

dilemma. They must either agree to charge a murderer with manslaughter or another lesser offense that does not match the seriousness of the crime; or they must trust to the Mexican justice system. Many prosecutors have simply refused to request extradition under such conditions preferring to hope that the fugitive will sneak back into the U.S. and be apprehended.

The case of Deputy Sheriff David March illustrates this problem. Deputy March, a seven-year veteran of the Los Angeles County Sheriff's Department, was murdered while making a routine traffic stop in April 2002. His suspected killer, Armando Garcia, a Mexican national and violent drug dealer who had been deported three times from the U.S., immediately fled to Mexico. Mexican authorities have refused to extradite Garcia, on the grounds that he faces, at a minimum, life imprisonment.

This is indeed not an isolated case; the Los Angeles district attorney's office estimates that over 200 murder suspects in Los Angeles County alone have fled to Mexico. In response, several Members of Congress have offered legislation calling for changes to the existing extradition treaty.

Other issues surrounding the extradition process must also be examined by Congress. For example, in March 2002 the Justice Department's Inspector General released a report criticizing the Criminal Division's Office of International Affairs, the main Justice Department agency responsible for extradition matters, for its management of extradition cases. Questions have also been raised about how vigorously other federal agencies with potential influence are pursuing extradition cases.

It is important the concerns Mr. DEAL raises be addressed at the highest level of the government. We need to send a signal to the Government of Mexico and other nations that cop-killing drug dealers must be extradited to the United States for prosecution.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I certainly will not take the 10 minutes. Let me just quickly make a couple of comments.

I appreciate the comments that have been made here by the gentleman from Georgia, the other gentleman from Georgia, and the gentleman from Indiana here. I share the outrage that people feel about somebody who is a murderer of a law enforcement officer in this country getting away to a country like Mexico and then being able to escape justice. That should not happen. We have extradition treaties with a number of countries; and almost all of them in many cases, I should say, since most other countries prohibit death penalties, they do prohibit extradition if death is an option as a penalty.

But this is a new wrinkle. This is a new wrinkle that was put in by the supreme court in Mexico, which ruled that if an individual faces life in prison without possibility of parole, that is equivalent, apparently is what the supreme court said, and I have not read the complete ruling. I am a little sympathetic to the government of Mexico, which I do not think anticipated this. They certainly did not suggest to us or to the State Department that they anticipated this ruling by the supreme

court, and I think they are willing and trying to work with us to resolve that.

We want to see that all crimes that are committed on our soil are brought to justice. We want to see them brought to justice particularly when it is a law enforcement officer who is the victim of this kind of terrible crime. So I intend to work with the gentleman to encourage the State Department to make every possible effort in these cases.

But before I close, let me just make one other comment, that is, I think there is a danger here of mixing some apples and oranges here when we talk about this punishment of Mexico and then we talk about whether or not they are having any effect in solving the drug problem. I would point out that this bill also contains \$731 million for the Andean Counter-Drug Initiative, that is, Colombia, Peru, Bolivia, Ecuador. Those are the countries where most of the raw materials for our drugs that are consumed in this country come from. But I am sure that the three gentlemen that have spoken here would not suggest we would today cut off that money because we have not been effective. That argument has been made by some on this floor, and I do not think it is a good argument. We should do that. The \$40 million that we provide to INL, the international narcotics force that we have overseas, goes largely in Mexico to support the helicopter program, that is, to maintain and supply the helicopters that are used both in chasing down drug smugglers, that is, in small planes, and in eradication efforts.

So I think it is money that is probably well spent, and I would suggest it is not money we would really want to cut off here. And with that I appreciate the gentleman's comments.

Mr. DEAL of Georgia. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding to me.

I will tell the chairman I am prepared to withdraw the amendment. I will, however, say that even though I do support our efforts to interdict drugs overseas, that until those governments recognize that when someone comes into our country either legally or illegally, kills a law enforcement officer or any other citizen, or engages in major drug trafficking in our own country that under the provisions of their own laws or constitutions it prohibits them from being prosecuted for it that they have to understand if they want to be a partner in these efforts, that is the first step they should begin to take to show their good faith.

I would suggest if they want to show good faith, they should allow the murderer of Officer March to be brought to justice in the United States.

I do thank the gentleman for his indulgence. I would urge him to press this issue forward as we go forward

with further funding issues. And I, quite frankly, would urge our administration to reexamine the extradition treaty not only with Mexico but with any other country that throws up these impediments. It is a double insult to the American public to have someone come into our country, kill our law enforcement officers or our citizens, and then be able to escape back to their own country and not be brought to justice.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. KOLBE. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding to me.

I appreciate the opportunity to spend 5 minutes on an issue that I wanted to bring up in the form of an amendment, and that deals with the \$300 million that will be going to Pakistan. And I call this to attention because I think it is a very unwise expenditure. But I want to make my case for this in the context of overall foreign policy.

Essentially for 100 years, we have accepted the foreign policy of Woodrow Wilson. It is a flawed idealism that we should, and it is our responsibility to, make the world safe for democracy. That did not just exist for World War I, which led to a peace treaty which caused a lot of problems leading up to World War II; but those notions are well engrained in the current neoconservative approach to foreign policy and the policy that this administration follows. But I do not think it is in the best interests of our country to follow this.

The advice of the Founders was that we should be more balanced in our approach and not favoring special nations, not giving money or weapons or getting involved in any alliances with the different nations of the world and we would all be better off for it.

I believe that this policy is a failure and has been very costly. If we think about the last 100 years how many lives were lost, how much blood has been spilled, how many dollars have been spent in this effort to make the world safe for democracy, the world is probably as unsafe now as it has ever been. And here we are. We are proposing that we send \$300 million under this policy to Pakistan.

We are in Iraq to promote democracy, but here we send money to a military dictator who overthrew an elected government. And there just seems to be a tremendous inconsistency here. There was a military coup in 1999. There is the strong possibility that Osama bin Laden may well be in Pakistan. And to actually send money there, we are prohibited from really

going in there and looking for Osama bin Laden; so we give the government of Pakistan money in the hopes that they will be helpful to us.

There is quite a bit of difference between the foreign policy of neutrality and friendship with everyone versus giving money and support to everyone. And if we look at our history, it has not worked very well. We have in the past given money to both sides of a lot of wars, and right now we try to be friends and we give money in support to both India and Pakistan. I do not bring this amendment up here to be pro either one or anti either one. I want to have a pro-American foreign policy and not say, well, I want to punish Pakistan and help India or vice versa.

We have helped people who have been arch enemies for years. Take Greece and Turkey. We helped both sides. But not only do we help both sides of a lot of these fights that have been going on for a long time, we literally help our enemies. Just think of the support we gave Osama bin Laden when he was fighting the Russians in Afghanistan and just think of our alliance with Saddam Hussein in the 1980s when we did provide him with a lot of destructive weapons. That type of policy does not add up. It does not make a lot of sense. It is not in our best interests, and my suggestion here is hopefully somewhere along the way, we will take a serious look at this and redirect our foreign policy.

But, specifically, is it a wise expenditure to put \$300 million into the government of Pakistan with the pretense that we are promoting democracy by supporting a military dictator at the same time our young men are dying in Iraq promoting democracy? It does not add up, and it suggests that there are other motives for some of these expenditures and some of our motivations around the world.

In the past we have been arch enemies of Libya, but now we have decided they will be our friends. And I am not against that in particular, but I am against giving them subsidies and helping them out.

There is such a difference between neutrality and friendship and that of giving weapons and arms and promoting antagonisms.

AMENDMENT NO. 6 OFFERED BY MR.
NETHERCUTT

Mr. NETHERCUTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. NETHERCUTT:

At the end of the bill (before the short title), insert the following:

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. _____. None of the funds made available in this Act in title II under the heading "ECONOMIC SUPPORT FUND" may be used to

provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. NETHERCUTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. NETHERCUTT).

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Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I also want to say congratulations to the chairman of the subcommittee. He has done a fine job and has worked very hard to get this bill through. As a Member of the Committee on Appropriations, I will support this bill.

I do want to have a discussion about this amendment, because, 2 years ago, we enacted the Armed Service Members Protection Act as part of the fiscal year 2002 Supplemental Appropriations Act. ASPA was a response to the International Criminal Court entering into force, creating the very real possibility of unconstitutional, extraterritorial and politically motivated prosecutions against military service members. The U.S. is not a party to the ICC, but our troops could face prosecution under the treaty.

As a result, the administration has understandably been very concerned about committing troops to support U.N. peacekeeping operations around the world without some assurance that our troops would not face ICC prosecution. For the last 2 years, we have operated under Security Council resolutions blocking ICC prosecutions.

Unfortunately, 3 weeks ago, lacking the support of the Security Council, the U.S. was forced to drop its request for a third extension of this waiver, meaning that our troops are now subject to ICC jurisdiction. At the end of June, the administration pulled out of two small peacekeeping missions because of this concern.

ASPA created a powerful tool for protecting our troops by prohibiting military assistance to countries that had not signed bilateral Article 98 agreements with the United States, agreeing not to surrender U.S. nationals to the ICC. The Act also included all of the necessary waivers to protect the President's foreign policy prerogatives.

My amendment today would simply give the President an additional tool to protect our troops by prohibiting Economic Support Funding as well as military assistance to the government of countries that are both parties to the ICC and have not signed Article 98 agreements.

This distinction is important because traditional development assistance

through ESF typically is administered by a USAID contract to an NGO. Such assistance would not be restricted. Similarly, funding for the international Fund for Ireland and the Walsh Visa Program could continue, as funding goes to non-governmental entities.

I want to see the U.S. engaged around the world supporting international efforts to keep the peace. That is our responsibility and obligation as a superpower. But we should not have to risk the unconstitutional prosecution of our troops in the process.

A vote for my amendment is a vote for continued U.S. engagement and the continued protection of our personnel deployed around the world in support of multilateral peacekeeping efforts.

Signing an Article 98 agreement, as 90 other nations have done, is not too much to expect from nations receiving millions of dollars in U.S. assistance. We have an obligation to protect our Armed Forces from unconstitutional extraterritorial prosecution.

Moreover, this amendment sends a powerful message to the world community that when we commit U.S. troops overseas we will insist that they be protected by Article 98 agreements, if the Security Council will not do its part.

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

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) claim the time in opposition?

Mr. KOLBE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I agree with the motivations of this amendment, but I absolutely have to oppose the substance of it. The reason I do so is because I think it is going to accomplish exactly the opposite of the intent of this amendment.

Proponents of this amendment are, as the gentleman suggested, upset at opposition the U.S. faced at the United Nations Security Council in getting an extension of a U.S. exemption under the jurisdiction of the ICC. We were successful for some time in getting that, but now it has failed because we have faced a public relations nightmare in the United Nations and elsewhere around the world.

Do we have a right to be angry and upset and outraged that we have not gotten this extension? Yes, I think we should be; and we should continue to press for an extension.

Many times this Chamber has supported the American Servicemembers Protections Act, and I have been among its strongest supporters. I believe it is crucial that the U.S. negotiate Article 98 agreements with as many countries as possible to prevent the possibility that they may be tried in an international criminal court, with little or no political accountability.