

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on June 25, 2002, in SR-328A at 10 a.m. The purpose of this hearing will be to consider nominations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, June 18, 2002, at 10 a.m., to conduct a markup of the Public Company Accounting Reform and Investor Protector Act of 2002.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 18, 2002, at 10 a.m., to hear testimony regarding Elder Justice: Protecting Seniors from Abuse and Neglect.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 18, 2002, at 2:30 p.m. The Committee on Finance intends to complete a mark up on H.R. 7, to provide incentives for charitable contributions; S. 2498, the Tax Shelter Transparency Act; and S. 2119, the Reversing the Expatriation of Profits Offshore Act.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, June 18, 2002 at 2:30 p.m. to hold a hearing on issues pertaining to water resources development programs within the U.S. Army Corps of Engineers. The hearing will be held in SD-406.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, June 18, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the implementation of the Texas Restoration Act, Public Law 100-89.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

the Judiciary be authorized to meet to conduct a hearing on "Protecting the Innocent: Proposals to Reform the Death Penalty" on Tuesday, June 18, 2002, in Dirksen Room 226 at 10 a.m.

Witness List

Panel I: The Honorable William D. Delahunt, United States Representative (D-10th District, MA); and the Honorable Ray LaHood, United States Representative (R-18th District, IL).

Panel II: Mr. Barry Scheck, Co-founder, The Innocence Project, Benjamin N. Cardozo School of Law, New York, NY; Mr. James S. Liebman, Simon H. Rifkind Professor of Law, Columbia Law School, New York, NY; Mr. Larry Yackle, Professor of Law, Boston University Law School, Boston, MA; the Honorable Paul A. Logli, State's Attorney, Winnebago County, Illinois, Rockford, IL; and Mr. William G. Otis, Adjunct Professor of Law, George Mason University Law School, Falls Church, VA.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 18, 2002 at 10:00 a.m. and 2:30 p.m. to hold a closed hearing on the Joint Inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE, AND TOURISM

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce and Tourism be authorized to meet on steroid use in professional baseball and antidoping issues in amateur sports on Tuesday, June 18, 2002, at 9:30 a.m.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 18, at 2:20 p.m. in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 198, to require the Secretary of the Interior to establish a program to provide assistance through states to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land;

S. 1846, to prohibit oil and gas drilling in Finger Lakes National Forest in the State of New York;

S. 1879, to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska;

S. 2222, to resolve certain conveyances and provide for alternative land selections under the Alaska Native

Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation;

S. 2471, to provide for the independent investigation of Federal wildland firefighter fatalities; and

S. 2482, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Kim Vandecar, a fellow with the Commerce Committee, be granted the privileges of the floor for the duration of the terrorism insurance debate.

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

Mr. LEVIN. Madam President, I ask unanimous consent that the following named staff members of the Committee on Armed Services be granted the privilege of the floor at all times during the Senate's consideration of and votes relating to S. 2514, the National Defense Authorization Act for Fiscal Year 2003;

Dara R. Alpert, Charles W. Alsup, Judith A. Ansley, Kenneth Barbee, Michael N. Berger, Leah C. Brewer, David L. Cherington, Christine E. Cowart, Daniel J. Cox, Jr., Madelyn R. Creedon, Kenneth M. Crosswait.

Richard D. DeBobes, Marie F. Dickinson, Edward H. Edens IV, Gabriella Eisen, Evelyn N. Farkas, Richard W. Fieldhouse, Daniel K. Goldsmith, Brien R. Green, Creighton Green, William C. Greenwalt, Gary M. Hall, Carolyn M. Hanna, Mary Alice A. Hayward, Jeremy L. Hekhuis.

Ambrose R. Hock, Gary J. Howard, Robert Andrew Kent, Jennifer Key, George W. Lauffer, Maren R. Leed, Gerald J. Leeling, Peter K. Levine, Patricia L. Lewis, David S. Lyles.

Thomas L. MacKenzie, Michael J. McCord, Ann M. Mittermeyer, Thomas C. Moore, Cindy Pearson, Arun A. Seraphin, Joseph T. Sizeas, Christina D. Still, Carmen Leslie Stone, Scott W. Stucky, Mary Louise Wagner, Richard F. Walsh, Nicholas W. West, Bridget M. Whalan.

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

Mr. WARNER. Madam President, I ask unanimous consent that Brett Rota, senator ENSIGN's legislative assistant; Mark Swayne, a military fellow working in my office; Randy Rotte and J. C. Nicholson, fellows in the Office of Senator HUTCHISON; and William Zirzow, a DOD legislative fellow in the Office of Senator COLLINS be granted the privilege of the floor throughout the debate on S. 2514.

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

EXECUTIVE SESSION

CONVENTION ON RIGHTS OF THE CHILD ON INVOLVEMENT OF CHILDREN IN ARMED CONFLICT—TREATY DOCUMENT NO. 106-37A

Mr. REID. Madam President, I ask unanimous consent that the Senate

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

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

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

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

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

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

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

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

SEC. 2. UNDERSTANDINGS.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. CONDITIONS.

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

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

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

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

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

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

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

(3) REPORTS.—

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

(B) SUBSEQUENT REPORTS.—

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

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

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

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

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

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

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

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

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