

treatable. The programs of the Child Survival Fund, which are intended to reduce infant mortality and improve the health and nutrition of children, address the various problems of young people struggling to survive in developing countries. It places a priority on the needs of the more than 100 million children worldwide who are displaced and/or have become orphans.

The Child Survival and Disease Programs Fund includes initiatives to curb the resurgence of communicable diseases such as malaria and tuberculosis. According to the World Health Organization, in 1999 alone, more children will die of tuberculosis than in any other year in history. In the underdeveloped world, the Child Survival and Disease Programs Fund works towards eradicating polio as well as preventing and controlling the spread of HIV/AIDS.

Aside from addressing issues of health, the Child Survival and Disease Programs Fund also supports basic education programs. An investment in education yields one of the highest social and economic rates of return—because it gives children the necessary tools to become self-sufficient adults. According to the World Bank, each additional year of primary and secondary schooling results in a 10–20% wage increase. Unfortunately, there are still 130 million primary aged children who are not attending any school, 2/3 of those children are girls.

The programs supported by the Child Survival and Disease Programs Fund are effective because they save three million lives each year through immunizations, vitamin supplementation, oral rehydration therapy, and the treatment of childhood respiratory infections, which are the second largest killer of children on earth. If every child received vaccinations, an additional two million children each year would be saved from these terminal diseases. Eliminating the symptoms and causes of this poverty is not only the humane thing to do—it is also a necessary prerequisite for global stability and prosperity.

In my view, Congress needs to maintain its support for these valuable programs. It is my hope that the Senate Foreign Operations Subcommittee will accept the proposed House language. The Child Survival and Disease Programs are effective and are important. They should be continued.

I see the Chairman of the Senate Foreign Operations Subcommittee on the floor and urge his continued support for that program.

Mr. MCCONNELL. I thank the Senator from Ohio for his statement. I have listened very carefully to his remarks, and I commend him for his tireless efforts in supporting children's causes, here in the United States and throughout the world. I would like to assure him that I will give every possible consideration to his request when we go to conference.

Mr. DEWINE. I thank my distinguished friend from Kentucky, and I yield the floor.

#### THE MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. LEAHY. Mr. President, I support S. 768, which was significantly improved during the Judiciary Committee mark up with a substitute amendment that I cosponsored with Senators SESSIONS and DEWINE. This important legislation will close a gap in Federal law that has existed for many years. S. 768 establishes authority for Federal jurisdiction over crimes committed by individuals accompanying our military overseas and court-martial jurisdiction over Department of Defense employees and contractors accompanying the Armed Forces on contingency missions outside the United States during times of war or national emergency declared by the President or the Congress.

Civilians accompanying the Armed Forces have been subject to court-martial jurisdiction when “accompanying or serving with the Armies of the United States in the field” since the Revolutionary War. See *McCune v. Kilpatrick*, 53 F. Supp. 80, 84 (E.D. Va. 1943). It is only since the start of the Cold War that American troops, accompanied by civilian dependents and employees, have been stationed overseas in peace time. Provisions of the Uniform Code of Military Justice provide for the court-martial of civilians accused of crimes while accompanying the armed forces in times of peace or war. The provisions allowing for peace time court-martial of civilians were found unconstitutional by a series of Supreme Court cases beginning with *Reid v. Covert*, 354 U.S. 1 (1957). With foreign nations often not interested in prosecuting crimes against Americans, particularly when committed by an American, the result is a jurisdictional “gap” that allows some civilians to literally get away with murder.

A report by the Overseas Jurisdiction Advisory Committee submitted to Congress in 1997, cited cases in which host countries declined to prosecute serious crimes committed by civilians accompanying our Armed Forces. These cases involved the sexual molestation of dependent girls, the stabbing of a serviceman and drug trafficking to soldiers. The individuals who committed these crimes against service men and women or their dependents were not prosecuted in the host country and were free to return to the United States and continue their lives as if the incidents had never occurred. The victims of these awful crimes are left with no redress for the suffering they endured.

This inability to exercise Federal jurisdiction over individuals accompanying our armed forces overseas has caused problems. During the Vietnam War, Federal jurisdiction over civilians was not permissible since war was never declared by the Congress. Major General George S. Prugh said, in his text on legal issues arising during the Vietnam War, that the inability to discipline civilians “became a cause for major concern to the U.S. command.”

More recently, Operation Desert Storm involved the deployment of 4,500 Department of Defense civilians and at least 3,000 contractor employees. Similarly large deployments of civilians have been repeated in contingency operations in Somalia, Haiti, Kuwait and Rwanda. Although crime by civilians accompanying our armed forces in Operation Desert Storm was rare, the Department of Defense did report that four of its civilian employees were involved in significant criminal misconduct ranging from transportation of illegal firearms to larceny and receiving stolen property. One of these civilians was suspended without pay for 30 days while no action was taken on the remaining three.

Due to the lack of Federal jurisdiction over civilians in a foreign country, administrative remedies such as dismissal from the job, banishment from the base, suspension without pay, or returning the person to the United States are often the only remedies available to military authorities to deal with civilian offenders. The inadequacy of these remedies to address the criminal activity of civilians accompanying our Armed Forces overseas results in a lack of deterrence and an inequity due to the harsher sanctions imposed upon military personnel who committed the same crimes as civilians.

I expect the deployment of civilians in Kosovo and elsewhere will be relatively crime free, but regardless of the frequency of its use, the gap that allows individuals accompanying our military personnel overseas to go unpunished for heinous crimes must be closed. Our service men and women and those accompanying them deserve justice when they are victims of crime. That is why I introduced this provision as part of the Safe Schools, Safe Streets and Secure Borders Act with other Democratic Members, both last year as S. 2484 and again on January 19 of this year, as S. 9.

I had some concerns with certain aspects of S. 768 that were not included in my version of this legislation, and I am pleased that we were able to address those concerns in the Sessions-Leahy-DeWine substitute. For example, the original bill would have extended court-martial jurisdiction over DOD employees and contractors accompanying our Armed Forces overseas. The Supreme Court in *Reid v. Covert*, 354 U.S. 1 (1957), *Kinsella v. Singleton*, 361 U.S. 234 (1960) and *Toth v. Quarles*, 350 U.S. 11 (1955), has made clear that court-martial jurisdiction may not be constitutionally applied to crimes committed in peacetime by persons accompanying the armed forces overseas, or to crimes committed by a former member of the armed services.

The substitute makes clear that this extension of court-martial jurisdiction applies only in times when the armed forces are engaged in a “contingency operation” involving a war or national emergency declared by the Congress or

the President. I believe this comports with the Supreme Court rulings on this issue and cures any constitutional infirmity with the original language.

In addition, the original bill would have deemed any delay in bringing a person before a magistrate due to transporting the person back to the U.S. from overseas as "justifiable." I was concerned that this provision could end up excusing lengthy and unreasonable delays in getting a civilian, who was arrested overseas, before a U.S. Magistrate, and thereby raise yet other constitutional concerns.

The Sessions-Leahy-DeWine substitute cures that potential problem by removing the problematic provision and relying instead on Rule 5 of the Federal Rules of Criminal Procedure. This rule requires that an arrested person be brought before a magistrate to answer charges without unnecessary delays, and will apply to the removal of a civilian from overseas to answer charges in the United States.

Finally, S. 768 as introduced authorized the Department of Defense to determine which foreign officials constitute the appropriate authorities to whom an arrested civilian should be delivered. In my proposal for this legislation I required that DOD make this determination in consultation with the Department of State. I felt this would help avoid international faux pax. I am pleased that the Sessions-Leahy substitute adopted my approach to this issue and requires consultation with the Department of State.

I am glad the legislation which I and other Democratic members of the Judiciary Committee originally introduced both last year and again on January 19 of this year, is finally being considered, and I urge its prompt passage.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 29, 1999, the federal debt stood at \$5,602,716,451,360.35 (Five trillion, six hundred two billion, seven hundred sixteen million, four hundred fifty-one thousand, three hundred sixty dollars and thirty-five cents).

One year ago, June 29, 1998, the federal debt stood at \$5,502,438,000,000 (Five trillion, five hundred two billion, four hundred thirty-eight million).

Five years ago, June 29, 1994, the federal debt stood at \$4,604,970,000,000 (Four trillion, six hundred four billion, nine hundred seventy million) which reflects a debt increase of almost \$1 trillion—\$997,746,451,360.35 (Nine hundred ninety-seven billion, seven hundred forty-six million, four hundred fifty-one thousand, three hundred sixty dollars and thirty-five cents) during the past 5 years.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### PROCLAMATION TO MODIFY DUTY-FREE TREATMENT UNDER THE GENERALIZED SYSTEM OF PREFERENCES RELATIVE TO GABON, MONGOLIA, AND MAURITANIA; TO THE COMMITTEE ON FINANCE—MESSAGE FROM THE PRESIDENT—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Congress of the United States:*

The Generalized System of Preferences (GSP) offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974, as amended.

I have determined, based on a consideration of the eligibility criteria in title V, that Gabon and Mongolia should be added to the list of beneficiary developing countries under the GSP.

I have also determined that the suspension of preferential treatment for Mauritania as a beneficiary developing country under the GSP, as reported in my letters to the Speaker of the House and President of the Senate of June 25, 1993, should be ended. I had determined to suspend Mauritania from the GSP because Mauritania had not taken or was not taking steps to afford internationally recognized worker rights. I have determined that circumstances in Mauritania have changed and that, based on a consideration of the eligibility criteria in title V, preferential treatment under the GSP for Mauritania as a least-developed beneficiary developing country should be restored.

This message is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, June 30, 1999.

#### MESSAGE FROM THE HOUSE

At 4:36 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office".

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

H.R. 1802. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

H.R. 2014. An act to prohibit a State from imposing a discriminatory commuter tax on nonresidents.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

#### MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred:

H.R. 1327. An act to designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the "Maurine B. Neuberger United States Post Office"; to the Committee on Governmental Affairs.

H.R. 1568. An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes; to the Committee on Small Business.

H.R. 1802. An act to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; to the Committee on Finance.

H.R. 2014. A act to prohibit a State from imposing a discriminatory commuter tax on nonresidents; to the Committee on Finance.

H.R. 2280. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid for service-connected disabilities, to enhance the compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 34. Joint resolution congratulating and commending the Veterans of Foreign Wars.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated: