

1977 (Protocol II). Protocol II, which deals with noninternational armed conflicts, or civil wars, was transmitted to the Senate for advice and consent to ratification in 1987 by President Reagan but has not been acted upon.

THE HAGUE CONVENTION

The Convention was signed by the United States on May 14, 1954, the same day it was concluded; however, it has not been submitted to the Senate for advice and consent to ratification until now.

The Hague Convention, to which more than 80 countries are party, elaborates on obligations contained in earlier treaties. It also establishes a regime for special protection of a highly limited category of cultural property. It provides both for preparations in peacetime for safeguarding cultural property against foreseeable effects of armed conflicts, and also for respecting such property in time of war or military occupation. In conformity with the customary practice of nations, the protection of cultural property is not absolute. If cultural property is used for military purposes, or in the event of imperative military necessity, the protection afforded by the Convention is waived, in accordance with the Convention's terms.

Further, the primary responsibility for the protection of cultural property rests with the party controlling that property, to ensure that the property is properly identified and that it is not used for an unlawful purpose.

The Hague Protocol, which was concluded on the same day as the Convention, but is a separate agreement, contains provisions intended to prevent the exportation of cultural property from occupied territory. It obligates an occupying power to prevent the exportation of cultural property from territory it occupies, requires each party to take into its custody cultural property exported contrary to the Protocol, and requires parties to return such cultural property at the close of hostilities. However, as described in the report of the Secretary of State, there are concerns about the acceptability of Section I of the Hague Protocol. I therefore recommend that at the time of accession, the United States exercise its right under Section III of the Hague Protocol to declare that it will not be bound by the provisions of Section I.

The United States signed the Convention on May 14, 1954. Since that time, it has been subject to detailed inter-agency reviews. Based on these reviews, I have concluded that the United States should now become a party to the Convention and to the Hague Protocol, subject to the understandings and declaration contained in the report of the Department of State.

United States military policy and the conduct of operations are entirely consistent with the Convention's provisions. In large measure, the practices

required by the Convention to protect cultural property were based upon the practices of U.S. military forces during World War II. A number of concerns that resulted in the original decision not to submit the Convention for advice and consent have not materialized in the decades of experience with the Convention since its entry into force. The minor concerns that remain relate to ambiguities in language that should be addressed through appropriate understandings, as set forth in the report of the Department of State.

I believe that ratification of the Convention and accession to the Protocol will underscore our long commitment, as well as our practice in combat, to protect the world's cultural resources.

I am also mindful of the international process underway for review of the Convention. By becoming a party, we will be in a stronger position to shape any proposed amendments and help ensure that U.S. interests are preserved.

I recommend, in light of these considerations, that the Senate give early and favorable consideration to the Convention and the Protocol and give its advice and consent to ratification and accession, subject to the understandings and declaration contained in the report of the Department of State.

PROTOCOL II ADDITIONAL

In his transmittal message dated January 29, 1987, President Reagan requested the advice and consent of the Senate to ratification of Protocol II. The Senate, however, did not act on Protocol II. I believe the Senate should not renew its consideration of this important law-of-war agreement.

Protocol II expands upon the fundamental humanitarian provisions contained in the 1949 Geneva Conventions with respect to internal armed conflicts. Such internal conflicts have been the source of appalling civilian suffering, particularly over the last several decades. Protocol II is aimed specifically at ameliorating the suffering of victims of such internal conflicts and, in particular, is directed at protecting civilians who, as we have witnessed with such horror this very decade, all too often find themselves caught in the crossfire of such conflicts. Indeed, if Protocol II's fundamental rules were observed, many of the worst human tragedies of recent internal armed conflicts would have been avoided.

Because the United States traditionally has held a leadership position in matters relating to the law of war, our ratification would help give Protocol II the visibility and respect it deserves and would enhance efforts to further ameliorate the suffering of war's victims—especially, in this case, victims of internal armed conflicts.

I therefore recommend that the Senate renew its consideration of Protocol II Additional and give its advice and

consent to ratification, subject to the understandings and reservations that are described fully in the report attached to the original January 29, 1987, transmittal message to the Senate.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 6, 1999.

UNANIMOUS-CONSENT AGREEMENT—RELATING TO ARTICLES OF IMPEACHMENT AGAINST WILLIAM JEFFERSON CLINTON

Mr. LOTT. Mr. President, pursuant to rule I of the Rules of Procedure and Practice When Sitting on Impeachment Trials, I ask unanimous consent that the Secretary of the Senate inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against William Jefferson Clinton, President of the United States, agreeably to the notice communicated to the Senate, and that at the hour of 10 a.m., on Thursday, January 7, 1999, the Senate will receive the honorable managers on the part of the House of Representatives in order that they may present and exhibit the articles of impeachment against William Jefferson Clinton, President of the United States.

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

Mr. LOTT. Mr. President, pursuant to rules III and IV of the Rules of Procedure and Practice When Sitting on Impeachment Trials, I ask unanimous consent that at the hour of 1 p.m., on Thursday, January 7, 1999, the Senate proceed to the consideration of the articles of impeachment and that the Presiding Officer, through the Secretary of the Senate, notify the Chief Justice of the United States of the time and place fixed for consideration of the articles and requesting his attendance as presiding officer pursuant to Article I, section 3, clause 6, of the U.S. Constitution.

I further ask consent that the Presiding Officer be authorized to appoint a committee of Senators, three upon the recommendation of the majority leader and two upon the recommendation of the Democratic leader, to escort the Chief Justice into the Senate Chamber.

Finally, I ask consent that the Secretary of the Senate be directed to notify the House of Representatives of the time and place fixed for the Senate to proceed upon the impeachment of William Jefferson Clinton in the Senate Chamber.

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

ORDERS FOR THURSDAY,  
JANUARY 7, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate

completes its business today it stand in adjournment until 9:45 a.m., on Thursday, January 7. I further ask that when the Senate reconvenes on Thursday, immediately following the prayer, the Journal of proceedings be approved, the morning hour be deemed to have expired, and the majority leader then be immediately recognized.

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

#### PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will convene then at 9:45 a.m.

The majority leader will be recognized in order to begin a live quorum. Following that live quorum at approximately 10 a.m., the Senate will prepare to receive the managers from the House of Representatives for the purpose of exhibiting Articles of Impeachment.

In addition, it is expected that at 1 p.m., the Senate will commence with the swearing in of the Chief Justice of the United States and all Senators.

Mr. President, just one further note, if I might. I know that Senators, members of the media and the American people are anxious to know how we plan to proceed. I think I should say at this point I think we had a very productive day. A lot of activities have been going on in a bipartisan way between Republicans, among themselves, and with the Democrats in the Senate and in the House. There is, in fact, a meeting underway right now with a bipartisan group of the Senate meeting with a group of managers from the House.

We intend to continue to try to narrow the list of questions and come forward with a proposal that would provide for an early beginning, an appropriate time for briefings to be filed, for a full trial to be provided for, and votes on Articles of Impeachment at the end of the process. There are a lot of gaps around what I just said, but I think that there is a sincere bipartisan effort and a nonpartisan effort to do it in a way that is fair and that would get us to a conclusion on this matter which has been presented to us or will be presented to us by the House of Representatives.

We have a duty. We will do our very best to carry it out in a way that the American people will feel is appropriate for the Senate and that is dignified and fair.

Mr. MOYNIHAN. Mr. President, will the distinguished majority leader yield?

Mr. LOTT. I am delighted to yield to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I just confirm the observations

of the distinguished majority leader. He has been faultless in his effort to find agreement on all sides in regard to all questions of which there is yet no list or likely ever to be a final one. But we admire him so and appreciate his efforts and will continue to work with him.

Mr. LOTT. I thank Senator MOYNIHAN for his remarks, for his wisdom, for his leadership, counsel, and legislative acumen he has exhibited for so many years, but also his efforts over this very day to remind us of what our responsibilities are and how difficult they will be and how they can be misconstrued. We will do our best to stand together to get this done in an appropriate way. I thank you for your comments.

Mr. President, I believe we are about ready to receive the official notification of the managers for the purpose of exhibiting Articles of Impeachment. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senate will receive a message from the House of Representatives.

#### MESSAGE FROM THE HOUSE—REAPPOINTING MANAGERS IN RELATION TO THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

A message from the House of Representatives by Mr. Hays, one of its reading clerks, announced that the House of Representatives had passed a resolution (H. Res. 10) reappointing managers in relation to the impeachment of William Jefferson Clinton, President of the United States.

The PRESIDING OFFICER. The message will be received and the Senate takes notice of the action by the House.

#### ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES UNTIL TUESDAY, JANUARY 19, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 2, the adjournment resolution, the resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (H. Con. Res. 2) was agreed to.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Thursday, January 7, 1999, at 9:45 a.m.

#### NOMINATIONS

Executive nominations received by the Senate January 6, 1999:

##### INTER-AMERICAN FOUNDATION

KAY KELLEY ARNOLD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2004, VICE NEIL H. OFFEN, TERM EXPIRED.

##### LEGAL SERVICES CORPORATION

HULETT HALL ASKEW, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1999. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

RICHARD W. BOGOSIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR RWANDA/BURUNDI.

##### NATIONAL CONSUMER COOPERATIVE BANK

HARRY J. BOWIE, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE TONY SCALLON, TERM EXPIRED.

##### DEPARTMENT OF LABOR

KENNETH M. BRESNAHAN, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR, VICE EDMUNDO A. GONZALES, RESIGNED.

##### METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 1999, VICE JACK EDWARDS, TERM EXPIRED.

##### DEPARTMENT OF TRANSPORTATION

WILLIAM CLYBURN, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2000, VICE J. J. SIMMONS III, TERM EXPIRED.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

GORDON DAVIDSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2004, VICE KENNETH MALERMAN JARIN, TERM EXPIRED.

##### NATIONAL INDIAN GAMING COMMISSION

MONTIE R. DEER, OF KANSAS, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF THREE YEARS, VICE TADD JOHNSON.

##### REFORM BOARD (AMTRAK)

SYLVIA DE LEON, OF TEXAS, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS. (NEW POSITION)

##### AFRICAN DEVELOPMENT FOUNDATION

VIVIAN LOWERY DERRYCK, AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2003, VICE JOHN F. HICKS, SR., TERM EXPIRED.

##### UNITED STATES ADVISORY COMMISSION OF PUBLIC DIPLOMACY

CHARLES H. DOLAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2000. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

CRAIG GORDON DUNKERLEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR CONVENTIONAL FORCES IN EUROPE.