

Mr. Speaker, H.R. 740, introduced by the gentleman from New Mexico [Mr. SCHIFF] and the gentleman from New Mexico [Mr. SKEEN] would permit the Pueblo of Isleta Indian Tribe to file a claim in the U.S. Court of Federal Claims for certain aboriginal lands acquired from the tribe by the United States. The tribe was erroneously advised by the Bureau of Indian Affairs in regard to this claim, and as a result never filed a claim for aboriginal lands before the expiration of the statute of limitations.

The court's jurisdiction would apply only to claims accruing on or before August 13, 1946, as provided in the Indian Claims Commission Act.

The Pueblo of Isleta Tribe seeks the opportunity to present the merits of its aboriginal land claims, which otherwise would be barred as untimely. The tribe cites numerous precedents for conferring jurisdiction under similar circumstances, such as the case of the Zuni Indian Tribe in 1978.

An identical bill passed the Senate in the 103d Congress, but was not considered by the House. In the 102d Congress, H.R. 1206, amended to the current language, passed the House, but was not considered by the Senate before adjournment. On June 11, 1996, the Judiciary Committee favorably reported this bill by unanimous voice vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the bill has been explained that was introduced by the gentleman from New Mexico [Mr. SKEEN] and the gentleman from New Mexico [Mr. SCHIFF]. It is a fair bill, and I would just urge colleagues to support it at this time.

Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I wish to extend my strong support for H.R. 740 which deals with the Pueblo of Isleta Indian land claims. H.R. 740 comes before Congress for a vote which will correct a 45-year-old injustice. In 1951, the Pueblo of Isleta was given erroneous advice by employees of the Bureau of Indian Affairs regarding the nature of the claim the Pueblo could mount under the Indian Claims Commission Act of 1946. This is documented and supported by testimony. The Pueblo was not made aware of the fact that a land claim could be made based upon aboriginal use and occupancy. As a result, it lost the opportunity to make such a claim.

The Pueblo of Isleta was a victim of circumstances beyond its control, and this bill is an opportunity for us to correct this wrong. No expenditure or appropriations of funds are provided for in this bill: only the opportunity for the Pueblo to make a claim for aboriginal lands which the Isletas believe to be rightfully theirs. This bill may be the last chance for the United States to correct an injustice which occurred many years ago because of misinformation from the BIA.

Therefore, I urge my colleagues to support H.R. 740.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 740.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WAR CRIMES ACT OF 1996

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3680) to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes.

The Clerk read as follows:

H.R. 3680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "War Crimes Act of 1996".

SEC. 2. CRIMINAL PENALTIES FOR CERTAIN WAR CRIMES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 118—WAR CRIMES

"Sec.
"2401. War crimes.

"§ 2401. War crimes

"(a) OFFENSE.—Whoever, whether inside or outside the United States, commits a grave breach of the Geneva Conventions, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

"(b) CIRCUMSTANCES.—The circumstances referred to in subsection (a) are that the person committing such breach or the victim of such breach is a member of the armed forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

"(c) DEFINITIONS.—As used in this section, the term 'grave breach of the Geneva Conventions' means conduct defined as a grave breach in any of the international conventions relating to the laws of warfare signed at Geneva 12 August 1949 or any protocol to any such convention, to which the United States is a party."

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 117 the following new item:

"118. War crimes 2401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Virginia [Mr. SCOTT] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3680 is designed to implement the Geneva conventions for the protection of victims of war. Our colleague, the gentleman from North Carolina, WALTER JONES, should be commended for introducing this bill and for his dedication to such a worthy goal.

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Mr. Speaker, the Geneva Conventions of 1949 codified rules of conduct for military forces to which we have long adhered. In 1955 Deputy Under Secretary of State Robert Murphy testified to the Senate that—

The Geneva Conventions are another long step forward towards mitigating the severity of war on its helpless victims. They reflect enlightened practices as carried out by the United States and other civilized countries, and they represent largely what the United States would do, whether or not a party to the Conventions. Our own conduct has served to establish higher standards and we can only benefit by having them incorporated in a stronger body of wartime law.

Mr. Speaker, the United States ratified the Conventions in 1955. However, Congress has never passed implementing legislation.

The Conventions state that signatory countries are to enact penal legislation punishing what are called grave breaches, actions such as the deliberate killing of prisoners of war, the subjecting of prisoners to biological experiments, the willful infliction of great suffering or serious injury on civilians in occupied territory.

While offenses covering grave breaches can in certain instances be prosecutable under present Federal law, even if they occur overseas, there are a great number of instances in which no prosecution is possible. Such nonprosecutable crimes might include situations where American prisoners of war are killed, or forced to serve in the Army of their captors, or American doctors on missions of mercy in foreign war zones are kidnapped or murdered. War crimes are not a thing of the past, and Americans can all too easily fall victim to them.

H.R. 3680 was introduced in order to implement the Geneva Conventions. It prescribes severe criminal penalties for anyone convicted of committing, whether inside or outside the United States, a grave breach of the Geneva Conventions, where the victim or the perpetrator is a member of our Armed Forces. In future conflicts H.R. 3680 may very well deter acts against Americans that violate the laws of war.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas has fully explained, H.R. 3680 implements this country's international

obligation under the Geneva Convention which were ratified by the United States in 1955 to protect the victims of war by providing criminal penalties for certain war crimes. Mr. Speaker, this has never been formally enacted by statute, and the bill accomplishes this oversight.

Mr. Speaker, I will not be supporting the legislation because it contains a new provision for the death penalty, but I can say that the bill enjoys broad-based support on this side of the aisle.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for his comments, and I yield such time as he may consume to the gentleman from North Carolina, Mr. WALTER JONES, my colleague and friend, and the author of the legislation we are discussing right now.

Mr. JONES. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Before I begin, I want to take a moment to thank Chairman SMITH and his subcommittee counsel, George Fishman, for their hard work and efforts to bring this important legislation to the floor today for consideration.

Mr. Speaker, now more than ever, we are sending our men and women to serve in hostile lands, and the specter of war crimes, looms over almost every U.S. military action abroad. As a member of the House National Security Committee, we have the responsibility of providing these service men and women with the best training and equipment available.

But this Congress should not stop there. We must ensure that we also protect the rights of all Americans who are defending the interests of our country abroad.

While it is difficult to believe, in the absence of a military commission or an international criminal tribunal, the United States currently has no means, by which we can try and prosecute perpetrators of war crimes in our courts. The Geneva Convention of 1949 granted the authority to prosecute individuals for committing "grave breaches" of the Geneva Convention, however, the authority was not self-enacting. The Geneva Convention directed each of the participating countries to enact implementing legislation. The United States never did.

Today, it would be possible, to find a known war criminal vacationing in our country, unconcerned with being punished for his crime. A modern-day Adolf Hitler, could move to the United States without worry, as he could not be found guilty in our courts of committing a war crime. We could extradite him or deport him, but we could not try him in America as a war criminal.

It is for these reasons that I have introduced H.R. 3680, the War Crimes Act of 1996. H.R. 3680 will give the United

States the legal authority to try and prosecute the perpetrators of war crimes against American citizens. Additionally, those Americans prosecuted will have available all the procedural protections of the American justice system.

I drafted this bill late last year, shortly after I met a gentleman by the name of Capt. Mike Cronin who spent time as an uninvited guest of the "Hanoi Hilton." While serving in Vietnam as an A-6 pilot, Mr. Cronin was shot down and taken prisoner of war. For 6 years he lived in a cage. When he returned, he realized that while he and many others had witnessed war crimes being committed, no justice could be found within the U.S. court system because we had not yet enacted implementing legislation of the Geneva Convention.

It is for Mike Cronin, and the many others like him who were persecuted, that I have fought to bring this legislation to the floor today. While the bill is not retroactive, it can ensure that any future victims of war crimes will be given the protection of the U.S. courts. This is a strong bipartisan bill, which will rectify the existing discrepancy between our Nation's intolerance for war crimes and our inability to prosecute war criminals.

Once again, I would like to thank this body, Chairman SMITH, Chairman HYDE, and Ranking Member CONYERS for their support. Passage of the War Crimes Act of 1996 is a long overdue step in the right direction.

Mr. SCOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 3680.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REGARDING HUMAN RIGHTS IN MAURITANIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) regarding the human rights situation in Mauritania, including the continued practice of chattel slavery, as amended.

The Clerk read as follows:

H. CON. RES. 142

Whereas the Government of Mauritania has perpetrated a prolonged campaign of

human rights abuses and discrimination against its indigenous black population;

Whereas the Department of State and numerous human rights organizations have documented such abuses;

Whereas chattel slavery, with an estimated tens of thousands of black Mauritians considered property of their masters and performing unpaid labor, persists despite its legal abolition in 1980;

Whereas individuals attempting to escape from their owners in Mauritania may be subjected to severe punishment and torture;

Whereas the right to a fair trial in Mauritania continues to be restricted due to executive branch pressure on the judiciary;

Whereas policies designed to favor a particular culture and language have marginalized black Mauritians in the areas of education and employment particularly;

Whereas Mauritians are deprived of their constitutional right to a democratically elected government;

Whereas Mauritanian authorities have still refused to investigate or punish individuals responsible for the massacre of over 500 military and civilian black Mauritians in 1990 and 1991; and

Whereas significant numbers of black Mauritians remain refugees stripped of their citizenship and property, including tens of thousands of black Mauritians who were expelled or fled Mauritania during 1989 and 1990: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls upon the Government of Mauritania to honor its obligations under the Universal Declaration of Human Rights and the Convention on the Abolition of Slavery, to prosecute slave owners to the fullest extent of the country's anti-slavery law, and to educate individuals being held as slaves on their legal rights;

(2) strongly urges the Government of Mauritania to abolish discriminatory practices and foster an environment that will integrate black Mauritians into the economic and social mainstream;

(3) urges in the strongest terms that the Government of Mauritania fully investigate and prosecute those officials responsible for the extrajudicial killings and mass expulsions of black Mauritians during the late 1980s and early 1990s;

(4) calls upon the Government of Mauritania to continue to allow all refugees to return to Mauritania and to restore their full rights;

(5) welcomes Mauritania's recent invitation to international human rights organizations to visit Mauritania; and

(6) further welcomes the growth of an independent press in Mauritania.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Guam [Mr. UNDERWOOD] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this legislation was introduced by this Member. It is hard to believe that in 1996, chattel slavery continues to exist in Mauritania. This gross injustice infringes on the most fundamental of human rights of perhaps thousands of that country's underclass. Members of