

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., for a hearing regarding S. 1008, the Climate Change Strategy and Technology Innovation Act of 2001.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 18, 2001, at 9:30 a.m., in room 485, Russell Senate Building to conduct a hearing on Indian tribal good governance practices as they relate to tribal economic development.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 18, 2001, at 10 a.m., in Dirksen 226. The subject of the hearing will be "Reforming FBI Management: The Views from Inside and Out."

Panel I: The Honorable Raymond W. Kelly, Senior Managing Director, Bear Stearns, New York, NY; Robert Dies, Assistant Director, Federal Bureau of Investigation, Washington, DC; Kenneth Senser, Deputy Assistant Director, Federal Bureau of Investigation, Washington, DC.

Panel II: John E. Roberts, Unit Chief, Office of Professional Responsibility, Federal Bureau of Investigation, Washington, DC; John Werner, Blue Sky Enterprises of N.C., Inc., Cary, NC; Frank L. Perry, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC; Patrick J. Kiernan, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC.

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

COMMITTEE ON NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on legislative proposals related to energy and scientific research, development, technology deployment, education, and training, including sections 107, 114, 115, 607, title II, and subtitle B of title IV of S. 388, the National Energy Security Act of 2001; titles VIII, XI, and division E of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; sections 111, 121, 122, 123, 125, 127, 204, 205, title IV and title V of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; and S. 90, the Department of Energy Nanoscale Science and Engineering Research Act;

S. 193, the Department of Energy Advanced Scientific Computing Act; S. 242, the Department of Energy University Nuclear Science and Engineering Act; S. 259, the National Laboratories Partnership Improvement Act of 2001; S. 636, to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; S. 1130, the Fusion Energy Sciences Act of 2001; and S. 1166, a bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes.

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

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on protecting workers from ergonomic hazards during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2002.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 2 p.m., for a hearing entitled "What Is The U.S. Position On Offshore Tax Havens?"

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, July 18, 2001, from 10 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 2:30 p.m., to hold a hearing on intelligence matters.

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

TRANSFER OF SLOBODAN MILOSEVIC TO THE INTERNATIONAL CRIMINAL TRIBUNAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 122.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 122) relating to the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution, which was referred to the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

[Whereas the transfer of Slobodan Milosevic and other indicted war criminals is a triumph of international justice and the rule of law in Serbia;]

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated \$29,400,000,000 in lost output and a foreign debt that exceeds \$12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia; [and

(2) calls for the continued transfer of indicted war criminals to the International Criminal Tribunal for Yugoslavia and the release of all political prisoners held in Serbian prisons.]

(2) *urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and*

(3) *calls for the release of all political prisoners held in Serbian prisons.*

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

Mr. CRAIG. Mr. President, I am not raising an objection to the Senate's approval of S. Res. 122 regarding the transfer of former Yugoslav President Slobodan Milosevic to the United Nations war crimes tribunal. It is clear

that the primary purpose of the resolution is to applaud the fact that someone credibly alleged to have been a primary instigator of heinous crimes be brought to justice. I applaud that sentiment. A number of similarly culpable persons from all the groups concerned should have to answer for what has occurred during the past ten years of war and strife in former Yugoslavia, and by all accounts Milosevic tops the list. His prosecution and, if he is found guilty after a fair and open judicial process, his severe punishment are very much in order.

However, despite my decision not to object to this resolution, I think it is important to point out that it contains several elements that do not serve United States interests. And some of what is stated in it is not even accurate. Indeed, when an effort was made to pass this resolution just prior to the July 4 recess, I asked that it be held up until some of these could be addressed. It was then sent to committee and some of the problematic portions were in fact made worse. I wish to address some of these briefly.

First, just as a factual matter—and this is new language added in committee—it is inaccurate to state, as the Resolution does in the second “Whereas” clause, that “the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute” Milosevic. Actually, as far as anyone knows, the federal Yugoslav government headed by President Vojislav Kostunica, an old-fashioned patriot, who, incidentally, was the translator of the U.S. Federalist Papers into Serbian, had nothing to do with the Milosevic handover and in fact strongly opposed it, but was circumvented by the Serbian republic government of Prime Minister Zoran Djindjic.

Second, one can hardly say that this was a “free exercise of sovereignty.” It is well known that the United States—mistakenly, in my view, continuing the policies of the Clinton administration—had threatened to boycott an international aid donors’ conference unless Milosevic were surrendered. It should be understood that this is not just a matter of the U.S. withholding foreign aid. Rather, it amounts to continuing a policy of sanctions against an economically devastated country, and threatening to destabilize its weak democratic government, until it disregarded its own laws and complied with our demands. I could call this many things, but “free exercise of sovereignty” is not one of them. Moreover, Prime Minister Djindjic’s compliance with this pressure is hardly an example of “courage,” as the resolution calls it, especially since it is well known the extent to which he has used the Milosevic handover to undermine his political rival, President Kostunica.

Third, the same clause says the handover fosters “the rule of law in

Yugoslavia.” Again the opposite is true. When we have here, to give an American analogy, would be as if an American State Governor violated provisions of the U.S. constitution and policies set by the President in order to comply with the wishes of foreign countries. Instead of the rule of law, what has been fostered in Yugoslavia—and in its two remaining republics, Serbia and Montenegro—is the idea that laws, constitutional government, and national sovereignty are meaningless, and that the only real authorities are the demands of foreign powers and the “jurisdiction” of global United Nations “justice,” represented by the tribunal to which Milosevic has been delivered. For a country trying to emerge from decades of dictatorship, this is exactly the wrong message to send.

Fourth and finally, the same clause applauds the notion that the Milosevic handover has fostered “international justice.” That unfortunately is true, but I don’t think it is reason for applause. As many of my colleagues know, I am strongly and unalterably opposed to the creation of a permanent International Criminal Court, of which the Yugoslavia tribunal and its Rwanda counterpart are precursors. In sending Milosevic to the U.N. tribunal—on charges arising in his own country, specifically Kosovo, which is a province of Serbia—we are helping to set a dangerous precedent for the ICC. We are saying to the world that when the will of a United Nations “court” clashes with a country’s laws and constitution, the latter go into the trash can. I cannot speak for my colleagues, but I would object to sending any American citizen, no matter how evil the acts of which he was accused and however guilty he might be, to a United Nations court, especially if his alleged crimes took place in the United States. But we have successfully demanded that Serbia and Yugoslavia do exactly that, and similar demands are being made against the Bosnian Serb republic and against Croatia. Serious crimes deserve serious punishment, but the question is not one of whether justice will be done but before what court and under whose authority.

At a time when U.S. troops are facing danger every day in Bosnia and Kosovo—and may soon be sent, unwisely in my view, to Macedonia—the policy consequences of setting in motion political events that may destabilize non-democratic Yugoslavia and even help break up the federation are counterproductive to U.S. interests and a threat to the safety of our troops. For the reasons stated above, it has been a blow, not a benefit, to democracy and constitutionalism. But worst of all, it has lent credence to the principles supporting the ICC, which is a direct threat to the sovereignty of our own constitutional republic and our democratic institutions. I welcome the

day that Milosevic and comparable persons face justice for their deeds. But he should have been allowed to face justice at home, in front of a court of his own people, under his own laws and constitution, as President Kostunica wanted. The fact that we have ensured that this will not occur is not something for us to be proud of.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 122), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated \$29,400,000,000 in lost output and a foreign debt that exceeds \$12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia;

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 85, S. Con. Res. 34.