges, including, as appropriate, funds for international visitor programs and scholarships available under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961 and other similar statutes, to provide opportunities to researchers in developing countries to obtain scholarships and otherwise participate in activities related to ethical issues in human subject research, as described in subsection (b).

(b) ETHICAL ISSUES IN HUMAN SUBJECT RESEARCH.—For purposes of subsection (a), ''activities related to ethical issues in human subject research'' include courses of study, conferences, and fora on development of and compliance with international ethical standards for clinical trials involving human subjects, particularly with respect to responsibilities of researchers to individuals and local communities participating in such trials, and on management and monitoring of such trials based on such international ethical standards.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

SEC. 501. ELIMINATING STAFF POSITIONS FOR THE ADVISORY BOARD FOR CUBA BROADCASTING.

(a) ELIMINATING POSITION OF STAFF DIRECTOR.—

(1) Section 245 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465c note) is amended by striking subsection (d).

(2) Any funds made available through the elimination of the position under the amendment made by paragraph (1) shall be made available for broadcasting to Cuba.

(b) PROHIBITING PAID STAFF POSITIONS.—The Advisory Board for Cuba Broadcasting is not authorized to employ administrative or support staff who are compensated by the Advisory Board.

SEC. 502. REPORTS ON BROADCASTING PERSONNEL.

Not later than 3 months after the date of the enactment of this Act and every 6 months thereafter during the fiscal years 2002 and 2003, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report regarding high-level personnel of the Broadcasting Board of Governors and efforts to diversify the workforce. Each report shall include the following information, reported separately, for the International Broadcasting Bureau, Radio Free Europe/Radio Liberty, and Radio Free Asia:

(1) A list of all personnel positions at and above the GS–13 pay level.

(2) The number and percentage of women and members of minority groups in positions under paragraph (1).

(3) The increase or decrease in the representation of women and members of minority groups in positions under paragraph (1) from previous years.

(4) The recruitment budget for each broadcasting entity and the aggregate budget.

(5) Information concerning the recruitment efforts of the Broadcasting Board of Governors relating to women and members of minority groups, including the percentage of the recruitment budget utilized for such efforts.

SEC. 503. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Director of the International Broadcasting Bureau is authorized to establish a pilot program for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to civil service and classification laws, for service in the United States as broadcasters, producers, and writers in the International Broadcasting Bureau to respond to new or emerging broadcasting needs or to augment broadcast services.

(b) LIMITATION ON AUTHORITY.—The Director is authorized to use such pilot program authority subject to the following limitations:

(1) The Director shall determine that existing personnel resources are insufficient and the need is of limited or unknown duration.

(2) The Director shall approve each contract for a personal services contractor.

(3) The length of any personal services contract may not exceed 2 years, unless the Director finds that exceptional circumstances justify an extension of not more than 1 additional year.

(4) Not more than 50 United States citizens or aliens shall be employed at any time as personal services contractors under the pilot program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, 2005. A contract entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.

SEC. 504. PAY PARITY FOR SENIOR EXECUTIVES OF RADIO FREE EUROPE AND RADIO LIBERTY.

Section 308(h)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)) is amended—

(1) by inserting after subparagraph (B) the following new subparagraph:

''(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated to pay up to 2 employees employed in Washington, D.C. salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.''; and

(2) in subparagraph (A) by striking ''(B),'' and inserting ''(B) or (C),''.

SEC. 505. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.

The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by striking section 226; and

(2) by striking the item relating to section 226 in the table of sections.

TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

SEC 601. UNITED NATIONS ARREARS PAYMENTS AND REFORM.

(a) ADDITIONAL RESTRICTIONS ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES SOVEREIGNTY.—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be appropriated by section 911(a)(2) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) AMENDMENTS TO THE UNITED NATIONS REFORM ACT OF 1999.—The United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–475) is amended as follows:

(1) Section 912(c) is amended by striking ''section 911'' and inserting ''section 911(a)(3)''.

(2) Section 931(b) is amended by—

(A) striking paragraph (2); and

(B) redesignating paragraph (3) as paragraph (2).

(3) Section 941(a)(2) is amended—

(A) by striking ''also'';

(B) by striking ''in subsection (b)(4)'' both places it appears; and

(C) by striking ''satisfied, if the other conditions in subsection (b) are satisfied'' and inserting ''satisfied''.

(4) Section 941(b)(3) is amended—

(A) in the paragraph heading by striking ''NEW BUDGET PROCEDURES'' and inserting ''BUDGET PRACTICES'';

(B) by striking ''has established and'';

(C) by striking ''procedures'' and inserting ''practices''; and

(D) in subparagraphs (A) and (B) by striking ''require'' both places it appears and inserting in both places ''result in''.

(5) Section 941(b)(9) is amended—

(A) in the paragraph heading by striking ''NEW BUDGET PROCEDURES'' and inserting ''BUDGET PRACTICES'';

(B) by striking ''Each designated specialized agency has established procedures to—'' and inserting ''The practices of each designated specialized agency—''; and

(C) in subparagraphs (A), (B), and (C) by striking ''require'' each of the 3 places it appears such subparagraphs and inserting in the 3 places ''result in''.

(c) AMENDMENT TO UNITED NATIONS PARTICIPATION ACT.—Section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d) is amended to read as follows:

''SEC. 6. AGREEMENTS WITH SECURITY COUNCIL.

''(a) Any agreement described in subsection (b) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by appropriate Act or joint resolution.

''(b) An agreement referred to in subsection (a) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

''(c) Except as provided in section 7, nothing in this section may be construed as an authorization to the President by the Congress to make available United States Armed Forces, facilities, or assistance to the Security Council.''.

(d) AMENDMENT TO PUBLIC LAW 103–236.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) is amended—

(1) by striking ''for any fiscal year after fiscal year 1995'' and inserting ''for—

''(A) fiscal years 1996 through 2001, and any fiscal year after fiscal year 2003''; and

(2) by striking ''operation.'' and inserting ''operation; and

''(B) fiscal years 2002 and 2003 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 28.15 percent of the total of all assessed contributions for that operation.''.

(e) CONFORMING AMENDMENT TO PUBLIC LAW 92–544.—The last sentence of the paragraph headed ''Contributions to International Organizations'' in Public Law 92–544 (22 U.S.C. 287e note), is amended—

(1) by striking ''Appropriations are authorized'' and inserting ''Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236, 22 U.S.C. 287e note), as amended, appropriations are authorized''; and

(2) by striking ''(other than United Nations peacekeeping operations) conducted'' and inserting ''conducted by or under the auspices of the United Nations or''.

(f) CONFORMING AMENDMENT TO PUBLIC LAW 105–277.—The undesignated paragraph under the heading ''ARREARAGE PAYMENTS'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as enacted into law by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; 112 Stat. 2681–96) is amended by striking ''member, and the share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.'' and inserting ''member.''.

(g) CONFORMING AMENDMENT TO PUBLIC LAW 106–113.—The undesignated paragraph under the heading ''ARREARAGE PAYMENTS'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of division B of Public Law 106–113; appendix A; 113 Stat. 1501A–42) is amended—

(1) in the first proviso, by striking ''the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and''; and

(2) by inserting immediately after the first proviso ''Provided further, That, none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency:''.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 602. TRAVEL BY ADVISORY COMMITTEE MEMBERS TO GREAT LAKES FISHERY COMMISSION ANNUAL MEETING.

Section 4(c) of the Great Lakes Fishery Act of 1956 (70 Stat. 242; 16 U.S.C. 933(c)) is amended in the second sentence—

(1) by striking ''five'' and inserting ''ten''; and

(2) by striking ''each'' and inserting ''the annual''.

SEC. 603. UNITED STATES POLICY ON COMPOSITION OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United Nations Human Rights Commission is an important organ of the United Nations that plays a significant role in monitoring international human rights developments and can make an important contribution to advancing human rights around the world.

(2) The membership of the Commission, however, continues to include countries that are themselves human rights violators.

(3) Countries that are on the Commission have a special duty to ensure that they are prepared to allow human rights monitors into their own country to investigate allegations of human rights violations.

(b) UNITED STATES POLICY ON MEMBERSHIP OF THE COMMISSION.—The President, acting through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations to oppose membership on the United Nations Commission on Human Rights for any country that does not provide a standing invitation to allow the following persons to monitor human rights in the territory of such country:

(1) Designated United Nations human rights investigators and rapporteurs.

(2) Representatives from nongovernmental organizations that focus on human rights.

SEC. 604. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL ORGANIZATION FOR MIGRATION.

(a) CONTINUATION OF MEMBERSHIP.—The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.

SEC. 605. REPORT RELATING TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE.

Section 5 of the Act entitled ''An Act to establish a Commission on Security and Cooperation in Europe'' (Public Law 94–304; 22 U.S.C. 3005) is amended to read as follows:

''SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization on Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is a particular concern relating to the implementation of Organization on Security and Cooperation in Europe commitments or where an OSCE presence exists. Such summary shall address the role played by Organization on Security and Cooperation in Europe institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period January 1 through December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the website of the Department of State.''.

SEC. 606. REPORTS TO CONGRESS ON UNITED NATIONS ACTIVITIES.

(a) AMENDMENTS TO UNITED NATIONS PARTICIPATION ACT.—Section 4 of the United Nations Participation Act (22 U.S.C. 287b) is amended—

(1) by striking subsections (b) and (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the preceding year to international organizations in which the United States participates as a member.'';

(3) in subsection (e)(5) by striking subparagraph (B) and inserting the following:

''(B) ANNUAL REPORT.—The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the preceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.''; and

(4) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f) respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of Public Law 81–806 (22 U.S.C. 262a) is amended by striking the last sentence.

(2) Section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by striking subsection (d).

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 701. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.

(a) REPORTS ON PROLIFERATION TO IRAN.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 114 Stat. 39; 50 U.S.C. 1701 note) is amended by inserting after subsection (d) the following new subsection:

''(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.''.

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES UNDER THE ACT.—Section 5(a)(2) of such Act is amended by striking ''systems'' and inserting ''systems, or conventional weapons''.

SEC. 702. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION ACT OF 1999.

Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–472) is amended by striking ''such agreement,'' both places it appears and inserting in both places ''such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group),''.

SEC. 703. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.

(a) REPEAL OF TERMINATION OF COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended by striking section 209.

(b) AUTHORIZATIONS OF APPROPRIATIONS.—Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting ''for each of the fiscal years 2002 and 2003'' after ''$3,000,000''.

(c) ELECTION OF CHAIR OF COMMISSION.—Section 201(d) of such Act (22 U.S.C. 6431(d)) is amended by striking ''in each calendar'' and inserting ''after May 30 of each''.

(d) PROCUREMENT OF NONGOVERNMENTAL SERVICES.—Section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)) is amended by striking ''authority other than that allowed under this title'' and inserting ''authority, in excess of $75,000 annually, except as otherwise provided in this title''.

(e) DONATION OF SERVICES.—Section 208(d)(1) of such Act (22 U.S.C. 6435a(d)(1)) is amended by striking ''services or'' both places it appears.

(f) ESTABLISHMENT OF STAGGERED TERMS OF MEMBERS OF COMMISSION.—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

''(2) ESTABLISHMENT OF STAGGERED TERMS.—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph. Of the 3 members of the Commission appointed by the President under subsection (b)(1)(B)(i), 2 shall be appointed to a one-year term and 1 shall be appointed to a two-year term. Of the 3 members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), 1 of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a one-year term, and the other 2 appointments under such clause shall be two-year terms. Of the 3 members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), 1 of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a one-year term, and the other 2 appointments under such clause shall be two-year terms. The term of each member of the Commission appointed to a one-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a one-year term shall be filled by the appointment of a successor to a two-year term.''.

(g) VACANCIES.—Section 201(g) of such Act (22 U.S.C. 6431(g)) is amended by adding at the end the following: ''A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.''.

SEC. 704. CONTINUATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) AUTHORITY TO CONTINUE COMMISSION.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999: Public Law 105–277) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2005''.

(b) REPEAL.—Section 404(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 404(c) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–446) is amended by striking paragraph (2).

SEC. 705. PARTICIPATION OF SOUTH ASIA COUNTRIES IN INTERNATIONAL LAW ENFORCMENT.

The Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

Subtitle B—Sense of Congress Provisions

SEC. 731. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of the Congress that the President should direct the Secretary of State and the United States Representative to the United Nations to urge the United Nations to adopt an HIV/AIDS mitigation strategy as a component of United Nations peacekeeping operations.

SEC. 732. SENSE OF CONGRESS RELATING TO HIV/AIDS TASK FORCE.

It is the sense of the Congress that the Secretary of State should establish an international HIV/AIDS intervention, mitigation, and coordination task force to coordinate activities on international HIV/AIDS programs administered by agencies of the Federal Government and to work with international public and private entities working to combat the HIV/AIDS pandemic.

SEC. 733. SENSE OF CONGRESS CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME.

(a) FINDINGS.—The Congress makes the following findings:

(1) Many of the oldest and most significant Buddhist statues in the world are in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, central Asia, and the Roman Empire.

(2) Such statues are part of the common heritage of mankind, which must be preserved for future generations.

(3) On February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old, 100-foot-tall statues of Buddha that are carved out of a mountainside.

(4) The religion of Islam and Buddhist statues have coexisted in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years.

(5) The destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic religion that other religions should be tolerated.

(6) People of all faiths and nationalities have condemned the destruction of the statues in Afghanistan, including Muslim communities around the world.

(7) The destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979.

(b) SENSE OF CONGRESS.—The Congress—

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant international organizations immediate access to Afghanistan to survey the damage and facilitate international efforts to preserve and safeguard the remaining statues.

SEC. 734. SENSE OF CONGRESS RELATING TO RESOLUTION OF THE TAIWAN STRAIT ISSUE.

It is the sense of the Congress that Taiwan is a mature democracy that fully respects human rights and it is the policy of the United States that any resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

SEC. 735. SENSE OF CONGRESS RELATING TO ARSENIC CONTAMINATION IN DRINKING WATER IN BANGLADESH.

(a) FINDINGS.—In the early 1970s, the United Nations Children's Fund (UNICEF) and the Bangladeshi Department of Public Health Engineering, in an attempt to bring clean drinking water to the people of Bangladesh, installed tube wells to access shallow aquifers. This was done to provide an alternative to contaminated surface water sources. However, at the time the wells were installed, arsenic was not recognized as a problem in water supplies and standard water testing procedures did not include arsenic tests. Naturally occurring inorganic arsenic contamination of water in those tube-wells was confirmed in 1993 in the Nawabganj district in Bangladesh. The health effects of ingesting arsenic-contaminated drinking water appear slowly. This makes preventative measures, including drawing arsenic out of the existing tube well and finding alternate sources of water, critical to preventing future contamination in large numbers of the Bangladeshi population. Health effects of exposure to arsenic in both adults and children include skin lesions, skin cancer, and mortality from internal cancers.

(b) SENSE OF CONGRESS.—The Secretary of State should work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long term solution to the arsenic-contaminated drinking water problem.

(c) REPORT TO CONGRESS.—The Secretary of State should report to the Congress on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

SEC. 736. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.

It is the sense of the Congress that the chancery of the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.

SEC. 737. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN WEST PAPUA AND ACEH, INCLUDING THE MURDER OF JAFAR SIDDIQ HAMZAH, AND ESCALATING VIOLENCE IN MALUKU AND CENTRAL KALIMANTAN.

(a) FINDINGS.—The Congress makes the following findings:

(1) Human rights violations by elements of the Indonesian Government continue to worsen in West Papua (Irian Jaya) and Aceh, while other areas including the Moluccas (Maluku) and Central Kalimantan have experienced outbreaks of violence by militia forces and other organized groups.

(2) Seven West Papuans were shot dead by Indonesian security forces following a flag-raising ceremony in the town of Merauke on December 2, 2000, and in a separate incident four others were reportedly killed by Indonesian security forces after a West Papuan flag was raised in Tiom on December 18, 2000.

(3) Indonesian police have attacked peaceful West Papuan civilians, including students in their dormitories at Cenderawasih University on December 6, 2000. This attack resulted in the beating and arrests of some 100 students as well as the deaths of three students, including one in police custody in the capital city of Jayapura.

(4) To escape Indonesian security forces, hundreds of peaceful West Papuans have sought safety in refugee camps across the border in the neighboring state of Papua New Guinea (PNG).

(5) The Indonesian armed forces have announced that they are initiating ''limited military operations'' in Aceh, where the ExxonMobil gas company has suspended operations due to security concerns.

(6) On September 7, 2000, the body of Acehnese human rights lawyer Jafar Siddiq Hamzah, who had been missing for a month, was identified along with four other badly decomposed bodies, whose faces were bashed in and whose hands and feet were bound with barbed wire, in a forested area outside of Medan, in North Sumatra.

(7) Hamzah, a permanent resident of the United States who resided in Queens, New York, was last seen alive on August 5, 2000, in Medan, after which he failed to keep an appointment and his family lost all contact with him.

(8) As the founder and director of the International Forum on Aceh, which works for peace

and human rights in Aceh, Hamzah was an important voice of moderation and an internationally known representative of his people who made irreplaceable contributions to peace and respect for human rights in his homeland.

(9) The Indonesian government has failed to release the results of Jafar Siddiq Hamzah's autopsy report, and the inaccessibility of the report has delayed the investigation which could lead to bringing the murderers to justice.

(10) There is supporting documentation from the United States Department of State and other reliable sources that Indonesian military and police forces have committed widespread acts of torture, rape, disappearance and extra-judicial executions against West Papuan and Acehnese civilians.

(11) In Maluku, where Muslim and Christian peoples lived in peace and respected with each other for decades, thousands have been killed and tens of thousands displaced during outbreaks of violence over the past three years.

(12) Militia forces known as the Laskar Jihad have arrived from Java and other islands outside Maluku to inflame hatred and perpetrate violence against Christians, and to create religious intolerance among the people of Maluku, and the Laskar Jihad has been openly encouraged by some Indonesian leaders including Amien Rais, Chair of the People's Consultative Assembly.

(13) Muslim and Christian leaders alike have called for the arrest of militia leaders in Maluku and asking for international assistance in ending this devastating conflict.

(14) The most recent instance of widespread violence in Indonesia has broken out on the island of Kalimantan (Borneo), in the province of Central Kalimantan, where indigenous Dayaks brutally attacked migrant Madurese, killing hundreds and causing thousands of others to flee.

(15) The people of the island of Madura who were resettled in Kalimantan under the auspices of the Soeharto government's transmigration program, which served to strengthen the political control of the regime, have become scapegoats for official government policy, while the Dayaks have suffered from this policy and from official exploitation of the natural resources of their homeland.

(b) SENSE OF CONGRESS.—The Congress—

(1) expresses its deep concern over ongoing human rights violations committed by Indonesian military and police forces against civilians in West Papua and Aceh, as well as over violence by militias and others in Maluku, Central Kalimantan, and elsewhere in Indonesia;

(2) calls upon the United States Department of State to publicly protest the reemergence of political imprisonment in Indonesia and to take necessary steps to release, immediately and unconditionally, all political prisoners, including Rev. Obed Komba, Rev. Yudas Meage, Yafet Yelemaken, Murjono Murib and Amelia Yigibalom of West Papua, and Muhammad Nazar of Aceh, all adopted by Amnesty International as Prisoners of Conscience, and student demonstrators Matius Rumbrapuk, Laon Wenda, Jenderal Achmad Yani, Joseph Wenda and Hans Gobay of West Papua;

(3) calls upon the Department of State to support and encourage the Government of Indonesia to engage in peaceful dialogue with respected West Papuan community leaders and other members of West Papuan civil society, as prescribed by the 1999 Terms of Reference for the National Dialogue on Irian Jaya, and to urge the Governor of West Papua to create an environment conducive to the peaceful repatriation of West Papuan refugees and ''illegal border crossers'' who now reside in Papua New Guinea;

(4) calls upon the United States Government to press the Government of Indonesia to permit access to West Papua and Aceh, including the project areas of the United States-owned Freeport mine and Exxon-Mobil facilities, by independent human rights and environmental monitors, including the United Nations special rapporteurs on torture and extra-judicial execution, as well as by humanitarian nongovernmental organizations;

(5) calls upon the United States Government to press for the withdrawal of nonorganic troops from West Papua and Aceh, and an overall reduction of force numbers in those areas, particularly along the PNG border;

(6) calls upon the Government of Indonesia to release the autopsy report of Jafar Siddiq Hamzah immediately, to conduct a thorough, open, and transparent investigation of the murder of Hamzah and the four others with whom he was found, to offer full access and support to independent investigators and forensics experts brought in to examine these cases, and to ensure that the perpetrators of these atrocities are brought to justice through open and fair trials;

(7) condemns the recent atrocities in Central Kalimantan the failure of Indonesian police and other security forces to intervene to stop these atrocities, as well as the underlying social and economic conditions caused by systematic transmigration programs, imported labor, and inequitable and destructive exploitation of local natural resources that have worsened the poverty and discrimination which were contributing factors in their commission;

(8) condemns comparable Indonesian Government policies in Maluku and the failure of Indonesian police and other security forces in and around Ambon to halt sectarian violence, including the operations of the Laskar Jihad militia;

(9) calls upon the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including Laskar Jihad militia leaders and armed forces officers guilty of complicity in their operations against civilians, and to make significant progress towards rehabilitation and reestablishment of local communities displaced by the violence and rebuild the physical infrastructure of the communities;

(10) calls upon the Department of State to support United Nations and other international delegations and monitoring efforts by international and nongovernmental agencies in West Papua, Aceh, Maluku, Central Kalimantan, West Timor, and other areas of Indonesia in order to deter further human rights violations, and to encourage and support international and nongovernmental agencies in efforts to help the people of Indonesia rebuild and rehabilitate communities torn by violence, particularly by assisting in the return of internally displaced peoples and in efforts at reconciliation within and among communities;

(11) calls upon the Department of State to ensure that all appropriate information regarding current conditions in the West Papua, Aceh, Maluku, Kalimantan, and elsewhere in Indonesia is included in the Annual Country Reports on Human Rights Practices and the Annual Report on International Religious Freedom;

(12) calls upon the Government of Indonesia to devote official attention, in an atmosphere of openness and transparency and oversight, to investigations into the numerous cases of disappearances, extrajudicial killings, and other serious human rights violations in West Papua, Aceh, Maluku, Central Kalimantan, elsewhere in Indonesia, and occupied East Timor; and

(13) calls upon the United States Government to continue to insist upon vigorous investigation into all such violations, and upon trials according to international standards for military and police officers, militia leaders, and others accused of such violations.

SEC. 738. SENSE OF CONGRESS SUPPORTING PROPERLY CONDUCTED ELECTIONS IN KOSOVA DURING 2001.

(a) FINDINGS.—The Congress makes the following findings:

(1) Former Yugoslav President Slobodan Milosevic perpetrated a brutal campaign of ethnic cleansing against the ethnic Albanian population of Kosova, resulting in thousands of deaths and rapes and the displacement of nearly 1 million people.

(2) Prior to the disintegration of the former Yugoslavia, Kosova was a separate political and legal entity with a separate and distinct financial sector, police force, government, education system, judiciary, and health care system.

(3) During that time, the people of Kosova successfully administered the province.

(4) During the Milosevic era, Kosovar citizens demonstrated again their ability to govern themselves by creating parallel governmental and social institutions.

(5) Local elections held in Kosova in 2000 were considered free and fair by international observers.

(6) United Nations Security Council Resolution 1244 authorizes the United Nations Mission in Kosova to provide for transitional administration while establishing and overseeing the development of democratic and self-governing institutions, including the holding of elections, to ensure conditions for a peaceful and normal life for all inhabitants of Kosova.

(7) The United Nations Mission in Kosova and the Organization for Security and Cooperation in Europe should ensure that the conditions for properly conducted elections in Kosova are in place prior to the election.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United Nations Mission in Kosova should hold properly conducted elections throughout Kosova during the year 2001;

(2) the only way to maintain a true and lasting peace in the region is through the creation of democratic Kosovar institutions with real governing authority and responsibility, and Kosova-wide jurisdiction;

(3) all persons, regardless of ethnicity, are encouraged to participate in elections throughout Kosova; and

(4) the United States should work with the United Nations Mission in Kosova and the Organization for Security and Cooperation in Europe to ensure that the transition to Kosovar self-government under the terms and conditions of United Nations Security Council Resolution 1244 proceeds peacefully, successfully, expeditiously, and in a spirit of ethnic inclusiveness.

SEC. 739. SENSE OF CONGRESS RELATING TO POLICY REVIEW OF RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of Congress that—

(1) the President of the United States and his advisors should be commended for their success and the diplomatic skill with which they negotiated the safe return of the 24 American crew members of the United States Navy reconnaissance aircraft that made an emergency landing on the Chinese island of Hainan on April 1, 2001; and

(2) the United States Government should conduct a policy review of the nature of its relations with the Government of the People's Republic of China in light of recent events.

SEC. 740. SENSE OF CONGRESS RELATING TO BROADCASTING IN THE MACEDONIAN LANGUAGE BY RADIO FREE EUROPE.

It is the sense of the Congress that the Broadcasting Board of Governors should initiate surrogate broadcasting by Radio Free Europe in the Macedonian language to Macedonian-speaking areas of the Former Yugoslav Republic of Macedonia.

SEC. 741. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Congress finds the following:

(1) It is the mission of the International Red Cross and Red Crescent Movement to prevent and alleviate human suffering wherever it may be found, without discrimination.

(2) The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status.

(3) The Magen David Adom Society is the national humanitarian society in the state of Israel.

(4) The Magen David Adom Society follows all the principles of the International Red Cross and Red Crescent Movement.

(5) Since the founding of the Magen David Adom Society in 1930, the American Red Cross has regarded it as a sister national society and close working ties have been established between the two societies.

(6) The Magen David Adom Society has used the Red Shield of David as its humanitarian emblem since its founding in 1930 for the same purposes that other national Red Cross and Red Crescent societies use their respective emblems.

(7) Since 1949 Magen David Adom has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David.

(8) Magen David Adom is the only humanitarian organization equivalent to a national Red Cross or Red Crescent society in a sovereign nation that is denied membership into the International Red Cross and Red Crescent Movement.

(9) The American Red Cross has consistently advocated recognition and membership of the Magen David Adom Society in the International Red Cross and Red Crescent Movement.

(10) The House of Representatives adopted H. Res. 464 on May 3, 2000, and the Senate adopted S. Res. 343 on October 18, 2000, expressing the sense of the House of Representatives and the sense of the Senate, respectively, that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

(11) The Secretary of State testified before the Committee on the Budget of the Senate on March 14, 2001, and stated that admission of Magen David Adom into the International Red Cross movement is a priority.

(12) The United States provided $119,230,000 for the International Committee of the Red Cross in fiscal year 2000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross;

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and

(4) the United States should continue to press for full membership for the Magen David Adom in the International Red Cross Movement.

SEC. 742. SENSE OF CONGRESS URGING THE RETURN OF PORTRAITS PAINTED BY DINA BABBITT DURING HER INTERNMENT AT AUSCHWITZ THAT ARE NOW IN THE POSSESSION OF THE AUSCHWITZ-BIRKENAU STATE MUSEUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now in her late 70's, has requested the return of watercolor portraits she painted while suffering a year-and-a-half-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is unquestionably the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) The artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history.

(7) This continued injustice can be righted through cooperation between agencies of the United States and Poland.

(b) SENSE OF CONGRESS.—The Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a year-and-a-half-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

SEC. 743. SENSE OF CONGRESS REGARDING VIETNAMESE REFUGEE FAMILIES.

It is the sense of the Congress that Vietnamese refugees who served substantial sentences in re-education camps due to their wartime associations with the United States and who, subsequently, were resettled in the United States should be permitted to include their unmarried sons and daughters as family members for purposes of such resettlement.

SEC. 744. SENSE OF CONGRESS RELATING TO MEMBERSHIP OF THE UNITED STATES IN UNESCO.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United Nations Educational, Scientific, and Cultural Organization (UNESCO) was created in 1946 with the support of the United States as an integral part of the United Nations systems, designed to promote international cooperation and exchanges in the fields of education, science, culture, and communication with the larger purpose of constructing the defense of peace against intolerance and incitement to war.

(2) In 1984, the United States withdrew from membership in UNESCO over serious questions of internal management and political polarization.

(3) Since the United States withdrew from the organization, UNESCO addressed such criticisms by electing new leadership, tightening financial controls, cutting budget and staff, restoring recognition of intellectual property rights, and supporting the principle of a free and independent international press.

(4) In 1993, the General Accounting Office, after conducting an extensive review of UNESCO's progress in implementing changes, concluded that the organization's member states, the Director General of UNESCO, managers and employee associations demonstrated a commitment to management reform through their actions.

(5) On September 28, 2000, former Secretary of State George P. Schultz, who implemented the withdrawal of the United States from UNESCO with a letter to the organization's Director General in 1984, indicated his support for the United States renewal of membership in UNESCO.

(6) The participation of the United States in UNESCO programs offers a means for furthering the foreign policy interests of the United States through the promotion of cultural understanding and the spread of knowledge critical to strengthening civil society.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take all necessary steps to renew the membership and participation of the United States in the United Nations Educational, Scientific and Cultural Organization (UNESCO).

SEC. 745. SENSE OF CONGRESS RELATING TO GLOBAL WARMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Global climate change poses a significant threat to national security, the American economy, public health and welfare, and the global environment.

(2) The Intergovernmental Panel on Climate Change (IPCC) has found that most of the observed warming over the last fifty years is attributable to human activities, including fossil fuel-generated carbon dioxide emissions.

(3) The IPCC has stated that global average surface temperatures have risen since 1861.

(4) The IPCC has stated that in the last forty years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased which threatens to inundate low-lying Pacific island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency predicts that global warming will harm United States citizens by altering crop yields, causing sea levels to rise, and increasing the spread of tropical infectious diseases.

(6) Industrial nations are the largest producers today of fossil fuel-generated carbon dioxide emissions.

(7) The United States has ratified the United Nations Framework on Climate Change which states, in part, ''the Parties to the Convention are to implement policies with the aim of returning...to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases''.

(8) The United Nations Framework Convention on Climate Change further states that ''developed country Parties should take the lead in combating climate change and the adverse effects thereof''.

(9) Action by the United States to reduce emissions, taken in concert with other industrialized nations, will promote action by developing countries to reduce their own emissions.

(10) A growing number of major American businesses are expressing a need to know how governments worldwide will respond to the threat of global warming.

(11) More efficient technologies and renewable energy sources will mitigate global warming and will make the United States economy more productive and create hundreds of thousands of jobs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of carbon dioxide and other greenhouse gases from all sectors; and

(2) continuing to participate in international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol in a manner that is consistent with the interests of the United States and that ensures the environmental integrity of the protocol.

SEC. 746. SENSE OF CONGRESS REGARDING THE BAN ON SINN FEIN MINISTERS FROM THE NORTH-SOUTH MINISTERIAL COUNCIL IN NORTHERN IRELAND.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Good Friday Agreement established the North-South Ministerial Council to bring together those with executive responsibilities in Northern Ireland and the Republic of Ireland to discuss matters of mutual interest on a cross-border and all-island basis.

(2) The Ulster Unionist Party, Social Democratic and Labour Party, Sinn Fein and the Democratic Unionist Party comprise the Northern Ireland executive.

(3) First Minister David Trimble continues to ban Sinn Fein Ministers Martin McGuiness and Bairbre de Brun from attending North-South Ministerial Council meetings.

(4) On January 30, 2001, the Belfast High Court ruled First Minister Trimble had acted illegally in preventing the Sinn Fein Ministers from attending the North-South Ministerial Council meetings.

(b) SENSE OF CONGRESS.—The Congress calls upon First Minister David Trimble to adhere to the terms of the Good Friday Agreement and lift the ban on the participation of Sinn Fein Ministers on the North-South Ministerial Council.

TITLE VIII—SECURITY ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the ''Security Assistance Act of 2001''.

Subtitle A—Military and Related Assistance

CHAPTER 1—FOREIGN MILITARY SALES AND RELATED AUTHORITIES

SEC. 811. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.

Chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) is amended by adding at the end the following:

''SEC. 28. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.

''(a) QUARTERLY REPORT.—Not later than 15 days after the end of each calendar quarter, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

''(b) INFORMATION.—The information described in this subsection is the following:

''(1)(A) Each price and availability estimate provided by the United States Government during such calendar quarter to a foreign country with respect to a possible sale under this Act of major defense articles having a cost of $7,000,000 or more, or of any other defense articles or services having a cost of $25,000,000 or more.

''(B) The name of each foreign country to which an estimate described in subparagraph (A) was provided, the defense articles or services involved, the quantity of the articles or services involved, and the price estimate.

''(2)(A) Each request received by the United States Government from a foreign country during such calendar quarter for the issuance of a letter of offer to sell defense articles or defense services if the proposed sale does not include a price and availability estimate (as described in paragraph (1)(A)).

''(B) The name of each foreign country that makes a request described in subparagraph (A), the date of the request, the defense articles or services involved, the quantity of the articles or services involved, and the price and availability terms requested.''.

SEC. 812. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.

Section 43(c) of the Arms Export Control Act (22 U.S.C. 2792(c)) is amended by striking ''$72,500'' and inserting ''$86,500''.

SEC. 813. TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND SERVICES.

Notwithstanding any other provision of law, for purposes of the transfer or potential transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as the equivalent of a major non-NATO ally.

SEC. 814. UNITED STATES POLICY WITH REGARD TO TAIWAN.

(a) CONSULTATION WITH CONGRESS.—Not later than 30 days prior to consultations with Taiwan described in subsection (b), the President shall consult, on a classified basis, with Congress regarding the following matters with respect to the availability of defense articles and services for Taiwan:

(1) The request by Taiwan to the United States for the purchase of defense articles and defense services.

(2) The President's assessment of the legitimate defense needs of Taiwan taking into account Taiwan's request described in paragraph (1).

(3) The decisionmaking process used by the President to consider such request.

(b) CONSULTATION WITH TAIWAN.—At least once every calendar year, the President, or the President's designee, shall consult with representatives of the armed forces of Taiwan, at not less than the level of Vice Chief of the General Staff, concerning the nature and quantity of defense articles and services to be made available to Taiwan in accordance with section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)). Such consultations shall take place in Washington, D.C.

CHAPTER 2—EXCESS DEFENSE ARTICLE AND DRAWDOWN AUTHORITIES

SEC. 821. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN AND OTHER COUNTRIES.

(a) CENTRAL AND SOUTHERN EUROPEAN COUNTRIES.—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''2000 and 2001'' and inserting ''2001, 2002, and 2003''.

(b) CERTAIN OTHER COUNTRIES.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, the Former Yugoslavia Republic of Macedonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Mongolia, the Philippines, Slovakia, and Uzbekistan.

(c) CONTENT OF CONGRESSIONAL NOTIFICATION.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (b) shall include an estimate of the amount of funds to be expended under such subsection with respect to that transfer.

SEC. 822. LEASES OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.

Section 61(b) of the Arms Export Control Act (22 U.S.C. 2796(b)) is amended—

(1) by striking ''(b) Each lease agreement'' and inserting ''(b)(1) Each lease agreement''; and

(2) by striking ''of not to exceed five years'' and inserting ''which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles,''; and

(3) by adding at the end the following:

''(2) In this subsection, the term 'major refurbishment work' means work for which the period of performance is six months or more.''.

SEC. 823. PRIORITY WITH RESPECT TO TRANSFER OF EXCESS DEFENSE ARTICLES.

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking ''and to major non-NATO allies on such southern and southeastern flank'' and inserting '', to major non-NATO allies on such southern and southeastern flank, and to the Philippines''.

CHAPTER 3—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

SEC. 831. INTERNATIONAL COUNTERPROLIFERATION EDUCATION AND TRAINING.

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended—

(1) by redesignating sections 584 and 585 as sections 585 and 586, respectively; and

(2) by inserting after section 583 the following:

''SEC. 584. INTERNATIONAL COUNTER-PROLIFERATION EDUCATION AND TRAINING.

''(a) GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to foreign governmental and military personnel for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction in the United States.

''(b) ADMINISTRATION OF COURSES.—The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs, but may rely upon any of the following agencies to recommend personnel for the education and training, and to administer specific courses of instruction:

''(1) The Department of Defense (including national weapons laboratories under contract with the Department).

''(2) The Department of Energy (including national weapons laboratories under contract with the Department).

''(3) The Department of Commerce.

''(4) The intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(5) The United States Customs Service.

''(6) The Federal Bureau of Investigation.

''(c) PURPOSES.—Education and training activities conducted under this section shall be—

''(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

''(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and

''(3) designed to improve the ability of friendly countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries.''.

SEC. 832. ANNUAL REPORT ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS.

(a) REPORT.—

(1) IN GENERAL.—The President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture (including research and experimentation), or weaponize nuclear, biological, or chemical weapons (hereinafter in this section referred to as ''NBC weapons'') to any country other than a country referred to in subsection (c) that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary of State or Secretary of Defense has reason to believe could be used to develop, acquire, or deliver NBC weapons.

(2) DEADLINE FOR INITIAL REPORT.—The first such report shall be submitted not later than 90 days after the date of the enactment of this Act and on April 1 of each year thereafter.

(b) MATTERS TO BE INCLUDED.—Each such report shall include, but not be limited to—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary of State or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary of State or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(c) CONTENT OF REPORT.—Each such report shall include the following with respect to preceding calendar year:

(1) The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country or subnational group in the acquisition or development of—

(A) NBC weapons;

(B) missile systems, as defined in the MTCR or that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(C) aircraft and other delivery systems and weapons that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(4) A listing of those persons and countries which continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484).

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The Secretary of State shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ''designated congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committees on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) MISSILE; MTCR; MTCR EQUIPMENT OR TECHNOLOGY.—The terms ''missile'', ''MTCR'', and ''MTCR equipment or technology'' have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(3) PERSON.—The term ''person'' means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) WEAPONIZE; WEAPONIZATION.—The term ''weaponize'' or ''weaponization'' means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(B) Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5606).

(C) Section 1607(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484).

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104–208).

(2) CONFORMING AMENDMENTS.—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

(A) in paragraph (b), by adding ''and'' at the end; and

(B) in paragraph (c), by striking ''; and'' and inserting a period.

SEC. 833. FIVE-YEAR INTERNATIONAL ARMS CONTROL AND NONPROLIFERATION STRATEGY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a five-year international arms control and nonproliferation strategy. The strategy shall contain the following:

(1) A five-year plan for the reduction of existing nuclear, chemical, and biological weapons and ballistic missiles and for controlling the proliferation of these weapons.

(2) Identification of the goals and objectives of the United States with respect to arms control and nonproliferation of weapons of mass destruction and their delivery systems.

(3) A description of the programs, projects, and activities of the Department of State intended to accomplish goals and objectives described in paragraph (2).

Subtitle B—Strengthening the Munitions Licensing Process

SEC. 841. LICENSE OFFICER STAFFING.

(a) FUNDING.—Of the amounts authorized to be appropriated under the appropriations account entitled ''DIPLOMATIC AND CONSULAR PROGRAMS'' for fiscal years 2002 and 2003, not less than $10,000,000 shall be made available each such fiscal year for the Office of Defense Trade Controls of the Department of State for salaries and expenses.

(b) ASSIGNMENT OF LICENSE REVIEW OFFICERS.—Effective January 1, 2002, the Secretary of State shall assign to the Office of Defense Trade Controls of the Department of State a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not exceed 40.

(c) DETAILEES.—Given the priority placed on expedited license reviews in recent years by the Department of Defense, the Secretary of Defense should ensure that 10 military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

SEC. 842. FUNDING FOR DATABASE AUTOMATION.

Of the amounts authorized to be appropriated under the appropriations account entitled ''CAPITAL INVESTMENT FUND'' for fiscal years 2002 and 2003, not less than $4,000,000 shall be made available each such fiscal year for the Office of Defense Trade Controls of the Department of State for the modernization of information management systems.

SEC. 843. INFORMATION MANAGEMENT PRIORITIES.

(a) OBJECTIVE.—The Secretary of State shall establish a secure, Internet-based system for the filing and review of applications for export of Munitions List items.

(b) ESTABLISHMENT OF A MAINFRAME.—Of the amounts made available pursuant to section 842, not less than $3,000,000 each such fiscal year shall be made available to fully automate the Defense Trade Application System, and to ensure that the system—

(1) is an electronic system for the filing and review of Munitions List license applications;

(2) is secure, with modules available through the Internet; and

(3) is capable of exchanging data with—

(A) the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense;

(B) the Export Control System of the Central Intelligence Agency; and

(C) the Proliferation Information Network System of the Department of Energy.

(c) MUNITIONS LIST DEFINED.—In this section, the term ''Munitions List'' means the United States Munitions List of defense articles and defense services controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

SEC. 844. IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM.

(a) MANDATORY FILING.—The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of the Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, the mandatory filing through the Automated Export System for the remainder of exports that were not covered by regulations issued pursuant to section 1252(b) of the Security Assistance Act of 1999 (113 Stat. 1501A–506), as enacted into law by section 1000(a)(7) of Public Law 106–113.

(b) REQUIREMENT FOR INFORMATION SHARING.—The Secretary of State shall conclude an information sharing arrangement with the heads of United States Customs Service and the Census Bureau to adjust the Automated Export System to parallel information currently collected by the Department of State.

(c) SECRETARY OF TREASURY FUNCTIONS.—Section 303 of title 13, United States Code, is amended by striking '', other than by mail,''.

(d) FILING EXPORT INFORMATION, DELAYED FILINGS, PENALTIES FOR FAILURE TO FILE.—Section 304 of title 13, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''the penal sum of $1,000'' and inserting ''a penal sum of $10,000''; and

(B) in the third sentence, by striking ''a penalty not to exceed $100 for each day's delinquency beyond the prescribed period, but not more than $1,000, shall be exacted'' and inserting ''the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Any person, other that a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed $1,000 for each day's delinquency beyond the prescribed period, but not more than $10,000 per violation.''.

(e) ADDITIONAL PENALTIES.—

(1) IN GENERAL.—Section 305 of title 13, United States Code, is amended to read as follows:

''§ 305. Penalties for unlawful export information activities

''(a) CRIMINAL PENALTIES.—(1) Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed $10,000 per violation or imprisonment for not more than 5 years, or both.

''(2) Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed $10,000 per violation or imprisonment for not more than 5 years, or both.

''(3) Any person who is convicted under this subsection shall, in addition to any other penalty, forfeit to the United States—

''(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

''(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

''(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

''(b) CIVIL PENALTIES.—The Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed $10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.

''(c) CIVIL PENALTY PROCEDURE.—(1) When a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

''(2) If any person fails to pay a civil penalty imposed under this chapter, the Secretary may ask the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

''(3) The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in his or her opinion—

''(A) the penalties were incurred without willful negligence or fraud; or

''(B) other circumstances exist that justify a remission or mitigation.

''(4) If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

''(5) Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

''(d) ENFORCEMENT.—(1) The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

''(2) The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

''(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

''(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following:

''305. Penalties for unlawful export information activities.''.

SEC. 845. CONGRESSIONAL NOTIFICATION OF REMOVAL OF ITEMS FROM THE MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the third sentence and inserting the following: ''The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.''.

SEC. 846. CONGRESSIONAL NOTIFICATION THRESHOLDS FOR ALLIED COUNTRIES.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in paragraphs (1) and (3)(A) of section 3(d), by adding after ''at $50,000,000 or more'' each place it appears the following: ''(or, in the case of a transfer to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment valued (in terms of its original acquisition cost) at $25,000,000 or more, or of defense articles or defense services valued (in terms of its original acquisition cost) at $100,000,000 or more)'';

(2) in section 36(b)(1), by adding after ''for $14,000,000 or more'' the following: ''(or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment under this Act for $25,000,000 or more, any defense articles or services for $100,000,000 or more, or any design and construction services for $300,000,000 or more)'';

(3) in section 36(b)(5)(C), by adding after ''or $200,000,000 or more in the case of design or construction services'' the following: ''(or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment for $25,000,000 or more, any defense articles or services for $100,000,000 or more, or any design and construction services for $300,000,000 or more)'';

(4) in section 36(c)(1), by adding after ''$50,000,000 or more'' the following: ''(or, in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, of any major defense equipment sold under a contract in the amount of $25,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more)''; and

(5) in section 63(a), by adding after ''$50,000,000 or more'' the following: ''(or, in the case of such an agreement with a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, (i) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at $25,000,000 or more, or (ii) defense articles valued (in terms of their replacement cost less any depreciation in their value) at $100,000,000 or more)''.

Subtitle C—Authority to Transfer Naval Vessels

SEC. 851. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER.—

(1) BRAZIL.—The President is authorized to transfer to the Government of Brazil the ''Newport'' class tank landing ship Peoria (LST 1183). Such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) POLAND.—The President is authorized to transfer to the Government of Poland the ''Oliver Hazard Perry'' class guided missile frigate Wadsworth (FFG 9). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(3) TAIWAN.—The President is authorized to transfer to the Taipai Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the ''Kidd'' class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995), and Chandler (DDG 996). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(4) TURKEY.—The President is authorized to transfer to the ''Oliver Hazard Perry'' class guided missile frigates Estocin (FFG 15) and Samuel Eliot Morrison (FFG 13). Each such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761). The President is further authorized to transfer to the Government of Turkey the ''Knox'' class frigates Capadanno (FF 1093), Thomas C. Hart (FF 1092), Donald B. Beary (FF 1085), McCandless (FF 1084), Reasoner (FF 1063), and Bowen (FF 1079). The transfer of these 6 ''Knox'' class frigates shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(c) COSTS OF TRANSFERS.—Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under subsection (a) shall be charged to the recipient.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Navy shipyard or other shipyard located in the United States.

(e) EXPIRATION OF AUTHORITY.—The authority provided under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

Subtitle D—Miscellaneous Provisions

SEC. 861. ANNUAL FOREIGN MILITARY TRAINING REPORTS.

Section 656(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended—

(1) by striking ''Not later than January 31 of each year,'' and inserting ''Upon written request by the chairman or ranking member of the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate,''; and

(2) by inserting ''of a country specified in the request'' after ''personnel''.

SEC. 862. REPORT RELATING TO INTERNATIONAL ARMS SALES CODE OF CONDUCT.

Section 1262(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–508) is amended—

(1) in paragraph (1)—

(A) by striking ''commencement of the negotiations under subsection (a),'' and inserting ''date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003,''; and

(B) by striking ''during these negotiations.'' and inserting ''to begin negotiations and any progress made to conclude an agreement during negotiations.''; and

(2) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsection (b)''.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 107–62. Except as specified in section 2 of House Resolution 138, each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may recognize for consideration any amendment printed in the report out of the order printed, but not sooner than 1 hour after the majority leader or his designee announces from the floor a request to that effect.

□ 1200

AMENDMENT NO. 1 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DELAY:
Page 90, after line 8, add the following:

Subtitle B—American Servicemembers' Protection Act

SEC. 631. SHORT TITLE.

This subtitle may be cited as the ''American Servicemembers' Protection Act of 2001''.

SEC. 632. 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 whether to proceed with 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 April 30, 2001, 139 countries had signed the Rome Statute and 30 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 on which 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 met regularly to draft documents to implement the Rome Statute, including Rules of Procedure and Evidence, Elements of Crimes, and a definition of the Crime of Aggression.

(4) During testimony before the Congress following the adoption of the Rome Statute, 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) Notwithstanding these concerns, President Clinton directed that the United States sign the Rome Statute on December 31, 2000. In a statement issued that day, he stated that in view of the unremedied deficiencies of the Rome Statute, ''I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied''.

(7) Any American prosecuted by the International Criminal Court will, under the Rome Statute, be denied procedural protections to which all Americans are entitled under the Bill of Rights to the United States Constitution, such as the right to trial by jury.

(8) Members of the Armed Forces of the United States deserve the full protection of the United States Constitution wherever they are stationed or deployed around the world to protect the vital national interests of the United States. The United States Government has an obligation to protect the members of its Armed Forces, to the maximum extent possible, against criminal prosecutions carried out by United Nations officials under procedures that deny them their constitutional rights.

(9) In addition to exposing members of the Armed Forces of the United States 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 over United States objections, 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 members of the Armed Forces of the United States, 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. 633. WAIVER AND TERMINATION OF PROHIBITIONS OF THIS ACT.

(a) AUTHORITY TO INITIALLY WAIVE SECTIONS 635 AND 637.—The President is authorized to waive the prohibitions and requirements of sections 635 and 637 for a single period of one year. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court has entered into a binding agreement that—

(A) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(i) covered United States persons;

(ii) covered allied persons; and

(iii) individuals who were covered United States persons or covered allied persons; and

(B) ensures that no person described in subparagraph (A) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court.

(b) AUTHORITY TO EXTEND WAIVER OF SECTIONS 635 AND 637.—The President is authorized to waive the prohibitions and requirements of sections 635 and 637 for successive periods of one year each upon the expiration of a previous waiver pursuant to subsection (a) or this subsection. Such a waiver may be issued only if the President at least fifteen days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that the International Criminal Court—

(A) remains party to, and has continued to abide by, a binding agreement that—

(i) prohibits the International Criminal Court from seeking to exercise jurisdiction over the following persons with respect to actions undertaken by them in an official capacity:

(I) covered United States persons;

(II) covered allied persons; and

(III) individuals who were covered United States persons or covered allied persons; and

(ii) ensures that no person described in clause (i) will be arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court; and

(B) has taken no steps to arrest, detain, prosecute, or imprison any person described in clause (i) of subparagraph (A).

(c) AUTHORITY TO WAIVE SECTIONS 634 AND 636 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION OF A NAMED INDIVIDUAL.—The President is authorized to waive the prohibitions and requirements of sections 634 and 636 to the degree they would prevent United States cooperation with an investigation or prosecution of a named individual by the International Criminal Court. Such a waiver may be issued only if the President at least 15 days in advance of exercising such authority—

(1) notifies the appropriate congressional committees of the intention to exercise such authority; and

(2) determines and reports to the appropriate congressional committees that—

(A) a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 635 and 637 is in effect;

(B) there is reason to believe that the named individual committed the crime or crimes that are the subject of the International Criminal Court's investigation or prosecution;

(C) it is in the national interest of the United States for the International Criminal Court's investigation or prosecution of the named individual to proceed; and

(D) in investigating events related to actions by the named individual, none of the following persons will be investigated, arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court with respect to actions undertaken by them in an official capacity:

(i) Covered United States persons.

(ii) Covered allied persons.

(iii) Individuals who were covered United States persons or covered allied persons.

(d) TERMINATION OF WAIVER PURSUANT TO SUBSECTION (c).—Any waiver or waivers exercised pursuant to subsection (c) of the prohibitions and requirements of sections 634 and 636 shall terminate at any time that a waiver pursuant to subsection (a) or (b) of the prohibitions and requirements of sections 635 and 637 expires and is not extended pursuant to subsection (b).

(e) TERMINATION OF PROHIBITIONS OF THIS ACT.—The prohibitions and requirements of sections 634, 635, 636, and 637 shall cease to apply, and the authority of section 638 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. 634. PROHIBITION ON COOPERATION WITH THE INTERNATIONAL CRIMINAL COURT.

(a) CONSTRUCTION.—The provisions of this section—

(1) 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; and

(2) shall not be construed to prohibit—

(A) any action permitted under section 638;

(B) any other action taken by members of the Armed Forces of the United States outside the territory of the United States while engaged in military operations involving the threat or use of force when necessary to protect such personnel from harm or to ensure the success of such operations; or

(C) communication by the United States to the International Criminal Court of its policy with respect to a particular matter.

(b) PROHIBITION ON RESPONDING TO REQUESTS FOR COOPERATION.—No agency or entity 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 AND ASSISTANCE.—No agency or entity of the United States Government or of any State or local government, including any court, may provide financial support or other cooperation, support, or assistance to the International Criminal Court, including by undertaking 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. 635. RESTRICTION ON UNITED STATES PARTICIPATION IN CERTAIN UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) POLICY.—Effective beginning on the date on which 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 any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations permanently exempts, at a minimum, members of the Armed Forces of the United States participating in such operation from criminal prosecution by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

(b) RESTRICTION.—Members of the Armed Forces of the United States may not participate in any peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations, the creation of which is authorized by the United Nations Security Council 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 operation.

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

(1) in authorizing the operation, the United Nations Security Council permanently exempted, at a minimum, members of the Armed Forces of the United States participating in the operation from criminal prosecution by the International Criminal Court for actions undertaken by them in connection with the operation;

(2) each country in which members of the Armed Forces of the United States participating in the operation will be present is either not a party to the International Criminal Court and has not invoked the jurisdiction of the International Criminal Court pursuant to Article 12 of the Rome Statute, or has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country; or

(3) the United States has taken other appropriate steps to guarantee that members of the Armed Forces of the United States participating in the operation will not be prosecuted by the International Criminal Court for actions undertaken by such personnel in connection with the operation.

SEC. 636. PROHIBITION ON DIRECT OR INDIRECT TRANSFER OF CERTAIN CLASSIFIED NATIONAL SECURITY INFORMATION TO THE INTERNATIONAL CRIMINAL COURT.

(a) DIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information to the International Criminal Court.

(b) INDIRECT TRANSFER.—Not later than the date on which the Rome Statute enters into force, the President shall ensure that appropriate procedures are in place to prevent the transfer of classified national security information relevant to matters under consideration by the International Criminal Court to the United Nations and to the government of any country that is a party to the International Criminal Court unless the United Nations or that government, as the case may

be, has provided written assurances that such information will not be made available to the International Criminal Court.

(c) CONSTRUCTION.—The provisions of this section shall not be construed to prohibit any action permitted under section 638.

SEC. 637. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE TO PARTIES TO THE INTERNATIONAL CRIMINAL COURT.

(a) PROHIBITION OF MILITARY ASSISTANCE.—Subject to subsections (b) and (c), no United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.

(b) WAIVER.—The President may waive the prohibition of subsection (a) with respect to a particular country—

(1) for one or more periods not exceeding one year each, if the President determines and reports to the appropriate congressional committees that it is vital to the national interest of the United States to waive such prohibition; and

(2) permanently, if the President determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(c) EXEMPTION.—The prohibition of subsection (a) shall not apply to the government of—

(1) a NATO member country;

(2) a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand); or

(3) Taiwan.

SEC. 638. AUTHORITY TO FREE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND CERTAIN OTHER PERSONS HELD CAPTIVE BY OR ON BEHALF OF THE INTERNATIONAL CRIMINAL COURT.

(a) AUTHORITY.—The President is authorized to use all means necessary and appropriate to bring about the release from captivity of any person described in subsection (b) who is being detained or imprisoned against that person's will by or on behalf of the International Criminal Court.

(b) PERSONS AUTHORIZED TO BE FREED.—The authority of subsection (a) shall extend to the following persons:

(1) Covered United States persons.

(2) Covered allied persons.

(3) Individuals detained or imprisoned for official actions taken while the individual was a covered United States person or a covered allied person, and in the case of a covered allied person, upon the request of such government.

(c) AUTHORIZATION OF LEGAL ASSISTANCE.—When any person described in subsection (b) is arrested, detained, prosecuted, or imprisoned by or on behalf of the International Criminal Court, the authority under subsection (a) may be used—

(1) for the provision of legal representation and other legal assistance to that person (including, in the case of a person entitled to assistance under section 1037 of title 10, United States Code, representation and other assistance in the manner provided in that section); and

(2) for the provision of exculpatory evidence on behalf of that person.

(d) BRIBES AND OTHER INDUCEMENTS NOT AUTHORIZED.—Subsection (a) does not authorize the payment of bribes or the provision of other incentives to induce the release from captivity of a person described in subsection (b).

SEC. 639. ALLIANCE COMMAND ARRANGEMENTS.

(a) REPORT ON ALLIANCE COMMAND ARRANGEMENTS.—Not later than 6 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report with respect to each military alliance to which the United States is party—

(1) describing the degree to which members of the Armed Forces of the United States may, in the context of military operations undertaken by or pursuant to that alliance, be placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court because they are nationals of a party to the International Criminal Court; and

(2) evaluating the degree to which members of the Armed Forces of the United States engaged in military operations undertaken by or pursuant to that alliance may be exposed to greater risks as a result of being placed under the command or operational control of foreign military officers subject to the jurisdiction of the International Criminal Court.

(b) DESCRIPTION OF MEASURES TO ACHIEVE ENHANCED PROTECTION FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Not later than one year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a description of modifications to command and operational control arrangements within military alliances to which the United States is a party that could be made in order to reduce any risks to members of the Armed Forces of the United States identified pursuant to subsection (a)(2).

(c) SUBMISSION IN CLASSIFIED FORM.—The report under subsection (a), and the description of measures under subsection (b), or appropriate parts thereof, may be submitted in classified form.

SEC. 640. WITHHOLDINGS.

Funds withheld from the United States share of assessments to the United Nations or any other international organization during any fiscal year pursuant to section 705 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–460), are authorized to be transferred to the Embassy Security, Construction and Maintenance Account of the Department of State.

SEC. 641. NONDELEGATION.

The authorities vested in the President by sections 633, 635(c), and 637(b) may not be delegated by the President pursuant to section 301 of title 3, United States Code, or any other provision of law.

SEC. 642. DEFINITIONS.

As used in this Act and in sections 705 and 706 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) CLASSIFIED NATIONAL SECURITY INFORMATION.—The term ''classified national security information'' means information that is classified or classifiable under Executive Order 12958 or a successor Executive order.

(3) COVERED ALLIED PERSONS.—The term ''covered allied persons'' means military personnel, elected or appointed officials, and other persons employed by or working on behalf of the government of a NATO member country, a major non-NATO ally (including, inter alia, Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand), or Taiwan, for so long as that government is not a party to the International Criminal Court and wishes its officials and other persons working on its behalf to be exempted from the jurisdiction of the International Criminal Court.

(4) COVERED UNITED STATES PERSONS.—The term ''covered United States persons'' means members of the Armed Forces of the United States, elected or appointed officials of the United States Government, and other persons employed by or working on behalf of the United States Government, for so long as the United States is not a party to the International Criminal Court.

(5) EXTRADITION.—The terms ''extradition'' and ''extradite'' include both ''extradition'' and ''surrender'' as those terms are defined in article 102 of the Rome Statute.

(6) INTERNATIONAL CRIMINAL COURT.—The term ''International Criminal Court'' means the court established by the Rome Statute.

(7) MAJOR NON-NATO ALLY.—The term ''major non-NATO ally'' means a country that has been so designated in accordance with section 517 of the Foreign Assistance Act of 1961.

(8) PARTY TO THE INTERNATIONAL CRIMINAL COURT.—The term ''party to the International Criminal Court'' means a government that has deposited an instrument of ratification, acceptance, approval, or accession to the Rome Statute, and has not withdrawn from the Rome Statute pursuant to Article 127 thereof.

(9) PEACEKEEPING OPERATION UNDER CHAPTER VI OF THE CHARTER OF THE UNITED NATIONS OR PEACE ENFORCEMENT OPERATION UNDER CHAPTER VII OF THE CHARTER OF THE UNITED NATIONS.—The term ''peacekeeping operation under chapter VI of the charter of the United Nations or peace enforcement operation under chapter VII of the charter of the United Nations'' means any military operation to maintain or restore international peace and security that—

(A) is authorized by the United Nations Security Council under chapter VI or VII of the charter of the United Nations; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping or peace enforcement activities.

(10) ROME STATUTE.—The term ''Rome Statute'' means the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(11) SUPPORT.—The term ''support'' means assistance of any kind, including financial support, material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(12) UNITED STATES MILITARY ASSISTANCE.—The term ''United States military assistance'' means—

(A) assistance provided under chapters 2 through 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(B) defense articles or defense services furnished with the financial assistance of the United States Government, including through loans and guarantees; or

(C) military training or education activities provided by any agency or entity of the United States Government.

Such term does not include activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Texas (Mr. DELAY) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DeLAY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, when the United States sends its Armed Forces into harm's way, we do it to defend freedom and to maintain our commitment to the principles enumerated by our founding documents. It would be an irony of the cruelest sort if the men and women of America sends out to defend the spirit of our Constitution were denied its protections.

We ask a lot of our Armed Forces. We should not ask them to sacrifice their constitutional rights merely to serve as pawns for an International Criminal Court that may pursue political vendettas at the expense of the individual American soldiers. If the Congress allowed such a thing to happen, we would not only be abdicating our duty to the Nation, we would be abandoning the sacred covenant between Congress and our men and women in uniform.

The birth of this rogue court forces Members to choose between appeasing international bureaucrats and defending the rights of our servicemembers. The choice is stark, defined and, I think, unavoidable. There is no middle ground here. Members can side with the United Nations or defend our military.

Last week, we were reminded how fickle the U.N. can be when a cabal of human rights abusing nations were voted onto the Human Rights Commission and the United States was booted off. Now these same people may become the highest authority on international law. But make no mistake, unlike the Commission on Human Rights whose power is mainly rhetorical, the ICC poses a real threat to our Nation's military. We simply cannot allow American soldiers to fall under the jurisdiction of the ICC.

Under its terms, Americans could be brought before the court and tried without important rights. They could be denied a jury trial. They could be denied cross-examination of hostile witnesses. Americans could even be forced to give self-incriminating testimony. This amendment will make it clear that the United States cannot support a court that places our citizens in the hands of U.N. bureaucrats. It will erect essential legal barriers to protect Americans, and it will strengthen our ability to demand changes to the court.

Last year, I received a letter supporting this amendment signed by 12 of the most respected foreign policy advisers to every President from Nixon to President Clinton. This amendment is supported by the VFW, the Fleet Reservists, the Noncommissioned Officers and the Reserve Officers, just to name a few.

Mr. Chairman, we must remain cautious and watchful stewards of our American sovereignty. Many nations have many reasons to erode our rights. Members should not fail our first principles by allowing an unaccountable international entity to trample core American freedoms. Support this amendment and stop that from happening.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment, and I ask all of my colleagues to oppose it as well. Clearly there is not a single Member of this House on either side who is not fully, enthusiastically and without any reservation and qualification in favor of protecting our military personnel serving abroad. That is clearly not the issue that this amendment raises. As my friend and colleague from Massachusetts so eloquently and precisely outlined, there is no chance of American military personnel being tried by the International Criminal Court. That court, once it comes into being on a permanent basis, is not designed to deal with servicemen and servicewomen performing peacekeeping or other duties overseas. The International Criminal Court is designed to deal with international criminals.

At the end of World War II, the United States led the way in obtaining international justice by helping to establish the Nuremberg trials and playing the key role in the Nuremberg Tribunal. At the moment, international criminals who perpetrated the most outrageous violations of human rights, including mass rape and mass murder, are before an ad hoc International Criminal Court which deals with events in the former Yugoslavia during the early 1990s.

In dealing with this legislation, Nobel prize winner Elie Wiesel wrote to the committee in part as follows:

> Fifty years ago the United States led the world in the prosecution of Nazi leaders for the atrocities of World War II. The triumph of Nuremberg was not only that individuals were held accountable for their crimes but that they were tried in a court of law supported by the community of nations.

A vote for this amendment would mean our acceptance of the impunity of the world's worst atrocities. The memory of the victims of past genocide and war crimes compels us to take this issue, the issue of an International Criminal Court, seriously.

Now, it is important to note that the proposals discussed in Rome were not perfect. We were proposing modifications and amendments. And I think it is critical we remain engaged in that process. But to flat out oppose the creation of an International Criminal Court is not worthy of this body.

I would also like to mention, Mr. Chairman, as the gentleman from Massachusetts (Mr. DELAHUNT) so accurately and effectively indicated a few minutes ago, that our servicemen and women will be tried by military courts of our own if they engage in transgressions. The notion that international criminal courts are designed to punish U.S. servicemen is one that escapes me and many of my colleagues.

I urge my colleagues to reject this amendment which is unquestionably well intended but is widely off the mark. We are talking about international war criminals such as the ones in Bosnia, such as the ones in Kosovo, such as the ones during the Second World War in Germany and not American servicemen and women doing their duty.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. SPENCE), the former chairman of the Committee on Armed Services.

Mr. SPENCE. I thank the gentleman for yielding me this time.

Mr. Chairman, as a member of the Committee on Armed Services, I rise in strong support of this amendment. I commend the gentleman from Texas (Mr. DELAY) for bringing this important amendment to the floor. It would protect American military and government personnel from prosecution by an international criminal court operating outside United States sovereignty.

America's men and women in uniform are our best and brightest. They risk their lives every day all around the world in defense of our country's freedom and values. They should not be subjected to the risk of prosecution by an international body that operates on procedures inconsistent with the United States Constitution. This amendment would prevent this from happening.

Last November, 12 former high-ranking United States Government officials, including former Secretaries of State, Defense and Directors of Central Intelligence, supported legislation similar to this amendment that would extend protection from international prosecution to our military personnel.

During his confirmation process, Secretary Rumsfeld warned that without such protection, U.S. personnel could be exposed to politically motivated prosecution.

Even former President Clinton, who signed the treaty last December, conceded that it contained significant flaws and refused to recommend its ratification by the Senate.

Mr. Chairman, this amendment would give our military service personnel the legal protection they deserve, and I urge my colleagues to support it.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is an honor for me to have this opportunity to talk with the gentleman from California and with my colleagues about the International Criminal Court. As a survivor of the Holocaust, he is a steadfast reminder to all of us that these kinds of war crimes are right in front of us every single day.

It is amazing to me that we would be standing in the well of this House talking about this issue, the amendment of

the gentleman from Texas (Mr. DELAY), when we have Rwanda, Burundi, Kosovo, Sierra Leone, Cambodia, East Timor, Saddam Hussein, all of these places that need international criminal courts that do not have them. We are the leaders in the world in terms of human rights. We ought to be the leaders when it comes to the International Criminal Court.

This amendment is a farce. I wish I could say as gently as the gentleman from California that the gentleman was well intentioned. This amendment is a lie, because this amendment makes you think that you are going to keep American servicemembers from being prosecuted when that is a lie. Right now if a servicemember under the American flag commits a war crime, they are tried by our own military court. If the DeLay amendment passes, they are going to be tried by the country in which they commit that crime. Who do we want trying our servicemember? Do we want some Saddam Hussein trying our servicemember if we do not sign this treaty? Do we want them to be the ones to try our servicemember? I do not.

I would be able to go to bat with the gentleman from Texas in front of anybody on this issue because the facts are that if we pass the DeLay amendment, we are actually going to end up doing what the gentleman from Texas purports he does not want us to do. That is, if we do not sign this treaty, our servicemembers are tried by other countries internationally because that is the law of the International Criminal Court.

Today's amendment, based on ''the American Servicemembers Protection Act'' sounds great—of course we all want to protect American servicemembers. As a former member of the Armed Services Committee, I have spent many days in markups and debates over bills to support our Armed Forces. But if we scratch below the surface, this amendment is not about protecting our military, it is about risking our current position of global leadership on human rights abroad. It will thwart the efforts of one of the most important international bodies that is about to come to fruition, the International Criminal Court.

Since coming to Congress I have been highly supportive of an I.C.C., and I strongly believe in its principal which is that human rights abusers, who commit crimes against humanity or genocide, should be brought to justice. But even if you do not support an I.C.C., or feel that the Rome Statute needs complete revision, as I respectfully understand the gentleman from Texas does, you should oppose this amendment. It is crucial that we recognize, as the leaders of the free world, that the only way to achieve a Court that we can live with, is to stay engaged in the continuing negotiations over the scope, purpose, and construction of the it. A permanent international criminal court which can bring future perpetrators of war crimes to full and complete justice is in our interests.

President Clinton recognized the importance of this effort and that is why he signed the Rome Statute in December; bringing us into the company of 139 other nations including 17 NATO allies who have signed the Rome Treaty.

When 139 nations have signed this treaty and many have indicated that they are close to ratification, why would we alienate ourselves from this many of our global partners. This amendment would simply assure that the members of the ICC will feel free to ignore our concerns.

I would also like to address the concerns about our Armed Forces or politically motivated prosecutions by the Court. There is no doubt that under the Rome Statute American soldiers who are accused of war crimes will never be impacted because we have a thorough system of military justice in our own Country that would prevent the need for any further review. The ICC won't take this power away, it cannot.

In closing, I want to insure that everyone in this chamber understands the message that we will send to the international community if we pass this amendment.

To quote, from Elie Wiesel, famous human rights advocate who opposed the bill that this amendment is based on

A vote for this legislation would signal US acceptance of impunity for the world's worst atrocities. For the memory of the victims of past genocide and war crimes, I urge you to use your positions . . . to see that this legislation is not passed.

Mr. Wiesel is right—let us think about the implications and the signal we will send—oppose this amendment.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of the American Servicemembers' Protection Act, the amendment offered by the gentleman from Texas (Mr. DELAY), our distinguished majority whip. The proposal of an international criminal court has some appeal to some members of our international community, but the international criminal court that is now being considered by the U.N. is the wrong sort of a court. It will be the equivalent of a world-ranging independent prosecutor without any responsible constraints. The world criminal court could threaten American servicemembers, government officials, and the servicemembers and officials of our allies, including Israel. The Arab League has already indicated it will make Israel the first target of this court.

The DeLay amendment would help slow down the process of the acceptance of this court and would keep American authorities from cooperating with it. We need to send a strong message that we do not accept this court as presently constituted. The passage of the DeLay amendment and its enactment into law would accomplish that task.

Accordingly, I urge our colleagues to support the DeLay amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman for yielding me this time.

Mr. Chairman, prior to coming to Congress I founded the Institute on the Holocaust and the Law, which studied how the laws and courts were used to oppress people rather than to protect them. So I fully understand the concerns of the supporters of this amendment that the International Criminal Court not be used to illegitimately prosecute U.S. forces abroad. The law should never be used to perpetuate injustice.

All of us demand that U.S. forces abroad not be subject to illegitimate prosecution. But the strongest safeguards already exist in the International Criminal Court against such possibilities. That is why this amendment should be defeated today. One of our Nation's proudest moments as the world emerged from the darkness of the Holocaust was to help create the International Military Tribunal at Nuremberg to use the law to achieve justice.

Last week, Mr. Chairman, Elie Wiesel said of a similar amendment, which the gentleman from California has already quoted, that it ''would erase the legacy of U.S. leadership by ensuring that the U.S. will never again join the community of nations to hold accountable those who commit war crimes and genocide.''

Protecting our military personnel is our utmost responsibility. Bringing war criminals to justice is our legacy. Participating fully in the International Criminal Court, Mr. Chairman, allows us to do both.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

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

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Mr. CANTOR. Mr. Chairman, I rise today in support of the American Servicemembers' Protection Act as an amendment to H.R. 1646. The International Criminal Court is the wrong solution to a real and pressing problem and would affect a revolution in international law. The ICC would transform the current international system based on equal independent self-governing states to a system where the ultimate power to judge the legality of state action is vested in a new and unaccountable bureaucracy. The ICC would be fundamentally inconsistent with the most basic principles of sovereignty.

Mr. Chairman, I would also like to emphasize the potential threat the ICC poses to many of our allies, specifically Israel, our only Democratic ally in the Middle East.

When the most recent violence broke out last fall, Israel's enemies sought to use the threat of U.N. prosecution to pressure the Jewish state. Under the broad and unclear jurisdiction of the ICC, any action undertaken by Israel in the West Bank and Gaza could be subject to review and interpreted as a war

crime. The ICC serves as a danger to the security of Israel because of some members of the international community's stated opposition to the legitimacy of that state.

Mr. Chairman, I strongly urge the passage of this amendment.

The creation of a permanent, supranational court with the independent power to judge and punish elected leaders represents a decisive break with fundamental American ideals of self-government and sovereignty. It would constitute the transference of authority to judge the actions of U.S. officials, away from Americans to an unelected and unaccountable international bureaucracy.

Certain United Nations' members have a long history of anti-Israeli rhetoric and activity. In October of 2000, for example, the U.N. Commission on Human Rights condemned Israel for supposedly causing the recent violence in the Middle East, going so far as to accuse it of ''war crimes'' and ''crimes against humanity.'' It is possible, perhaps likely, that these same countries would use the ICC to further their own anti-Israel agenda.

I strongly urge the passage of the American Servicemembers' Protection Act amendment to protect the notion of National sovereignty in America and around the world.

Mr. LANTOS. Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend, the gentleman from Texas (Mr. DELAY), for yielding me this time.

Mr. Chairman, I rise in strong support of the DeLay amendment. Mr. Chairman, let me just read a statement: ''As it currently stands, the Rome Treaty could expose service members and the government officials of nonparty states to criminal liability based on politically-motivated charges brought by other states that object to the nonparty state's international policies.''

Mr. Chairman, that statement was made last year by Secretary of Defense Cohen on behalf of the Clinton administration. I think Members do not fully realize that this process has gone on for years. We have held hearings in the full International Relations Committee on this. There are serious flaws. Just as we saw with the U.N. Human Rights Commission, rogue states are now in charge of and acting as the ''conscience of humanity,'' to quote the chief of that commission. We are talking about the Sudan and China, and countries like Cuba. They now will sit with the black robes on and will judge our peacekeepers.

I support ad hoc tribunals, but this grant of authority in the Rome Treaty goes far beyond that.

Mr. Chairman, I rise in support of the amendment offered by my good friend, TOM DELAY. I was an original cosponsor of the American Servicemen's Protection Act introduced by Mr. TOM DELAY in the last Congress. This important amendment would prohibit U.S. cooperation with the International Criminal Court (including restrictions on U.S. military participation in UN peacekeeping operations and the transfer of U.S. classified national security information, and the provision of U.S. military assistance, to the Court). The amendment also authorizes the President to use all means necessary to bring about the release of U.S. military personnel and certain other persons held captive by or on behalf of the Court.

I am reminded of the raging debate which occurred at the OSCE Parliamentary Assembly meeting last year regarding the International Criminal Court. Our European allies were lambasting the United States, among others, for not supporting the Rome Statute of the ICC. The final text of the OSCE PA resolution in fact called on ''all member States to ratify the Rome Statute of the future International Criminal Court without delay.'' Members of the U.S. delegation to the OSCE PA (which I led) expounded on the provisions which were most problematic. In the waning days of the Clinton administration, he did sign the Rome Statute. I would warn the Bush administration about the serious pitfalls of the ICC, and I would encourage the President to not seek ratification of the Treaty.

At the end of World War II, many people urged the creation of a permanent and independent international war crimes tribunal as a mechanism to deter future violations and to punish those responsible for committing systematic war crimes, crimes against humanity, and genocide. It was envisioned as a permanent court in The Hague with the authority to prosecute suspected perpetrators of war crimes. The statute that ultimately emerged from the Rome negotiations in 1998, however, includes provisions which I believe would create unacceptable risks for the United States.

The subject matter jurisdiction of the Court includes crimes against humanity, war crimes, genocide, and ''aggression.'' But during the negotiations on the treaty, negotiators were unable to agree on a definition of ''aggression.'' This is particularly significant because the Nuremberg Tribunal used the term ''war of aggression'' in its charges against Nazi Germany, not the term ''aggression.'' In fact, acts of aggression by states already fall within the mandate of the U.N. Security Council and it is completely unclear what will be considered acts of aggression by individuals. States that have already ratified this treaty have bought a pig in a poke.

The jurisdiction of the ICC can extend to citizens of states which are not party to the Treaty. This is particularly troublesome when you consider the possibility of U.S. military personnel stationed in a country party to the ICC—or serving on a UN peacekeeping mission—being subject to the investigation and prosecution of the ICC even though the U.S. has not, and hopefully will not, become a party to the Treaty. This, in fact, is the provision to which the amendment being offered by Mr. DELAY is directed.

Article 120 of the Statute forbids reservations to the ICC Treaty. Thus, the United States or any other country would have to either accept or reject the treaty in its entirety. In light of the problems I have alluded to, I believe that rejecting the ICC in its entirety is the only reasonable course open to the United States at this time.

During the negotiations on the ICC Treaty, the effort by the United States to limit the application of the Court's jurisdiction over non-States Parties was squelched by the successful passage of a non-action vote requested by Norway. The United States also sought to curb the broad powers of the Court to prosecute the military personnel of UN Members States which are not party to the ICC Treaty but we were rebuffed.

Mr. Chairman, let's consider for a moment the potential effects of the International Criminal Court should 60 States ratify the Treaty and should the ICC have the force of international law. Some supporters of the ICC have belittled concern that the United States—or other countries, for that matter—might find itself the target of politically driven prosecutions. But consider, for a moment, the reaction in some quarters to the use of force by NATO against Serbia in 1999. Serbia is suing eight NATO countries before the International Court of Justice right now for their participation in the NATO campaign; there are also charges by Serbian citizens that have been brought against 15 NATO countries before the European Court of Justice. More troubling are the accusations that were leveled by a group of lawyers from several countries who sought to have some 60 government officials from NATO countries, including NATO's Supreme Commander Gen. Wesley Clark, charged by the International Criminal Tribunal for the Former Yugoslavia. The accusations included ''willful killing, willfully causing great suffering or serious injury to body or health, extensive destruction of property, not justified by military necessity, and carried out unlawfully and wantonly, employment of poisonous weapons or other weapons to cause unnecessary suffering.''

Human rights organizations raised concerns about NATO's attack on TV and radio transmission facilities, dropping cluster bombs and destroying power plants inside Serbia. Others argued that NATO's rules of engagement, which called for pilots to fly high out of range of Serbian missiles, endangered civilians and were thus ''clearly prohibited under international humanitarian law.'' Ironically, many of the same groups that had urged intervention to stop and prevent further atrocities in Kosovo quickly denounced NATO for its action. While I respect human rights groups that have raised legitimate questions about the conduct of the campaign, some NATO critics have clearly revealed a knee-jerk anti-American sentiment in their accusations. For the record, the Chief Prosecutor of the Yugoslav Tribunal considered the materials submitted to her regarding NATO actions and declined to pursue charges against any NATO officials.

Inevitably, if the U.S. assumes a leadership role in maintaining peace and security and promoting human rights around the globe, the enemies of peace, security and human rights will continue to seek ways to undermine our efforts. Unfortunately, the current ICC statute does not provide sufficient safe-guards against the initiation of politically motivated prosecutions.

The concerns raised by the United States regarding the Rome Statute are well-founded and I urge my colleagues to support fully the amendment offered by Mr. DELAY. This will help provide a modicum of protection for our men and women in uniform who may be serving on the territory of a country which has ratified the Treaty.

THE INTERNATIONAL CRIMINAL COURT

HEARINGS BEFORE THE COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, ONE HUNDRED SIXTH CONGRESS, SECOND SESSION, JULY 25 AND 26, 2000

Selected Excerpts—Page 37

Mr. SMITH of New Jersey. The concept of a permanent International Criminal Court charged with prosecuting the gravest of crimes against humanity is not a new one. The idea was proposed and dismissed after the conclusion of the Nuremberg and Tokyo War Crime Tribunals that followed World War II.

In recent years the idea has gained new momentum, driven largely by memories of the horrific crimes committed in Rwanda and the former Yugoslavia. I share the ideals of many ICC supporters. If we could construct an entity that would impartially prosecute only genocidal tyrants and war criminals I would support it without hesitation, but we do not inhabit an ideal world. The difficulty is in devising a system that will prosecute Pol Pot, but not President Clinton, that will indict Ratko Mladic but not Norman Schwartzkopf.

I am concerned that the Rome Statute of the International Criminal Court fails to accomplish that goal and that it is susceptible to serious abuse and manipulation.

As it took form, the draft statute ballooned from an instrument focused on well-established war crimes into an encyclopedia of still-emerging human rights law. The resulting statute is a 30,000 word document that covers 77 pages. It contains sweeping language that leaves many elements of vaguely defined crimes up to the imagination of international lawyers.

For example, according to article VI the crime of genocide includes, ''causing serious mental harm'' to members of a, ''national, ethnic, racial or religious group.''

It is true that similar language is contained in the Convention against Genocide, but the United States took a reservation to the jurisdiction of the World Court over the definition of genocide. This is not because we intend to commit genocide, but because the United States was unwilling to surrender its sovereignty to a body that might be manipulated by hostile parties using the vague language of the convention as an ideological hobbyhorse.

Similarly, article V asserts ICC jurisdiction over the, ''crime of aggression''—an offense that is not defined in international law or even in the Rome Statute itself, a point that I made repeatedly at the OSCE parliamentary assembly in Bucharest earlier this month. In the context of domestic law, such vagueness would be problematic. In the more combative context of international law it is dangerous.

In addition to the problems posed by its vague definitions, the statute also claims a jurisdictional reach that is without precedent. Once 60 countries have ratified it, the statute claims ICC jurisdiction over any defendant who may have committed a crime in a signatory state regardless of whether the defendant's own state had ratified the treaty. By claiming to bind the subjects of nonsignatory states, this self-executing, potentially universal jurisdiction directly challenges traditional concepts of national sovereignty.

Finally, the Rome Statute gives the ICC prosecutor a vast amount of personal power with a minimum amount of oversight. The statute drafters rejected a U.S. proposal that the prosecutor only be allowed to proceed on cases referred either by a sovereign state or by the U.N. Security Council. Instead, the ICC prosecutor may initiate investigations and prosecutions on his own authority without control or oversight by any national or international party.

Under article 44, the prosecutor may also accept any offer of, ''gratis personnel offered by nongovernmental organizations to assist with the work of any of the organs of the Court.''

I have long been a supporter of the important work undertaken by International NGO's, particularly relating to the protection of human rights and the provision of humanitarian relief, but it is also true that there exist hundreds of highly ideological NGO's who look to international bodies to promote agendas that go far beyond the domestic political consensus in their home countries. The combination of the independent prosecutor's extreme discretion with staff provided by well-funded extremist NGO's could lead to serious problems and partisanship by the ICC. These are but a few of the problems that I have with the present form of the Rome Statute.

I readily acknowledge that many, probably most, ICC supporters do not intend for the Court to be used as a club for U.S.-bashing or as an engine or radical social engineering, but once the ICC is established it will take on a life of its own. Its activities will be restricted by the language of the Rome Statute itself rather than by the best intentions of its most responsible supporters, and I just would say finally, Mr. Chairman, as you know, I take a back seat to no one in promoting—in the past and present—both the Rwanda War Crimes Tribunal and the International War Crimes Tribunal for the Balkans.

When we were holding early hearings in our subcommittee as well as on the Helsinki Commission I offered language and amendments to boost the U.S. donation to those important tribunals and so I take a back seat to no one, but this I think has some very real problems that need to be addressed. I yield back.

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Mr. SMITH [presiding].

Let me ask a few questions and then I will yield to my friend, Mr. Berman, if he has any further questions.

You mentioned checks and balances that exist within the Yugoslavian War Crimes Tribunal. Do those same checks and balances also exist in the Rome Statute?

Ambassador SCHEFFER. Congressman, there are many more checks and balances in the ICC statute, and I can go into some of those. But the power of the prosecutor is much more qualified within the ICC statute. The principle of complementarity, which is nowhere found in the Yugoslav or Rwanda Tribunal statutes is a central feature of this particular Court.

And, furthermore, this Court, the ICC, depends upon the states parties to the Court to actually make very important decisions relating to the Court, whereas, the Yugoslav and Rwanda Tribunals look to no governments whatsoever for their decisionmaking.

Mr. SMITH. Let me ask you what kind of checks and balances there are. In terms of elected officials, our Founding Fathers, I

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think, were right in vesting only limited power in each of the three branches, being so distrustful, as they were, of any single entity being given so much power. Power corrupts, and absolute power corrupts absolutely.

What happens if a prosecutor and/or judges were to run amok and to engage in an ideological crusade against certain individuals? I think we already have a shot across the bow when lawyers brought action against NATO for alleged war crimes, that our planes were flying too high, putting additional civilians at risk, the choice of targets, which they seem to disagree with. A war crime then potentially could be in the eye of the beholder. Because, again, I do think there is some true elasticity to these terms.

Yes, Mrs. Del Ponte did not accept and did not proceed on those charges, but some other prosecutor may not be so favorably inclined. You might want to comment on that. Looking back, if the Rome Statute were in effect during World War II, for example, and we dropped the bomb on Hiroshima and Nagasaki, and we did the firebombing of Dresden and the other German cities with a huge number of civilian casualties, would that be construed as a war crime under the plain meaning of the Rome Statute?

Ambassador SCHEFFER. Well, Congressman, it is far too speculative to try to get into that. Remember that during World War II, the question is, were those actions violations of codified or customary international law at that time?

Mr. SMITH. That is not the question I am asking.

Ambassador SCHEFFER. No, I know.

Mr. SMITH. Fast-forward those military actions that this country undertook with our Alliance.

Ambassador SCHEFFER. It is entirely speculative to say we would use exactly the same military tactics today as we did during World War II. I would not speculate in that direction, not at all. We are far more precise——

Mr. SMITH. But there is no doubt a reasonable man or woman could use the Rome Statute in cases analogous to matters of historical fact, where military decisions were made which resulted in huge casualties. Thankfully, at least, the consequence of Hiroshima and Nagasaki was the ending of the war. But there is an argument that has been made ever since as to the advisability of those actions.

I think it is fair question. Past is prologue. We may be faced with this in the future. We all know that NATO, in terms of its war doctrine, would rely on superiority, at least during the Soviet days, rather than quantity. Quality was what we would rely on. There is the potential that a United States President, or a French President, or a British Prime Minister may have to make a decision some day to use nuclear weapons. It is not beyond the realm of possibility and it is not highly speculative. Those things have to be thought through.

Since we have the historical record, I think it needs to be plugged in to see whether or not this would have triggered a war crimes prosecution.

Ambassador SCHEFFER. Well, we were careful in the drafting of the statute, as well as the elements of crimes, to establish very high barriers to actually launching investigations and prosecuting the crimes. Not isolated incidents, there has to be systematic widespread events. There have to be plans and policies to directly assault civilian populations. If military necessity dominates the reasoning behind the use of any particular military force, then that is in conformity with international law and it is in conformity with the statute.

But if you are asking me, speculate as to whether or not it can conceivably be drawn that the United States takes a particular type of military action without describing what the intent was behind it, the plan or the policy behind it, I can't answer questions like that because you have to go through every step of the analysis before you can answer whether or not this statute would actually apply to that particular use of military force.

Mr. SMITH. Well, one of the more perverse outcomes would be that our military strategists would be faced with factoring in not

just what is in the best interests of the United States and our allies, and how are we more likely to achieve a military end to a conflict. they would also have to factor in whether or not such an action would violate the Rome Statute.

Let me also say, our nuclear doctrine rests on deterrence, and if the Russians were to attack us or to launch, we would destroy Russian cities. How would that fit into a Rome Statute world?

Ambassador SCHHEFFER. Congressman, this statute, as I said, specifically provides very high barriers that have to be met.

Mr. SMITH. But crimes of aggression aren't even defined yet.

Ambassador SCHEFFER. And it is contrary to U.S. Federal law as well as the Uniform Code of Military Justice to violate the laws of war. So I would assume the plan or policy of the United States would not be to violate the laws of war. If it were the plan or policy to violate the laws of war, then we have a lot to answer for. But if it is not the policy to violate the laws of war, there should be symmetry between our actions and what has been set forth in the statute, which we agree with.

We agree that the crimes set forth in the statute are crimes under customary international law which we must adhere to. We are not disagreeing with what is in the statute in terms of the list of crimes, we agree with them They must be complied with.

Mr. SMITH. And again, signing a document that still has not defined crimes of aggression——

Ambassador SCHIFFER. And by the way, I noticed that in your opening statement. I did want to get back to you on that. The whole process in the Preparatory Commission now is to try to determine, can there be a definition for aggression? The crime of aggression is not actionable under the statute unless there has been an agreement among the states parties to the statute at the 7-year review conference as to what is the definition of that crime. So you can't—there is no way to prosecute that crime until such a definition has been arrived at. And we have a very significant coalition of governments in total agreement with us as to how to proceed in those talks to define the crime of aggression.

Interestingly enough, under the statute, if one is a state party to the statute, you have every right, if a new crime is added to the statute, to completely exclude yourself from the coverage of that crime.

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Mr. SMITH. Mr. Slocombe, Secretary Slocombe, if you could respond to the hypothetical posed earlier about not just our deterrence strategy, which is based on the obliteration of cities, unless something has changed there that I don't know about, but also the bombing of Hiroshima, Nagasaki, and the firebombing that took place in Germany. If the Rome Statute were in effect, would that have precluded those actions?

Mr. SLOCOMBE. Mr. Smith, I think the way I would answer that would be to say that, in our view, if the Rome Statute were properly applied, American military personnel or the political officers, the President and, I guess in those cases, the Secretary of War, the Secretary of the Navy who ordered operations could not properly be prosecuted under them because they were legitimate. In the case of Hiroshima and Nagasaki, and, indeed, in general, with respect to the strategic bombing campaign against both Japan and Germany with conventional weapons, I would maintain that, judged by the context in which they occurred, they were not violations of the law of war under any circumstances.

So that, as a lawyer, the way I would answer the question would be that the United States would have a good defense if such cases were, in your case, hypothetically tried.

What I am concerned about, what the United States is concerned about, is that there could be a politically motivated prosecution based on what would, in our view, be a misinterpretation of the law of war, and, therefore, a misinterpretation of the Rome Statute. And once one is in a court, once you concede the principle of jurisdiction, there are no guarantees as to the result.

Mr. SMITH. So it would be possible that a Hiroshima, Nagasaki type action or the firebombing in Japan and in Germany could be prosecuted in the future if such a thing were——

Mr. SLOCOMBE. As we have said repeatedly, our concern in respect of this statute, in respect of the Court, is precisely the concern about politically motivated, in effect, bad faith prosecutions. Exactly.

Mr. SMITH. But what about a good faith prosecution, by someone who honestly believed that Hiroshima was a war crime? I mean it is possible that it could happen?

Mr. SLOCOMBE. Well, there is no question that on its face, the Court has jurisdiction over actual ''war crimes''. That is what the statute says, that is what is intended. Our concern, the United States military, through the United States military justice system, prosecutes and prosecutes vigorously well-founded allegations that American military personnel have violated the law of war.

We do not need the International Criminal Court to deal with that problem. So that is a non-problem. Our concern is not that there would be valid prosecutions of American military personnel. Our concern, rather, is as I said, and as we had said repeatedly, our concern is with politically motivated prosecutions based not really on serious allegations of war crimes, but on disagreement with U.S. or other alliance policies, of which I think the rejected allegations with respect to Kosovo are a good example.

Mr. SMITH. Could I ask, and ask you to provide it for the record, that the Pentagon undertake an analysis as to whether or not Rome would apply to World War II actions like I mentioned before?

Ambassador Scheffer, I think if these other issues were ironed out, you probably would like to see us sign this. But we have got to know what we are heading toward, and we need to look back before we look forward. Such an analysis, if it hasn't been done, really should be done.

Mr. SLOCOMBE. It has been done, that is the reason we opposed the treaty.

Mr. SMITH. What has been done, a look back at past conflicts?

Mr. SLOCOMBE. Well, I don't know that anyone did it in the mind of saying Dresden could have been prosecuted, I think they did it in the mind of saying you don't have to go back to World War II or to the Vietnam War to say that there is a very real danger that there could be politically motivated prosecutions through the International Criminal Court, and that is precisely the reason that not just the Department of Defense, but the Administration voted against the text and have refused to sign the treaty.

Mr. SMITH. And Ambassador Scheffer, you agree with that, there could be politically motivated prosecutions?

Ambassador SCHEFFER. Precisely.

Mr. SMITH. I'm sorry?

Ambassador SCHEFFER. Yes. Yes.

Mr. SMITH. Do you, Ambassador Scheffer, personally think that President Clinton made a mistake when he decided against signing the treaty in 1998?

Your mike is not on.

Ambassador SCHEFFER. I'm sorry, Congressman. My answer to your other questions was yes.

Mr. SMITH. OK. Thank you.

Ambassador SCHEFFER. No, there was no mistake whatsoever. In fact, the issue of signing was simply not the issue. In Rome it was, do we agree with other governments to release the text of the statute out of the Rome Conference in the form that existed at the end of the conference? That was the only issue there.

It truly is a more responsible course to take not to consider even the issue of signing until one sees the totality of this treaty regime.

Mr. SLOCOMBE. If I could, Mr. Chairman, could I read a sentence from a letter which Secretary Cohen, with the concurrence of his colleagues in the senior levels of the Administration, sent in support of Ambassador Scheffer's effort, which responds exactly to your point? It reads, ''As it currently stands, the Rome Treaty could expose servicemembers and Government officials of nonparty states to criminal liability based on politically motivated charges brought by other states that object to the nonparty states' international policies.'' That is our position and that, in a sentence, is the reason for our concerns.

Mr. SMITH. Let me ask a final question or two. Ambassador Scheffer, how likely do you really think it is that you will succeed in your efforts to get the ICC to forego criminal jurisdiction over Americans and persons from other countries that are not a party to the Rome Statute? And what happens if you fail? Obviously there are a different set of diplomats and parliamentarians that I was meeting with, but at the Bucharest Conference we were all alone in our opposition. I was amazed in speaking one-on-one during the course of the week in Bucharest at the OSCE Parliamentary Assembly at how Pollyanna-ish some of the views were of members who did not have a clue what was contained in the statute but just said ''We want an ICC and that is it.'' The British were probably more emphatic than anyone, although they seem to have been informed and knew the contents of the statute They were vigorously pushing for rapid ratification, which is what the operative language was that they were offering.

The Germans offered it. We tried to weaken it with an amendment and it was not acceptable, regrettably. It seems as if, as Mr. Bereuter pointed out earlier, in terms of a willingness to just cede sovereignty, the Europeans have no problem with that, it seems. But obviously we do.

What is the next step if they do not include us—or exclude us, I should say—from jurisdiction? What would be the next step?

Ambassador SCHEFFER. Well, I think there will be some—let met just describe it as serious results if we cannot prevail with a provision or a document that is satisfactory to us in the Preparatory Commission talks.

I think as Under Secretary Slocombe said earlier we are going to have to take a very serious reassessment of this. I think there is going to be a clearer assessment as to what we can consider in terms of military contingencies for this Government, but at the same time I would hope that that assessment could, the fact that there would be such an assessment would encourage a good number of governments, particularly our allies, that they have far more to gain from this process from the United States being a cooperative partner in this Treaty, even as a nonparty, than they do to isolate us by not taking into consideration the very specific requirements that we have in the international community, so all I can say is I hope I can succeed.

I don't want to pretend to say that I have got an easy job ahead of me. Right now the deck is stacked against me, but we have to try. This is a step-by-step process. We have

had to exercise some patience in getting there, but every time we have pursued our objectives since Rome to actually accomplish what we need to accomplish, we have accomplished it, so I want to go that final mile and see if we can accomplish this objective.

Mr. SMITH. Again, what is the likelihood of doing it? I mean Secretary Bolton and—

Ambassador SCHEFFER. It could be 50–50 at this stage.

Mr. SMITH. Secretary Bolton and Eagleburger, former Secretary of State, have made it clear that they thought we lost the fight 2 years ago.

Ambassador SCHEFFER. Well, as I said, we simply do not share their vision of either having lost or waging this campaign. I think you have to be in the trenches of it to recognize that other governments truly do not want, at least many other governments, truly do not want to see the United States walk out of this process. They know how valuable we can be in the long-run for this Court and therefore I would hope that we could persuade them that a reasonable accommodation within the Treaty regime of U.S. interests is going to be to the betterment of the entire process and to the Court itself.

Mr. SMITH. I would respectfully suggest that we did lose it 2 years ago. We are trying to fix it now, and I obviously wish you success. We all would wish you success on that, but, you know, you mentioned serious repercussions or serious consequences. I think we are more likely to avoid that if we are very specific in saying this or that happens. Predictability I think is your friend now. Can you elaborate on some of the consequences if we lose?

Ambassador SCHEFFER. Well, as we have already stated to our colleagues in other governments in letters that the Secretary of Defense has sent to his counterparts, we would have to re-evaluate our ability to participate in military contingencies if we cannot prevail on that, and I think that is a fairly powerful consequence.

In addition to that, I think governments truly are having to gauge what is the consequence if the United States cannot be a good neighbor to this treaty. It will severely cripple the operation of this Court if we cannot be a player in it.

Mr. SMITH. How would it affect peacekeeping in your view, and Mr. Slocombe, you might want to add your views on peacemaking as well?

Ambassador SCHEFFER. I think it could have a very severe impact on that. Walt?

Mr. SLOCOMBE. What the Secretary of Defense said in his letter was unfortunately a negative result—that is, a negative result with respect to the article 98 effort—could have a major impact on our decision whether to participate in certain types of military contingencies.

That is what he said. I would not see that as an absolute judgment that we will never send American troops overseas in any situation, but it would have to be a factor we would have to take into account.

Mr. SMITH. Just getting back to the legislation, and I know in its current form you have made it clear you don't support it, but can you not at least admit there is some value in again broadcasting to the world that we are very serious and that the Congress is very serious about there being very negative consequences if this thing proceeds and we are included, having not been made a party to it, having not ceded or signed it?

Ambassador SCHEFFER. Well, I think there is some value to it and the mere existence of the legislation I think has sent that signal very loudly and clearly.

What I am saying is that actual adoption of this legislation would then have the reverse effect on our ability to actually negotiate our common objective.

Mr. SMITH. Let me just take that one step further. I mean the President obviously would have the capability of vetoing the bill if he thought it was not the right vehicle.

But let me point out that the Congress also has prerogatives, and we do fund peacekeeping. We obviously provide the necessary and requisite moneys for our military. It seems to me that we need to be very much a part of this because the outcome could be a disaster going forward for the world and for U.S. men and women in uniform who may be deployed overseas.

As I have read this, and I have read just about everything I can get my hands on, I have grave concerns. I said at the outset that no one has been more favorably inclined toward ad hoc tribunals than I am. When we had the first hearings in the Helsinki Commission on what became the Yugoslavian Tribunal we were being told by its leader, the man that was charged by the United Nations to take on the responsibility, that it was designed to fail, that he had been given insufficient resources, that it was nothing but fluff in order to placate certain individuals in countries, but it really was not a serious effort.

Now if we go in the other extreme and all of a sudden pass or enact something that potentially could prosecute the President or our Secretary of State or Defense or Supreme NATO Allied Commander, I think we have erred significantly as well, and I don't think there has been enough vetting of this issue.

I think a very small group of people have decided this. As I mentioned earlier, you know, I really want to take a look at who the actual participants were. We have heard that NGO's were filling the seats and taking on the responsibility of negotiating rather than the respective governments, who were kind of like brushed aside and the designated hitters were making decisions. That is serious if that indeed turns out to be the case. So I think there has been far less scrutiny brought to this, and hopefully these hearings are the beginning of even more focus by the Congress, but I thank you for your testimony.

Mr. Tancredo is here. Do you have any comments?

Mr. TANCREDO. No.

Mr. SMITH. I do thank you for your comments. We look forward to working with you in the future.

Ambassador SCHEFFER. Thank you, Mr. Chairman.

Mr. SLOCOMBE. Thank you, Mr. Chairman.

[Whereupon, at 11:51 a.m., the Committee was adjourned.]

Mr. LANTOS. Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, maybe either the gentleman from New Jersey (Mr. SMITH) or my friend and colleague, the gentleman from Texas (Mr. DELAY), could answer this question. And that is, if we do not sign this treaty, then we will not have primary jurisdiction over our soldiers; meaning if we do sign this treaty, our soldiers are under the jurisdiction of our courts; but if we pass the DeLay amendment our soldiers will be under the jurisdiction of another country and/or the ICC that the gentleman purports he does not want our soldiers to be subject to.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. Mr. Chairman, on the gentleman's time. I do not have the time. The gentleman has more time than we do.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. Mr. Chairman, on the gentleman's own time I will yield. It is his amendment. If he wants to answer the basic question.

Mr. DELAY. The gentlemen asked me a question. He controls the time. Would he like an answer?

Mr. KENNEDY of Rhode Island. I control the time and I am not going to yield. I would like to ask the gentleman from Texas (Mr. DELAY), who is offering this amendment, to explain his amendment and explain to this House that what he is trying to do he actually does not do, because the very service member who he is purporting to protect actually will end up subject to other foreign nations' courts, and not our own, if we pass this DeLay amendment. I would ask the gentleman from Texas (Mr. DELAY) on his own time to explain why his amendment does exactly the opposite of what he purports it to do.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, let me take a shot at this. Since I am also a JAG officer and I have been in a theater of war, what the gentleman from Rhode Island (Mr. KENNEDY) is purporting I would say is false. When a war is fought, it is fought under the laws of war. There are also the Geneva Conventions. Our country has treaties with other countries. We have memorandums of understanding. We have exchanges of letters with regard to the jurisdiction and who can prosecute whom under what circumstance.

I am going to support the DeLay amendment because I do not want our military to be tried by Iraq or some other nation out there. If we have a nation, take Germany, for example, and that military officer or an enlisted person commits a crime in the line of duty, we prosecute those; we take care of that. If they commit an offense in the civilian, outside the line of duty, they are prosecuted by Germany. That occurs out there.

I think we need to pause and really think whether we want to subject our military to an international court.

Mr. LANTOS. Mr. Chairman, I reserve the balance of my time.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

Mr. Chairman, I am grateful that the distinguished majority whip, the gentleman from Texas (Mr. DELAY), has given me this time, and I appreciate his efforts and his diligence in defending our men and women in uniform who, but for this amendment, might be

subject to arbitrary and capricious actions of rogue nations bent on perverting the International Criminal Court.

None other than President George Washington warned his posterity about certain relations with foreign governments that might put liberty at risk.

The system of law that is likely to be practiced in the ICC is outside of our Constitution and our rule of law. It does violence to the very common law that is our inheritance. There is little doubt that the framers of the Constitution would reject this peculiar foreign legal system outright as a form of tyranny. The notion that our citizens, men and women in uniform, would be subject to the whims of a foreign court is anathema to the principles of the American founding.

American citizens and their military personnel should never be subject to laws not created by the American people. The fear voiced by George Washington must control our debate today.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations.

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

Mr. HYDE. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

Mr. Chairman, I think it would be a terrible mistake to submit our military to this International Criminal Court. First of all, double jeopardy. If we read the Statute of Rome, it is left to a court to decide if our court martial was a genuine, honorable, honest effort. If they do not like it and one gets discharged, that person can be retried.

The decision is made, ''The case is being investigated or prosecuted by a state which has jurisdiction over it unless the State is unwilling or unable genuinely to carry out the investigation.'' Who decides if it was a genuine investigation? A Chinese court?

The same means by which we were excluded from the Human Rights Commission can exclude us from participation in this court, because one becomes a member by the votes of the member states.

Now, the crime of aggression, maybe that is flying along the China coast in international waters; maybe that is the crime of aggression to some people. Why submit our people to this? It is alien.

Mr. LANTOS. Mr. Chairman, I yield myself 30 seconds to close.

Mr. Chairman, no Member of this body is in favor of having American servicemen or servicewomen tried by an International Criminal Court. As we outlined earlier, our service people abroad are tried by our own military courts.

We are in favor of establishing an International Criminal Court similar to the one at the end of the Second World War, the Nuremberg Tribunal, and similar to the one currently dealing with international criminals of the former Yugoslavia's bloodshed.

I ask my colleagues to vote against the DeLay amendment.

Mr. PAUL. Mr. Chairman, I rise to join Mr. DELAY in expressing serious concern over the subject matter of his amendment, that is, the International Criminal Court (ICC).

Considering the detestable substance of the balance of H.R. 1646, fortunately, the underlying bill is silent on the ICC other than to prohibit funds authorized for International Organizations from being used to advance the International Criminal Court. As such, I have some reservations with the amendment offered by Mr. DELAY because it singles out one class of American citizens for protection from ICC jurisdiction (thus violating the doctrine of equal protection), it supposes that if the Senate ratifies the ICC treaty, U.S. citizens would then be subject to the court it creates, and it illegitimately delegates authority over which U.S. citizens would be subject to the ICC to the U.S. president. Moreover, his amendment would authorize U.S. military actions to ''rescue'' citizens of allied countries from the grips of the ICC, even if those countries had ratified the treaty. It may be better to remain silent (as the bill does in this case) rather than lend this degree of legitimacy to the ICC.

It is certainly my view (and that of the 21 cosponsors of my bill, HCR 23), that the President should immediately declare to all nations that the United States does not intend to assent to or ratify the International Criminal Court Treaty, also referred to as the Rome Statute of the International Criminal Court, and the signature of former President Clinton to that treaty should not be construed otherwise.

The problems with the ICC treaty and the ICC are numerous. The International Criminal Court Treaty would establish the International Criminal Court as an international authority with power to threaten the ability of the United States to engage in military action to provide for its national defense.

The term ''crimes of aggression'', as used in the treaty, is not specifically defined and therefore would, by design and effect, violate the vagueness doctrine and require the United States to receive prior United Nations Security Council approval and International Criminal Court confirmation before engaging in military action—thereby putting United States military officers in jeopardy of an International Criminal Court prosecution. The International Criminal Court Treaty creates the possibility that United States civilians, as well as United States military personnel, could be brought before a court that bypasses the due process requirements of the United States Constitution.

The people of the United States are self-governing, and they have a constitutional right to be tried in accordance with the laws that their elected representatives enact and to be judged by their peers and no others. The treaty would subject United States individuals who appear before the International Criminal Court to trial and punishment without the rights and protections that the United States Constitution guarantees, including trial by a jury of one's peers, protection from double jeopardy, the right to know the evidence brought against one, the right to confront one's accusers, and the right to a speedy trial.

Today's amendment, rather than be silent as is currently the case with the bill, supposes that ratification would subject U.S. citizens to the ICC but the Supreme Court stated in *Missouri* v. *Holland,* 252 U.S. 416, 433 (1920), *Reid* v. *Covert,* 354 U.S. 1 (1957), and *DeGeofrey* v. *Riggs,* 133 U.S. 258, 267 (1890) that the United States Government may not enter into a treaty that contravenes prohibitory words in the United States Constitution because the treaty power does not authorize what the Constitution forbids. Approval of the International Criminal Court Treaty is in fundamental conflict with the constitutional oaths of the President and Senators, because the United States Constitution clearly provides that ''[a]ll legislative powers shall be vested in a Congress of the United States,'' and vested powers cannot be transferred.

Additionally, each of the 4 types of offenses over which the International Criminal Court may obtain jurisdiction is within the legislative and judicial authority of the United States and the International Criminal Court Treaty creates a supranational court that would exercise the judicial power constitutionally reserved only to the United States and thus is in direct violation of the United States Constitution. In fact, criminal law is reserved to the states by way of the tenth amendment and, as such, is not even within the federal government's authority to ''treaty away.''

Mr. Chairman, the International Criminal Court undermines United States sovereignty and security, conflicts with the United States Constitution, contradicts customs of international law, and violates the inalienable rights of self-government, individual liberty, and popular sovereignty. Therefore, the President should declare to all nations that the United States does not intend to assent to or ratify the treaty and the signature of former President Clinton to the treaty should not be construed otherwise.

Mr. WELDON of Florida. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague, Majority Whip TOM DELAY. This amendment to H.R. 1646, the Foreign Relations Authorization Act is important if we are to overturn a last minute act by the previous Administration. By signing the U.S. onto the International Criminal Court just a few hours before leaving office, Mr. Clinton chose to subject U.S. troops and our military actions to second guessing by international judicial bureaucrats appointed by an international body.

Mr. DELAY's amendment provides legal protections to ensure that American citizens, especially U.S. military personnel, are not prosecuted by the International Criminal Court for actions undertaken by them on behalf of the U.S. government. This amendment prohibits (1) U.S. cooperation with the Court except to free American citizens or those of our allies; and (2) providing classified information to the court. In addition, it requires that countries receiving U.S. military assistance (other than NATO, non-NATO allies and Taiwan) must exempt Americans from prosecution or arrest by the court on their soil. Finally, it requires that the U.N. Security Council exempt American military personnel engaged in assessed U.N. peacekeeping operations from prosecution by the Court.

A brief look at recent actions by the United Nations demonstrates how foolish it would be to sign up to this treaty. The United Nations just recently removed the United States from the Human Rights Commission, and placed on

the commission Cuba, China and Sudan. Cuba is run by a dictator who has no regard to human rights and imprisons people at his will. China oppresses religious freedom and detains individuals without due process. And, the government of Sudan has killed 2 million Christians over the past few years. Sudan also still engages in slavery. Those who are arguing that the United States should sign up to a treaty that allows these nation's to put American citizens and service members on trial, are putting these brave men and women in jeopardy.

The United Nations conference ignored U.S. objections and endorsed a plan for establishing a permanent international criminal court. the American representatives at the negotiations on this treaty, under pressure from the Republicans in Congress, sought to obtain a guarantee that U.S. military service personnel and agents could never be held liable to this court. This was rejected. This represents a dangerous potential for usurping national autonomy, and I will continue to work to see that this proposal is fully rejected. Our Founding Fathers warned us about foreign entanglements. Certainly, ceding national autonomy falls into this category.

I will continue to oppose any effort to permit the U.S. to join this ''court.'' I am pleased that President bush has expressed his objections, and the U.S. Senate has made it clear that it would reject this treaty. Mr. DELAY's amendment will be an important step in stopping this problematic agreement.

Ms. MCCOLLUM. Mr. Chairman, I rise today to oppose the Delay amendment to H.R. 1646.

The International Criminal Court (ICC) will be a permanent court to try individuals, not countries, for the most serious crimes of concern to the international community. These would be heinous crimes such as genocide and widespread systematic torture and rape.

The horrendous crimes in Bosnia, Rwanda, Sierra Leon, Kosovo and far too many other countries have awakened the international community to the need to punish the criminals responsible for inhuman acts of violence. The same concerns that led to the trials at Nuremberg and Tokyo, the creation of ad hoc tribunals for the Former Yugoslavia and Rwanda, and the existence of established international criminal law have made the ICC more feasible now.

The Court will hear a case only when no national court is available or willing to hear it. In the case of the United States, our courts would decide whether to try a case or submit it to the ICC. In theory the ICC could try Americans. However, the ICC would only intervene when the U.S. chooses to relinquish its right to try a case. In practical terms, it is highly unlikely that the American judicial system would be unwilling or unavailable to try a case.

Also, it is important to remember that Americans arrested abroad for committing a crime are already subject to prosecution by other countries. In the highly unlikely event of an American being arrested abroad for war crimes, in many cases a trial in the ICC would be fairer and the country might well agree to turn the accused over to the ICC.

The U.S. Government has taken great pains to require that the accused receive a fair trial and be accorded the due process of law. The draft statue defines the rights of the accused in accordance with the rights guaranteed in the International Covenant on Civil and Political Rights and the Declaration of Human Rights. They include the presumption of innocence, the right to counsel, the right to confront one's accusers, and the right to a speedy trial.

I support the U.S. participation in the ICC as well as all efforts that seeks justice for the victims of genocide, torture, rape and systematic violence against civilian men, women and children.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DELAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 107–62.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HYDE:

Page 76, after line 12, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(a) ADDITIONAL RESTRICTION ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS AND USE OF SECRET BALLOTS.—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be appropriated by section 911(a)(3) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that—

(1) the United States has obtained full membership on the United Nations Commission on Human Rights for a term commencing after May 3, 2001; and

(2)(A) neither the United Nations nor any specialized agency of the United Nations takes any action or exercises any authority by any vote of the membership of the body by a secret ballot which prevents the identification of each vote with the member casting the ballot; or

(B) a detailed analysis of voting within the United Nations and specialized agencies of the United Nations has demonstrated to the satisfaction of the Secretary of State that the use of secret ballots can serve the interests of the United States and that analysis has been transmitted to the appropriate congressional committees.

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Illinois (Mr. HYDE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time on this amendment to the gentleman from California (Mr. LANTOS) and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment requires that the final tranche of arrearage payments to the United Nations and other designated agencies be contingent upon a certification by the Secretary of State that the United States has regained its seat on the United Nations Commission on Human Rights.

I urge support for this amendment that expresses our strongest possible concern over the vote on May 4 by the 53 members of the U.N. Economic and Social Council to remove the U.S. from its seat on the Human Rights Commission, a seat I might add that we have held continuously since the Commission's inception in 1947.

Let there be no mistake about the message being sent to the U.S. with this unprecedented action to remove our strong and uncompromising voice from the proceedings of this body. This is a deliberate attempt to punish the United States for its insistence that we tell the truth about human rights abuses, wherever they occur; including in those countries represented on the Commission such as China and Cuba.

The U.N. Secretary General, Kofi Annan, spoke for many other member states when he noted in a statement in the aftermath of this vote that the United States has played a leading role over the years in drafting landmark documents, such as the Universal Declaration of Human Rights, and has been a key member of the Commission. The U.S. made a major contribution to the work of the United Nations in the field of human rights.

In response to this inexplicable and inexcusable decision, it is appropriate that the U.S. send its own message to U.N. member states, and particularly the members of the western European group. If allowed to stand, this decision threatens to turn the Human Rights Commission into just one more irrelevant international organization.

If our voice is stilled, other countries will have even greater difficulty in speaking openly and plainly about rampant human rights abuses around the world.

The adoption of this amendment will assist the administration in its efforts to take whatever steps are necessary over the next year to restore our voice and vote in this body.

To those critics who say we are overreaching and overreacting, I would argue that to do anything less would be a repudiation of our own values and principles of freedom, democracy, and respect for human rights enshrined in the U.N. Charter and in our own Constitution.

I urge the adoption of this amendment, and I am so pleased to share its authorship with the distinguished gentleman from California (Mr. LANTOS).

Mr. Chairman, I reserve the balance of my time.

Ms. MCKINNEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 20 minutes.

Ms. MCKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose the Hyde-Lantos-Sweeney amendment, and I find myself in agreement with the Bush administration on this issue. I agree that the United Nations has a poor record in some important areas. All we need to do is look at United Nations behavior in Rwanda and Srebrenica where it aided and abetted in the needless slaughter of 1 million Rwandans and thousands of Bosniacs. Even that, however, is no reason to withhold paying back dues that the United States owes to the United Nations.

How can we expect the United Nations to improve its performance or to respect us if we go back on our word and refuse to pay our bills?

I know that Secretary of State Colin Powell would never agree with going back on our word to the world community, but that is exactly what this amendment will do.

President Bush's spokesperson said yesterday, ''While the United States is disappointed with the results of the Human Rights Commission election, the President feels strongly that this issue should not be linked to the payment of our arrears to the U.N. and other international organizations.''

However, it is important that while we talk today about human rights around the world and human rights abusers, and even human rights abusers who now sit on the United Nations Human Rights Commission, we must also talk about ourselves.

□ 1230

We cannot continually stand before the world community with finger pointed outward while never looking inward. And look inward we must. We must look at the way we treat others in our foreign policy, and we must look at the way we treat our own citizens right here in this country.

Christopher Hitchens has written a powerful piece on Henry Kissinger's policies that resulted in deaths all over Asia, in Vietnam, in Indonesia, in East Timor. Hitchens also discusses U.S. policy in Chile. Problems created decades ago that we still suffer the repercussions of today.

I have written tomes myself in disgust at Madeleine Albright's Africa policy, which had the U.S. join hands with hand choppers and rapists of little 12-year-old girls in Sierra Leone, purposely delayed U.S. response in the Rwanda genocide, and then rewarded those at the U.N. and inside our own government who turned a blind eye to what was happening in Africa's Great Lakes region.

Africa is still suffering from what we did not do to help people who wanted to escape dictatorship and establish democracy and the rule of law. What other suffering will we create or ignore?

But then I cannot talk about the U.S. position on human rights without discussing what is happening right here in America. What about the human rights of America's black men who are dying on the streets? What about the human rights of America's black people?

On the streets of America, I see homelessness and poverty. Here in the Nation's Capital, I see black man after black man after black man sleeping on the streets. They sleep in makeshift cardboard beds, they sleep on sidewalk benches, over heating grates, and under bridges. Black women lie clad in newspapers during the night on the same block as the White House. They are discarded like trash on the streets of America.

On the streets of America, I see racial profiling. The Justice Department admits that blacks are more likely than whites to be pulled over by police, imprisoned, and even put to death. Yet only 2 days ago a Cincinnati grand jury offered the equivalent of a holiday vacation for a white police officer in the fatal shooting of an unarmed black man.

Another black man last week was driving his fiance's 10- and 8-year-old daughters to school. He was approached by a white policeman, who pulled his gun and shot him in the neck, killing him instantly as the two little girls ran screaming in horror down the street.

The FBI said blacks and whites have about the same rate of drug use, yet while the majority of people arrested for drug abuse are white, the vast majority of those incarcerated are black.

Government studies on health disparities confirm that blacks are less likely to receive surgery, transplants, even prescription drugs, than whites. A black baby boy born in Harlem today has less chance to reach the age of 5 than a baby born in Bangladesh.

I serve in the Congress where the Congressional Black Caucus is shrinking, and yet sections of the Voting Rights Act will soon expire, and, quite frankly, after crippling Supreme Court decisions, there is not much left of affirmative action to mend.

I believe this state of affairs is no accident. We are what we are because it was meant to be.

In the FBI's own words, its counterintelligence program, then known as COINTELPRO, had as a goal to expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black organizations and to prevent and, I quote, black ''leaders from gaining respectability.''

We need only remember that Geronimo Pratt spent 27 years in prison for a crime that he did not commit.

Twenty-six black men were executed in the year 2000. Some of them were probably innocent. And we started this year by executing a mentally retarded black woman.

Now the Bush administration tells us that they are not going to participate in the United Nations Conference on Racism scheduled to take place in the Republic of South Africa in August of this year. I say shame on the Bush Administration for boycotting the United Nations Conference on Racism, and I urge my colleagues to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I deeply regret that my good friend the gentleman from Illinois (Mr. HYDE) and I had to offer this amendment to condition our U.N. arrears payment on the resumption of our membership on the U.N. Human Rights Commission.

I think it is important to analyze what happened at the vote in Geneva carefully. There are three seats reserved for the western nations and there were four candidates. I predict that every single time this should happen in the future, we will be rejected, because we are the most articulate and principled and outspoken proponents of human rights.

Austria does not irritate anybody. The Austrians are getting the votes, but the United States is not getting the votes, because we speak out on human rights violations in Cuba and China and Sudan and Libya and Syria and all over the world. And there are many more human rights violators, Mr. Chairman, than countries that honor human rights.

So in a very fundamental and mechanical sense, the failure of our being on the Human Rights Commission as we speak is the result of the failure of our European friends to act together; and I hope that next year when this similar vote will take place, they will designate only two of their members, so the United States will be the third one and we will be voted again to serve on the Human Rights Commission of which we have been, since its inception, the single most important, most powerful, and most principled member.

It is a separate issue, Mr. Chairman, that 14 members apparently who have given our Department of State written assurances that they will vote for us, taking advantage of the secret ballot, chose not to do so.

Now, the gentleman from Illinois (Chairman HYDE) and I are proposing a reasonable and moderate amendment. Our amendment calls for paying our current tranche which is due, almost $600 million, without any delay, and to make our last payment, over $200 million, contingent upon the United States being voted back on to the U.N. Human Rights Commission.

Earlier this morning I had an opportunity to have a lengthy telephone conversation with the Secretary General of the United Nations, Mr. Kofi Annan; and I explained to him the procedure, which he clearly understands. It is our intention to pay every dime

we owe the United Nations, but we will simply not turn the other cheek as the Sudans and the Lybias of this world declare the United States unfit to serve on the Human Rights Commission of the United Nations.

One important provision of our legislation calls on our representative at the U.N. to insist that no nation may serve on the U.N. Human Rights Commission that does not allow on its territory international human rights monitors. When this provision prevails, the Cubas and the Chinas and the Sudans and the Lybias of this world will have no opportunity to serve on the Human Rights Commission.

The Hyde-Lantos amendment is a reasonable response to an outrage that was perpetrated in Geneva. I urge all of my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, with great pleasure, I yield 1 minute to the distinguished gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the Hyde-Lantos-Sweeney amendment. The failure of the U.N. to reelect our Nation to the Human Rights Commission is outrageous. Our Nation has been a member of the commission since 1946. Our Nation is being penalized obviously for speaking out for human rights abuses.

This commission has become a refuge for despots and scoundrels, indicative of our Nation's inattention to this problem for the past 8 years, regrettably allowing powerful nations such as China to dominate the commission.

The Human Rights Commission has become a closely knit group of human rights abusers. The Chinese, Cuban, Libyan, and Syrian commission members have incarcerated thousands of political prisoners. It is hypocritical that Sudan, which practices slavery, is also a commission member.

Denying our Nation membership while allowing those despotic governments to become members underscores that we have not effectively challenged those dictatorships.

This is truly a sad day for democracy, for the rule of law, and for the United States. Accordingly, I strongly urge support for the Hyde-Lantos-Sweeney amendment.

Ms. MCKINNEY. Mr. Chairman, I am very pleased to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her leadership.

Mr. Chairman, I rise today in strong opposition to the Hyde-Lantos-Sweeney amendment, which withholds U.S. payments to the United Nations in retaliation for the removal of the U.S. from the Human Rights Commission.

Although I share the displeasure of the chair and ranking member of the Committee on International Relations on the loss of the United States' seat, payment of arrears to the U.N. should not be jeopardized in retribution.

This action would be unfairly punitive. The United Nations does not nominate nor elect members to the commission. The 54 members of the U.N. Economic and Social Council elect members of the commission in a secret ballot. Payment of our longstanding debt to the U.N. should not be jeopardized, particularly at a time when the United Nations has met nearly every condition of the Helms-Biden agreement.

A deal is a deal. The U.S. agreed to pay nearly $1 billion in debt to the U.N. if the U.N. met certain conditions. The United Nations has kept their end of the deal.

We demanded that the U.N. reduce the amount the U.S. pays to the U.N. regular budget, and the U.N. did. We demanded that they reduce the amount the U.S. pays to the U.N. peacekeeping budget, and the U.N. did. We demanded they form an Office of Inspector General, and they did. We demanded they maintain a zero growth budget, and they did. We demanded that they did not charge us interest on the delinquent bills, and they have not charged interest.

Now, after the United Nations has met all of our demands and it is our time to honor our commitment, we have new demands.

It is not even logical. The United Nations did not remove the United States from the Human Rights Commission. That action was by the 54 member states of the U.N. Economic and Social Council. It is not fair. To penalize the U.N. for the actions of individual member states violates every sense of fair play. It is like failing the whole class for the actions of one child.

□ 1245

My opponents here today will say that the U.S. deserves a seat on the commission, and it does. But the U.N. cannot put us back on the commission any more than they could prevent us from being taken off. So why penalize the U.N.?

Also, it is not productive. Requiring new conditions for payment of a longstanding debt when a deal has already been made will not only not win us back a seat, but could very well jeopardize our relations with the very nations who we need to vote in favor of us to put us back on the commission.

Secretary of State Colin Powell does not want additional conditions. President Bush does not want additional conditions. These are the people charged with implementing our Nation's foreign policy. Just yesterday, the President spokesperson said, and I quote, ''The whole question of arrears and payment to the United Nations, that is separate and apart from this current matter.''

The Atlanta Constitution wrote a long statement, but I will just quote a short part: ''Unfortunately, Members of the House are threatening to 'get back' by withholding U.N. dues. Seeking retribution against the world body is the wrong reaction from Congress or the administration. After all, it wasn't just U.S. detractors who participated in the coup, but also some of our allies: France, Sweden and Austria, who didn't cast enough votes to help the U.S. retain a seat.''

The Los Angeles Times wrote on May 10, and I quote: ''Members of the House, angry that the United States last night lost its seat on the U.N. Human Rights Commission, want to withhold a further planned U.N. payment of $244 million unless the seat is restored next year. It's hard to conceive of anything more foolish than making payment of a legitimate debt conditional on an action by a subsidiary U.N. body that the U.N. doesn't even control.''

The New York Times wrote on May 5: ''Such a response would ignore the underlying issues that caused the revolt and only worsen American relations with the United Nations. Payment of Washington's back dues is vital to maintaining American influence in the U.N.''

And the San Francisco Chronicle's headline today says, ''U.S. Should Pay Its Dues.''

It sort of reminds me of the old book, everything I learned in kindergarten is all I need to conduct my life in a reasonable way. We made a deal. They have held up to their end of the deal. It is wrong for us to turn around and change the rules.

Mr. Chairman, I stand here in support of the Bush administration urging that we live up to our end of the commitment and pay our dues at the United Nations. I oppose the Hyde-Lantos amendment and other conditions put on this requirement that we have agreed to.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman from New York (Mrs. MALONEY), and I would like to respond to some of these editorials.

Some of us do not accept the sanctity of our Western European friends. They would stand on firmer moral ground if they would stand with the United States in our dealings with Iran or Iraq or Syria or other totalitarian states. Actions have consequences. The United States was fully prepared to make these payments, but the situation has changed with encouragement on the part of some of our ''friends.'' There is great glee that the United States was booted off the U.N. Human Rights Commission where unquestionably we were the most important, most valuable, most articulate, and most principal member for over half a century.

And while I am very pleased to see my friend defending the Bush administration in this instance, I do not. I believe the Bush administration is dead wrong in saying that we should turn

the other cheek. Actions have consequences. We had an arrogant and irresponsible action: booting the leading champion of human rights off the U.N. Human Rights Commission. The gentleman from Illinois (Mr. HYDE) and I am proposing a modest response, a temporary withholding of a portion of our dues. Our U.N. fellow members have an option. If they would like to get this payment, they will vote the United States back on to the Commission. If they do not, it will cost them $244 million. And I urge France or Austria or anybody else to come up with that money, because certainly the United Nations needs those funds.

I think it is important that we do not engage in blaming the United States first. We are the least responsible party for this action. The people who are responsible for this action are the Chinese, who went around trying to get votes against us by economic incentives and by threats; the Cubans, who did the same; and a number of our quote-unquote ''friends,'' who shall remain nameless.

Mr. Chairman, I proudly join my friend, the gentleman from Illinois (Mr. HYDE) in this measure. This will teach countries a lesson: actions have consequences. They have taken an irresponsible action, and we are giving them an opportunity to rectify it.

Mr. Chairman, I reserve the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

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

Mr. SWEENEY. Mr. Chairman, I would like to respond as well to the gentlewoman from New York (Mrs. MALONEY), my friend and colleague, from the perspective that I am pleased to join the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) as a sponsor on this amendment.

The notion that what we are doing here is somehow a violation of fair play is really quite foreign to me at this point. What we are doing in bringing this amendment forward is disallowing the Libyans, the Chinese, those in Sudan and those who throughout the world want to sit in judgment of human rights violations and sit in judgment by excluding and pushing the United States out from that conversation.

This amendment is about fighting and protecting human rights throughout the world, Mr. Chairman. Secret ballots at the United Nations enable human rights violators and those who impede our ability to combat international narcotics and other important causes, they push us from that debate and that argument.

So I am proud to come forward and offer this amendment, because after all, the greatest sense of leverage we have as a Nation is the fact that we contribute 25 percent for the activities at the United Nations. To not have the United States sitting on the Human Rights Commission is a travesty.

Ms. MCKINNEY. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I am outraged by what happened at the United Nations. I am as outraged as anyone. I am cochair of the U.N. Working Group, along with the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman form Iowa (Mr. LEACH). The U.N. certainly is not always right, and in this instance they are absolutely wrong and it is absolutely outrageous.

But in trying to weigh what our reaction should be, I come down on the opposite side of the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), and the gentleman from New York (Mr. SWEENEY), my good friends, because I do not believe that trying to blackmail nations into supporting us ever really works. I think that that is really not the way to go.

I agree with everything the gentleman from California (Mr. LANTOS) said, and I have more respect for him than almost anyone else in this body when it comes to these matters, and he was right on the money in everything he says; but I just think that our reaction ought to be different.

There has been a buildup of anger at the United States because frankly, we have not been paying our dues. I know we are on track to do it now, but it was a long struggle; and it was many, many years before we went on track. There has been anti-U.N. rhetoric from this body and in other places, and there is some anger at the fact that we have not ratified at a convention on the rights of a child, banning land mines, the Kyoto Protocol and other treaties as well. That is not an excuse for the U.N., but the question is, how do we react? How do we react to this at all?

I do not believe that these votes at the U.N. should be linked to the payment of arrears. We owe them money, and we ought to pay it. We ought to express our outrage. There are other ways to do it. I do not think that withholding the money is the right way to go.

Jeanne Kirkpatrick, for whom I have enormous respect, said, frankly, somebody was not watching the store. We could point fingers at everybody and do a lot of fingerpointing all the way around, but that really does not have any beneficial effect. We have made our point known. The administration, the Bush administration, opposes this amendment. We have to now decide what the best way to go is. I just think that this may do us a lot of good in expressing our personal pique, but I think in the long run it is counterproductive.

So I reluctantly urge a ''no'' vote on the amendment.

Mr. LANTOS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), my friend and colleague.

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

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from California for yielding me this time.

Mr. Chairman, I have long supported the premise that the United States should participate in the United Nations and that if we want to maintain our leadership role that we ought to pay our dues. I must say, therefore, that I am ambivalent on the means used in this resolution, but I am not ambivalent at all on the sentiments and the point that it makes.

I rise, therefore, in support of the intent of this resolution. I have not decided, frankly, how I am going to vote, but there ought to be 435 of us who, in the strongest possible terms, say that this was an act of a commission that knows that it is the United States day after day, week after week, month after month, in every forum in the world, the OSCE, the Organization on Security and Cooperation in Europe, which the gentleman from New Jersey (Mr. SMITH) and I participate in on a year-round basis; the chairman of the committee has participated in that heavily, as has the gentleman from New York (Mr. GILMAN), the former chairman; and the gentleman from California (Mr. LANTOS).

This was an act perpetrated, frankly, by the abusers of human rights, by those who would like to hide the abuses that exist in so many parts of this world; that would like to hide the shortcomings to international standards that so many nations demonstrate. That ought not to be left to stand. The exclusion of the United States from the Human Rights Commission, the one Nation that consistently raises the issue of human rights around the world, and yes, even in the United States.

So I applaud the sponsors of this resolution for raising for the rest of the world and for our country how critically we view this issue.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

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Mr. ARMEY. Mr. Chairman, I thank the gentleman from California (Mr. HYDE) for yielding the time to me.

Let me say, Mr. Chairman, this is a serious matter. I want to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), the ranking member, for bringing this to the floor.

Mr. Chairman, I look around this Chamber and I see the Members of this body that have traveled the globe out of concern to speak up for human rights, to reach out a hand of comfort and support and encouragement for the

beleaguered people across this globe repeatedly.

Year in and year out, our Members from this Chamber make that trek to show that America knows and America cares. I look across this country and I see the heart of the American people that reaches out to all the world for freedom, dignity, justice, respect.

I look across this Nation's history and I find a legacy of courage, commitment, sacrifice. This Nation has lent its heroes to the cause of liberty on behalf of the nations of all the world time and time again.

Without this Nation's leadership, there would be no United Nations. Without this Nation's participation, the United Nations could not endure to this day. The United Nations expels this Nation, the greatest Nation in the history of the world, for the defense and protection of human rights from the very commission whose only sacred purpose is to be the guardian and the protector of human rights and in its stead places what can only be judged the world's worst perpetrator.

The horrors of Sudan will break your heart, the slavery. Slavery, we thought perhaps that was gone from this globe; it should be gone. The religious persecution, the murders, the torture that happens in Sudan should be the object of investigation of this commission and should be the object of this commission's scorn, yet they put this nation, this unholy nation, on that commission.

Yes. We should be outraged even more for that inclusion than for the exclusion of this great Nation. And Libya, scarcely any better.

My colleagues say what should be our response? Our response should be that the taxpayers, the heroes of this great Nation who care so much, will not provide as a matter of patronage support to an institution that makes a mockery out of the concern for human rights and makes of itself a farce in that theater.

Mr. Chairman, yes, we are here right today doing the right thing. And I implore my colleagues, if my colleagues believe in the cause of liberty, freedom, safety, security, respect and decency, vote yes for this amendment. Send the world a message, America cares and America dares to stand up for any lost soul, beleaguered and tortured in any part of the world at any time and even in the case of the most callous affront that I have seen from this United Nations in my lifetime.

Ms. MCKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, George Bush said it well when he said that we do not need to do this. A superpower pays its bills. A superpower leads by example. A superpower does not cry when it does not get its way and then go and take all the marbles. Already this tit-for-tat mentality has resulted in the Bush administration canceling administration appointments with visiting members of the European parliament.

I met with them yesterday and I am sure that they enjoyed meeting with me but I am not the same as meeting with the administration on very, very important and critical issues that pertain to the relationship between the United States and Europe, that very relationship that we are talking about today.

Those members of parliament are going to go back to Europe, and they are going to write a report that is critical of the United States. So, yet again, we are going to involve ourselves in this tit-for-tat mentality that has the potential of spiralling out of control into the absurd.

The last thing we need is for Congress to add fuel to the fire. We need to pay our bills. We need to participate in the United Nations. We need to help change those things that need to be corrected, and we need to do it through diplomacy not by going back on our word.

Mr. Chairman, I urge my colleagues to vote against this amendment and agree with the Bush administration that the last thing we need it do is withhold funds that the United Nations severely needs that will result in us going back on our word.

Mr. Chairman, I yield back the balance of my time.

Mr. HYDE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS) for bringing up this important bill.

I agree with my colleagues in the condemnation of what happened at the United Nations at the hands and behest of China, Cuba, and other abusers of human rights. It is remarkable that the values of Sudan are now replacing the values of the United States at the United Nations in the human rights matters; a country that has already killed 2 million of their own occupants; a country that sells children to slavery for as little as $23; a country that, of course, crucifies children as young as 12 years old, 13 years old, 14 years old that refused to convert to Islam; a country this year that is holding back food aid unless people convert to the religion of their choice.

The only thing I find humorous are the excuses for expulsion of the United States, Kyoto, family planning, SDI. Come on, give me a break. This is all about the fact that the United States has dared to stand down China, dared to stand down Sudan, Libya, other human rights abusers.

That is all it is about. That is why we are out and that why is why France, who has constantly played to Third World dictators and tyrants got the most votes. Maybe that is not politically correct to say. It is the truth though.

Chris Matthews last week said in response to this that the U.S. practically invented human rights. I know that sounds arrogant maybe to some of our friends in Europe who were offended, and they are going to go back and write reports about how they are offended at the United States.

Mr. HYDE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, the United Nations Economic and Social Council, ECOSOC, took an action again that raises grave doubts about what kind of organization it is.

During the last 6 days, editorial writers all across this country been working overtime to try and explain away the outrageous vote to deprive the U.S. of its seat on the UN Human Rights Commission. As always, they are saying that it was the Kyoto treatment or the criminal court or somehow if we just paid our arrearages a little faster the problem would be solved. These are bogus, false pretenses, Mr. Chairman.

The real reason why we have been thrown off the U.N. Human Rights Commission is because they want to silence what is clearly the strongest voice on the Commission in favor of human rights. The U.S. has insisted that the Commission tell the honest and unvarnished truth about human rights violations the world over. Some of the other nations on the commission, such as China, Cuba, Vietnam, Malaysia, Libya, Algeria, Saudi Arabia, and now Sudan, have problems with the truth—especially at it pertains to human rights.

Mr. Chairman, instead of excluding countries from the U.N. Human Rights Commission because they are too strong on human rights, the U.N. should be concerned about excluding governments that routinely engage in torture, extrajudicial killings, rape as an instrument of terror, forced abortions, sterilization, and other kinds of discriminations.

I urge a yes vote on the amendment.

Mr. Chairman, last year the Congress voted to resolve the dispute over so-called ''United Nations arrearages''. The agreement was simple: we would pay almost all of the disputed amount, provided the United Nations would agree to treat the United States more fairly when it came to dues, peacekeeping assessments, and other issues—and provided the UN would also take concrete steps to put its own house in order.

Then the UN's Economic and Social Council (ECOSOC) took an action that again raises grave doubts about what kind of an organization it is. During the last six days, Mr. Chairman, editorial writers have been working overtime trying to explain away the outrageous vote to deprive the United States of the seat it has held since 1947 on the U.N. Human Rights Commission. As always, the central theme of these editorials is to blame America first. If only we had ratified the Kyoto Convention, or the CEDAW agreement, or the International Criminal Court. Or if only we had paid those disputed arrearages a little quicker. If only we had not been so ''unilateral'' which is the most bogus of all. Then perhaps we would have stayed in the good graces of ECOSOC and kept our seat on the Human Rights Commission.

Mr. Chairman, the editorial writers are even more wrong this time than they usually are. The vote to exclude the United States from the Commission was primarily a vote to silence the strongest voice on the Commission in favor of human rights. The United States has insisted that the commission tell the honest and unvarnished truth about human rights violations the world over. And some of the other nations on the Commission, such as China, Cuba, Viet Nam, Malaysia, Libya, Algeria, Saudi Arabia, and now Sudan, have problems with the truth.

Mr. Chairman, not only did this year's Human Rights Commission members vote for a ''no-action motion'' that prevented the Commission from even debating the human rights record of the People's Republic of China. It also voted for a resolution on Sudan that did not even mention the word ''slavery,'' and for a resolution on the Israeli-Palestinian conflict that did not mention human rights violations committed by the Palestinian Authority. I was there in Geneva with ILEANA ROS-LEHTINEN and LINCOLN DIAZ-BALART—we are resented for sadly raising true issues.

Mr. Chairman, instead of excluding countries from the Human Rights Commission because they are too strong on human rights, the U.N. should be concerned about excluding governments that routinely engage in torture, extrajudicial killing, rape as an instrument of terror, forced abortion, forced sterilization, and other forms of persecution on account of race, religion, or political opinion. If being in arrears can result in the loss of a vote in the General Assembly—which is the rule—surely barbaric behavior should disqualify a nation from the U.N. Human Rights Commission. Without these important reforms, the Commission will be in grave danger of becoming, as our colleague Mr. DIAZ-BALART has observed, no more than a ''club of tyrannies.''

For these reasons, Mr. Chairman, I urge a ''yes'' vote on the amendment and a ''yes'' vote on the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HYDE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. HYDE) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TANCREDO:

Page 16, strike line 21 and all that follows through line 10 on page 17.

Page 117, strike line 5 and all that follows through line 2 on page 119.

The CHAIRMAN. Pursuant to House Resolution 138, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. LANTOS) each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, during committee consideration of this bill, an en bloc amendment was adopted authorizing the $67 million per year that it would cost the United States to rejoin UNESCO and added a sense of Congress provision that the President should renew the membership and participation of the U.S. in this organization.

My amendment would strike these provisions from the bill. I am well aware that several of my colleagues have argued that this agency has reformed itself over the past 15 years, but serious arguments against rejoining UNESCO remains. I believe that UNESCO can best be described as an organization in search of a mission. Unfortunately when it does stumble upon the mission, it is almost always one that is quite perverse.

As I mentioned just a minute ago, it would cost us some $67 million per year to get back in; and I question whether this is a wise use of resources.

David Malone, the president of the International Peace Academy in New York and a former Canadian Foreign Ministry official, is not optimistic about the prospects for reform by the new Director General of UNESCO, Mr. Koichiro Matsura of Japan, ''the problem of UNESCO is that successive heads have turned it into a personal patronage machine, neglecting programs and bloating the staffing.'' Mr. Malone went on to say, ''we used to all know what the UNESCO objectives were. Now nobody knows what UNESCO does beyond the World Heritage sites, and whoever consults UNESCO now on science?''

By the way, UNESCO is the organization that has charge of the man and the biosphere sites, another one of those peculiar entities that this House, by the way, has struck down several times.

An article from The New York Times from March of last year reported that the new director general plans to use millions of dollars of his organization's funds to help restore colonial Havana. It is not at all clear to me why we should be rejoining an organization which is promoting tourism in Cuba.

According to an independent audit by the Canadian government, UNESCO rarely evaluates the cost effectiveness of its programs or sets specific objectives. It is an annual budget of close to $400 million. It continues to promote such things as the New World Information Order. This is the name of this organization, quote, ''Presenting and Revitalizing Our Intangible Heritage'' and ''Planet Society, a Worldwide Exchange Network for a New Art of Living on Earth.''

One of the arguments of the proponents of rejoining UNESCO appears to be based on the principle that the U.S. should be a member of every major organization in the United Nations. Mr. Chairman, in light of our summary exclusion from U.N. Economic and Social Council, the International Narcotics and Drug Control Board and the Commission on Human Rights, now is the time to critically review our existing memberships in the United Nations organizations and not the time to rejoin another U.N. body at enormous expense.

Finally, the U.S. government now gives $2 million to $3 million annually to UNESCO in voluntary contributions to cover projects we believe to be worthwhile. If we were to rejoin, we would be obliged to fund the good and the bad alike.

In conclusion, Mr. Chairman, I urge my colleagues to vote for the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa (Mr. LEACH), whose action was strongly approved by members of the Committee on International Relations.

Mr. LEACH. Mr. Chairman, I thank the distinguished gentleman from California (Mr. LANTOS) for yielding time on this issue.

Mr. Chairman, I cannot say that UNESCO is the most important international body that has ever been created. I can say it is a credible international body. The United States chose to withdraw from UNESCO in the 1980s for a variety of reasons. Some stem from management styles; some stem from politicalization on several kinds of issues. But in each of these circumstances, there has been reform.

We object to not being reelected to another U.N. body and we may be, in the eyes of some, poor losers.

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But the fact of the matter is, in UNESCO, we are a poor winner. We have achieved the objectives we wanted. Not to return implies that, when the United States gets its way, we continue to put our head in the sand.

It is interesting that Secretary of State George Shultz, who signed the withdrawal notice in the 1980s, now supports returning. There are 188 member nations of UNESCO. While UNESCO does have a cost, for the United States to say we cannot afford our share is a bit awkward for the world's wealthiest country.

I do acknowledge that there is a costliness of Paris. Having said that, France was our first ally. For the United States simply to be opposed to institutions in Paris is not a very credible circumstance.

Finally, let me say education, science, culture are esoteric. On the other hand, they matter in the world. For the United States of America to argue we are better off with empty chair diplomacy is an error if not an oxymoron. Therefore, for very decent, credible reasons that apply to UNESCO itself but also have ramifications for our whole role in international organizations in the world today, it is very

appropriate for the United States to resume a world leadership position. That is exactly what we should do.

Therefore, with great respect, I hope this amendment would be turned back.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in strong support of the Tancredo amendment which would strike an ill-advised provision of the foreign relations authorization bill.

It is regrettable that the authorization bill provides for the United States to rejoin UNESCO and set aside funds for that purpose from a strained international organization's budget. Whatever funding we give to UNESCO would have to come from other U.N. agencies such as the World Health Organization or the Food and Agriculture Organization. Furthermore, UNESCO continues to be plagued with poor management practices.

The world has struggled on without American membership in UNESCO since 1984 without any noticeable effect. We do, however, participate on a voluntary basis in several UNESCO projects that directly benefit American institutions. If we were now to rejoin UNESCO, we would be putting ourselves in a position of being forced to bear a large portion of a budget in an institution where we would be constantly outvoted.

This is just the sort of a situation that the recent fiasco surrounding our U.N. Human Rights Commission membership should warn us against being forced to bear costs all out of proportion to any influence we may have to bear.

Hopefully, if the administration will consider and report on the best way to change our relationship to UNESCO, it would be helpful. But I am simply not prepared at this time to accept the provision reported by our committee.

Accordingly, I urge support for the Tancredo amendment striking the UNESCO provision from the authorization bill.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, arguably the most respected Republican Secretary of State of recent decades is George Shultz. In 1984, Secretary Shultz recommended that we withdraw from the United Nations; and many of us, myself included, supported him because the UNESCO at that time was a corrupt anti-American organization. It has cleaned up its act. Our former Secretary of State, Republican George Shultz, and our former Secretary of State Madeleine Albright, Democrat, are recommending now that we rejoin UNESCO.

I find it almost ludicrous that we spent the previous hour debating the United States being voted off a U.N. body. Here we have an opportunity of joining a U.N. body, the Educational, Scientific and Cultural Organization. It is waiting for us with open arms.

We are debating as to whether we should enter an organization which has over 180 members. The United States is conspicuous by its absence, and the lack of a United States voice on UNESCO is hurting our foreign policy and international interests.

I urge all of my colleagues to reject the amendment of the gentleman from Colorado (Mr. TANCREDO), to preserve the action taken in the Committee on International Relations, and usher in a new era of U.S. participation in UNESCO.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, section 104 would provide an enormous amount of money, $130 million over 2 years. That is more than half a billion dollars over 10 years, $60 million a year thereafter for the U.S. to become a part of UNESCO.

The amendment of the gentleman from Colorado (Mr. TANCREDO) to strike this new commitment of funds is prudent, and I believe it deserves support of this body. It seems to me that, before we make this enormous financial commitment, should not we know the cost benefit of this open-ended commitment? How vital is UNESCO vis-a-vis other commitments that we might make otherwise?

We left, Mr. Chairman, in 1984, because of mismanagement, because of highly questionable policies especially in the realm of state control of the press.

I would point out to my colleagues no recent hearings have been held on rejoining. What is it that we are buying into? We need, it seems to me, a generous amount of due diligence before any decision is made on this.

I would just note parenthetically that, if we have a half a billion dollars over the next 10 years and it is in excess of that lying around, as chairman of the Committee on Veterans' Affairs, I have some very, very worthy projects in the area of health care that I would like to dedicate that money to before we start throwing money at UNESCO.

So I would hope that the amendment of the gentleman from Colorado (Mr. TANCREDO) would get the support of this body.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, whatever any American may have thought about UNESCO when the U.S. withdrew in 1984, today UNESCO is a different body. It has adopted a culture of reform that is improving management and streamlining personnel and putting the organization's finances in order. Today UNESCO is an efficient and effective advocate for free speech, for education and scientific collaboration worldwide. Membership in UNESCO would benefit every American.

As the gentleman friend from California (Mr. LANTOS) pointed out, even former Secretary Shultz, who presided over U.S. withdrawal, now has reversed his position, has indicated that the improvements call for reentry of U.S. into UNESCO.

Now, as a scientist and a policy maker, I believe that UNESCO would lead, of course, to cultural enrichment but even more. CIA director George Tenet recently testified that some of the greatest threats to the U.S. from abroad come from official corruption, endemic poverty, mass illiteracy, environmental disruption, and the spread of infectious diseases. UNESCO addresses these emerging threats by promoting good government, universal education, sustainable development, and disease control.

I urge my colleagues to oppose the Tancredo amendment.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support for this amendment. If one takes a look across this country, and people talk about reducing the debt, they talk about money for education, health care, but yet they want to put $1 billion into the United Nations. They want to spend $67 million a year for UNESCO.

I mean, think about it. That money is going to take away from the World Health Fund. It is going to take away from the Children's Fund and things that are effective to a risky scheme like UNESCO that they say, quote, has changed. It has not.

The authors of this amendment have thought it through very, very carefully. It is no wonder that there was never a balanced budget on this House floor for 40 years or people wanted to dump money into welfare without reform when the average was 16 years on welfare. We owe it to the American people to be the guardians of their tax dollars and the effectiveness of those dollars.

Support the Tancredo amendment.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 1¼ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in firm opposition to the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

When the United States withdrew from UNESCO in 1984, I believe we did so for the right reasons. Mismanagement and corruption characterized an organization best known for being a forum for American bashing.

Today UNESCO is not the same as it was in 1984. This organization is making important contributions in the

area of education and science around the world. The U.S. participation in such an organization can only strengthen its ability to carry out the fine work it performs every day. In fact, the United Kingdom, which also withdrew its support from UNESCO in step with the United States in 1984, had returned as a full member of this worthy organization.

The recent decision by the Taliban government in Afghanistan to destroy the historical Buddhist statues demonstrates that the preservation and restoration of cultural treasures sometimes cannot be left solely in the hands of national governments. From preserving these statues to preserving Timbuktu, the role of UNESCO is still important today.

During a week in which we lost two important seats on the United Nations commissions, it is important we send a message to the international community that the United States is ready and willing to participate whenever it is called to duty.

Therefore, I strongly urge my colleagues to oppose this amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note in response to my colleagues discussion here that I do not believe the Taliban asked permission from UNESCO when they blew up those statues, and of course they never would.

That is the whole point here. UNESCO is irrelevant in this whole issue.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the committee.

Mr. HYDE. Mr. Chairman, I want to lend my unqualified support for the Tancredo amendment. There are one or two organizations in the world we do not have to join and do not have to subsidize to survive, and one is certainly UNESCO.

$65 million a year at least for 2 years takes money away from the World Health Organization, the Food and Agriculture Organization, things that are useful, that do have an agenda, that works for the people.

This money the State Department does not want, has not asked for it. If we go ahead with this, we are going to have to take it from something else. We withdrew in 1984, and we have gotten along famously since then without this heavy subsidization to an organization whose aims are amorphous at best.

One of the things they do, I find this hard to believe, is they are engaged in a project of renovating downtown Havana. Now, that may be a wonderful thing if one lives in Havana, but I do not see why the taxpayers from my district should pay for something like that.

The sense of taking money away because of the Human Rights Commission and thrusting it forward because someone thinks it is a good idea to belong to UNESCO does not make a lot of sense. I think we can save the $65 million. What a wonderful thing that would be.

We do not need to join UNESCO. Let those other countries that like that sort of thing do it. So I would support the Tancredo amendment with great enthusiasm.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time. Let me applaud both the chairman and the ranking member for bringing this important legislation to the floor of the House.

I think if one asks the American people, one will find out that the American people are concerned about world affairs; and to dismiss the myth, they are concerned and they want to be engaged.

So I come to the floor of the House to, first of all, support the United Nations and offer the fact that we are engaged, we are in conversation, we are speaking to individuals in countries that we heretofore have opportunity.

World peace is truly more viable than world war. I think it is important to support UNESCO. We need to understand what it does. It promotes free press. It promotes education. It only costs 25 cents per American. It allows us to promote the cultural values of these Nations and have the cultural exchange of these Nations.

□ 1330

And I believe that we should stand here today and acknowledge the importance of world affairs, the importance of America being engaged in world affairs, the importance of freedom, and the importance of the United Nations. And I hope as we do that, we will find that this Nation will get its seat on the Human Rights Commission and will lead out in world affairs in the 21st century.

Mr. Chairman, I rise to oppose the Tancredo amendment to H.R. 1646, the State Authorization Bill. This amendment would strike language in the bill directing the President to rejoin the United Nations Educational, Scientific and Cultural Organization (UNESCO) and strike language authorizing payment of the U.S. assessed contribution to the organization.

I strongly urge you to vote ''no'' on the Trancredo amendment. It fails to recognize the great progress UNESCO has achieved in reforming its management and mission. It fails to appreciate the significant benefits Americans would enjoy with U.S. membership in UNESCO. And it fails to seize the opportunity to exercise American leadership and further our national interests.

When the United States withdrew from UNESCO in 1984 under Secretary of State George Shultz, I fully supported the decision, as did many of our Democratic and Republican colleagues. At the time, UNESCO was chronically mismanaged and corrupt, and had become a forum for spreading anti-American propaganda and suppressing free speech.

But since then, UNESCO has reinvented itself. Under the leadership of its new Director General, Koichiro Matsuura, UNESCO has adopted a culture of reform that has yielded concrete progress toward improving management, stamping out corruption, streamlining personnel, and putting the organization's financial house in order. Today, UNESCO is an efficient and effective champion of free speech, education and scientific collaboration worldwide.

This dramatic progress has not gone unnoticed. In 1993, the General Accounting Office (GAO) audited UNESCO and concluded that it had made ''good progress' toward implementing improvements and ''demonstrated a commitment to management reform.'' And as a recent article appearing in the International Herald Tribune on the reverse side observes, UNESCO has overcome ideological divisions to forge a ''new spirit of activism'' that ''aims to spread knowledge and preserve diversity.'' In light of these changes at UNESCO, former Secretary of State Shultz, in a letter dated September 26 of last year, reversed his position and indicated his support for America's reentry into UNESCO. Secretary Shultz was right to advocate U.S. withdrawal from UNESCO in 1984—and he is right to advocate U.S. reentry into UNESCO today.

Membership in UNESCO is clearly in U.S. National interests. As the Director of Central Intelligence George Tenet recently testified, the greatest future threats to U.S. national security from abroad include instability caused by official corruption, endemic poverty, mass illiteracy, environmental disruptions, and the spread of infectious diseases. UNESCO addresses each of these emerging threats by promoting good government, universal education, sustainable development, and preventative disease control. U.S. membership in UNESCO will enable us to better combat the threats Americans face in the 21st century.

I urge my colleagues to vote ''no'' to the Tancredo amendment tomorrow and support strengthening America's leadership role by rejoining UNESCO.

Mr. LANTOS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend for yielding me this time, and I rise in opposition to the Tancredo amendment.

Like the gentleman from California (Mr. LANTOS), I fully supported the decision of the Reagan administration to withdraw the U.S. from UNESCO because of its anti-American, anti-Western, and anti-Israeli stance. Today, however, UNESCO has reformed itself, improved its management, stamped out corruption, and put UNESCO's financial house in order.

UNESCO is no longer the proponent of anti-Western propaganda it once was. It no longer espouses anti-U.S., anti-Israeli, and anti-Western rhetoric. And we can see today that UNESCO is the U.N. agency for press freedom, setting up an uncensored newspaper and broadcasters in the former Yugoslavia, East Timor, Burundi. It is advancing

human rights, core U.S. interests, such as economic development and trade, and American values in every country.

It is a tiny fraction, the $59.8 million, of what the U.S. spends on military expenditures when instability abroad escalates into conflict and refugee migrations. This is the purpose for which the U.S. founded UNESCO with its allies in 1945, conflict prevention, and that is why I think we should not support this amendment.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The gentleman from California (Mr. LANTOS) has 1¼ minutes remaining.

Mr. LANTOS. Mr. Chairman, I yield myself the balance of my time.

First, let me say a word about the costs. The cost of rejoining this important international organization, that every other nation on the face of this planet is a member of, is 25 cents per person per year. So I cannot see the crocodile tears that the United States cannot afford 25 cents to join a global organization dealing with education, science, and cultural affairs.

I also think, Mr. Chairman, that it is irrational unilateralism to suddenly declare, despite the statements of the distinguished Republican former Secretary of State, George Shultz, that this is a worthless organization. George Shultz was our Secretary of State for the entire period almost of the Reagan administration. Everybody had great respect for him. Why do we suddenly think that he is not worthy of listening to? He is telling us rejoin UNESCO. That is the voice of the Secretary of State of the Reagan administration. Madeleine Albright is telling us the same thing.

And all of us who have studied this organization are rejoicing in the fact it has corrected its ways. It is functioning in a professional fashion, and it is in America's national interest to have our voice heard within UNESCO. Please reject the Tancredo amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Tancredo amendment, which would strike language in the bill urging the administration to rejoin the United Nations Educational, Scientific and Cultural Organization, and providing funding for that purpose. I commend the gentleman from Iowa, Mr. LEACH, for introducing the UNESCO provision into H.R. 1646 at the markup of the House International Relations Committee. I strongly agree with Mr. LEACH that UNESCO has undergone substantial reforms and made important changes to address the management problems and anti-American bias that existed when the U.S. withdrew in 1984. The reforms have been independently confirmed by a GAO study in 1993.

The 188-Member States of UNESCO pursue a common objective of contributing to peace and security internationally by promoting collaboration among nations through education, science, culture and communication. UNESCO's global agenda addresses threats on the U.S., such as environmental crises and infectious disease, and promotes democratic values such as freedom of speech and press, universal education and human rights.

Mr. Chairman, now that UNESCO has been reformed, it is appropriate and in our national interest that the United States participate with this organization in pursuit of these worthy goals. I urge our colleagues to oppose the Tancredo amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 offered by the gentleman from Texas (Mr. DELAY), amendment No. 2 offered by the gentleman from Illinois (Mr. HYDE), and amendment No. 3 offered by the gentleman from Colorado (Mr. TANCREDO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DELAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded voted on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 137, answered ''present'' 1, not voting 11, as follows:

[Roll No. 106]

AYES—282

Aderholt	Blunt	Capito
Akin	Boehlert	Carson (OK)
Andrews	Boehner	Castle
Armey	Bonilla	Chabot
Baca	Bono	Chambliss
Bachus	Boswell	Clay
Baker	Boucher	Coble
Ballenger	Brady (PA)	Collins
Barcia	Brady (TX)	Combest
Barr	Brown (SC)	Condit
Bartlett	Bryant	Cooksey
Barton	Burr	Costello
Bass	Burton	Cox
Bentsen	Buyer	Cramer
Bereuter	Callahan	Crane
Berry	Calvert	Crenshaw
Biggert	Camp	Culberson
Bilirakis	Cannon	Cunningham
Bishop	Cantor	Davis (CA)
Davis, Jo Ann	Kanjorski	Riley
Davis, Tom	Kaptur	Roemer
Deal	Keller	Rogers (KY)
DeFazio	Kelly	Rogers (MI)
DeLay	Kennedy (MN)	Rohrabacher
DeMint	Kerns	Ross
Dicks	Kildee	Rothman
Dingell	King (NY)	Roukema
Dooley	Kingston	Royce
Doolittle	Kirk	Ryan (WI)
Doyle	Knollenberg	Ryun (KS)
Dreier	Kolbe	Sanchez
Duncan	LaHood	Sandlin
Dunn	Langevin	Saxton
Edwards	Largent	Scarborough
Ehlers	Larsen (WA)	Schaffer
Ehrlich	LaTourette	Schiff
English	Lewis (CA)	Schrock
Etheridge	Lewis (KY)	Sessions
Everett	Linder	Shadegg
Ferguson	Lipinski	Shaw
Flake	LoBiondo	Shays
Fletcher	Lucas (KY)	Sherwood
Foley	Lucas (OK)	Shimkus
Fossella	Maloney (CT)	Shows
Frelinghuysen	Manzullo	Simmons
Frost	Mascara	Simpson
Gallegly	Matheson	Skeen
Ganske	McCrery	Skelton
Gekas	McHugh	Smith (MI)
Gibbons	McInnis	Smith (NJ)
Gilchrest	McIntyre	Smith (TX)
Gillmor	McKeon	Smith (WA)
Gilman	McNulty	Souder
Goode	Menendez	Spence
Goodlatte	Mica	Spratt
Gordon	Miller (FL)	Stearns
Goss	Miller, Gary	Stenholm
Graham	Mollohan	Strickland
Granger	Moore	Stupak
Graves	Moran (KS)	Sununu
Green (TX)	Murtha	Sweeney
Green (WI)	Myrick	Tancredo
Greenwood	Nethercutt	Tanner
Grucci	Ney	Tauscher
Gutknecht	Northup	Tauzin
Hall (TX)	Norwood	Taylor (MS)
Hansen	Nussle	Taylor (NC)
Harman	Ortiz	Terry
Hart	Osborne	Thomas
Hastings (WA)	Ose	Thornberry
Hayes	Otter	Thune
Hayworth	Oxley	Thurman
Hefley	Pallone	Tiahrt
Herger	Pascrell	Tiberi
Hill	Pence	Toomey
Hilleary	Peterson (MN)	Traficant
Hobson	Peterson (PA)	Turner
Hoekstra	Petri	Upton
Holden	Phelps	Visclosky
Horn	Pickering	Vitter
Hostettler	Pitts	Walden
Hulshof	Platts	Walsh
Hutchinson	Pombo	Wamp
Hyde	Portman	Watkins
Inslee	Price (NC)	Watts (OK)
Isakson	Pryce (OH)	Weldon (FL)
Issa	Putnam	Weller
Istook	Quinn	Whitfield
Jackson-Lee (TX)	Radanovich	Wicker
Jenkins	Rahall	Wilson
John	Ramstad	Wolf
Johnson (IL)	Regula	Young (AK)
Johnson, Sam	Rehberg	Young (FL)
Jones (NC)	Reyes	
	Reynolds	

NOES—137

Abercrombie	Clayton	Frank
Ackerman	Clement	Gephardt
Allen	Clyburn	Gonzalez
Baird	Conyers	Gutierrez
Baldacci	Coyne	Hall (OH)
Baldwin	Crowley	Hastings (FL)
Barrett	Cummings	Hilliard
Becerra	Davis (FL)	Hinchey
Berkley	Davis (IL)	Hinojosa
Berman	DeGette	Hoeffel
Blagojevich	Delahunt	Holt
Blumenauer	DeLauro	Honda
Bonior	Deutsch	Hooley
Borski	Doggett	Houghton
Boyd	Engel	Hoyer
Brown (FL)	Eshoo	Israel
Brown (OH)	Evans	Jackson (IL)
Capps	Farr	Jefferson
Capuano	Fattah	Johnson (CT)
Cardin	Filner	Johnson, E. B.
Carson (IN)	Ford	Jones (OH)

Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Watt (NC)
Pomeroy
Rangel
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Waters
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—11

Cubin
Diaz-Balart
Emerson
Hunter
Latham
Moakley
Rivers
Ros-Lehtinen
Sensenbrenner
Stump
Weldon (PA)

□ 1357

Messrs. MANZULLO, PHELPS, SPRATT, SCHIFF, SMITH of Washington, Mrs. THURMAN, Mrs. TAUSCHER, and Ms. SANCHEZ changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. HYDE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. HYDE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 165, answered ''present'' 1, not voting 13, as follows:

[Roll No. 107]

AYES—252

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Berry
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carson (OK)
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Deal
DeFazio
DeLay
DeMint
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
LaHood
Lampson
Langevin
Lantos
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
McCarthy (NY)
McCrery
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—165

Ackerman
Bachus
Baird
Baldacci
Baldwin
Barrett
Becerra
Bereuter
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Gonzalez
Goodlatte
Goss
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Houghton
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kleczka
Kolbe
Kucinich
LaFalce
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Hoyer

NOT VOTING—13

Allen
Cubin
Diaz-Balart
Emerson
Hunter
Latham
Moakley
Rivers
Ros-Lehtinen
Roybal-Allard
Sensenbrenner
Stump
Thune

□ 1406

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. THUNE. Mr. Chairman, on rollcall No. 107 I was inadvertently detained. Had I been present, I would have voted ''yes.''

AMENDMENT NO. 3 OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 225, not voting 13, as follows:

[Roll No. 108]

AYES—193

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp

Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
LaHood
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Ganske
Gephardt
Gilchrest
Gonzalez
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu
Wynn

NOT VOTING—13

Allen
Cubin
Diaz-Balart
Emerson
Eshoo
Hunter
Latham
Moakley
Portman
Rivers
Ros-Lehtinen
Sensenbrenner
Stump

□ 1414

Mr. LUCAS of Kentucky changed his vote from ''aye'' to ''no.''

Mr. HUTCHINSON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. PORTMAN. Mr. Chairman, because I was unavoidably detained, I was absent for rollcall vote No. 108.

Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Chairman, on rollcall votes 106, the DeLay amendment, 107, the Hyde/Lantos/Sweeney amendment and 108, the Tancredo amendment to H.R. 1646, I was not present. Had I been present, I would have voted ''yes'' on each of the amendments.

□ 1415

Mr. HYDE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) to inquire about the schedule for next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Tuesday, May 15 at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, including the following bills: H.R. 1727, the Fallen Hero Survivor Benefit Act; and H.R. 586, the Foster Care Promotion Act.

A complete list of suspensions will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 6 p.m.

On Wednesday and the balance of the week, the House will consider the following measures: Continued consideration of H.R. 1646, the State Department Authorization Act; H.R. 622, the Hope for Children Act; and H.R. 1, the No Child Left Behind Act.

Members should note that given the busy schedule expected for next week on many important pieces of legislation, votes on Friday, May 18, are expected in the House, as was outlined in the House schedule distributed to all Members at the beginning of the year.

Mr. BONIOR. Mr. Speaker, may I ask the gentleman from Texas (Mr. ARMEY) on what day he expects the education bill to come before us?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I believe the gentleman asked about the education bill. The education bill, we would expect to begin consideration of that on the floor on Thursday at the earliest. I believe the Committee on Rules will be making an announcement that the Members should file amendments with the committee no later than noon on Tuesday, May 15.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, if I might ask the majority leader a question about the committee during the deliberations on H.R. 1, the education bill. During the consideration of H.R. 1, the education bill, in the committee a number of Members on both sides of the aisle withheld amendments during that consideration on the assumption that they would then be able to have an opportunity to offer those amendments on the floor.

I have been having Members ask me all day about potential amendments. Has the gentleman given any consideration with the Committee on Rules on the kind of rule, the time that might be allotted to this legislation?