

CRAIG AMENDMENT

SA 1536. Mr. CRAIG (for himself, Mr. MILLER, Mr. HELMS, Mr. SMITH of New Hampshire, Mr. ALLEN, Mr. CRAPO, Mr. LOTT, Mr. NICKLES, Mr. SANTORUM, Mr. BENNETT, Mr. ALLARD, Mr. KYL, Mr. BOND, and Mr. INHOFE) proposed an amendment to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies of the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 623. (a) 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 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) 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.

(4) 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.

(5) 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 for national security decisions involving such matters as responding to acts of terrorism, preventing the proliferation of weapons of mass destruction, and deterring aggression.

(6) The claimed jurisdiction of the International Criminal Court over citizens of a country that is not a state party to the Rome Statute is a threat to the sovereignty of the United States under the Constitution of the United States.

(b) **PROHIBITION.**--None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.

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SA 1537. Mr. CRAIG proposed an amendment to amendment SA 1536 proposed by Mr. CRAIG to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike line 2 and all that follows, and insert the following:

SEC. 623. None of the funds appropriated or otherwise made available by this Act shall be available for cooperation with, or assistance or other support to, the International Criminal Court or the Preparatory Commission. This subsection shall not be construed to apply to any other entity outside the Rome treaty.