

107TH CONGRESS
1ST SESSION

S. RES. 66

Expressing the sense of the Senate regarding the release of twenty-four United States military personnel currently being detained by the People's Republic of China.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2001

Mr. THOMAS (for himself, Mr. KERRY, Mr. WARNER, Mrs. FEINSTEIN, Mr. MURKOWSKI, Mr. BIDEN, Mr. LUGAR, Mr. SMITH of Oregon, Mrs. CLINTON, Mr. BROWNBACK, Mr. BAUCUS, Mr. ROBERTS, Mr. NELSON of Florida, Mr. LIEBERMAN, Mr. KENNEDY, Mr. DODD, Mr. TORRICELLI, Mr. CORZINE, Mr. MCCONNELL, Mr. LEVIN, Mrs. BOXER, Mr. WELLSTONE, Mr. DASCHLE, Mr. ROCKEFELLER, Mrs. CARNAHAN, Mr. CONRAD, Mrs. MURRAY, Mr. THURMOND, Mr. CRAPO, Mr. DORGAN, Mr. BAYH, Mr. CAMPBELL, Ms. CANTWELL, Ms. COLLINS, Mr. EDWARDS, Mr. KOHL, Mr. HUTCHINSON, Mr. FITZGERALD, Mr. INOUE, Mr. JOHNSON, and Ms. SNOWE) submitted the following resolution; which was read twice and referred to the Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate regarding the release of twenty-four United States military personnel currently being detained by the People's Republic of China.

Whereas, at 9:15 a.m. local time on April 1, 2001, a collision occurred between a United States military EP-3E Aries II reconnaissance aircraft and one of two F-8 jet fighters from the People's Liberation Army-Air Force of the People's Republic of China sent to intercept it;

Whereas both countries agree that the collision occurred in international airspace over the South China Sea near the Chinese island province of Hainan;

Whereas due to the damage incurred in the unfortunate accidental collision, the F-8 and its pilot were lost at sea and the EP-3E was required to make a “Mayday” distress call on the internationally recognized emergency radio frequency;

Whereas because of the resultant structural damage to the EP-3E aircraft it effectuated an emergency landing at a military airbase at Lingshui, Hainan;

Whereas upon landing the twenty-four United States military personnel aboard the EP-3E were removed from the aircraft by Chinese military personnel and detained in an undisclosed location, notwithstanding the fact that the crew of an aircraft forced to land on foreign soil in an emergency is considered under international norms to have sovereign immunity;

Whereas Chinese authorities unnecessarily prevented United States military and consular officials from meeting with the crew members until April 3, 2001, then permitting only a short, supervised visit, and has, to date, denied further visits;

Whereas in contravention of international norms Chinese officials have boarded the aircraft and may have removed portions of the equipment therefrom;

Whereas international law recognizes both the right of the crew of an aircraft in distress to land safely on foreign soil and the inviolable sovereignty of an aircraft in distress that has landed on foreign soil;

Whereas international law recognizes the right of a nation which has had an aircraft land in distress on foreign soil to have its citizens and aircraft returned safely and without undue delay; and

Whereas President Bush has requested that the People's Republic of China arrange the "prompt and safe return of the crew and the return of the aircraft without further damage or tampering," and has noted that a failure by Chinese authorities to do so would be "inconsistent with standard diplomatic practice": Now therefore, be it

Resolved by the Senate, That—

(1) the Senate expresses its regret at the damage and loss of life occasioned by the accidental collision of the two aircraft;

(2) it is the sense of the Senate that the Government of the People's Republic of China should:

(a) immediately release the crew members of the EP-3E into the custody of United States military or consular officials, and allow them to leave the country; and

(b) return the EP-3E aircraft and all its equipment to the possession of the United States, without any further boarding or inspection, or removal of equipment; and

(3) the Senate fully supports the continuing efforts of the President to ensure the safe return of the crew and the aircraft.

