

Burma, after all, would require no nation-building, no Bonn conferences, no search for a viable opposition. A qualified and democratically elected leader waits quietly in her lakefront Rangoon house, still committed after a decade to human rights and non-violent change. When she finally moves to the prime minister's office that belongs to her, and the Burmese people cheer their liberation as many Afghans have been cheering theirs, it would be nice if we could say at least: We're not surprised. We knew that terrible things were happening. We were with you all along.

ANDEAN TRADE PREFERENCE ACT

Mr. MCCAIN. Mr. President, the Andean Trade Preference Act (ATPA) expired yesterday. Signed into law in 1991 by the former President Bush, this Act established a unique approach to combating the War on Drugs in Latin America. Rather than assisting Bolivia, Colombia, Ecuador, and Peru solely through military assistance or direct financial aid, the supporters of ATPA sought to reduce drug trafficking through economic expansion. It was believed that increased trade would promote healthy economies, diversify export bases, and create jobs outside of the drug trade. Unlike other forms of aid, the expansion of free trade benefits everyone. American consumers benefit from a wider variety of lower-priced goods, while the citizens of Andean nations benefit from the creation of legitimate jobs outside of the drug trade.

Since the enactment of ATPA, positive changes have occurred within the region. Two-way trade between the United States and the Andean nations has doubled. Bolivia succeeded in eradicating 95% of its coca plantations. Recently, Peru experienced a peaceful democratic transition from autocratic rule. In Colombia alone, ATPA helped to create over 140,000 new jobs. Today, farmers in the region are choosing to plant coffee beans, asparagus, and flowers instead of coca. With the expiration of ATPA, these successes are now in jeopardy.

While our nation remains engaged in a battle against terrorism, we must not lose sight of the critical security risks that remain not far beyond our borders. The Andean region is not only the world's primary source of coca, it is also a haven for terrorism and terrorist groups that thrive on funding derived from the drug trade. I am a staunch supporter of our war efforts, but I am also fearful of the consequences of neglecting this troubled region within our own hemisphere.

We are now at a critical juncture. Failing to extend ATPA sends a message to terrorist groups, drug traffickers, and counter-revolutionaries, that the United States is no longer committed to the region, and this inaction could impact our national security. Terrorism lurks in abandoned and

hopeless regions, where good people resort to such measures out of desperation. As our nation's attention focuses on the war effort, we must not allow ourselves to neglect regions that still need our support and attention.

In March, Senator GRAHAM introduced S. 525, the Andean Trade Preference Expansion Act, of which I am a proud co-sponsor. That bill would expand and extend the current act, with the hope of furthering economic development and stability in the region. Unfortunately, that bill has yet to be debated on the Senate floor. While the Senate remains mired in partisan squabbling, the House of Representatives successfully passed a good bill on November 16 to extend and to expand ATPA. The expiration of ATPA should be a concern of all of us. I hope that the Majority leader will expeditiously move to schedule floor time for the consideration of an expansion of this important legislation before the fragile economies of the Andean region are left to falter.

EXECUTIVE SESSION

INTERNATIONAL CONVENTION FOR SUPPRESSION OF FINANCING TERRORISM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed in Executive Session to the consideration of Executive Calendar No. 2, International Convention for Suppression of Financing Terrorism; that the treaty be considered as having advanced to its parliamentary status up to and including the presentation of resolution of ratification, and that the reservation, understandings, and conditions be agreed to.

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

The resolution of ratification is as follows:

INTERNATIONAL CONVENTION FOR SUPPRESSION OF FINANCING TERRORISM (TREATY DOC. 106-49)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000 (Treaty Document 106-49; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that

(a) pursuant to Article 24(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 24(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 24(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION OF LEGITIMATE ACTIVITIES AGAINST LAWFUL TARGETS.—The United States of America understands that nothing in the Convention precludes any State Party to the Convention from conducting any legitimate activity against any lawful target in accordance with the law of armed conflict.

(2) MEANING OF THE TERM "ARMED CONFLICT".—The United States of America understands that the term "armed conflict" in Article 2(1)(b) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate reaffirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998 unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. REID. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

Mr. REID. Mr. President, in that division vote, did the Chair call those opposed to the ratification? I failed to hear that. Will the Chair do that again, please.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Executive Calendar No. 3, the International Convention for the Suppression of Terrorist Bombings; that the treaty be considered as having advanced through its parliamentary stages up to and including the presentation of the resolution of ratification and that the reservation, understandings and conditions be agreed to.

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

The resolution of ratification is as follows:

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS (TREATY DOC. 106-6)

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. ADVICE AND CONSENT TO RATIFICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on December 15, 1977, and signed on behalf of the United States of America on January 12, 1998 (Treaty Document 106-6; in this resolution referred to as the "Convention"), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the reservation, which shall be included in the United States instrument of ratification of the Convention, that:

(a) pursuant to Article 20(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 20(1) of the Convention; and

(b) the United States of America reserves the right specifically to agree in a particular case to follow the procedure in Article 20(1) of the Convention or any other procedure for arbitration.

SEC. 3. UNDERSTANDINGS.

The advice and consent of the Senate under section 1 is subject to the following understandings, which shall be included in the United States instrument of ratification of the Convention:

(1) EXCLUSION FROM COVERAGE OF TERM "ARMED CONFLICT".—The United States of America understands that the term "armed conflict" in Article 19(2) of the Convention does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

(2) MEANING OF TERM "INTERNATIONAL HUMANITARIAN LAW".—The United States of America understands that the term "international humanitarian law" in Article 19 of the Convention has the same substantive meaning as the law of war.

(3) EXCLUSION FROM COVERAGE OF ACTIVITIES BY MILITARY FORCES.—The United States understands that, under Article 19 and Article 1(4), the Convention does not apply to—

(A) the military forces of a state in the exercise of their official duties;

(B) civilians who direct or organize the official activities of military forces of a state; or

(C) civilians acting in support of the official activities of the military forces of a state, if the civilians are under the formal command, control, and responsibility of those forces.

SEC. 4. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) TREATY INTERPRETATION.—The Senate re-affirms condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (adopted at Vienna on May 31, 1996), approved by the Senate on May 14, 1997 (relating to condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988).

(2) PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall not transfer any person, or consent to the transfer of any person extradited by the United States, to the International Criminal Court established by the Statute adopted in Rome, Italy, on July 17, 1998, unless the Rome Statute has entered into force for the United States, by and with the advice and consent of the Senate, as required by Article II, Section 2, Clause 2 of the United States Constitution.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes the enactment of legislation or the taking of any other action by the United States that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. REID. Mr. President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting, having voted in the affirmative, the resolution of ratification is agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the motions to reconsider be laid upon the table, that any statements thereon be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

Mr. BIDEN. Mr. President, I am pleased to present to the Senate two multilateral conventions, negotiated within the UN system, to combat two specific aspects of international ter-

rorism. The treaties, the International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism, will provide important tools to the President in the global campaign against terrorism.

The two treaties are similar in approach: they require parties to criminalize the proscribed behavior—engaging in international terrorist bombings and fund raising for international terrorism—and to either extradite an alleged offender to another nation that has jurisdiction to prosecute or to submit the case for prosecution.

The conventions have received increasing support from the nations of the world. In the last several weeks, many nations have signed or ratified the treaties. For example, when the Committee on Foreign Relations held a hearing on the treaties in late October, 58 countries had signed the International Convention for the Suppression of the Financing of Terrorism, but just four had become parties to it. As of today, according to the web page of the United Nations, 125 countries have signed the Convention, and 15 have become party to it. It will enter into force when 22 nations become party to it, so the Senate's action today will be an important step in helping bring the Convention closer to entry into force.

I applaud and support the global campaign against terrorism that President Bush has waged to date. If we have learned anything about foreign policy since September 11, it is the global leadership and multilateral cooperation are essential to combating the terrorist networks. If we want to use air power in Afghanistan, we need over-flight rights from countries around the region. If we want Al-Qaeda cells to be investigated and arrested, we need our foreign partners to join us in the effort. If we want bank accounts of Osama bin Laden and his cohorts frozen, we need the assistance of foreign governments and foreign bankers. In short, we cannot wage this campaign by ourselves.

I am pleased that the administration strongly supports these conventions. They will provide additional weapons in the terrorism campaign. They set international standards—which we will expect foreign nations to embrace and enforce. The International Convention on the Suppression of the Financing of Terrorism will be of particular importance in our continuing effort to squeeze the financial lifeblood out of the international terrorism networks.

Despite this support for multilateral approaches, I find puzzling the Administration's failure to seize the initiative in other contexts, especially at this time when so many countries are lining up on our side in the present conflict. The vicissitudes of the war on terrorism also present opportunities to the United States, if only we will seize them.