

the other side saying she did not have the procedure outlawed in this bill, she did. She wrote us and told us that today and she testified that she did.

My colleagues, I am down to the last 60 seconds. This is what Coreen Costello said. Please listen:

When families like ours are given this kind of tragic news the last people we want to seek advice from are politicians. We talk to our doctors, lots of doctors. We talk to our families and other loved ones, and we ponder long and hard into the night with our God.

Coreen asks us to vote against this bill.

It will deny women a life saving and health saving option in a tragic emergency situation. You would not do it to your own wife. You would not do it to your own daughter. I ask you, please, do not do it to America's wives and to America's daughters.

There is no true life exception. It was a partial exception. It was different than the normal Hyde language. So this is indeed a radical proposal. Please vote "no" on final passage. President Clinton will veto this bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 2 minutes.

Mr. SMITH. Madam President, the House of Representatives recently voted overwhelming by a two-thirds majority to ban partial-birth abortion. The vote on the ban was 288-139.

This is not a radical extreme bill. It was supported by liberal Democrats such as PATRICK KENNEDY; liberal Republicans, moderate Republicans, such as SUSAN MOLINARI; pro-choice, pro-life. It is not a radical bill. RICH GEPHARDT supported it and others.

We have added a life-of-the-mother exception which was requested by some of my colleagues on both sides of the aisle. We did that. I hope we can get a similar, bipartisan overwhelming majority here in the Senate like we had in the House to stop what I believe is a very cruel practice.

Let me conclude on this point, because Senator BOXER and I have been debating this on and off for several days now. The photograph that is being displayed here is of a woman who went through a terrible ordeal. We all know that. We have great sympathy for what she went through. But she did not have the partial-birth abortion. She did not have a partial-birth abortion. This would not have stopped the procedure that Coreen Costello had.

I urge my colleagues to vote for final passage. I yield the floor.

The PRESIDING OFFICER. All time has expired.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 596 Leg.]

YEAS—54

Abraham	Exon	Lott
Ashcroft	Faircloth	Lugar
Bennett	Ford	Mack
Biden	Frist	McCain
Bond	Gorton	McConnell
Breaux	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Pressler
Coats	Gregg	Reid
Cochran	Hatch	Roth
Conrad	Hatfield	Santorum
Coverdell	Heflin	Shelby
Craig	Helms	Smith
D'Amato	Hutchison	Stevens
DeWine	Inhofe	Thomas
Dole	Johnston	Thompson
Domenici	Kempthorne	Thurmond
Dorgan	Kyl	Warner

NAYS—44

Akaka	Glenn	Mikulski
Baucus	Graham	Moseley-Braun
Bingaman	Harkin	Murray
Boxer	Hollings	Nunn
Bradley	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Kassebaum	Robb
Byrd	Kennedy	Rockefeller
Campbell	Kerrey	Sarbanes
Chafee	Kerry	Simon
Cohen	Kohl	Simpson
Daschle	Lautenberg	Snowe
Dodd	Leahy	Specter
Feingold	Levin	Wellstone
Feinstein	Lieberman	

NOT VOTING—1

Moynihan

So the bill (H.R. 1833), as amended, was passed.

Mr. SMITH. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

#### ORDER OF PROCEDURE

Mr. BINGAMAN. Madam President, I wish to state a couple of questions and ask for the majority leader's response, if I could, at this time.

Madam President, I know that there has been an agreement worked out with regard to the voting on the nominations and on the START II Treaty. I know that yesterday we had another discussion on the Senate floor, and the majority leader referred to his intention to, also in addition to the nominations for ambassadors, clear the rest of the items on the Executive Calendar before we left.

I just wanted to once again ask for his assurance that that is his desire and his intention before we adjourn this fall.

Mr. DOLE. Madam President, if the Senator will yield, I will just say, as I did yesterday, that it is certainly my hope that we can clear everything on the Executive Calendar before we leave this year.

I cannot give a 100 percent guarantee. Somebody might have a hard hold on something. They may not be able to

get it up, and we might not be able to get cloture. But my view is we ought to accommodate where we can the executive branch, and I have always tried to do that.

Mr. BINGAMAN. I appreciate that very much. I certainly agree that that is an important thing to do.

The other issue I wanted to clarify is that the agreement calls for us to proceed to consider START II before we go out of session this year. Yesterday, again the majority leader said that it was his intent that we complete action on START II. I think it is very important that we do that.

Again, I would just ask if it is his view that we can go ahead and get that treaty voted on and sent on before we go off on the holidays.

Mr. DOLE. Again, let me indicate that I hope to take it up before Christmas. I would like to complete action before Christmas. If not, we will do it as quickly as we can when we are back here.

But I think we need to take a look at the calendar. A week from today will be the 15th. One week later is the 22d. Next week we have this State Department reorganization, Bosnia, and rangeland reform. Again, it is a question of whether we can do it.

I am advised by the distinguished chairman of the Foreign Relations Committee that he does not know of any amendments to the START II Treaty. There may be amendments. But it may not take more than a couple of hours.

So, certainly, I would like to dispose of it before we leave from here this year. We will make every effort to do so.

Mr. BINGAMAN. Madam President, let me just say that I appreciate the fact that we do have an agreement in this unanimous-consent agreement to bring it up before we conclude the session and move to the consideration of it.

I am encouraged by the statement and by the indication of the Senator from North Carolina, the chairman of the Foreign Relations Committee, that he thinks we can move to it very expeditiously.

I appreciate the majority leader's very good work on the issues. I appreciate the Senator from North Carolina, and I also, of course, appreciate the Senator from Massachusetts, who I know has worked very hard to get this agreement and, of course, the Democratic leader as well.

So thank you all.

I no longer object to proceeding on the flag amendment. I know the majority leader intends to do that tomorrow.

I have no objection.

UNANIMOUS-CONSENT AGREEMENT—SENATE JOINT RESOLUTION 31

Mr. DOLE. If there is not, I ask at this time then that the cloture vote scheduled for Friday be vitiated, and I

now ask unanimous consent that at 10 a.m. on Friday, December 8, the Senate turn to the consideration of Senate Joint Resolution 31, the constitutional amendment concerning the flag desecration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I further add that there will not be any votes tomorrow. There will be debate tomorrow. Then tomorrow, if we can reach an agreement for Monday, there may be two or three amendments to Senate Joint Resolution 31.

If we can agree on the amendments and final passage, then we could do that on Tuesday morning. There would be no votes on Monday. If we cannot agree, then there will be no votes before 6 o'clock on Monday. But I think we can agree. We have had a discussion between the two leaders.

Finally, I would say there are a couple of colloquies that Senator DASCHLE and I were going to enter into, and I think I pretty much responded to the one on START. The others I think can be printed in the RECORD at the appropriate point if we initial each.

Is that satisfactory with the managers?

I thank the Senators.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. We have reached the point now this evening that we could have reached back in August, but better late than never.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. HELMS. Madam President, I ask unanimous consent that following the disposition of H.R. 1561, as amended, the Senate then proceed immediately, without intervening action or debate, to executive session to consider the following list of nominations, and if the nominations are not on the Executive Calendar at that time the Foreign Relations Committee be discharged from further consideration of these nominations, and the Senate proceed to their consideration en bloc; that they be confirmed en bloc, the motion to reconsider be laid on the table, and the President be immediately notified of the Senate's action, and the Senate then resume legislative session; that if the nominations are on the calendar at that time, they still be considered and confirmed in accordance with the above provisions.

Now, the list of nominations I shall send to the desk, and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. A. Peter Burleigh, of California, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without compensation as Ambassador to the Republic of Maldives;

Mr. James Franklin Collins, of Illinois, to be Ambassador at Large and Special Advisor

to the Secretary of State for the New Independent States;

Ms. Frances D. Cook, of Florida, to be Ambassador to the Sultanate of Oman;

Mr. Don Lee Gevirtz, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the United Kingdom of Tonga, and Ambassador to Tuvalu;

Mr. Robert E. Gribben, III, of Alabama, to be Ambassador to the Republic of Rwanda;

Mr. William H. Itoh, of New Mexico, to be Ambassador to the Kingdom of Thailand;

Mr. Richard Henry Jones, of Nebraska, to be Ambassador to the Republic of Lebanon;

Mr. James A. Joseph, of Virginia, to be Ambassador to the Republic of South Africa;

Ms. Sandra J. Kristoff, of Virginia, for the rank of Ambassador as U.S. Coordinator for the Asia Pacific Economic Corporation;

Mr. John Raymond Malott, of Virginia, to be Ambassador of Malaysia;

Ms. Joan M. Plaisted, of California to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati;

Mr. Kenneth Michael Quinn, of Iowa, to be Ambassador to Cambodia;

Mr. David P. Rawson, of Michigan, to be Ambassador to the Republic of Mali;

Mr. J. Stapleton Roy, of Pennsylvania, to be Ambassador to the Republic of Indonesia;

Mr. Jim Sasser, of Tennessee, to be Ambassador to the People's Republic of China;

Mr. Gerald Wesley Scott, of Oklahoma, to be Ambassador to the Republic of the Gambia;

Mr. Thomas W. Simons, Jr., of the District of Columbia, to be Ambassador to the Islamic Republic of Pakistan;

Mr. Charles H. Twining, of Maryland, to be Ambassador to the Republic of Cameroon;

FSO Promotion List, Barrett, et. al;

FSO Promotion List, Gelbard, et. al;

FSO Promotion List, Goddard, et. al;

FSO Promotion List, Peasley, et. al.

Mr. HELMS. I thank the clerk.

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

Mr. HELMS. I further ask unanimous consent that immediately following the resumption of legislative session, the Senate insist on its amendment to H.R. 1561, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees. Further, as in executive session, I ask unanimous consent that on a date to be determined by the majority leader, after consultation with the Democratic leader, but in any case no later than the last day of the first session of the 104th Congress, 1 hour after the Senate convenes, the Senate proceed to executive session to consider the START II treaty; that if the committee has not reported the treaty by that time, the treaty be discharged from committee and the Senate proceed to its immediate consideration.

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

Mr. HELMS. I thank the Chair.

I further ask unanimous consent that immediately after the Chair appoints the conferees on H.R. 1561, the Chair then lay before the Senate the message from the House on H.R. 927, the Cuban Liberty and Solidarity Act; that the Senate insist on its amendment, agree

to the request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

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

#### NOMINATION OF KATHLEEN A. MCGINTY

Mr. DASCHLE. Mr. President, it is my understanding that the majority leader has committed to the consideration of and final action on Executive Calendar Nomination No. 340, Ms. Kathleen A. McGinty to be a member of the Council on Environmental Quality before the Senate completes its business this session am I correct in that understanding?

Mr. DOLE. Yes. I have committed to final disposition before Christmas.

Mr. DASCHLE. I thank the majority leader for that commitment.

#### UNANIMOUS-CONSENT AGREEMENT — CHEMICAL WEAPONS CONVENTION

Mr. HELMS. Madam President, I further ask unanimous consent that if the Chemical Weapons Convention has not been reported by the close of business on April 30, 1996, that convention be discharged from the Foreign Relations Committee and placed on the Executive Calendar.

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

Mr. HELMS. I thank the Chair.

Mr. DASCHLE. Mr. President, I understand the majority leader's difficulty in long-term planning of the Senate schedule, but I ask the majority leader if it would be his intention to schedule consideration of the Chemical Weapons Convention in a reasonable time after it has been reported or discharged from the Committee?

Mr. DOLE. It would be my intention that the Senate would consider the Convention in a reasonable time period once the Convention is on the Executive Calendar.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, it will be my intention to review for the record briefly the summary as agreed upon of the amendment to H.R. 1561. Before I do, however, I would like to inquire of the chairman the following.

Madam President, a number of Members from the Senate on both sides of the aisle have been very concerned, and the ranking member shares this concern, about the disposition of the Chemical Weapons Convention which was submitted to the Congress many months ago, and since that time it has been pending before the Foreign Relations Committee.

I would like to ask the chairman concerning the Chemical Weapons Convention. I am aware that the committee's consideration of this treaty is not as far along as the consideration of