

I do not specify at this time the kind of tribunal. That will require some further analysis. It could be a military tribunal to try those offenses where the victims are soldiers of the U.S. Army, or of the British Army, or soldiers of the coalition forces.

It might be an international tribunal such as that which was established for the former Yugoslavia, or Rwanda.

It is worth noting, and the Iraqi officials ought to be watching, what has happened at The Hague and what happened in Rwanda. The former head of state of Rwanda is now serving a life sentence—notwithstanding that he was the head of state of Rwanda—for crimes against humanity. In a well-publicized case, former Yugoslavian President Milosevic is now on trial in The Hague for violations of international law and crimes against humanity. Many have been sentenced for criminal conduct, for violations of international law in Bosnia and in Kosovo. So at this early stage I believe it is important that the word go out to the Iraqi high command and to those who follow orders of the Iraqi high command that they will be prosecuted as war criminals.

It is not a defense that someone says that he or she is operating under an order from a superior officer. In a very celebrated case in World War I, a German U-boat sank an Allied ship. As it went down, those in lifeboats were machinegunned by the submarine, which had surfaced. The perpetrator of the machinegunning entered a defense that the machinegunner was operating under superior's orders. That was soundly rejected. So the principle has been established as a matter of international law that it is no defense to say a person operates under superior's orders.

Of course, it is not a defense at all for ranking officials such as the Iraqi Vice President and the Iraqi Deputy Prime Minister, who know better, who are engaging in these violations of international law. Those who carry out the orders of these Iraqis ought to be on notice, too, that these matters will not be over when we win the war, when the war stops, because these individuals will be pursued in trials just as the head of state of Rwanda was pursued and is serving a life sentence; just as former President Milosevic is being pursued and prosecuted; as so many others are being pursued.

This word ought to go out in a very forceful way to the Iraqis that this conduct in violation of international law will not be tolerated.

In 1998 I introduced S. Con. Res. 78 calling for a war crimes tribunal to try Saddam Hussein as a war criminal. On March 13, 1998, that was passed unanimously, 93 to nothing, by the Senate. So there is a demonstrated interest on the part of this body in acting very forcefully to give notice to, not only Saddam Hussein, but other Iraqi officials and those who carry out their orders that they will be prosecuted as

war criminals if they continue to violate international law.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 31, 2003, at 4:00 p.m., in open session, to receive testimony on the U.S. Air Force investigation into allegations of sexual assault at the U.S. Air Force Academy and related recommendations.

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

COMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. THOMAS. 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 Monday, March 31, 2003, at 2:00 p.m., in open session to receive testimony on the science and technology program and the role of Department of Defense laboratories in review of the Defense authorization request for fiscal year 2004.

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

HOUSE CONCURRENT RESOLUTION 95

The Senate passed H. Con. Res. 95 on Wednesday, March 26, 2003 as follows:

In the Senate of the United States, March 26, 2003.

Resolved, That the resolution from the House of Representatives (H. Con. Res. 95) entitled "Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013.", do pass with the following amendment:

Strike out all after the resolving clause and insert:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.

(a) *DECLARATION*.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal years 2003 and 2004 including the appropriate budgetary levels for fiscal year 2003 and for fiscal years 2005 through 2013 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) *TABLE OF CONTENTS*.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2004.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Major functional categories.

Sec. 104. Reconciliation in the Senate.

TITLE II—BUDGET ENFORCEMENT AND RULEMAKING

Subtitle A—Budget Enforcement

Sec. 201. Extension of supermajority enforcement.

Sec. 202. Discretionary spending limits in the Senate.

Sec. 203. Restrictions on advance appropriations in the Senate.

Sec. 204. Emergency legislation.

Sec. 205. Pay-as-you-go point of order in the Senate.

Sec. 206. Sense of the Senate on liabilities and future costs

Subtitle B—Reserve Funds and Other Adjustments

Sec. 211. Adjustment for special education.

Sec. 212. Adjustment for highways and highway safety and transit.

Sec. 213. Reserve fund for medicare.

Sec. 214. Reserve fund for health insurance for the uninsured.

Sec. 215. Reserve fund for children with special needs.

Sec. 216. Reserve fund for medicaid reform.

Sec. 217. Reserve fund for project bioshield.

Sec. 218. Reserve fund for stateside grant program.

Sec. 219. Reserve fund for State children's health insurance program.

Subtitle C—Miscellaneous Provisions

Sec. 221. Adjustments to reflect changes in concepts and definitions.

Sec. 222. Application and effect of changes in allocations and aggregates.

Sec. 223. Exercise of rulemaking powers.

TITLE III—SENSE OF THE SENATE

Sec. 301. Sense of the Senate on Federal employee pay.

Sec. 302. Sense of the Senate on tribal colleges and universities.

Sec. 303. Sense of the Senate regarding the 504 small business credit program.

Sec. 304. Sense of the Senate regarding Pell Grants.

Sec. 305. Sense of the Senate regarding the National Guard.

Sec. 306. Sense of the Senate regarding weapons of mass destruction civil support teams.

Sec. 307. Sense of the Senate on emergency and disaster assistance for livestock and agriculture producers.

Sec. 308. Social Security restructuring.

Sec. 309. Sense of the Senate concerning State fiscal relief.

Sec. 310. Federal Agency Review Commission.

Sec. 311. Sense of the Senate regarding highway spending.

Sec. 312. Sense of the Senate concerning an expansion in health care coverage.

Sec. 313. Sense of the Senate on the State Criminal Alien Assistance Program.

Sec. 314. Sense of the Senate concerning programs of the Corps of Engineers.

Sec. 315. Radio interoperability for first responders.

Sec. 316. Sense of the Senate on corporate tax haven loopholes.

Sec. 317. Sense of Senate on phased-in concurrent receipt of retired pay and veterans' disability compensation for veterans with service-connected disabilities rated at 60 percent or higher.

Sec. 318. Sense of the Senate concerning Native American health.

Sec. 319. Reserve fund to strengthen social security.

Sec. 320. Sense of the Senate on providing tax and other incentives to revitalize rural America.

Sec. 321. Sense of the Senate concerning higher education affordability.

Sec. 322. Sense of the Senate concerning children's graduate medical education.

Sec. 323. Sense of the Senate on funding for criminal justice.

Sec. 324. Sense of the Senate concerning funding for drug treatment programs.

Sec. 325. Funding for after-school programs.

Sec. 326. Sense of the Senate on the \$1,000 child credit

Sec. 327. Sense of the Senate concerning funding for domestic nutrition assistance programs