



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, TUESDAY, MARCH 14, 1995

No. 47

Senate

(Legislative day of Monday, March 6, 1995)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Let us pray:

Almighty God, ultimate Sovereign of this Nation, gracious Lord of our personal lives, and Providential Guide of this Senate, we dedicate this day to do justly, love mercy, and to walk humbly with You. We are challenged by the realization that the Hebrew meaning of "walk humbly" means "to walk attentively." And so, we commit our minds and hearts to listen attentively to You.

Speak to us so that what we speak may be an echo of Your voice which has sounded in the depth of our receptive souls. In the din of the cacophony of voices demanding our attention and the pressure of the self-seeking forces willfully dominated by self-interest, help us to seek to know and do Your will for what is best for our beloved Nation. Help us to remember that no problem is too small to escape Your concern and no perplexity too great to resist Your solutions. Grant us the greatness of minds tuned to the frequency of the Spirit's guidance. Free us of any tenaciously held positions that may not have been refined by careful listening to You so that our united position together may be that of women and men committed to Your righteousness and justice. So we say with Samuel of old, "Speak Lord, Your servant listens"—I Samuel 3:9. And the same blessing we seek for us this day, we pray for our President, the House of Representatives, the Justices, and all who carry the awesome responsibilities of government in every city and State of our land. Lord God of Hosts be with us yet, lest we forget to listen to You. In Your holy name, amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from South Carolina.

AN AMENDMENT TO H.R. 889 TO PROHIBIT FUNDING TO IMPLEMENT THE EXECUTIVE ORDER BANNING THE USE OF PERMANENT STRIKER REPLACEMENTS BY GOVERNMENT CONTRACTORS.

Mr. THURMOND. Mr. President, President Clinton recently issued an Executive order to ban the use of permanent replacement workers during labor disputes involving Government contractors. The Secretary of Labor would have the responsibility to enforce the order by asking Federal agencies to cancel existing contracts, or ban violators from future contracts.

This Executive order is contrary to current law and, therefore, improper. It will deny to Federal contractors a legal right which is available to all other

businesses; namely, the right to respond to union economic warfare by hiring permanent replacement workers. This is a fundamental legal right of all employers and should not be eliminated by Executive order.

This administration asserts that the Executive order is simply a procurement policy under the discretion of the President. Yet, Congress has dealt decisively with this issue over the past 4 years by consistently rejecting legislation with the same objective as this order. Furthermore, the right to hire permanent striker replacements has been Federal law for 60 years. Let me repeat that—60 years. Banning the use of permanent replacements by Federal contractors through Executive order is an improper intrusion into the province of the legislative branch of Government.

This Executive order violates the congressional mandate of Federal Government neutrality in labor disputes. Current Federal labor laws are designed to strike a very delicate balance between management and labor. The right to replace strikers is just as much a vital part of that balance as is the right to strike and the right to bargain. This balance has evolved over many years of congressional scrutiny, and this intrusion will change the effectiveness of the law without proper legislative action.

Mr. President, it is a sad day for our Nation whenever one branch of our constitutional form of Government seeks to encroach upon the province of another. The Kassebaum amendment will prohibit the administration from spending any appropriated funds to implement this Executive order. I strongly urge my colleagues to support this amendment and to support cloture.

Mr. President, I yield the floor.
Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

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



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Mr. MURKOWSKI. Mr. President, may I have a response to the order currently pending from the Chair?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized to speak for up to 30 minutes.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I shall not take that time.

NORTH KOREA

Mr. MURKOWSKI. Mr. President, I would like to speak very briefly on two points, one involving the framework agreement between North Korea, and the other a resolution pending to allow President Li to visit the United States. It is my understanding that the occupant of the chair, Senator THOMAS, also wishes to speak briefly on the matter of President Li's visit to the United States. I would be willing to relieve him from the chair for the period of time for his statement.

If I may proceed, Mr. President, one of the issues I want to bring to the attention of my colleagues that is rather disturbing is associated with the United States and North Korea agreed-to framework on nuclear issues. There is an agreement that has been entered into by the United States directly with the Government of North Korea. As the President will recall, the framework agreement was signed on October 21 and we have so far had some four senatorial committee hearings covering various aspects of the framework agreement. The Foreign Relations Committee has addressed it. The Energy Committee has addressed it. The Armed Services Committee has addressed it, and the Intelligence Committee has addressed it.

In the agreed-to framework, the administration has stressed consistently North Korea's adherence to the terms of that agreement. But I share two specifics with my colleagues concerning recent articles that cast some doubt on North Korea's good faith.

First, North Korea is conducting vigorous military exercises at this time. In a March 6 Defense News report, it says:

North Korea is conducting its most vigorous winter military exercise in recent years, an event that the U.S. and South Korean officials here attribute, in part, to the U.S. shipments of heavy oil authorized under the October 1994 nuclear package deal with Pyongyang.

Having been in Pyongyang with my colleague, the Senator from Illinois, I think we both find this rather distressing and inconsistent.

I remind my colleagues that the story is referring to the 50,000 tons of oil that was paid for with \$4.7 million in Department of Defense emergency funds. Although not intended, the provision of heavy oil to North Korea has the perverse effect of strengthening North Korea's 1-million-man military machine. The story states:

This year's exercises are significant because of the increased air sorties and a surge

in the number of armored, mechanized and artillery corps practicing joint warfare operations.

I further point out in the March 6 Defense News the following:

Although U.S. oil is not used directly to fuel military maneuvers, the influx of heavy oil into the country has allowed North Korea to divert other types of fuel reserves from domestic to military use.

We were assured, Mr. President, by the administration that this would not happen. Well, it has happened. What is our response? Well, the United States response is to cancel our winter "team spirit" military exercises with South Korea. I find that very inconsistent. What are we following it up with? The preparation to send 100,000 tons of additional oil in October, without safeguards.

The second report is that North Korea is not fully cooperating with the International Atomic Energy Agency. The March 2 Nucleonics Week reported:

Pyongyang categorically refuses to allow the IAEA to reconstruct the history of fissile materials production at its Yongbyong complex.

The report of Nucleonics Week points out that Pyongyang's refusal to grant access could cause irreparable damage. The North Korean position is that the IAEA will have access to the inside of the reprocessing plant on or after a 5-year period. But IAEA officials report that access to the inside of the plant before then is paramount. The IAEA doesn't know right now what is going on inside the plant, if there is any plutonium separation, or if there are any materials being moved around.

The second story illustrates the problems with the agreed-to framework. We should have had a broader agreement that addressed other issues of concern—such as North Korea Army activities; should have demanded access to the two suspected wastesites, complete and total access to past, current, and future nuclear activities—something we demand from all other nations that are a party to the nuclear proliferation agreement.

We asked South Africa to come clean and they did, but the North Koreans have not. We have left the North Koreans, in the opinion of the Senator from Alaska, with too many cards in their hands.

I have sponsored two specific resolutions, one that is being taken up by the Foreign Relations Committee next week, requiring that we show progress on the framework agreement, and one that was accepted last week on the defense appropriations stating that no further funding could take place without the administration coming to Congress for approval.

RESOLUTION ALLOWING PRESIDENT LI TO VISIT THE UNITED STATES

Mr. MURKOWSKI. Mr. President, I rise to discuss a concurrent resolution expressing the sense of the Senate that

the President of Taiwan, Li Teng-hui, be allowed to visit the United States.

We submitted this concurrent resolution, Senate Concurrent Resolution 9, last week. We had 36 bipartisan cosponsors, some 11 or 12 Democrats, and 24 or 25 Republicans.

Specifically, the concurrent resolution calls on President Clinton to allow President Li to come to the United States on a private visit, as opposed to an official state visit. An identical concurrent resolution, House Concurrent Resolution 33, has been submitted in the House by Congressmen LANTOS, SOLOMON, and TORRICELLI.

Why should we simply let the People's Republic of China, our friends in China, dictate to us who can visit our country? The current State Department policy of saying that allowing Li to visit would upset relations with the People's Republic of China offends the Senator from Alaska. I think Taiwan has made great strides toward achieving some of the goals that we have achieved in our democracy, such as ending martial law, free and fair elections, a vocal press, and in human rights great advancements have taken place.

Taiwan is a friendly, democratic, stable, prosperous country and the 5th largest trading partner of the United States and the world's 13th, I might add. They buy twice as much from the United States as from the People's Republic of China. The largest foreign reserves per capita, and contribute to international causes. They are good international citizens.

But the United States continues to give a cold shoulder to the leader of Taiwan. That leader, I might add, is going to run in a reelection effort. It is the first time they have had free and open elections. Last May, in Hawaii, the State Department refused to allow President Li to visit overnight while his plane refueled, and they indicated they would not allow a private visit. The rationale for that was that the President was going on to Central America and his plane had to land for refueling. I think it was the worst type of hospitality evidenced by the State Department in some time. We know that the People's Republic of China is going to bellow about everything we do regarding Taiwan—United States pressures at the United Nations on human rights, World Trade Organization membership, and anything we do for Taiwan is raised as an issue by the People's Republic of China. But, in the end, they will make the same calculation about when to risk offending us on the U.S. market.

I think that the precedent exists for President Li to visit the United States. Consider for a moment, Mr. President, that we have welcomed other unofficial leaders to the United States, such as Dalai Lama, who called on Vice President GORE—over the objections of the People's Republic of China. Yasser