

2003

Legislative Watch

Human Rights Brief

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LEGISLATIVE WATCH

Legislative Watch reports on U.S. legislation relevant to human rights and humanitarian law. This list is not meant to be comprehensive.

To Provide for the Withholding of United States Contributions to Any United Nations Commission, Organization, or Affiliated Agency That Is Chaired or Presided over by a Country That Has Repeatedly Provided Support for Acts of International Terrorism, and for Other Purposes, H.R. 800

Major Sponsor: Rep. Vito Fossella (R-NY)
Status: Forwarded to the House Committee on International Relations in February 2003.

Substance: This legislation seeks to halt U.S. funding to any United Nations commission, organization, or affiliated agency chaired by any country, the government of which the U.S. State Department has labeled a supporter of acts of international terrorism. The bill provides that the funding will cease until the president determines that the UN body is no longer chaired by such country, and it has revised its leadership succession system by setting minimum standards for leadership positions and eliminating automatic rotation of such positions.

The Terror Immigration Elimination Act, H.R. 488

Major Sponsor: Rep. Ron Paul (R-TX)
Status: Introduced and referred to the House Committee on the Judiciary in January 2003.

Substance: This legislation seeks to limit the number of student and diversity immigrant visas granted to nationals of Saudi Arabia, countries that support terrorism, and countries not cooperating fully with U.S. antiterrorism efforts. The Act will also deny student and diversity immigrant visas to anyone coming from a country currently on the U.S. State Department's list of countries sponsoring terrorism.

To Provide Compensation for the Families of Noncombatants Killed in United States Military Actions in Afghanistan after September 11, 2001, H.R. 602

Major Sponsor: Rep. Major R. Owens (D-NY)

Status: Referred to the House Committee on International Relations in February 2003.

Substance: This legislation recognizes the loss of innocent civilian lives resulting from U.S. military action in Afghanistan following September 11, 2001. The bill calls for direct compensation in the amount of \$10,000 to the family of each noncombatant national of Afghanistan who was killed as a direct result of U.S. military actions in Afghanistan after September 11, 2001.

Global Climate Security Act 2003, S. 17

Major Sponsor: Sen. Tom Daschle (D-SD)

Status: Referred to the Senate Committee on Environment and Public Works in January 2003.

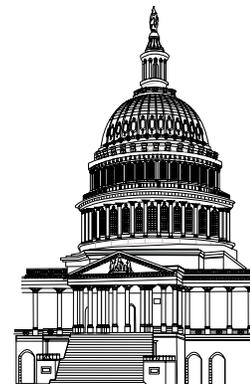
Substance: This legislation calls on the president and the Congress to prioritize the preparation for and reduction of the risks of global warming and climate change. The Act emphasizes the need for the president to satisfy the U.S. commitment under the United Nations Framework Convention on Climate Change and lays out mechanisms to achieve these goals. The Act calls for a commission to facilitate the fulfillment of this commitment, including legislation to adopt cost-effective and technologically feasible measures that would reduce net greenhouse gas emissions in the United States and elsewhere. The Act also calls on Congress to pass a multi-pollutant bill to reduce carbon dioxide, nitrogen oxide, sulfur dioxide, and mercury emissions from power plants and to create and promote clean energy domestically and globally. Further, the legislation requires a national greenhouse gas emissions inventory and registry. The Environmental Protection Agency (EPA) would operate the emissions data collection program with mandatory reporting for all sources of emissions above the threshold levels determined by the EPA. Additionally, the Act authorizes \$2 billion annually for grants to states or local governments for utilizing greenhouse gas data collection, inventory, and trading systems; instituting emissions reduction or sequestration projects; and participating in research, planning, and modeling efforts.

Prosecuting Remedies and Tools against the Exploitation of Children Today Act of 2003 (PROTECT Act), S. 151

Major Sponsor: Orrin G. Hatch (R-UT)

Status: Passed in the Senate on February 24, 2003 and referred to the House Committee on the Judiciary.

Substance: This legislation amends federal criminal code provisions regarding child pornography to prohibit: (1) advertising, promoting, distributing, or soliciting in interstate or foreign commerce any material constituting a virtual obscene visual depiction of a minor, or an actual visual depiction of a minor engaging in sexually explicit conduct; or (2) offering or providing to a minor any such visual depiction to induce the minor to participate in any illegal activity. The Act limits an accused's affirmative defense that the alleged child



pornography was not produced using actual minors and that the defendant did not promote the material in such a manner as to convey the impression that it is or contains a visual depiction of a minor engaging in sexually explicit conduct. The legislation sets penalties for knowingly producing, distributing, receiving, or possessing an obscene visual representation of the sexual abuse of children. Visual representation, according to the Act, includes a depiction of any kind (including a drawing, cartoon, sculpture, or painting) that: (1) depicts a minor engaging in sexually explicit conduct and that is obscene; or (2) depicts an image that is or appears to be of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, and that lacks serious literary, artistic, political, or scientific value. The Act makes clear that it is not a required element of the offense that the minor depicted actually exist, but specified circumstances must exist, such as the element of interstate or foreign commerce, including via computer, related to any communication involved in or made in furtherance of the offense. Further, the Act amends the Victims of Child Abuse Act of 1990 to authorize disclosure of child pornography by an electronic communication service provider to state officials for purposes of enforcing state law. The Act also sets penalties for using or inducing a minor to engage in sexually explicit conduct outside of the United States to produce any visual depiction of such conduct for transportation to the United States and authorizes civil remedies, including injunctive relief and punitive damages, for child pornography offenses. ☹