



## CHRONOLOGY OF ICC-RELATED LEGISLATION MAY 2001-PRESENT

**May 8, 2001:** Representative Tom DeLay (R-TX) introduces the American Servicemembers' Protection Act (ASPA) as an amendment (H.AMDT.31) to H.R. 1646, the Foreign Relations Authorization Act.

**May 10, 2001:** The House adopts the ASPA amendment on a vote of 282-137. H.R. 1646 is passed on May 16 and referred to the Senate.

**May 10, 2001:** Senator Jesse Helms (R-NC) introduces S. 857, the American Servicemembers' Protection Act of 2001 as a freestanding bill in the Senate. Representative DeLay introduces the same legislation in the House as H.R. 1794.

**July 20, 2001:** Ten Senators send a letter to Secretary of State Colin Powell urging him "to reject the option of a diplomatic confrontation with our allies in an effort to try to kill the Court."

**July 19, 2001:** Forty-four members of the U.S. House of Representatives sent a letter to President Bush urging him " to remain engaged with the Court, and demonstrate America's commitment to the often-difficult and complicated international effort to promote justice and human rights."

**August 1, 2001:** Senator Christopher Dodd (D-CT) and Representative William D. Delahunt (D-MA) join with Rep. Amo Houghton (R-NY) and Rep. Tom Lantos (D-CA) to introduce legislation that supports continued U.S. engagement with the ICC negotiations and cooperation with the Court to try war criminals.

**August 20, 2001:** *Newsday* reports that House Republicans link release of the \$582 million in back dues to the United Nations to Bush administration support for the ASPA.

**September 10, 2001:** Senator Helms and Representative DeLay submit a revised text of ASPA to the Administration. The vote on release of the back dues to the UN is scheduled for the morning of September 11, indicating that a deal has been struck. Because of the terrorist attacks, this vote is delayed.

**September 10, 2001:** The Senate adopts an amendment (SA 1537) offered by Senator Larry Craig (R-ID), to the FY 2002 Commerce, Justice, State and the Judiciary Appropriations Act (H.R. 2500) that would prohibit the U.S. from cooperating with the ICC in any way and could also bar U.S. participation in negotiations about the Court.

**September 25, 2001:** Paul Kelly, Assistant Secretary of State for Legislative Affairs, sends a letter to Senator Helms indicating support for the revised ASPA.

**September 26, 2001:** Senator Helms introduces the revised ASPA as an amendment to the Defense Department Authorization Act.

**October 2, 2001:** ASPA amendment to Defense Department Authorization Act ruled non-germane after cloture is invoked on the bill, i.e., debate was closed on the bill and the amendment was decided to be not relevant, and was therefore not allowed to be considered.

**November 1, 2001:** Senator Helms introduces a slightly revised version of ASPA in the Senate as S. 1610; this version does not contain the full waivers demanded by the Administration.

**November 8, 2001:** House and Senate conference committee includes the Craig amendment in the final version of the FY 2002 Commerce, Justice, State and the Judiciary Appropriations Act (H.R. 2500).

**November 28, 2001:** President Bush signs into law H.R. 2500, making a statement that the Craig amendment "must be applied consistent with my constitutional authority in the area of foreign affairs . . ." The bill becomes Public Law No: 107-77.

**November 28, 2001:** Representative Henry Hyde (R-IL) slips in a last-second amendment (H.AMDT.408) to the FY2002 Department of Defense Appropriations Act (H.R. 3338) that would prohibit any cooperation with the International Criminal Court (ICC). The amendment is adopted, and during his floor statement, Rep. Hyde states that it is intended to hold a place for Senate introduction of the ASPA in the Appropriations Act.

**December 7, 2001:** Senator Helms introduces yet another modified version of the ASPA as an amendment (S. AMDT 2336) to the FY 2002 Defense Appropriations Act (H.R. 3338). Senator Dodd introduces a "punt" amendment that would strike all of Helms' amendment and replace it with a request that the President report to Congress on what he wants them to do. The Dodd amendment fails on a vote of 51-48, and the Helms ASPA amendment passes immediately afterward on a vote of 78-21.

**December 20, 2001:** House and Senate conference committee members remove the ASPA amendment from the Defense Appropriations Act. The Hyde amendment prohibiting funds from being used to cooperate with the Court is still included.

**January 10, 2002:** President Bush signs the Defense Appropriations Act, stating "this provision must be applied consistent with my constitutional authority in the area of foreign affairs . . ." The bill becomes Public Law No: 107-117, without ASPA and with the Hyde language.

**March, 2002:** Lawmakers begin conference committee on the House Passed Foreign Relations Authorization Act (H.R. 1646), which contains the May 10, 2001, version of the ASPA, with a Senate-passed foreign military assistance bill (S. 1803). Negotiations are quickly bogged down, with ASPA a key sticking-point.

**May 9, 2002:** House Majority Whip Tom DeLay (R-TX) offered the ASPA as an amendment to the 2002 supplemental appropriations act as it was being considered by the House Appropriations Committee. The version of the ASPA that was attached was the less virulent September version that

had been accepted by the administration containing broad waivers for the President. The amendment cleared the Appropriations Committee by a vote of 38 to 18.

**May 23, 2002:** The US House of Representatives passed the Supplemental Defense Appropriations Act (H.R. 4775) containing Representative Delay's American Servicemembers' Protection Act (ASPA).

**June 6, 2002:** Senator Warner (R-VA) proposed the American Servicemembers' Protection Act as an amendment (S.AMDT.3597) to the supplemental appropriations bill in the Senate. The text was identical to that attached to the House supplemental appropriations bill on May 9.

During floor debate, Senator Dodd (D-CT) offered a second degree amendment (S.AMDT.3787) to the ASPA that said, "Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity." The original Dodd amendment limited ASPA to one year. After a vote to kill the Dodd amendment was successful, unanimous consent was granted to incorporate only the above language into ASPA.

**July 19, 2002:** Conference committee report 107-593 to accompany HR 4775 was released with no changes to the Dodd amendment.

**July 23-24, 2002:** Conference report 107-593 was passed on July 23 by the House and July 24 by the Senate. It contained a version of the American Servicemembers' Protection Act that is heavily modified from the first version introduced more than two years ago. The final version includes broad waiver authority for the President, strengthened by a stipulation that no part of the bill may interfere with the President's constitutional authority to make foreign policy and section 3015, better known as the Dodd amendment, allowing the U.S. to cooperate with the ICC in cases of foreign nationals accused of genocide, war crimes or crimes against humanity.

**Late July:** It is reported that the ASPA has been removed from the State Department Authorization Act (H.R. 1646) during conference negotiations because it was included in the final version of H.R. 4775.

**July 26, 2002:** H.R. 4775 was given to the President to sign into law.

**August 2, 2002:** President George W. Bush signs H.R. 4775, making it Public Law 107-206. The American Servicemembers' Protection Act becomes U.S. law.