

ASPA Update by Steve Rickard
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Today the House and Senate dropped a controversial anti-International Criminal Court provision sponsored by Senator Jesse Helms (the American Servicemembers Protection Act, or ASPA) when it adopted a final version of the Defense Department appropriations bill for Fiscal Year 2002. Among other things, the Helms provision would have barred cooperation with the Court by any local, state or federal entity unless the US ratifies the Rome Treaty. It also would have authorized the President to use force to free US and allied officials and servicemembers if they were detained for or on behalf of the Court. Because of this provision critics have dubbed the Helms bill the Hague Invasion Act.

The Department of Defense Appropriations bill adopted by the Congress does contain a provision adopted by the House to prohibit the use of FY2002 DOD funds to cooperate with the Court. Because there was little likelihood that the Department of Defense will be called upon by the Bush Administration to support the activities of the Court in 2002 this provision, offered by House International Relations Committee Chairman Henry Hyde, is largely symbolic. A similar amendment offered by Senator Larry Craig, but applying to the FY2002 budgets for the State, Commerce and Justice Departments was approved by Congress in November and was recently signed into law by President Bush.

A stronger version of the Helms amendment was introduced in the House by Rep. Tom DeLay and adopted in May as part of the State Department Authorization bill. It has not been passed into law. The Senate version of the State Department Authorization bill has been voted on in Committee but not considered by the full Senate. It does not contain the Helms anti-ICC amendment at this time, but Senator Helms may attempt to offer it as an amendment again on the Senate floor when the bill is considered in the new year. In any event, House and Senate conferees will eventually have to negotiate the fate of the provision already adopted by the House.