with the funding increase suggested by this motion.

In 1995, the budget for the Institution of Museum and Library Services was cut by more than 25 percent. Since then, the IMLS has seen only extremely modest increases in their funding levels. This motion to instruct provides much needed and very affordable relief by directing the conferees to accept a $600,000 increase for this agency, an amount that was responsibly added to this bill by the other body. This Institute of Museum and Library Services oversees America's 8,000 museums, connects schools, libraries and other institutions with many wonderful resources within their walls. With additional funding, IMLS can continue to administer the wonderful programs that connect our youth with history and expose all of us to worlds we have yet to know.

In an era where technology takes center stage in our society, we need new programs more than ever and not to forget to emphasize art, culture, and history. If we give these services nothing more than level funding, we send a message to the younger generation that it is okay to forget your past, it is okay not to have a place where individuals can see evidence of the greatness that came before them. Unless we approve this motion, we are contributing to the slow death of arts and culture in America. We owe our constituents much more than that.

Mr. Speaker, I urge all of my colleagues to vote in favor of the motion to instruct.

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

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

Mr. Speaker, this motion to instruct is a very small and modest amount for the Institute of Museum and Library Services, and it just requests that we take the Senate level, which was $600,000 above the House level, a good program. I urge adoption of the motion.

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

Mr. DICKS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The motion was agreed to.

The SPEAKER pro tempore. Without objection the Chair appoints the following conferees: Messrs. REGULA, KOLBE, SKEEN, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, CRAMER, HINCHEY, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3380) to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3380

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 ''Military Extraterritorial Jurisdiction Act of 2000''.

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

''CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

''Sec.
''3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
''3262. Arrest and commitment.
''3263. Delivery to authorities of foreign countries.
''3264. Limitation on removal.
''3265. Initial proceedings.
''3266. Regulations.
''3267. Definitions.

''§ 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

''(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

''(1) while employed by or accompanying the Armed Forces outside the United States; or

''(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),

shall be punished as provided for that offense.

''(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

''(1) such member ceases to be subject to such chapter; or

''(2) an indictment or information charges that the member committed the offense with 1 or more other defendants, at least 1 of whom is not subject to such chapter.

''§ 3262. Arrest and commitment

''(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

''(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3263. Delivery to authorities of foreign countries

''(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

''(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3264. Limitation on removal

''(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

''(1) to the United States; or

''(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

''(b) The limitation in subsection (a) does not apply if—

''(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

''(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

''(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

''(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

''(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

''§ 3265. Initial proceedings

''(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

''(A) shall be conducted by a Federal magistrate judge; and

''(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

''(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person's detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person's release before trial under chapter 207 of this title.

''(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

''(1) shall be conducted by a Federal magistrate judge; and

''(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

''(2) For purposes of this subsection, the term 'qualified military counsel' means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

''(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

''§ 3266. Regulations

''(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

''(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

''§ 3267. Definitions

''As used in this chapter:

''(1) The term 'employed by the Armed Forces outside the United States' means—

''(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying the Armed Forces outside the United States' means—

''(A) a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a)(4) of title 10.

''(4) The terms 'Judge Advocate General' and 'judge advocate' have the meanings given such terms in section 801 of title 10.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

''212. Military extraterritorial jurisdiction ..... 3261''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3380.

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

There was no objection.

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

Mr. Speaker, H.R. 3380, the Military Extraterritorial Jurisdiction Act of 1999, was introduced by the gentleman from Georgia (Mr. CHAMBLISS) last year, together with the gentleman from Florida (Mr. MCCOLLUM), who is the chairman of the Subcommittee on Crime.

The bill as it is reported from the Committee on the Judiciary today is the product of close collaboration between the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Florida (Mr. MCCOLLUM), and the ranking minority member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT). It also reflects the input of the Departments of Justice and Defense, the American Civil Liberties Union and the National Education Association. I am pleased to represent to the Members that the bill is supported by both the Defense and Justice Departments, as well as the ACLU and the NEA.

H.R. 3380 would amend Federal law to establish Federal criminal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the United States Armed Forces. It would also establish Federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces, but who are not tried for those crimes by military authorities and later cease to be the subject of military control. This bill fills the jurisdiction gap in the law that has allowed rapists, child molesters and a variety of other criminals to escape punishment for their crimes. This bill fills that gap and will help to ensure that persons who commit crimes while accompanying our Armed Forces abroad will be punished for their crimes.

Mr. Speaker, I am pleased to support it. The Committee on the Judiciary ordered the bill reported favorably by voice vote late last month.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the original sponsor of the legislation. I would like to commend the gentleman for his leadership in this effort.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Ohio for his leadership on this and for his cooperation in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of this bill, which fixes a loophole in the law and is critical to enforcing justice and assisting America's military leaders in maintaining order and discipline among our Armed Forces.

In many cases, when a crime is committed by an American civilian who accompanies our military overseas, they may be subject to prosecution by the foreign government, or subject to provisions of an international agreement which governs how these cases are handled. However, too many times there are instances where American civilians attached to a military unit commit crimes outside the United States but cannot be prosecuted because the foreign governments decline to take any action and U.S. military or civilian law enforcement agencies lack the appropriate authority to prosecute these criminals. As a result, military commanders can only issue minor administrative sanctions as a punishment for

serious crimes like rape, arson, or murder.

Let me give you just a couple of examples of the problem our military faces. In one instance, a Department of Defense teacher raped a minor and videotaped the event. The host country chose not to prosecute, and our government did not have jurisdiction to prosecute the teacher.

In another case, the son of a contract employee in Italy committed various crimes, including rape, arson, assault and drug trafficking. Again, because of a lack of jurisdiction to prosecute, as a punishment for these criminal acts the son could only be barred from the base.

Finally, an Air Force employee molested 24 children ages 9 to 14. However, because the host country refused to prosecute, the only recourse was again to bar this individual from the base. Certainly these flimsy punishments do not match the seriousness of the crimes these individuals committed.

For several decades, Congress has been urged to close this jurisdictional gap. In fact, 20 years ago the General Accounting Office reported that in 1977, foreign countries hosting American troops and civilians refused to prosecute 59 cases of serious crimes such as rape, manslaughter, arson, robbery and burglary.

Today we have almost a quarter of a million civilian employees and dependents deployed with our military overseas. As we have drawn down our military services, civilian employees and contractors have played increasingly important roles in supporting our contingency operations. As this trend continues unabated, crimes that fall into this jurisdictional gap continue to go unpunished.

In 1995, Congress directed the Departments of Defense and Justice to review this issue and make recommendations on the appropriate way to extend criminal jurisdiction to civilians accompanying the Armed Forces overseas. Our bill is built on the hard work and efforts of the advisory committee established by the Departments of Defense and Justice which studied this issue very thoroughly. We have worked on a bipartisan basis with the Departments in drafting this important legislation to ensure that crimes are punished.

Furthermore, the courts have encouraged Congress to close the jurisdictional gap in the law. In one case an enlisted soldier was accompanied by her husband and stepdaughter on a tour of duty in Germany. Upon returning to the United States, the daughter gave birth to a child and revealed that the stepfather was in fact the baby's father. The man was charged with sexual abuse of a minor, but the case was ultimately dismissed because the Court of Appeals found that the statute could only be applied to a crime committed within the United States. A lack of jurisdiction allowed this crime to go unpunished and justice to be avoided.

Mr. Speaker, it is high time that we give our government the ability to hold citizens accountable for all criminal offenses. H.R. 3380 will finally close this legal loophole, that allows some criminals outside the United States to avoid prosecution and prevents justice from being served.

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This bill will create a new Federal law that would apply Federal criminal statutes to crimes which are committed overseas by employees or dependents of members of the Armed Forces, persons employed by the Department of Defense, or contractors or subcontractors of the Armed Forces.

The bill would preclude prosecution against a person if a foreign government prosecutes the defendant or if the defendant is subject to the Uniform Code of Military Justice.

Department of Defense law enforcement personnel would be authorized to arrest alleged criminals and would deliver them as soon as practicable to United States civilian law enforcement officials or to law enforcement personnel of a foreign country.

Finally, the bill places limits on the power of law enforcement personnel to remove arrested persons from the country in which they are arrested or found and ensure that the due process rights of the accused are protected.

Mr. Speaker, I want to recognize the leadership of Senator JEFF SESSIONS of the great State of Alabama, who sponsored the original bill and brought this issue to the forefront. I also want to thank the gentleman from Florida (Mr. MCCOLLUM), the coauthor of this bill with me, along with the ranking member, the gentleman from Virginia (Mr. SCOTT), in working together to craft a thorough and comprehensive approach to address this problem.

As I said earlier, this has been a true bipartisan effort and the gentleman from Virginia (Mr. SCOTT) has been very helpful in coming together with us on the language and I want to thank him on the floor tonight and commend him for his very dedicated service here.

We must continue our commitment to enforcing the law and reducing crime. I strongly believe that now is the time for Congress to act to close the loophole that allows civilian criminals to escape prosecution of their crimes, and I urge my colleagues to join me in supporting H.R. 3380, the Military Extraterritorial Jurisdictional Act.

Mr. CHABOT. 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 rise to offer my support for the bill; and I want to express my appreciation to the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime, and the gentleman from Ohio (Mr. CHABOT) and the chief patron of the bill, the gentleman from Georgia (Mr. CHAMBLISS), for their hard work and bipartisan and cooperative approach in developing this bill; and also to the staff of the Department of Defense, the Department of Justice, the National Education Association, the American Federation of Teachers, and the ACLU who helped us craft this bill.

The cooperative effort applied to this bill is a model for openness and collaboration which I would hope we would see more of in this body.

The bill closes a loophole in the current law which allows some individuals to escape responsibility for criminal acts committed outside of the United States. Civilian employees, contractors and dependent family members of both civilian and military personnel who commit criminal acts while connected to overseas military operations are not covered by either the Military Code of Justice, because they are not in the military, nor by the Federal Criminal Code because the acts were committed outside of the United States, as was in the example that the gentleman from Georgia (Mr. CHAMBLISS) mentioned; nor are recently discharged enlisted personnel whose crimes are not prosecuted prior to discharge.

Now, these crimes are technically subject to prosecution in the foreign country, but those who are attached to the military and commit a crime on a military base are generally not prosecuted by the foreign government who see this as a United States military problem, and they generally do not intervene. The bill fixes this problem by extending Federal criminal jurisdiction to these situations.

It is my position that a United States citizen attached to military bases abroad who commits serious criminal offenses while living on a military base should be held no less accountable than they would if they had committed such an offense in the United States. It is also my position that those individuals accused of such offenses are entitled to no less due process and other constitutional protections than they would receive if the offense had been committed in the United States.

This bill, as structured, effectively holds criminals responsible for acts and provides decent due process protection so that innocent people charged with a crime are considered for bail prior to trial and have a reasonable opportunity to defend themselves. For that reason, Mr. Speaker, and with thanks to the cooperative effort of those who worked on this bill with me, I urge my colleagues to support the bill.

Mr. MCCOLLUM. Mr. Speaker, I am proud to be the original co-sponsor of H.R. 3380 the Military Extraterritorial Jurisdiction Act of 1999, introduced by my friend and colleague Representative SAXBY CHAMBLISS last year. The bill as it is reported from the Judiciary Committee today is the product of close collaboration between Mr. CHAMBLISS, myself, and the ranking minority member of the Subcommittee on Crime, Representative SCOTT, together with the majority and minority staffs of the Subcommittee on Crime. It also reflects the input of the Departments of Justice and Defense, the American Civil Liberties Union, and the

National Education Association, and I am please to announce that the bill is supported by both the Defense and Justice Departments as well as the ACLU and the NEA.

H.R. 3380 was introduced on November 16, 1999. The Crime Subcommittee held a hearing on the bill on March 30, 2000. On May 11, the Subcommittee reported the bill favorably, as amended, by voice vote. On June 27, the Committee on the Judiciary ordered the bill reported, by voice vote. The report on the bill, House Report 106–778, was filed on July 20, 2000.

H.R. 3380 would amend Federal law to establish Federal criminal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the United States Armed Forces. It would also establish Federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces but who are not tried for those crimes by military authorities and later cease to be subject to military control.

When members of the military, and the civilians accompanying them, commit crimes overseas, they are subject to the jurisdiction of the nations where those crimes occurred. Military members are also subject to prosecution under the Uniform Code of Military Justice (UCMJ), and when they commit crimes overseas they are usually prosecuted by the military. Surprisingly, the nations that host Americans personnel often choose not to prosecute civilians who commit crimes within their territories. This is most often the case when Americans commit crimes against other Americans or their property. These civilians often go unpunished because there is no Federal jurisdiction covering their criminal conduct in most cases. For most crimes, Federal (and state) criminal jurisdiction stops at our nation's borders and so, persons who commit these crimes overseas cannot be prosecuted under American law. Further, if military members are discharged before their crimes are discovered, they too are beyond the reach of a military court martial. Each year, numerous incidents of rape, sexual abuse, aggravated assault, robbery, drug distribution, and a variety of fraud and property crimes committed by American civilians abroad go unpunished because host nations choose to waive jurisdiction over them.

Clearly, no crime, especially violent crimes and crimes involving significant property damage, should go unpunished when it is committed by persons employed by or accompanying our military abroad. In most, if not all cases, the only reason why these people are living in a foreign country is because our military is there and they have some connection to it. It is clear that the government has an interest in ensuring that they are punished for any crimes they commit there. Just as importantly, as many of the crimes going unpunished are committed against American victims and American property, the government has an interest in using its law to punish those who commit these crimes.

In addition to the moral justification in punishing these acts, punishing them will also have a beneficial effect on the functioning of the military. As a Defense Department witness testified at the hearing on H.R. 3380 held by the Subcommittee on Crime. ''The inability of the United States to appropriately pursue the interests of justice and hold its citizens criminally accountable for offenses committed overseas has undermined deterrence, lowered morale, and threatened good order and discipline in our military communities overseas. In addition, the inability of U.S. authorities to adequately respond to serious misconduct within the civilian component of the U.S. Armed Forces, presents the strong potential for embarrassment in the international community, increases the possibility of hostility in the host nation's local community where our forces are stationed, and threatens relationships with our allies.'' In my mind, it is time for Congress to address these problems by enacting this legislation at this time.

H.R. 3380 will close the jurisdictional gap in existing law by extending Federal criminal jurisdiction to cover American personnel who engage in conduct outside the United States that would constitute an offense had it been committed within the special maritime and territorial jurisdiction of the United States. The extended criminal jurisdiction would apply to two groups of people: first, to persons employed by or who are accompanying the Armed Forces outside of the United States and second, to persons who are members of the Armed Forces at the time they committed criminal acts but thereafter cease to be subject to UCMJ jurisdiction without having been tried by courts-martial.

The bill defines the phrase ''accompanying the Armed Forces outside the United States'' to mean those persons who are dependents of members of the Armed Forces, civilian employees of a military department or the Department of Defense, or a DoD contractor or subcontractor, or an employee of a DoD contractor or subcontractor. As used in the bill, the term ''dependents'' also includes juveniles who are dependents of such persons. In all cases, however, the dependent must reside with the military member, employee, contractor or contractor employee and not be a national of or ordinarily resident in a host nation in order for United States jurisdiction to apply. The bill will bring within the scope of the new crime both American citizens and nationals, as well as persons who are nationals of other countries, provided those persons are not nationals of or ordinarily resident in the host nation. The bill also defines the phrase ''employed by the Armed Forces outside the United States'' to mean civilian employees of the Defense Department, DoD contractors or subcontractors, or employees of a DoD contractor or subcontractor.

The bill prohibits a prosecution under the new law statute if a foreign government has prosecuted or is prosecuting such person for the conduct constituting the offense in accordance with jurisdiction recognized by the United States, but allows the Attorney General or the Deputy Attorney General to waive this provision in appropriate cases. The bill further provides that the Secretary of Defense may designate and authorize persons serving ''in law enforcement position'' in the Department of Defense to arrest those who are subject to the new statute when there is probable cause to believe that the person engaged in conduct that constitutes an offense under the new statute. Persons arrested by DoD personnel are to be delivered ''as soon as practicable'' to the custody of civilian law enforcement authorities of the United States for removal to the United States for criminal proceedings. The bill also provides that the Secretary of Defense is to prescribe regulations governing the apprehension, detention, delivery, and removal of persons under the new chapter.

Finally, because this legislation will address the unusual circumstance in which a person who is not in the United States will be required to stand trial in this country, the bill restricts the power of military and civil law enforcement officials to forcibly remove from a foreign country a person arrested for, or charged with, a violation of section 3261. The bill prohibits the removal of the person to the United States or to any foreign country other than a country in which the person is believed to have committed the crime or crimes for which they have been arrested or charged, except for several situations in which the limitation on removal does not apply. For example, the bill does not prohibit the government from removing a defendant to the United States if a Federal judge orders the defendant to appear at a detention hearing or to be detained pending trial, as ordered by a judge. In fact, judges are given the discretion to order the defendant to be removed at any time. The bill also allows Defense Department officials to remove the defendant from the place where he or she is arrested if the Secretary of Defense determines that military necessity requires it. In such an event, however, the defendant may only be removed to the nearest United States military installation outside the United States that is adequate to detain the person and facilitate the initial proceedings described in the bill.

In order to allow most defendants to remain in the country where they are arrested, or where they are located when charged with a violation of section 3261, until the time of trial, the bill enacts novel provisions that allow for certain of the initial proceedings that may take place in a Federal criminal case to be conducted by telephone or even video teleconferencing. The bill allows Federal judges to conduct the initial appearance in that matter. As a practical matter, because the Federal Rules of Criminal Procedure require that the initial appearance be held without unnecessary delay after a person is arrested, conducting that appearance by telephone or video teleconferencing may be the only way to satisfy this requirement. If a detention hearing will be held in that case, and if the defendant requests, that hearing also may be conducted by telephone or other means that allows voice communication among the participants.

These removal provisions reflect the input of the Departments of Justice and Defense, as well as the ACLU and the NEA. I want to thank their representatives for working so closely with the majority and minority staffs of the Subcommittee on Crime in order to resolve concerns over this aspect of the bill.

Today, following consideration of H.R. 3380, I understand that the House will take the bill S. 768 from the desk and move it to its immediate consideration. This bill is similar to H.R. 3380, at least in purpose, and was introduced in the other body by Senator JEFF SESSIONS of Alabama. It passed the other body by voice vote on July 1, 1999. Pursuant to an agreement between Senator SESSIONS, Representative CHAMBLISS, and myself, following the passage of H.R. 3380 the House will amend S. 768 by striking the text of that bill as it passed the other body and insert the text of H.R. 3380 as it was passed by the House. The House will then pass, S. 768, and send that bill, as amended to the other body for passage. In

short, the bill that will be signed into law will be numbered S. 768 but will contain the text of H.R. 3380 as passed here today.

I want to thank Representative CHAMBLISS for his leadership on this important issue and Representative SCOTT for all of the work that he and his staff have put in on this bill. I also want to thank several of the representatives of the Department of Defense and Justice who have spent a great deal of time working with the staff of the Subcommittee on Crime on this bill and whose input has been invaluable in developing the legislation. From the Department of Justice, Mr. Roger Pauley, Director for Legislation, Office of Policy and Legislation. From the Department of Defense: Mr. Robert Reed, Associate Deputy General Counsel; Brigadier General Joseph Barnes, Assistant Judge Advocate General, U.S. Army; Colonel David Graham, Chief International and Operational Law Division, Office of The Judge Advocate General; Colonel Donald Curry, Special Assistant for Legal Issues and Installations, Office of the Assistant Secretary of Defense—Legislative Affairs; Lieutenant Colonel Ronald Miller, Deputy Chief, International and Operational Law Division, Office of The Judge Advocate General, U.S. Army; Lieutenant Colonel Denise Lind, Criminal Law Division, Office of The Judge Advocate General, U.S. Army; Major (promotable) Gregory Baldwin, Legislative Counsel, Office of the Chief, Legislative Liaison, U.S. Army.

Finally, I want to thank the members of the staff of the Subcommittee on Crime who have worked so hard to craft this legislation: Glenn Schmitt, Chief Counsel; Rick Filkins, Counsel; Bobby Vassar, Minority Counsel; Iden Martyn, Minority DOJ Detailee. I know Mr. SCOTT joins me in thanking all of them for their hard work.

The issue of crimes committed by persons who accompany our Armed Forces abroad has been the subject of bills introduced in Congress for over 40 years. It's high time we acted to fix this problem. H.R. 3380 will do just that. I urge all of my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3380, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER (during consideration of motion to instruct on H.R. 4578), from the Committee on Rules, submitted a privileged report (Rept. No. 106–790) on the resolution (H. Res. 563) providing for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4033) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests, as amended.

The Clerk read as follows:

H.R. 4033

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 ''Bulletproof Vest Partnership Grant Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) (42 U.S.C. 3796ll(f)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) The portion'';

(2) by striking ''subsection (a)'' and all that follows through the period at the end of the first sentence and inserting ''subsection (a)—

''(A) may not exceed 50 percent; and

''(B) shall equal 50 percent, if—

''(i) such grant is to a unit of local government with fewer than 100,000 residents;

''(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

''(iii) such portion does not cause such grant to violate the requirements of subsection (e).''; and

(3) by striking ''Any funds'' and inserting the following:

''(2) Any funds''.

(b) ALLOCATION OF FUNDS.—Section 2501(g) (42 U.S.C. 3796ll(g)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

''(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.''.

(c) APPLICATIONS.—Section 2502 (42 U.S.C. 3796ll–1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after subsection (c) the following new subsection:

''(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

''(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

''(2) expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received.''.

(d) DEFINITION OF ARMOR VEST.—Paragraph (1) of section 2503 (42 U.S.C. 3796ll–2) of such Act is amended—

(1) by striking ''means body armor'' and inserting the following: ''means—

''(A) body armor''; and

(2) by inserting after the semicolon at the end the following: ''or

''(B) body armor which has been tested through such voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any subsequent revision of such standard;''.

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term ''armor vest'' (as defined in section 2503 of such Act (42 U.S.C. 37966ll–2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking the period at the end and inserting the following: '', and $50,000,000 for each of fiscal years 2002 through 2004.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the H.R. 4033, the bill under consideration.

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

There was no objection.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. LOBIONDO) be permitted to control my time.

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

There was no objection.

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

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