

MIDDLE EAST PEACE FACILITATION ACT AND STATE DEPARTMENT REORGANIZATION

Mr. KERRY. Mr. President, during the interval, I had an opportunity to visit with the majority leader, and I think that we have agreed to try to find a way to resolve some of the impasse here. But I would just like to say for the Record, and I think it is a very important principle that we need to try to set out on the Senate floor at this time with the hopes that it will enable us to depart from a new point tomorrow with respect to the issue of the State Department reorganization and the reauthorization bill, S. 908.

There is currently a direct linkage, regrettably, between the passage of the Middle East Peace Facilitation Act and the arrival at an agreement by the managers of S. 908. I would simply like to say for the Record, and I do not intend to go on at great length about this or to try to create a firestorm of any kind, but I do want to say for the Record that there are many, many Members on the Democratic side, and particularly all of the members on the Democratic side of the Foreign Relations Committee, who feel very, very strongly that it is inappropriate to link the Middle East Peace Facilitation Act to a reorganization, an internal reorganization of departments of foreign policy in this country.

One represents an internal bureaucratic decision; the other represents an agreement by the United States of America, signed by the President of the United States, to engage in a certain set of actions with respect to a very volatile issue universally accepted to be one of the most complicated and important to the United States and to other countries in the world.

Our ally, Israel, does not deserve to have the peace process made hostage to a bureaucratic decisionmaking process in this country. My hope is that in order to permit us to go forward, we can be told that that linkage will not exist; that that linkage is inappropriate. I think the time is of the essence here, because this facilitation act will expire within hours—the next 24 hours—and we have a small window of opportunity here to try to correct this situation.

I might also add, Mr. President, and I say this purely for the purposes of making the Record clear as to where we stand, that there are now 18 nominations being held up within the Foreign Relations Committee; the START treaty is being held up within the Foreign Relations Committee, and the chemical weapons treaty is also being held up. Clearly, there is a lot of hostage-taking here, and while I understand completely the desire of the chairman to move in a certain direction, I think it is equally important that we try to do so with comity, within a collegiate atmosphere and with bipartisanship, because foreign policy has always been stronger when we are bipartisan.

Let me also say for the Record, I heard the majority leader—and I had a chance to talk with him briefly now—earlier today express his concern that somehow additional requests were made of Senator HELMS at a sort of subsequent, post-meeting time that somehow upset the negotiating process. And I simply want to clarify, for the Record, that we have had a series of meetings with Senator HELMS. In fact, on September 29, late in the evening, we entered into a unanimous-consent agreement which said that after the managers of the bill have agreed on a managers' amendment, S. 908 would come back to the floor. Subsequently, we went to work trying to reach some kind of an agreement.

We had a series of meetings over a period of weeks, and during the course of those meetings, we managed to pull together a certain number of proposals that we made to Senator HELMS, including a specific figure of reductions. During the course of the meeting with Senator HELMS, he indicated that the offering of reductions was not sufficient and that, therefore, there was really no room for further discussion at that time. And so the meeting, Mr. President, really terminated prior to our having completed all of the issues.

Subsequent to that meeting, as progress was made in an offering on the numbers and other issues, it became apparent that there might then be more room for discussion, and so those items that were simply never reached during the course of that meeting were put on the table, as they had been, I might add, in previous discussions.

I have secured from the administration a finite list of items. I have indicated to Senator HELMS that that list will not change, and it has not changed. I have indicated to Senator HELMS that we have even screened out a number of issues from the list that we gave him, which the administration gave us, that we thought were important, but which members of the committee felt strongly that they did not want to delete. So it is already a reduced list.

There is one final issue that the majority leader referred to which we think is a fair issue for concern. As we currently stand today in the Senate, a united Democratic caucus is unwilling to allow this bill to move for the simple reason that the caucus objects to having a one-sided process foisted on it, where there is not some kind of give in the legislative process. And so we are concerned that, without some agreement about a Senate position, a Senate consensus, if you will, that we arrive at to go to a conference without some assurance that the Senate position is the position we will try to achieve out of the conference, to effectively do nothing now, because it means that whatever we pass here, without some assurances about where we will go with respect to the Senate position in the conference, would simply open the bill up to be completely rewritten in the conference. So we

would simply be back where we are, in a position of not having really furthered the legislative process whatsoever and having forced the Democratic caucus to then come back and filibuster the conference report, which takes none of us anywhere.

So the purpose of the agreement we reached on September 29, where we released the Middle East peace facilitation program in order to arrive at the agreement of the managers' amendment, we said the following: We entered into a unanimous-consent agreement that we would turn to S. 908 after the managers of the bill have agreed on a managers' amendment.

Now, if we have agreed on a managers' amendment, and that is the reason we allowed the bill to come to the floor, what would the purpose be of taking that position and simply throwing it out the window as we go to the conference? So we have simply asked that as we go into the conference, there be some agreement. We are not unwilling to change what we do; we are not unwilling to suggest that the House might not have a better proposal, or that some other proposal might not be put in front of us at a later time; but we believe that there ought to be a de minimis position that the Senate has arrived at and that, by consensus, we would agree on further changes, not that changes could not be made.

That is not an uncommon position for the U.S. Senate to take. We often instruct our conferees that the position taken in the Senate will be the position. We have instructed conferees that we will not recede from a certain position. Indeed, when we have had 87 or 90 votes on a particular issue in the Senate, that has almost automatically dictated that was the consensus position of the Senate—that we would not recede from it.

So we do not think we are asking for anything unreasonable, Mr. President. One of the great difficulties here is that, in the unanimous-consent agreement we came to with the chairman of the committee, there are only 4 hours of debate and only one amendment. If we are to come to the floor with a managers' amendment and only one amendment, and that amendment is to contemplate a full reorganization structure with major reductions which would affect salaries, posts, post closings, and administrative capacity, we have to make sure that it is correct. That is not easy. We have to make sure that we have really crossed the t's and dotted the i's and come to an agreement that we can all understand.

So I say again to my friend, the chairman from North Carolina, that we are prepared to sit tomorrow, but we are not prepared to sit in a hostage situation. We need to know that the committee business can move forward, and we need especially to know that this particular peace initiative, which is so vital to our ability to move forward in

the Middle East, will not be linked to this particular effort.

I cannot emphasize that enough. We are at a critical point in the Middle East peace process. Israel's withdrawal from the West Bank town of Janin has just begun. The Secretary has just arrived back from Oman, from the economic summit, where the United States and Japan and Europe are working with countries of the Middle East to finalize the initiatives for the development of the West Bank and Gaza economy. And with the passage, only a week ago, of the Jerusalem initiative in the Senate, it is really even more important that the U.S. Senate fulfill its role, together with the administration, in representing the United States, that we fulfill our role as a facilitator and an honest broker in the peace process.

Our policy in the Middle East has always been bipartisan, and we believe that some things should be above politics. And peace in the Middle East is clearly one of them. So the delinkage, we believe, is extremely important, and holding a critical piece of legislation hostage to a proposal about how the foreign affairs bureaucracy in this country is organized, I think, undoes some of that facilitation capacity and honest broker perception.

So it is my profound hope that tomorrow we will all make wise decisions dealing with these two items and come to an agreement on a managers' amendment, which I believe is possible. I hope we will do that.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I question this whole idea of linkage. I do not think it has legitimacy. I have never seen it used to this degree, or in this manner, in the 19 years that I have been in the Senate, and I think it is very harmful to the national interests of the United States.

Now all of us have bills we would like to see get enacted. There is a process one goes through in order for that to be accomplished. Senators can oppose that, and of course under the rules of the Senate, if enough Members are in opposition you may be required to gain 60 votes in order to limit debate, in order to get to the consideration of the legislation.

Now, the reorganization plan for the foreign policy agencies of the Government is highly controversial. It has very severe and significant foreign policy implications. Some support it, some oppose it, some are in between. They support some parts of it, oppose other parts of it.

Many objective outside groups who deal in the foreign policy field are critical of one or another aspect of the proposal embraced in the plan put forward by the chairman of the Foreign Relations Committee.

Now, that bill was not a bipartisan product out of the Foreign Relations Committee—just to the contrary. It

has been highly controversial ever since it has been brought out of the committee, in my judgment.

Now, that is one problem: what is to be done on the reorganization.

A different problem has been raised by the linkage of the reorganization with every other matter in the foreign policy field. Now, it is graphically demonstrated at this particular time because we have the situation of holding up the Middle East Peace Facilitation Act, which expires at midnight tonight and needs to be extended.

Of course, failure to extend the Middle East Peace Facilitation Act could cause serious harm to U.S. national interests and to the cause of peace in the Middle East more generally. I will not go into all the provisions of the MEPFA because it is a matter that has been considered here before.

It has been moved through by overwhelming support in the Congress. If the United States fails to play its role in that process, other nations will cease to play their part. Of course, the efforts to move towards peace will be severely hampered. It is clearly a matter of vital national interest and it ought not to be held hostage.

Now, this is not the only hostage that is being held. In fact, the list is very, very long indeed. I do not intend tonight to address all aspects of that. I do want to make the point that in effect everything on the Foreign Relations Committee agenda is being held hostage in the insistence that capitulation be made in order to gain their way on a substantive piece of legislation.

The ambassadors are being held up, the START II treaty is being held up, the Chemical Weapons Convention, the Convention on Biological Diversity, the Law of the Sea Treaty, more than a dozen bilateral investment treaties, mutual legal assistance treaties and extradition treaties are being held up.

Some of these treaties may well turn out to be controversial. Others are not. In any event, we ought to be able to deal with them. We ought to have a business meeting of the committee and address them, report them out, amend them, turn them down—whatever the will of the Members may be on the substance of the matters that are before the Senate.

Now, I have seen ambassadors held up on occasion—usually one or two of them—but I have never seen this unprecedented situation. There are currently 18 ambassadorial nominees in the committee who have had their hearings and are waiting to be reported. Some have had their hearings as far back as early and midsummer. They have been waiting for months now for movement on their confirmation. Others have their files completed and are awaiting hearings. There is also a large number of Foreign Service officers whose promotions are being held up.

This situation is very disturbing for three related reasons. First, it is unfair to the individual nominees and their families who have absolutely nothing to do with this consolidation proposal.

The play of the game is that the chairman and others support a certain consolidation proposal, and they in effect say if we do not get our way on it we are not going to allow any other business to be transacted. We will not act on these ambassadors. We are not going to act on these treaties. We are not going to act on any other matter before the committee.

It has been highlighted here of course because we have this pressing issue of the Middle East Peace Facilitation Act which expires at midnight tonight.

These nominees that are being held hostage—our Foreign Service officers—are not being held hostage by foreigners; they are being held hostage right here in the U.S. Senate. It is very unfair to the individual nominees and their families. They are being punished for reasons completely unrelated to their nominations.

Secondly, I think it is symptomatic of a very disturbing trend towards disparaging and undermining the professionals in the Foreign Service.

Finally, I think it is clearly contrary to the national interests of the United States.

Now, many of these nominees have families. They have children who should have started school in the places to which they are expecting to be sent. They have made arrangements in their personal lives to undertake this responsibility and they are being taken hostage not for an issue that involves their nomination—that is a different matter.

None of this involves the nominee or the nominee's record. It is an issue totally unrelated to the nominee. They are being used as hostages in order for people to gain their way on a completely unrelated issue.

Now, U.S. interests also suffer, and I think suffer severely by our failure to send these ambassadors out to assume their jobs. I do not know that I need remind my colleagues about the danger connected with this line of work.

The fact of the matter is in the last 25 years more ambassadors have lost their lives in service to their country than have generals in the armed services. There is an honor roll in the State Department of the men and women who have lost their lives serving the Nation.

Not having these ambassadors out there at their posts only can hurt the United States. They are not there promoting U.S. interests such as human rights, conflict resolution, antiterrorism, counternarcotics cooperation, encouraging U.S. exports. They are not there to assist U.S. tourists or business people. They are not there to deal with sensitive situations. They are not there to promote U.S. good will and to represent American values and ideals. Some of these are countries like Malaysia, South Africa, Indonesia, Pakistan, China, Lebanon.

Let me just quote from a letter that was sent by the American Academy of Diplomacy. The American Academy of Diplomacy is chaired by the former Secretary of State, Lawrence Eagleburger. Lawrence Eagleburger is cited by the chairman of the committee in support of his reorganization proposals. In fact, he testified in front of our committee in support of certain aspects of the reorganization proposal which the chairman now is trying to leverage through. He will not take it on its own and deal with it through the regular process. He wants to hold all these other things hostage to it.

Let me quote from the letter the Academy sent on this very issue:

The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would leave the United States without appropriate representation in these countries at a time of dramatic, historical, global change. We believe that decisions on America's diplomatic representation abroad, including both the timing of such action and the qualifications of those nominated, should be made strictly on the basis of our interests in the country involved.

I think that is very well put. I commend the entire letter to my colleagues.

I ask unanimous consent to have it printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SARBANES. In addition to holding these Ambassadors hostage, the chairman is refusing to take action on a number of other very important matters before the committee, a number of very significant treaties. We have completed hearings on the START II treaty. Agreement has been reached on all the substantive issues relating to that treaty, but no business meeting has been scheduled to consider it. We have not moved on the Chemical Weapons Convention, the Convention on Biological Diversity, and the Law of the Sea Treaty. More than a dozen bilateral investment treaties, mutual legal assistance treaties and extradition treaties are being held.

So, Madam President, I will not go on at greater length. It is late into the evening. There are a number of other observations I would like to make on this ambassadorial issue because I think we are being terribly unfair to a lot of people, people who really put their lives on the line and are disparaged, often, here in the Congress in the course of debate, in a very unfair way.

These attacks on these professionals are extremely unfair. They are losing their lives. Then we are told that they wear long coats and high hats and live in marble palaces.

Ambassador Robert Frasure lost his life in Bosnia. He was not wearing a long coat and high hat. In fact, as State Department spokesman Nicholas Burns put it, "he was riding in an armored personnel carrier and wearing a flak jacket, not striped pants." His

wife recently wrote a very moving letter to the editor of the Washington Post, in the course of which she said, in defense—it should never have been necessary for her to have to defend—but she said:

Our diplomats are some of the finest, bravest, most courageous people I have ever met. In the past 10 years alone, my husband and I mourned the death of seven of our friends and embassy colleagues.

She then goes on to list them.

She says, commenting about these remarks that have been made, about the long coats and the high hats and the marble palaces:

I am outraged also because I remember the dangers as well as the many hardships our family endured in Bob's 20-year career.

So, Madam President, I just took the floor to challenge the fundamental premise of the legitimacy of this linkage. I have never seen it done in this manner or to anything approximating this degree. It is my strongly held view that very important national interests of the United States are being sacrificed.

I yield the floor.

EXHIBIT 1

THE AMERICAN ACADEMY OF DIPLOMACY,
Washington, DC, August 9, 1995.

Hon. JESSE A. HELMS,
Chairman, Senate Foreign Relations Committee,
Washington, DC.

DEAR MR. CHAIRMAN: The Academy has noted, according to press reports of August 2, that following a deadlock in the Senate on the State Department authorization bill, a hold would be placed on 17 ambassadorial nominations and that committee action was being canceled or postponed on 22 other nominations subject to Senate confirmation.

The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would have the United States without appropriate representation in these countries at a time of dramatic, historic global change.

We believe that decisions on America's diplomatic representation abroad, including both the timing of such action and the qualifications of those nominated, should be made strictly on the basis of our interest in the country involved.

Sincerely,

L. BRUCE LAINGEN,
President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank the Senator from Massachusetts, [Mr. KERRY], and the Senator from Maryland, [Mr. SARBANES], for their remarks and their thoughts. I absolutely agree it is inappropriate to link MEPFA to the State Department legislation. I do not recall in the years I have been in the Senate, 35, or as chairman of the committee, any similar action being taken.

Mr. SARBANES. Will the chairman yield on that point? When did the former chairman, if I may say, the very distinguished former chairman, go on the Foreign Relations Committee?

Mr. PELL. I think it was 1964.

Mr. SARBANES. So the Senator has been on it more than three decades?

Mr. PELL. Correct.

Mr. SARBANES. Has my colleague ever seen anything comparable to what is now taking place?

Mr. PELL. No, and that is the point that bothers me.

Mr. SARBANES. I thank the Senator.

Mr. PELL. I think we should deal with the question of the extension of MEPFA on its merits and the merits clearly lie with the quick passage of the short-term extension. We should not, as Senator KERRY noted, trifle with the peace process for the sake of reorganizing our bureaucracy. We should pass MEPFA now with no linkage.

In this regard, I am particularly struck by the words of the Senator from Maryland. I know I am correct in saying I am the only former Foreign Service officer in the Senate. Because the Foreign Service was only created in 1926 under the Rogers Act, I think I am the only Foreign Service officer ever to have served in the Senate. I would also point out this linkage that is being created by the chairman of the committee not only sets a bad precedent, but is a linkage that should never have been made in the first instance. It has not been done in the past and it would be a great sin to move this way now.

I also congratulate the Senator from Massachusetts on his handling of this debate on this matter. As chairman, and now ranking member, of the International Operations Subcommittee, he has done an outstanding job.

I promised to limit myself to 4 minutes, and I think I have complied.

The PRESIDING OFFICER. The Senator from New Hampshire.

LOUIS BEAULIEU

Mr. SMITH. Madam President, I rise for just a brief moment to pay tribute to a friend who has passed away recently. I wanted the Senate to have some idea of what a great man he was.

Mr. President, my good friend Louis Beaulieu was born March 26, 1924. He passed away this year on his 71st birthday, March 26, 1995.

Mr. President, Louis Beaulieu was not only a friend for over 15 years, but a great American patriot. No, you would not recognize his name with the likes of George Washington, Thomas Jefferson, and Thomas Paine, but if Louis Beaulieu had lived in 1776, he would have stood shoulder-to-shoulder with those great Americans as they carved out a Nation. Louis Beaulieu had the same trust in God, love of family, patriotic spirit, and sense of honor that characterized the Founding Fathers that Louis admired and loved so much.

I want to take a few moments to share with my colleagues a little bit about Louis Beaulieu's life.