

grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

“(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

“(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

“(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

“SEC. 2522. APPLICATIONS.

“(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

“(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

“(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading ‘Violent Crime Reduction Programs, State and Local Law Enforcement Assistance’ of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

“SEC. 2523. DEFINITIONS.

“For purposes of this subpart—

“(1) the term ‘State’ means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

“(2) the term ‘unit of local government’ means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

“(3) the term ‘Indian tribe’ has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

“(4) the term ‘law enforcement officer’ means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the preven-

tion, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

“(23) There are authorized to be appropriated to carry out part Y—

“(A) \$25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

“(B) \$40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

“(B) \$25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.”.

INTERNATIONAL ANTI-BRIBERY
ACT OF 1998

D’AMATO (AND SARBANES)
AMENDMENT NO. 3826

Mr. JEFFORDS (for Mr. D’AMATO for himself and Mr. SARBANES) proposed an amendment to the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes; as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7), (8), and (9).

Redesignate section 6 of the bill as section 5.

DEPARTMENT OF STATE RE-
WARDS RELATIVE TO THE
FORMER YUGOSLAVIA

HELMS (AND BIDEN) AMENDMENT
NO. 3827

Mr. JEFFORDS (for Mr. HELMS for himself and Mr. BIDEN) proposed an amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—DEPARTMENT OF STATE
REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, inter-

national narcotics trafficking, and other related criminal acts.

“(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

“(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

“(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

“(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

“(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

“(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

“(B) the killing or kidnapping of—

“(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual’s official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(ii) a member of the immediate family of any such individual on account of that individual’s official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

“(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

“(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

“(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

“(c) COORDINATION.—

“(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

“(B) the publication of rewards;

“(C) the offering of joint rewards with foreign governments;

“(D) the receipt and analysis of data; and

“(E) the payment and approval of payment.

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

“(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years

1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

“(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed \$15,000,000.

“(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

“(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

“(e) LIMITATIONS AND CERTIFICATION.—

“(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed \$5,000,000.

“(2) APPROVAL.—A reward under this section of more than \$100,000 may not be made without the approval of the Secretary.

“(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

“(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than \$100,000 set forth in paragraph (2) may not be delegated.

“(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

“(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

“(g) REPORTS.—

“(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

“(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

“(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

“(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary

under this section shall be final and conclusive and shall not be subject to judicial review.

“(j) DEFINITIONS.—As used in this section:

“(1) ACT OF INTERNATIONAL TERRORISM.—The term ‘act of international terrorism’ includes—

“(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

“(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

“(2) 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.

“(3) MEMBER OF THE IMMEDIATE FAMILY.—The term ‘member of the immediate family’, with respect to an individual, includes—

“(A) a spouse, parent, brother, sister, or child of the individual;

“(B) a person with respect to whom the individual stands in loco parentis; and

“(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

“(4) REWARDS PROGRAM.—The term ‘rewards program’ means the program established in subsection (a)(1).

“(5) UNITED STATES NARCOTICS LAWS.—The term ‘United States narcotics laws’ means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

“(6) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a citizen or national of the United States; and

“(B) an alien lawfully present in the United States.”

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, admin-

istration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this Section may be paid from funds authorized to carry out Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the administration and payment of rewards under the rewards program of Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate Committees of rewards paid under this section in the same manner as required by Section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

**TITLE II—EXTRADITION TREATIES
INTERPRETATION ACT OF 1998**

SEC. 201. SHORT TITLE.

This title may be cited as the “Extradition Treaties Interpretation Act of 1998”.

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103-173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable

and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnaping" and "kidnapping" to include parental kidnapping.

ADDITIONAL STATEMENTS

THE RUMSFELD COMMISSION REPORT

• Mr. KYL. Mr. President, as you know, over the past year there has been a great deal of discussion in Washington about the growing ballistic missile threat to the United States and our forces and friends abroad. Although Members of Congress and the Administration have not always agreed on how to best respond to this growing threat, I think we can all agree that the Commission to Assess the Ballistic Missile Threat to the United States, chaired by former Secretary of Defense Donald Rumsfeld, has made an indispensable contribution to the debate. The bipartisan, nine-member commission included many of our nation's most prominent experts on national security affairs. Due to Don Rumsfeld's leadership, this diverse group with divergent views on many policy issues, came together and produced an outstanding report that unanimously concluded that the ballistic missile threat to the U.S. is greater than previously assessed, that rogue nations like Iran could develop long-range missiles capable of reaching the U.S. in as little as five years, and that we might have little or no warning that such a threat had developed.

At an event last week, the Center for Security Policy honored Don Rumsfeld by presenting him with the "Keeper of the Flame" award for his outstanding leadership as chairman of the Commission to Assess the Ballistic Missile Threat to the United States. It was a well deserved honor. For the benefit of those who were not able to attend the award ceremony, I ask that Mr. Rumsfeld's remarks at the event be printed in the RECORD.

The remarks follow:

REMARKS OF THE HONORABLE DONALD RUMSFELD, CENTER FOR SECURITY POLICY, OCTOBER 7, 1998

Chairman Ed Meese, distinguished Members of the House and Senate, public officials—past and present—ladies and gentlemen. Good evening.

I see so many here who have served our country with distinction in so many important ways—Senators Cochran, Kyl and Wallop, Secretaries Jim Schlesinger and Al Haig, and many others. And there is Dr. Fritz Kraemer. There is a true "keeper of the flame." It is a privilege as well as a pleasure to be with you all.

Frank—my congratulations to you for your ten years of contributions to our country's security. You and your associates at the Center deserve, and have, our appreciation. We all know and respect the energy, persistence and patriotism that you have brought to the national security debate and are grateful for it.

Senator Thad Cochran, I thank you for your generous words. As you know, your Committee's very useful "Proliferation Primer" was given to each of our Commission members at our first session. You have made important contributions on these key subjects, and I congratulate you for them.

I find since I first arrived in Washington, D.C., to work on Capitol Hill back in 1957, fresh out of the Navy, that while we went back home at regular intervals, I seem to keep finding myself back here on some project or another for over several decades now. I must say that this most recent assignment, the Ballistic Missile Threat Commission, has been particularly interesting, because the subject is so important.

This evening I want to talk a bit about our report, first because it is a message that needs to be heard, and, second, because there's no group who has done more and can do still more to carry that message.

As you will recall, the U.S. Intelligence Community's 1995 National Intelligence Estimate caused quite a stir in the national security community for a number of reasons. As a result, the Congress established our Commission to provide an independent assessment of the ballistic missile threat to the United States—including Alaska and Hawaii. Our charter was not to look at other threats or possible responses.

As one of our Commissioners put it, our task was to find out, Who has them? Who is trying to get them? When are they likely to succeed? Why do we care? and, When will we know?

Thanks to Speaker Gingrich and Minority Leader Gephardt for the House, and Senate Leaders Lott and Daschle, the members of our bipartisan Commission were truly outstanding. They included: Dr. Barry Blechman, the former Assistant Director of the Arms Control and Disarmament Agency in the Carter Administration; Retired four-star general Lee Butler, former Commander of the Strategic Air Command; Dr. Richard Garwin of IBM, a distinguished scientist; General Larry Welch, former Chief of Staff of the Air Force, and CEO of the IDA; Paul Wolfowitz, former Undersecretary of Defense for Policy, former Ambassador to Indonesia, and Dean of the Nitze School at Johns Hopkins University; and James Woolsey, former Director of the CIA in the Clinton Administration. Also with us this evening is Dr. Steve Cambone, currently the Director of Research at the National Defense University. Steve did a superb job as Staff Director for the Commission.

Two of our Commissioners are here this evening, and I'd like them to stand and be recognized for their important work.

Dr. William Graham, former Science Advisor to President Reagan. Bill Graham has done a superb job. Thank goodness we had the benefit of his technical experienced and knowledge.

Dr. William Schneider, former Undersecretary of State for Security Assistance in the Reagan Administration. Bill kept us sane with his unfailing good humor, penetrating as it is, and challenged by his keen insights.

The members of the Commission spent an enormous number of hours, over six months and received over 200 briefings. Not surprisingly, given our different backgrounds and experiences—military, technical, policy oriented, but all with decades of experience dealing with the Intelligence Community and its products—we started out with a variety of viewpoints. As we proceeded, each time we seemed to be diverging in our views, we called for more briefings and focused back on the facts.

After extensive discussion and analysis, we arrived at our unanimous conclusions and a unanimous recommendation. As General Welch said, the facts overcame our biases and opinions and drove us to our unanimous conclusions. And in this city, unanimity is remarkable, especially on a subject as heated as this.

Given that so few people will be able to read our classified final report of some 307 pages, with several hundred additional classified pages of working papers and technical analysis, and that the unclassified executive summary was only 36 pages, that our conclusions were unanimous makes them considerably more persuasive.

During the course of our deliberations, almost every week there was an event somewhere in the world related to ballistic missiles or weapons of mass destruction—whether the Ghauri missile launch by Pakistan, the Indian and Pakistani nuclear explosions, continued stiff-arming of the U.S. and the U.N. inspectors by Iraq, the Shahab 3 missile firing in Iran, and more recently North Korea's Taepo Dong 1 three-stage launch. The pace of these significant events, while disturbing to be sure, provided a vivid backdrop for our work.

It is clear the Gulf War taught regional powers that they are ill-advised to try to combat U.S. or Western armies and air forces. They can neither deter nor prevail against those vastly greater conventional capabilities. That being the case, it's not surprising that they seek asymmetrical advantages and leverage to enable them to change the calculations of Western nations and ways to threaten and deter them as well as their neighbors.

They have several cost effective options. Terrorism is one. Cruise missiles are also an increasingly attractive option in that they are both versatile and relatively inexpensive. At some point they may well become a weapon of choice.

And, third, there are ballistic missiles. It is not happenstance that some 25-30 countries either have or are seeking to acquire ballistic missiles. They are very attractive, and relatively inexpensive when compared to armies, navies, and air forces; second, like cruise missiles, they can be launched from land, sea or air and have the flexibility of carrying chemical, biological or nuclear warheads; and third, they have the compelling advantage of being certain to arrive at their destinations—since there are no defenses against them.

Those of us from Chicago recall Al Capone's remark that "You get more with a kind word and a gun than you do with a kind word alone." We can substitute "ballistic missile" for "gun" and the names of some modern day Al Capones.