

gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

### SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

“(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

“(A) Employees of the Department of Defense.

“(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

### SEC. 4. FEDERAL JURISDICTION.

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

#### “CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

“Sec.

“3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

“3262. Delivery to authorities of foreign countries.

“3263. Regulations.

“3264. Definitions.

#### “§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

“(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct 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, shall be guilty of a like offense and subject to a like punishment.

“(b) CONCURRENT JURISDICTION.—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.

“(c) ACTION BY FOREIGN GOVERNMENT.—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 shall not be delegated.

“(d) ARRESTS.—

“(1) LAW ENFORCEMENT PERSONNEL.—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 of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

“(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released 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 paragraph unless—

“(A) such person is delivered to authorities of a foreign country under section 3262; or

“(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

#### “§ 3262. Delivery to authorities of foreign countries

“(a) IN GENERAL.—Any person designated and authorized under section 3261(d) 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 engaged in conduct described in section 3261(a) of this section if—

“(1) the 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) DETERMINATION BY THE SECRETARY.—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.

#### “§ 3263. Regulations

“(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

“(b) NOTICE TO THIRD PARTY NATIONALS.—

“(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, 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) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the regulations issued 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.

#### “§ 3264. Definitions

“In this chapter—

“(1) a person is ‘accompanying the Armed Forces outside of the United States’ if the person—

“(A) is a dependent of—

“(i) a member of the Armed Forces;

“(ii) a civilian employee of a military department or of the Department of Defense; or

“(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

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

“(C) is not a national of or ordinarily resident in the host nation;

“(2) the term ‘Armed Forces’ has the same meaning as in section 101(a)(4) of title 10; and

“(3) a person is ‘employed by the Armed Forces outside of the United States’ if the person—

“(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

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

“(C) is not a national of or ordinarily resident in the host nation.”

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

“212. Criminal Offenses Committed Outside the United States ..... 3621”.

#### CONDEMNING ACTS OF ARSON AT SACRAMENTO, CA, SYNAGOGUES

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 136, introduced earlier today by Senators BOXER and FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 136) condemning the acts of arson at three Sacramento, CA, synagogues on June 18, 1999, and calling on all Americans to categorically reject crimes of hate and intolerance.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to join my friend and colleague, Senator BARBARA BOXER, to introduce a Sense of the Senate Resolution condemning the acts of arson at three Sacramento, California synagogues on June 18, 1999. The resolution also calls on all Americans to categorically reject crimes of hate and intolerance.

I believe this measure is important not only to the Sacramento community but also to all Americans who abhor intolerance.

I was shocked and saddened when I first heard the news that three synagogues in Sacramento had been targeted by arsonists. Committed just a few hours before dawn, this heinous attack was carried out over a 45 minute time span signaling to us that this was deliberate and premeditated act.

In that time, \$1.2 million in damage was done to the Congregation B'nai Israel, Congregation Beth Shalom and the Kenesett Israel Torah Center. While the damage to the property was severe, no dollar amount can reflect the true damage done when hateful

crimes such as these strike at the heart of a community.

Mr. President, I believe it is tragic that even though we have made significant progress to increase tolerance in this nation that such vicious hate crimes continue to be committed.

This resolution expresses our resolve to ensure that such acts of ignorance and bigotry will not be tolerated in this nation and those who commit them will face swift justice. While the resolution condemns these specific acts of arson in the Sacramento area, it also declares our collective abhorrence to all crimes of intolerance.

The resolution also says that the Senate is committed to using Federal law enforcement personnel and resources to identify the persons who committed these heinous acts and brings them to justice in a swift and deliberate manner. It also recognizes and applauds the residents of Sacramento area who have so quickly joined together to lend support and assistance to the victims of these despicable crimes, and remains committed to preserving the freedom of religion of all members of the community.

I believe that one of the most sacred rights we have as Americans is the freedom of religion. This country came to be because people wanted to be able to choose how they worshiped. I hope that in the wake of this sorrowful event, we are all reminded of the importance of this freedom.

Whatever the motive in these arsons, all people of faith in the Sacramento community and this nation must stand together to fight such hatred. The bottom line is that hatred, bigotry and racism all come from the same place—ignorance.

California's modern heritage is one in which diversity is to be respected, not scorned. As long as hate crimes continue to counter that heritage, we must work together to denounce intolerance and the protect the rights of all.

Mr. President, while we have made progress to increase tolerance in this nation, tragic events like these in Sacramento prove that we still need to do more. Together, we must send the strongest possible message that hate crimes will not be tolerated.

Mr. ABRAHAM. Mr. President, I join today with my colleagues, Senators BOXER and FEINSTEIN to introduce a resolution condemning the acts of arson against the three Jewish synagogues in Sacramento, California.

Our history is blessed with courageous acts of men and women who have refused to accept, and united against, ignorance, oppression and discrimination. It was their selflessness which, in large part, secured and protected the same freedoms and liberties so many Americans take for granted today.

On June 18th, 1999, in Sacramento, California, the Congregation B'nai Israel, Congregation Beth Shalom and

Knesset Israel Torah Center were victims of malicious and cowardly acts of arson. Mr. President, these acts of intolerance and malice are a direct attack against all Americans and the ideals which are integral to a free and democratic society. The very liberties that allow America to prosper are directly undermined by such acts of blatant hatred and intolerance.

Mr. President, the United States owes much of its strength and greatness to the special uniqueness and diversity of its people. It is imperative that we unite, upholding our responsibility to honor and protect the basic, inalienable right to live without fear and violence. We must send a message to those individuals who would undermine our free and democratic society, that their acts, and any similar actions, will not be tolerated.

Mr. President, I would also like to take this time to commend the residents of Sacramento, and the larger California community, who have joined in solidarity with the Jewish congregations, demonstrating their continued commitment to preserving the freedom of all members of the community.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 136

Whereas on the evening of June 18, 1999, in Sacramento, California, the Congregation B'nai Israel, Congregation Beth Shalom, and Keneset Israel Torah Center were victims of malicious and cowardly acts of arson;

Whereas such crimes against our institutions of faith are crimes against us all;

Whereas we have celebrated since our Nation's birth the rich and colorful diversity of its people, and the sanctity of a free and democratic society;

Whereas the liberties Americans enjoy are attributed in large part to the courage and determination of visionaries who made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American;

Whereas this type of unacceptable behavior is a direct assault upon the fundamental rights of all Americans who cherish their freedom of religion; and

Whereas every Member of Congress serves in part as a role model and bears a responsibility to protect and honor the multitude of cultural institutions and traditions we enjoy in the United States of America: Now, therefore, be it Resolved, That the Senate—

(1) condemns the crimes that occurred in Sacramento, California, at Congregation B'nai Israel, Congregation Beth Shalom, and Keneset Israel Torah Center on the evening of June 18, 1999;

(2) rejects such acts of intolerance and malice in our society and interprets such at-

tacks on cultural and religious institutions as an attack on all Americans;

(3) in the strongest terms possible, is committed to using Federal law enforcement personnel and resources pursuant to existing federal authority to identify the persons who committed these heinous acts and bring them to justice in a swift and deliberate manner;

(4) recognizes and applauds the residents of the Sacramento, California, area who have so quickly joined together to lend support and assistance to the victims of these despicable crimes, and remain committed to preserving the freedom of religion of all members of the community; and

(5) calls upon all Americans to categorically reject similar acts of hate and intolerance.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc on the Executive Calendar: Nos. 15, 35, 70, 75, 97, 100 through 103, 131, 132, 134, 138, 139, 141 through 156, and all nominations on the Secretary's desk in the Foreign Service.

I finally ask unanimous consent that the nominations be confirmed, en bloc, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### ENVIRONMENTAL PROTECTION AGENCY

Gary S. Guzy, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

#### DEPARTMENT OF STATE

Diane Edith Watson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal States of Micronesia.

#### DEPARTMENT OF ENERGY

Carolyn L. Huntoon, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

#### EXECUTIVE OFFICE OF THE PRESIDENT

John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Albert S. Jacquez, of California, to be Administrator of the Saint Lawrence Seaway Development Corporation for a term of seven years.

#### CONSUMER PROTECTION SAFETY COMMISSION

Mary Sheila Gall, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1998.

Ann Brown, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 1999.