

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 560, 682, 683, 684, 685, and all nominations on the Secretary's desk in the Foreign Service.

Mr. President, might I inquire, are any of those numbered nominations the OMB Director?

I have just found out who they are. The OMB Director is not here.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations were considered and confirmed, en bloc, as follows:

THE JUDICIARY

Robert E. Morin, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years, vice Curtis E. von Kann, retired.

DEPARTMENT OF STATE

Rod Grams, of Minnesota, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Alan Philip Larson, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

Jeffrey Davidow, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Paul P. Blackburn, and ending Veda B. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1996.

Mr. MOYNIHAN. Mr. President, today the Senate will confirm the nomination of our dear colleague, CLAIBORNE PELL, as the U.S. representative to the 51st session of the U.N. General Assembly. Senator PELL's career and accomplishments were what the Framers of the Constitution probably had in mind when they created the position of U.S. Senator.

For 36 years CLAIBORNE PELL has graced the United States Senate, providing thoughtful leadership on an exceptional range of issues.

Millions of Americans have been able to attend college because of his historic role in creating the program which the Congress, in an unprecedented honor for a sitting Senator, named Pell grants in 1980.

Thousands of American communities have been immeasurably enriched by

the National Endowment for the Arts and the National Endowment for the Humanities, which he helped create in 1965.

Champion of international environmental concerns and nuclear disarmament treaties, crusader for human rights, primary sponsor of legislation to assist the handicapped, originator of the High-Speed Ground Transportation Act; his vision has helped transform this country he loves in so many tangible ways. But in light of his pending nomination, it is appropriate to speak of CLAIBORNE PELL's first real job.

In the spring and summer of 1945, millions of us left military service. Most of us went back, as I did, to the schooling or jobs we had left to fight for our country. CLAIBORNE PELL did something a little different. He helped change the world.

In June 1945, he went to San Francisco as a member of the International Secretariat of the U.N. Conference on International Organization, the conference that drafted the U.N. Charter.

In all, 282 delegates representing 50 countries took part in drafting the U.N. Charter, though the bulk of the work was accomplished by the 1,058 persons working for the International Secretariat. He may be the only government official of those participating in the organizational conference who is still in public office anywhere on this planet—young CLAIBORNE PELL on assignment from his beloved Coast Guard.

As Assistant Secretary of Conference III, the Enforcement Arrangements Committee, he helped draft articles 43, 44, and 45 of the United Nations Charter that gave the Security Council the right to take military action to prevent aggression.

He collected the ballots at the vote to confirm the Charter. And to this day he is never caught without a copy of the Charter in his pocket. We in the Senate are honored to have the beloved former chairman of the Senate Foreign Relations Committee, CLAIBORNE PELL, counted among those who were present at the creation of the Charter.

He has lived the promise of the United Nations Charter for 51 years—on State Department assignment in Eastern Europe during the harshest early days of the cold war; and as a private citizen organizing the rescue of over 100,000 Hungarian refugees after the betrayal of the 1956 revolution against Soviet rule. In his efforts to enhance environmental protection, he is one of the few persons—the only United States Senator—who attended both the 1992 United Nations Conference on Environment and Development [UNCED] in Rio, and its predecessor, the 1972 Conference on the Human Environment in Stockholm.

He has championed the adoption of an international legal regime for the peaceful use of the seas. As such he has participated in the creation of the Law of the Sea Convention. Beginning on September 29, 1967 he introduced three

Senate resolutions urging the President to negotiate such a measure. Those resolutions and a draft treaty that Senator PELL proposed in 1969 led first to the Seabed Arms Control Treaty, prohibiting nuclear weapons and other weapons of mass destruction from the ocean floor, ratified by the Senate in 1972.

The Law of the Sea Convention would not be opened for signatures for 10 more years until 1982. Senator PELL's long efforts in this regard are reflected in the achievements contained in the Convention which codifies, among other things, freedom of navigation rights, and the exclusive use of marine resources by countries within 200 miles of their shores.

CLAIBORNE PELL is a Senator for the ages. We in the Senate shall miss him. He will no doubt serve with distinction as the United States Representative to the 51st session of the United Nations General Assembly. I congratulate Senator PELL for his numerous achievements and wish him well in his future endeavors.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AUTHORIZING PRODUCTION OF RECORDS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 284) to authorize the production of records by the Permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, the Permanent Subcommittee on Investigations has received a request from the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union [HEREIU] for copies of subcommittee records relevant to the monitor's oversight of a consent decree between the union and the U.S. Government. The consent decree enjoins members of the HEREIU from violating the Racketeer Influenced and Corrupt Organizations Act [RICO] or associating with organized crime figures.

Mr. President, the chairman and vice chairman of the Permanent Subcommittee on Investigations believe that granting the monitor's request would serve the ends of justice. This resolution would authorize them, acting jointly, to provide subcommittee records in response to this request.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution appear at the appropriate place in the RECORD.

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

The preamble was agreed to.

The resolution (S. Res. 284) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 284

Whereas, the court-appointed monitor of the Hotel Employees and Restaurant Employees International Union (HEREIU) has requested that the Permanent Subcommittee on Investigations provide him with copies of subcommittee records relevant to the monitor's oversight of a consent decree enjoining members of the HEREIU for violating the Racketeer Influenced and Corrupt Organizations Act (RICO) or knowingly associating with organized crime figures;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the court-appointed monitor of HEREIU copies of memoranda and transcripts of interviews conducted by Subcommittee staff that the monitor has requested for use in connection with the monitor's oversight of the consent decree.

ORDERS FOR MONDAY, JULY 29, 1996

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Monday, July 29; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the energy and water appropriations bill under a previous consent agreement.

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

Mr. DOMENICI. Mr. President, I will comment here for those Senators who want to offer amendments that are contained on the list heretofore agreed to, we will start that process at 9:30 in the morning. As I understand, we will proceed with that process until 12 o'clock. From 12 to 2, there will be other business before the Senate. At 2 o'clock, we will return to the matter of the energy and water appropriations

bill and remain on it for amendments until the hour of 5 o'clock.

Mr. President, I further ask unanimous consent that at the hour of 12 noon on Monday, the Senate conduct a period for morning business, with the time between 12 noon and 1 p.m. under the control of the Democratic leader; from 1 p.m. to 2 p.m. under the control of Senator COVERDELL from the State of Georgia.

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

PROGRAM

Mr. DOMENICI. Mr. President, for the information of all Senators, on Monday at 9:30, the Senate will resume the energy and water appropriations bill. An agreement was reached limiting the first-degree amendments in order and provides all first-degree amendments must be offered during the session of the Senate on Monday.

At 12 noon, the Senate will conduct 2 hours of morning business, and at the hour of 2 p.m. will resume the energy and water appropriations bill. At approximately 5 p.m., the Senate will return to the consideration of the legislative branch appropriations bill under a similar consent, in that all first-degree amendments would have to be offered during the session of the Senate on Monday.

Any votes ordered with respect to the two appropriations bills will be stacked to begin at 10 a.m. on Tuesday on a case-by-case basis. Therefore, votes will not occur during Monday's session of the Senate, and the next votes will begin at 10 a.m. on Tuesday. The Senate can be expected to be in session late into the evening each day next week in order to consider available appropriations bills and conference reports as they become available.

ORDER FOR ADJOURNMENT

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator LIEBERMAN.

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

Mr. LIEBERMAN. I thank my friend from New Mexico. I appreciate his kindness and courtesy and wish him a good weekend.

WAR CRIMES IN THE FORMER YUGOSLAVIA

Mr. LIEBERMAN. Mr. President, I rise as in morning business, and thank the Chair very much, to say just a few words about an amendment to the foreign operations appropriations bill that was adopted earlier today, an amendment which I was privileged to offer with a distinguished list of colleagues. It was accepted by agreement last night without debate, although I did

put a statement in the RECORD at that time. It is, I think, an important amendment and statement, a sense-of-the-Senate resolution, because it deals with the necessity to bring to justice those who have been indicted by the International Criminal Tribunal from the former Yugoslavia, which is meeting now in The Hague, to bring them to justice because they, as the tribunal has said, are perpetrators of gross violations of international law.

Mr. President, I was stimulated in my desire to say just a few words to my colleagues here before we leave for the weekend about this by an interview that was in the New York Times this morning with Antonio Cassese, an Italian law professor who is the president of the International Criminal Tribunal.

The article begins:

The Italian law professor who is president of the War Crimes Tribunal here is known for his cheerful nature, his expertise in international law and his even temper. So his public outburst in a quiet hall here the other day was all the more shocking.

"Go ahead! Kill, torture, maim! Commit acts of genocide!" said Antonio Cassese, president of the tribunal, his voice rising, "You may enjoy impunity!"

This, he said, was the message that would go "to military leaders and all dictators" if the Bosnian Serb leaders indicted for atrocities in the Bosnian war were not brought before the tribunal.

Mr. President, thanks to my colleagues, the Senate has now spoken clearly on this issue. I was honored to be joined by Senators LUGAR, BIDEN, SPECTER, FEINSTEIN, MOYNIHAN, HATCH, LEVIN, and D'AMATO, a wonderfully bipartisan group, as cosponsors of this amendment.

The point is this, as we state in the findings of this resolution: The United Nations did create this International Tribunal. A Security Council resolution was adopted on May 25, 1993, early in this horrific episode, which requires states to cooperate fully with the tribunal. The signatories to the Dayton peace accord, signed December 14, 1995, have accepted, in article IX of that accord, the obligation "to cooperate in the investigation and prosecution of war crimes and other violations of internationally humanitarian law." This means all the signatories of the accord, including Serbia, Bosnia, Croatia, and the Republika Srpska.

In fact, the Constitution of Bosnia and Herzegovina, which was accepted as annex 4 to the Dayton peace accord, provides in article IX that—

No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the tribunal and who has failed to comply with an order to appear before the tribunal, may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina.

The tribunal has now issued 57 indictments against individuals. It continues to investigate gross violations of international laws. Specifically, on July 25, 1995, almost 1 year ago to the day, the tribunal issued an indictment