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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, take charge of the control center of our brains. Think Your thoughts through us and send to our nervous systems the pure signals of Your peace, power, and patience. Give us minds responsive to Your guidance.

Take charge of our tongues so that we may speak truth with clarity, without rancor and anger. May our debates be an effort to reach agreement rather than simply to win an argument. Help us to think of each other as fellow Americans seeking Your best for our Nation, rather than enemy parties seeking to defeat each other. Make us channels of Your grace to others. May we respond to Your nudges to communicate affirmation and encouragement.

May we all march to the cadences of the same Drummer. Help us to catch the drumbeat of Your guidance. Here are our lives. Invade them with Your calming spirit, strengthen them with Your powerful presence, and imbue them with Your gift of faith to trust You to bring unity in our diversity. In our Lord's name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, in a few moments, I will make a motion to proceed to the consideration of calendar No. 195, Senate Joint Resolution 31, regarding a constitutional amendment prohibiting the desecration of the flag.

By a previous order, at 5 o'clock today, we will resume consideration of H.R. 1833 regarding partial-birth abortions and the pending amendments thereto. I assume we will have rollcall votes throughout today's session in regard to either of these matters.

Just for the information of my colleagues, on the tentative schedule, we would like to finish the constitutional amendment on flags and complete action on the partial-birth abortions bill and consider any available appropriations conference reports between now and sometime on Friday.

Next week, the State Department reorganization bill will come to the floor, S. 1441, unless we reach some agreement prior to that time. We have been trying to reach an agreement here for several weeks, and we have had no success. I think the chairman of the Senate Foreign Relations Committee, Senator HELMS, has been very patient, and I am determined to bring the bill up again. If we cannot get the votes, we cannot get the votes. So we will start that up on Monday.

In addition, next week we will have available appropriations conference reports. We hope to have a welfare reform conference report. We also will take up H.R. 660, the fair housing exemption bill. There will be a short time agreement.

Next week, we will bring up the resolution on Bosnia, and I hope we might complete that under some time agreement. But that should come next week. We are still working on the language, as we have indicated in the last couple of days. That language has now been, I think, submitted to a number of our colleagues. We hope we can reach some agreement. We do not expect everybody to support the resolution. Some people have different views and different motives, but we hope that we can pass a resolution that indicates our strong support for United States forces, notwithstanding our strong disagreement

with the President's Bosnian policy, which we have said from day one, the past 30 months, it has been bipartisan—we voted time and again to lift the arms embargo, to give the Bosnians a chance to defend themselves. Had we done that, we would not be talking about sending 20,000 American troops to Bosnia. The President has repeatedly rejected the bipartisan view of the House and the Senate, and he has indicated that troops will go notwithstanding any opposition from Congress.

I hope we can work out some resolution that would support the forces and let him proceed with his commitment, even though we may not share his view on either the agreement in Dayton or the Bosnia policy.

One thing we hope to achieve is an exit strategy. It is our view that unless we have some exit strategy, we are not certain how long American Forces and other forces might be there. We believe it is very important that the Bosnians be armed and trained so that in 6 months, 8 months, or a year, we will be able to leave that part of the world and come back and bring our forces back to America, and the Bosnians will be in a position to defend themselves. It sort of all gets back to what we have been talking about in the last couple of years. We should have lifted the arms embargo in the first place. They would be in a position today to defend themselves, and we may not be asking Americans to make these sacrifices. That will come up sometime next week.

UNANIMOUS-CONSENT REQUEST— SENATE JOINT RESOLUTION 31

Mr. DOLE. I ask unanimous consent that the Senate turn to the consideration of calendar 195, Senate Joint Resolution 31, proposing a constitutional amendment regarding the desecration of the flag of the United States.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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The PRESIDING OFFICER (Mr. ABRAHAM). Is there objection?

Mr. BINGAMAN. Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT—MOTION TO PROCEED

Mr. DOLE. Mr. President, I move to proceed to the consideration of Senate Joint Resolution 31.

The PRESIDING OFFICER. Is there debate on the motion?

Mr. DOLE. Mr. President, I know there will be debate on the motion. I do not know how long the Senator from New Mexico wishes to debate. But I hope that we can go to the bill itself in the next couple of hours. This means we will have to be here longer this evening. We would like to complete action. We are going back to partial-birth abortion bill at 5 o'clock and will try to finish that tonight.

Hopefully, if there is some time or any requests for time on the amendments, we can continue that debate tonight and finish this bill by noon tomorrow.

I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I did object to proceeding with the debate on the flag amendment because I believe that we have neglected some other very important constitutional duties. Specifically, we have neglected to provide our advice and consent of ratification of START II and also on confirming the nomination of ambassadors to nations, which include over a third of the world's population. That has now been delayed many months.

I have been told this morning that a deal which would allow for the Foreign Relations Committee to meet tomorrow and report the treaty and these nominations, which will allow the Senate to approve them next week and deal with the State Department authorization bill, as well, may be at hand. I would be delighted if that proves to be true, and I would gladly yield the floor and allow the Senate to proceed with debate on the flag amendment as soon as we can get some kind of unanimous-consent agreement to that effect.

But, for the moment, I think that I have no choice but to talk for a period here about the constitutional obligations we have to provide advice and consent on treaties and with regard to the appointment of ambassadors.

Mr. President, before we amend the Constitution, I hope we will not amend the first amendment, as proposed in the flag amendment, for the first time in the history of this Republic. I believe we should not go on to consider that before we get about the business of carrying out our current responsibilities under the Constitution.

Article II, section 2 of the Constitution deals with the powers of the President. The second paragraph says:

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States . . .

Mr. President, I have a couple of charts which I would like to refer to here just to make the points that need to be made. This first chart deals with the chronology of events related to the START II treaty. This treaty was signed by President Bush on January 3, 1993. It was submitted to the Senate by President Bush on January 15, 1993. That was almost 3 years ago.

Until last December when the issues were resolved that allowed the START I treaty to enter into course, perhaps it was appropriate not to proceed with the ratification of START II. Once that treaty was overcome, then everyone expected that the START II treaty would be dealt with by this body early this year—early in 1995.

The last hearing of the Foreign Affairs Committee on the treaty took place on March 29 of this year.

Senator LUGAR, at a conference the next day on March 30 said,

I chaired the final Foreign Relations subcommittee hearing in the Senate yesterday on the START II treaty. The committee will seek to mark up the treaty after the April recess. We will look to potential floor action during the middle of the month of May. It is a good treaty, but it is one thing to have reached agreements and understandings, another to have fully implemented.

Mr. President, next week we will be in mid-December, fully 7 months behind the schedule that was outlined by the senior Senator from Indiana, whom I greatly respect for his leadership on our policy toward Russia. I wish we had held to the original timetable. Obviously, we have not.

I fear the delay has only complicated the prospects for treaty ratification in the Russia Duma. We have provided an obvious excuse for inaction for 7 months now. We should not make that excuse, extend that excuse, for 8, 9, or 10 months.

As Senator LUGAR went on to point out in his March 30 speech,

To reach the START II limits by the year 2000 or 2003 will require enormous effort and cost, particularly on the Russian side. This will be difficult in the best of times but it is particularly challenging given the political and economic revolution engulfing Russia today.

The genius of the Nunn-Lugar cooperative reduction effort has been to face the facts squarely and try to help where we can in the Russian's effort to dismantle their nuclear stockpile. Months of inaction on our part cannot have improved the prospects for ratification in the Duma.

In the elections in Russia in less than 2 weeks we are likely to see a more

conservative Duma emerge, where one START II ratification will be more difficult as a challenge for President Yeltsin.

Mr. President, I believe our delay in carrying out our constitutional duties on START II has consequences and they are potentially very bad consequences for our security and for our relations with Russia.

Similarly, I believe the delay in carrying out our constitutional duties on ambassadorial nominations has consequences.

I have a second chart here I want to go through. This is a list of the ambassadorial nominations that have been delayed. This is from the time that they were submitted to the Foreign Affairs Committee. We have the names of the ambassadors whose papers are entirely in order and who could be confirmed rapidly if the Foreign Affairs Committee were to hold a business meeting. There are 18 names on the list. We can go into them in some detail later on in the morning or later in the day.

Together, we have also listed, of course, the countries that they would be ambassadors to and the date that the nomination was sent here to the Senate.

Most of these people, 14 of them to be precise, are Foreign Service officers. Four of them, Jim Sasser, Sandra Kristoff, James Joseph, and John Gevirtz are noncareer political appointments. Many of these nominations have been ready to move since July.

Mr. President, the lives of these people and their families have been disrupted by our inaction. Our ability to carry on our diplomatic efforts with these nations and in these parts of the world have been disrupted, as well.

The signal that we send to the rest of the world when we fail to have ambassadors in key capitals is not a good signal. Look at the list of nations that we have here, Mr. President: China, Indonesia, Pakistan, Thailand, Cambodia, Malaysia, Sri Lanka, our Ambassador to the Asia Pacific Economic Cooperation Organization—APEC, which met recently, and we were not represented by an ambassador at that meeting. The Vice President attended in lieu of our President because of the difficulties here in getting agreement on a budget.

What sort of signal are we sending to Asia when we will not carry out our constitutional duties here in the Senate in a timely fashion? These nations include over a third of the world's population and some of the world's fastest growing economies. We have important and very critical interests in these nations, yet we cannot get around to confirming our ambassadors to them.

Many of the other nations listed are in Africa: South Africa, Cameroon, Rwanda, et cetera. Again, what sort of a signal are we sending? In the case of South Africa, again, the Vice President is there on a trip this week.

I am sure that our neglect of our responsibilities in the Senate is much