

personnel of a country that is not a party to the treaty and has not accepted the jurisdiction of the court;

Whereas the United Nations Security Council—upon which the United States holds a permanent, veto-wielding seat—is conferred under the United Nations Charter with “primary responsibility for the maintenance of international peace and security”;

Whereas the authority of the ICC inappropriately intrudes upon the United Nations Security Council’s primary responsibility under the United Nations Charter for the maintenance of international peace and security;

Whereas, in September 2009, the ICC Office of the Prosecutor announced that ICC personnel were investigating accusations of war crimes and crimes against humanity allegedly committed by United States and NATO forces fighting in Afghanistan;

Whereas the parties to the Rome Statute have failed to establish a definition of the “crime of aggression”;

Whereas the United States Government has at various times been accused of “aggression”, including the congressionally authorized use of military force against Iraq in 2003;

Whereas the Rome Statute would subject United States citizens and military personnel charged with crimes before the ICC to trial and punishment without the basic rights and protections provided to criminal defendants and guaranteed by the United States Constitution, including a right to a jury trial by one’s peers, protection from double jeopardy, the right to confront one’s accusers, and the right to a speedy trial;

Whereas the first Review Conference on the Rome Statute will be held in Kampala, Uganda from May 31 to June 11, 2010, to consider amendments to the Rome Statute and to take stock of its implementation and impact; and

Whereas the draft provisional agenda of the Review Conference indicates that the Assembly of States Parties of the ICC has no intention of addressing the grave and persistent concerns of the United States regarding the Rome Statute: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the national interests of the United States are neither preserved nor advanced by becoming a State Party to the Rome Statute on the International Criminal Court;

(2) the Rome Statute undermines the sovereignty of the United States, hinders its ability to defend itself and its allies with military force, and conflicts with the principles of the United States Constitution;

(3) President Barack Obama should declare that the United States does not intend to ratify the Rome Statute and that the United States does not presently consider itself to be a signatory of the treaty; and

(4) given that the Assembly of States Parties has no discernable intention of addressing United States concerns regarding the treaty, President Obama should neither attend nor send a delegation to the Review Conference of the Rome Statute in Kampala, Uganda commencing May 31, 2010.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURRIS. Mr. President, I ask unanimous consent that the Com-

mittee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on April 21, 2010, at 9:30 a.m. in room G50 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m. to conduct a hearing entitled “The Lessons and Implications of the Christmas Day Attack: Securing the Visa Process.”

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

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m. to conduct a hearing entitled “The FY2011 budget Request for the Small Business Administration.”

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

##### COMMITTEE ON VETERANS’ AFFAIRS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on April 21, 2010. The Committee will meet in room 418 of the Russell Senate Office building beginning at 9:30 a.m.

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

##### SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2010, at 10 a.m.

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

##### SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 21, 2010, at 2:30 p.m.

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

##### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BURRIS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on April 21, 2010, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

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

#### PRIVILEGES OF THE FLOOR

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that Randy Fasnacht, a detailee with Senator REED (RI) to the Subcommittee on Securities, Insurance, and Investments, be granted the privileges of the floor for the remainder of the 111th Congress.

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

#### RECOGNIZING THE LEADERSHIP AND HISTORICAL CONTRIBUTIONS OF DR. HECTOR GARCIA

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 222 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 222) recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 222) was agreed to.

The preamble was agreed to.

**CONGRATULATING THE REPUBLIC OF SERBIA**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration and the Senate now proceed to S. Res. 483.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 483) congratulating the Republic of Serbia's application for European Union membership and recognizing Serbia's active efforts to integrate into Europe and the global community.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

**S. RES. 483**

Whereas the United States has been a strong supporter of the European Union (EU);

Whereas the year 2010 marks a full decade of efforts of the Government of Serbia to reintegrate into Europe and the global community;

Whereas, on November 30, 2009, the EU decided that the citizens of "Serbia will be able to travel without visa to the Schengen area" permitting the greater integration of Serbia into Europe;

Whereas a democratically elected Government of Serbia has committed to resolving regional disagreements through diplomacy and the tenets of international law;

Whereas, on April 29, 2008, the EU and Serbia signed a Stabilization and Association Agreement, which considered "the EU's readiness to integrate Serbia to the fullest extent into the political and economic mainstream of Europe and its status as a potential candidate for EU membership";

Whereas, on June 21, 2003, the EU stated in the Summit Declaration of the EU-Western Balkans summit at Thessaloniki that "the future of the Balkans is within the EU" and that the countries of the Western Balkans' "rapprochement with the EU will go hand in hand with the development of regional co-operation";

Whereas the United States Government has supported the diplomatic efforts of the Government of Serbia to reintegrate into the global community, including a visit by Vice President Joseph Biden in May 2009; and

Whereas the United States Government has long viewed the EU as a source of stabilization, security, and prosperity for all of Europe and the world: Now, therefore, be it Resolved, That the Senate—

(1) applauds the people of Serbia for furthering their commitment to democracy, free markets, tolerance, nondiscrimination, and the rule of law;

(2) urges the European Council to adopt in a timely manner a clear position on Serbia's qualifications as a candidate country;

(3) welcomes the decision of the democratically elected Government of Serbia to join the NATO Partnership for Peace Program in 2006;

(4) recognizes the cooperation of the Government of Serbia with the United States Government on issues such as democratization, anti-drug trafficking, anti-terrorism, human rights, regional cooperation, and trade;

(5) strongly urges the Government of Serbia to intensify efforts to capture and transfer at-large indictees Goran Hadzic and Ratko Mladic to the International Criminal Tribunal for the former Yugoslavia and otherwise to fully cooperate with the Tribunal; and

(6) encourages the European Union to also remain actively engaged with all countries in the Western Balkans regarding their aspirations for European integration.

**APPOINTMENTS**

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, as amended by Public Law 105-275, appoints the following individuals as members of the Board of Trustees of the American Folklife Center of the Library of Congress: Patricia Atkinson of Nevada vice Dennis Holub of South Dakota and Joanna Hess of New Mexico vice Mickey Hart of California.

**ARTICLES OF IMPEACHMENT AGAINST JUDGE PORTEOUS**

The PRESIDING OFFICER. The Chair submits to the Senate for printing in the Senate Journal and in the CONGRESSIONAL RECORD the replication-errata of the House of Representatives to the Answer of Judge G. Thomas Porteous, Jr., to the Articles of Impeachment against Judge Porteous, pursuant to S. Res. 457, 111th Congress, Second Session, which replication was received by the Secretary of the Senate on April 21, 2010.

The replication-errata of the House of Representatives is as follows:

CONGRESS OF THE UNITED STATES,  
Washington, DC, April 21, 2010.

Re Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana, Replication—Errata

Hon. NANCY ERICKSON,  
Secretary of the Senate, U.S. Senate,  
Washington, DC.

DEAR MS. ERICKSON: On behalf of the House Managers, I am writing to inform the Senate of the following errata in the Replication that the House filed April 15, 2010.

Page 5, first sentence in the Section entitled "Fourth Affirmative Defense," the word "voluntary" should be deleted, so that the sentence now reads: "The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges."

Page 6, last sentence in the Section entitled "Fourth Affirmative Defense," the words "voluntary and" should be deleted, so that the sentence now reads: "Accordingly, there is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony."

Page 9, first sentence in the Section entitled "Fourth Affirmative Defense," the word "voluntary" should be deleted, so that the sentence now reads: "The House of Representatives denies each and every allegation of this purported affirmative defense, which, in effect, seeks to suppress the statements of a highly educated and experienced Federal judge, made under oath, before other Federal judges."

Page 9, last sentence in the Section entitled "Fourth Affirmative Defense," the words "voluntary and" should be deleted, so that the sentence now reads: "There is simply no credible basis to argue that the Senate should not consider Judge Porteous's immunized Fifth Circuit testimony."

I would request that any future published versions of this Replication incorporate and reflect the above changes. Further, in that the Replication has been published in the Congressional Record, to the extent consistent with the Senate rules, we respectfully request that this letter likewise be published.

A copy of this letter will be served upon counsel for Judge Porteous today through electronic mail.

Sincerely,

ALAN I. BARON,  
Special Impeachment Counsel.

**ORDERS FOR THURSDAY, APRIL 22, 2010**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 22; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes; that following morning business, the Senate proceed to executive session to consider the nomination of Denny Chin to be U.S. circuit judge for the Second Circuit, as provided for under the previous order.

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

**PROGRAM**

Mr. WHITEHOUSE. Mr. President, there will be up to 1 hour for debate prior to a vote on the confirmation of the Chin nomination. Senators will be notified when the vote is scheduled.

**ADJOURNMENT UNTIL 9:30 A.M. TOMORROW**

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Thursday, April 22, 2010, at 9:30 a.m.