SENATE—*Wednesday, December 13, 1995*

The Senate met at 9 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:

Knowledge we ask not
Knowledge Thou hast lent
But Lord, the will
There lies our bitter need
Give us to build above the deep intent
The deed; the deed!—Drinkwater.

Dear God, help us to put into action what we believe. You have made faith and works inseparable. Application of our convictions is our challenge. Help us to apply the absolutes of our faith. We believe in You as Sovereign of this Nation; strengthen our wills to seek and do Your will. Out motto is "In God we trust"; help us really to trust You in the specific decisions we must make today. Particularly, we ask for Your guidance in our decision about the extent of our involvement in Bosnia. We believe You have called us here to serve; help us to be servant-leaders distinguished for diligence. We affirm Your presence, we accept Your love, we rejoice in Your goodness, we receive Your guidance, and we praise Your holy name. Amen.

RESERVATION OF LEADERSHIP TIME

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

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The PRESIDENT pro tempore. Under the previous order, H.R. 2606 will now be laid aside and the Senator from Texas [Mrs. HUTCHISON] will be recognized to submit a Senate concurrent resolution. The able Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia.

The Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, this is a very simple resolution. It is the Hutchison-Inhofe resolution that says, very simply, we oppose President Clinton's decision to deploy American troops into Bosnia.

The second part is also very simple. It says we support the troops of our country 100 percent.

Congress must exercise its responsibility under the Constitution. We must say "no" when there is a bad decision that will cost American lives. Congress has not been consulted. Congress has not authorized this deployment. It is not an emergency.

The President is talking about a year. Congress should not authorize any deployment of troops that will put them in harm's way for a 1-year period.

This is not within the parameters of the NATO agreement. I have a copy of the NATO agreement here with me. If any Member of the U.S. Senate can show me the provision in this agreement that somehow makes it our responsibility to send troops into a civil war in a country that is not a NATO country, I invite them to come to the floor and do that.

Mr. President, it is not there. The NATO treaty is a mutual defense pact among nations that were trying to make sure that we would have the ability to repel a large and onerous foreign invader. There is no such potential foreign invader for our NATO countries and, therefore, rather than run around the world and react to crisis upon crisis where there is not a U.S. security threat, it is time for us to look at NATO and our agreement and make it strong by planning ahead, by having a strategic vision about what is needed now to make Europe stable.

America wants to be part of making Europe stable, but, Mr. President, going into a civil war in Bosnia is not the way to make Europe stable. The way to make Europe stable is to help the people of Bosnia by making sure there is parity, by making sure that the people are able to defend themselves, but not to put United States troops on the ground.

I am just going to end this morning by quoting from a letter that I got from one of my constituents, and I think it really sums it up:

I remain to be convinced that we have a greater moral obligation to the Bosnians than we do to our own soldiers and their families.

Mr. President, this is a bad decision, and it is the responsibility of Congress to fulfill our constitutional duty to say, "No, Mr. President. Come to us. Let's discuss it before you deploy American troops. Sending them to Haiti without our authorization, expanding the mission in Somalia without our authorization has not worked, and sending our troops to Bosnia without our authorization will not work."

Thank you, Mr. President. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the concurrent resolution offered by the distinguished Senator from Texas, Senator HUTCHISON, myself, and others.

For the past couple of months, I have made statements on the floor and in hearings conducted by the Senate Armed Services Committee expressing my grave concerns over the commitment that President Clinton made to the Presidents of Bosnia, Serbia, and Croatia to deploy United States military ground forces to implement and enforce a peace agreement to end the fighting in Bosnia.

I continue to have those concerns. To date, the Senate Armed Services Committee has conducted eight hearings on the situation in Bosnia and the use of United States military forces to enforce the Bosnia peace agreement. In testimony before the committee, administration witnesses and experts in the area of national security, foreign policy, and intelligence have stated that it is in the vital national interests of the United States to deploy ground forces in Bosnia to avert a wide-scale war in Europe to save NATO and maintain United States leadership in NATO and to preserve the good word of the United States.

Mr. President, as I have stated before, as a superpower, I believe it is important for the United States to show leadership in matters of national security and foreign policy. I also support NATO and do not want to endanger NATO as a security organization which was largely successful in bringing the cold war to an end.

I also believe that it is important to follow through with commitments. However, I will not rubberstamp a decision by the President, just because he has the constitutional authority to deploy military forces. The administration has testified that the President would proceed with the deployment of United States forces to Bosnia, regardless of the concerns expressed by Congress.

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

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Despite this testimony, I believe Congress has a constitutional responsibility to review decisions of this magnitude. In the conduct of that review, I have yet to be convinced by the President, the Secretary of Defense and the Secretary of State, that there are vital national security interests that warrant the deployment of United States military forces to Bosnia; or that our national security is threatened.

I am not convinced that the mission is clear, that the objectives of the mission are achievable, or that there is a clear exit strategy.

I have great confidence in NATO's ability, under the operational and tactical control of the U.S. military, to manage the operation—more confidence than I ever had in the United Nations. However, there will be a number of non-NATO nations participating in the implementation force, a great number of them deployed in the United States sector. While they will be under the operational control of the United States military commanders, I have concerns about their perception or interpretation of actions by the people for whom they are supposed to be securing peace, and the paramilitary forces in the area who may not support the peace effort.

This operation is supposed to be a peacekeeping action, and at the same time, a peace enforcement action, as necessary. I am concerned that there is great potential for disaster, despite robust rules of engagement, if there is not a clear understanding among all the parties in the sector, as to interpretation of military action, and what constitutes the use of force.

Further, I am not convinced that United States military forces participating in the Bosnia peace implementation force will not get bogged down with nonmilitary activities such as providing assistance to international organizations. From reading the I-For mission statement, it is quite clear to me that the mission statement is ambiguous and unclear. Specifically, it states that I-For will not conduct election security, provide humanitarian assistance or conduct mine or obstacle clearing activities. At the same time, though, it says that members of I-For will assist international organizations in these activities, if requested.

Mr. President, I supported lifting the arms embargo so that the Bosnian Moslems could protect themselves, and so the United States could avoid sending U.S. troops to Bosnia. The President and the international community repeatedly rejected the bipartisan effort to lift the embargo.

I still support the idea that a stable military balance is necessary to enable Bosnia to defend itself. However, now that United States troops will be deployed in Bosnia, I have concerns for their safety, if the United States becomes directly involved in providing equipment, arms, training, and the logistics to the Bosnian Moslems.

Mr. President, regardless of the outcome of this debate, I want to strongly emphasize my support for the U.S. military forces who have already been deployed to Bosnia and Croatia, and who may shortly be deployed to Bosnia to participate in the implementation force. I will be monitoring very closely the situation in Bosnia, so that we can ensure that our military forces can return to their families as soon as possible.

Mr. President, I urge my colleagues to support the concurrent resolution offered by Senator HUTCHISON, myself, and others.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, after a great deal of reflection, and with some reservations, I have decided to support the President's decision to send United States troops to Bosnia to help enforce a peace settlement. When the peace agreement was initialed in Dayton 3 weeks ago, I wholeheartedly welcomed the peace, congratulated the peacemakers, but expressed my skepticism about the need for U.S. ground troops to enforce that peace.

When President Clinton first suggested almost 2 years ago that United States troops might become involved in Bosnia, I outlined my strong concerns about such a course of action in a letter to the President. I noted two minimum conditions that I thought should be met before we even considered committing troops to Bosnia. I said that the mission should be a multinational one, conducted either under U.N. or NATO auspices, and that the United States should provide less than a majority of troops to that effort. Both of those conditions have, of course, been met, but for me, that is only a starting point.

My qualms about sending United States troops to Bosnia stem from my fear that we will become stuck in a Balkans quagmire. To my mind, throughout history, the Balkans have been a place of war and strife, and I worry about involving United States troops in conflicts that are centuries old.

But I also have said that it was up to the President to make the case for sending troops, and that I would listen with an open mind. During the past 3 weeks, the President and other members of the administration have put forth their case to me in private and in public, and I have been listening. I found President Clinton's address to the Nation to be particularly compelling. I believe the President did an excellent job of laying out exactly what is at stake in Bosnia. I agree that the Dayton Agreement, which was brokered by very talented U.S. diplomats, offers us the chance, as the President said "to build a peace and stop the suffering" in the heart of Europe, which is of course very important to U.S. national security interests.

In that speech and in subsequent presentations, the President and other members of the administration have defined the limited peacekeeping role our troops will be asked to play. They have been appropriately reassuring to the families of the young men and women who will be sent to Bosnia. Our troops know already that they are the world's best equipped and trained fighting force. The President, in a clear statement to any would-be troublemakers, has stated flatly that our troops will be well trained, heavily armed, and ready to retaliate against any threat to their own safety.

While our troops will have broad discretion to respond to any challenges or threats, there also will be limits on their role and mission in Bosnia. In a hearing before the Senate Foreign Relations Committee on December 1, Secretary Christopher, Secretary Perry, and General Shalikashvili testified that there are limits to what our troops will be asked to do. The fact that there will be limits has gone a long way in convincing me to support our President's decision. Our troops are not going to fight a war, but rather to help implement a peace to which the parties themselves have agreed. Their objective is to achieve a concrete set of military goals outlined in the Military Annex to the Dayton agreement. They are not, I have been reassured, going to get dragged into the conflict itself. I have also been assured that our military will not be engaged in rebuilding Bosnia. That is a responsibility of the parties themselves, with such civilian assistance from the international community as the Dayton Agreement provides.

Mr. President, I do continue to have some questions about the implementation of the peace plan. While these concerns will not cause me to withdraw my support of the President's decision, they are serious.

First, I would like to see a more precise rendering of the circumstances under which the implementation force will carry out or provide direct support for such civilian tasks as creating secure conditions for elections, assisting humanitarian missions, preventing interference with the movement of civilians, and mine clearing. General Shalikashvili and Secretary Christopher told the Foreign Relations Committee that the implementation force—or I-For—has the authority to engage in such activities but that this authority would be used rarely and at the discretion of local I-For commanders. I would hope that before the main body of troops are sent to Bosnia, we will have a better sense of the specific guidelines being given to local commanders about involving I-For in these

activities. Otherwise, I fear that there may be an uneven enforcement of the peace plan, and more importantly, that we may see mission creep develop.

Related to this issue is my concern that there be a strong and effective civilian program that will ensure that free and fair elections are held, refugees are resettled, and that reconstruction begins. Moreover, I hope that there will be tight coordination between the civilian and military aspects of the implementation program. Although I do not want to see I-For involved in the civilian aspects of the peace implementation, I do, after all, want to ensure that we achieve the maximum progress possible on the civilian side. Without such progress, the exit strategy for our troops becomes much more murky and problematic. If sufficient progress is not made on elections, refugees, reconstruction, and related matters by the time I-For does withdraw in a year's time, I fear that there will be backsliding on the military side and that United States troops will have done nothing more than preside over a year long cease fire.

Finally, I hope that the administration will define more clearly how it hopes to achieve a military balance in Bosnia once I-For leaves. I do not think anyone would quibble with the goal of achieving a balance, but we need more details about how that is to come about, consistent with the Dayton Accords and U.N. Security Council Resolutions.

To me, it is unfathomable that we would want to see more arms in that part of the world. Moreover, I am uneasy about any U.S. plans to arm and train one side—the Federation—while participating in an Implementation force which is supposed to be even-handed. One need only remember the ill-fated U.S. military involvement in Lebanon to be reminded of the danger of taking sides in such a situation. While it might ultimately make sense for the United States to coordinate such an effort, for U.S. citizens—be they military personnel or private contractors—to actually engage in arming and training may make our troops particular targets. To this end, I welcome President Clinton's assurance that providing arms and training to Federation forces will not be done by either I-For or U.S. military forces. Before our troops are sent to Bosnia, we should know definitively how we plan to proceed on this issue.

Mr. President, Balkan history has been a source of my skepticism about sending troops to Bosnia. I have spent long years of service in Europe: first as a Coast Guard lieutenant based in Sicily during World War II, then as a Foreign Service officer in Prague, Bratislava, and Genoa as the Iron Curtain was drawn between East and West, and as an official with the International Rescue Committee working in Vienna with refugees fleeing Hungary's Communist regime. Because of my experience, I am deeply and personally conscious of how important Europe's freedom and stability is to the United States. I am also acutely aware of how fragile the current peace engulfing most of Europe is. If left unchecked, the Bosnian war could threaten the peace on the rest of the continent.

The people of Bosnia have suffered untold misery and horrors. To them, the Dayton Agreement is long-awaited and good news. For us, the agreement offers an historic opportunity to end Europe's worst conflict since World War Two. We all hope it presages a lasting peace.

That is why I believe we must support the President's call to participate, with our NATO allies, in an effort to stem the tide of war in Bosnia.

Mr. GRAMS. Mr. President, I want to rise today as a cosponsor and strong supporter of the Hutchison resolution. I want to commend Senator HUTCHISON, Senator INHOFE, and other Senators whose outspoken and persuasive leadership has given us this opportunity to send a clear message to the President on the Bosnia issue.

Like my 28 colleagues who have cosponsored this resolution, I believe the Senate must express its opposition to President Clinton's planned deployment of United States ground forces to Bosnia.

I encourage all of my colleagues who have strong reservations about the President's actions to vote for the Hutchison resolution.

As a member of the Foreign Relations Committee, I am convinced that this resolution is the only way to send a clear, unambiguous message to the President without hurting American troops who are already on the ground or who will be arriving imminently in Bosnia.

The President has failed to convince the American public of his basic premise—that such vital national security interests are at stake in Bosnia that we should risk the lives of United States soldiers to enforce a fragile peace there. Letters and calls from my home State of Minnesota continue to oppose sending troops 3 to 1.

Unfortunately, I hold out little hope that the Hutchison resolution, even if it passes, will prevent United States troops from being deployed to Bosnia.

If the President is willing to begin the Bosnia operation despite strong and sustained public opposition, it is difficult to imagine that one more vote in Congress will change his mind.

We all understand the President has the constitutional power to commit troops without congressional approval, but a far more worrisome question is whether he should sustain this dubious military operation without a solid base of public support.

In 1993, during the height of the civil war in Bosnia, President Clinton made a regrettable mistake: He pledged to commit 25,000 United States ground troops to enforce any future peace agreement between the warring parties in the Balkans.

The President made this promise without knowing the exact terms of the peace agreement that would emerge, without conducting a thorough review of the operation's dangers and without consulting Congress.

Now, he has essentially dared Congress to break his ill-considered commitment of U.S. forces and thereby, he says, risk undermining the peace agreement, our international credibility and our relations with NATO allies.

In doing so, the President has effectively painted the American soldier and Congress into an uncomfortable corner. As a result, United States troops are already on the ground in the Balkans as part of NATO's advance force, and thousands more American soldiers will find themselves in Bosnia for Christmas.

Moreover, the President has repeatedly blocked efforts by Congress to end the unjust arms embargo on the Bosnians. This embargo has prevented the Bosnians from defending themselves and has encouraged continued Serbian aggression against their outnumbered foes.

Even the Clinton administration is admitting that a military balance between warring factions is the key to stability in Bosnia and the eventual withdrawal of United States troops.

How tragically ironic it is that the necessary outcome of NATO's operation in Bosnia could have been achieved without shedding American blood if the President had only allowed the Bosnians to arm themselves.

Congress should not rubber-stamp the President's premature decision. We must not compound this Presidential blunder by abdicating our congressional responsibility.

First, Congress should continue to express specific concerns about the scope of the NATO mission in Bosnia. While administration officials have made claims to the contrary, most Americans realize there is real potential for this operation to become increasingly open-ended and dangerous.

During hearings before the Foreign Relations Committee, Secretary of State Christopher said that the NATO implementation force's only obligation was to carry out military objectives—namely, the separation of Bosnia's warring parties.

But he also said that the peace agreement "authorizes" NATO forces "to take additional [civilian] actions if the local commander desires to do so."

Well, undoubtedly, giving NATO forces this discretionary power to support nation-building activities will put our troops at greater risk. So far, there have been many reports about the lack of coordination among international

organizations charged with achieving civilian provisions in the peace agreement. If progress is not made on these civilian missions, the temptation for NATO forces to advance civilian goals—such as refugee resettlement—will only increase.

In addition, without an effective exit strategy, the Bosnia operation's supposed 1-year time limit could evaporate. As I mentioned earlier, the key to an exit strategy for United States troops is the establishment of a military equilibrium among the warring parties.

If the United States does not take a leading role in the arming and training of the Bosnians, it is very doubtful that it will be done to our satisfaction.

Opponents who claim that a strong American role in arming the Bosnians will jeopardize the neutrality of United States troops are simply deluding themselves. The Serbs never have and never will consider the United States a neutral power in this arrangement. Have we forgotten that only months ago United States planes were bombing Serb positions? For the Serbs, an indirect American role in arming the Bosnians will hardly be more reassuring than a direct one.

Indeed, one of my strongest concerns about the United States role in this operation is that we are mistakenly assuming we will be perceived as neutral by all parties in Bosnia. In 1983, a similar tragic miscalculation failed to prevent the deaths of 241 United States marines in Lebanon.

Without question, the scope of the Bosnia mission must be narrowed and an effective exit strategy developed. For this reason, I appreciate what the majority leader and Senator MCCAIN are trying to accomplish in their resolution and I know they are acting solely with the safety and well-being of our troops in mind.

However, I cannot vote for the Dole resolution, which authorizes the President's deployment of United States troops to Bosnia. Given the manner in which the President has chosen to pledge our soldiers' lives for this peace agreement, I cannot vote to give him Congress' seal of approval. The President's strategy simply does not deserve it.

Yet, while I am not willing to acquiesce to the President's plan, I also will not support cutting off funding for our troops while they are already on the ground. Although this action is within the constitutional powers of Congress, it would potentially endanger the men and women in our Armed Forces even further.

We must learn from our past mistakes. We should not repeat the 1993 debacle in Somalia where United States troops were actually denied the equipment and weapons their commanders had requested. Soon afterwards, 18 American soldiers were killed when they were trapped during a tragic firefight.

Therefore, the Senate's vote today on the President's plan to deploy troops in Bosnia is only the beginning of Congress' obligation to our men and women who serve and defend this Nation. We will closely monitor the Bosnia operation to ensure that it is fully funded, that our troops are adequately supplied and that the mission remains strictly focused.

Mr. President, we owe our soldiers, their friends and family, and the American people nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, first, I want to commend my colleague, Senator HUTCHISON, from Texas, for the initiative she has taken, addressing what I think is one of the most critical and important issues the Senate will face in a long, long time. It is appropriate we give proper deliberation to this issue. There really is no more serious, wrenching decision than one similar to what we face today, because it not only has consequences for America's role in the world, but consequences for the lives of young men and women, poised at this very moment for deployment in Bosnia.

We have two burdens in this debate. One is to exercise American leadership and the second is to justify American sacrifice.

Let me state at the beginning, I firmly believe in American leadership. Our active engagement in the world is an expression of our interest and our values. But in exercising this leadership, I think it is important that we understand that justifying American sacrifice is the higher and the harder and the heavier responsibility that we face because it demands not just plausible goals, but compelling reasons.

It is not enough to say that a questionable promise has been made, or that an alliance needs to be politically repaired, or that we feel guilty or somehow compromised and helpless. These are factors that may contribute to a case for intervention, but I do not believe they are determinative factors in terms of deciding whether or not we intervene. Because, in the end, I think we have to be able to say certain things with confidence, that there is no other, more viable option consistent with our interests and that there is no honorable alternative to the risk of American lives. This is a decision that has to be made deliberately, not by default.

Like many of my colleagues here, I faced these questions before. I voted to send United States marines to Lebanon to be a presence in a land that was factionalized and fractionalized like Bosnia, and I will always regret that decision and that vote which resulted in the deaths of 241 marines who saluted smartly when ordered to what clearly, in retrospect, was an ill-defined mission.

I also voted to send American troops to the Gulf to fight aggression. When America's interests are clear, as I believe they were in the gulf, even great sacrifice can be justified, but when America's interests and goals are vague and murky and unobtainable, the loss of one life is too much.

In the administration's proposed police action in the Balkans, there are a number of operational questions, some of which I will briefly raise, but I want to begin by stepping back and asking some fundamental questions of philosophy and strategy.

Why Bosnia? Why this region? Why this moment? It is said we have a moral responsibility to end the bloodshed. But I think that goal is too broad to be useful. Bosnia, unfortunately, is not unique when it comes to undeserved suffering. Bloody civil wars rage today in Rwanda, Sudan, Liberia, and other places of the world. There were far more civilians killed in a year in Kabul than there were in Sarajevo.

So, how do we choose where American troops are used to end the world's civil wars? Is that a decision made by TV news, determining which country has the most telegenic suffering? Clearly, this alone cannot be a sufficient basis for intervention.

It is said the Bosnia conflict is a direct threat to the security of Europe, an area where American interests are implicated. It has been repeatedly stated by the administration that intervention is necessary to prevent the spread of the Bosnia conflict to other nations, including Hungary, Albania, even Greece, and that failure to intervene now will inevitably lead to a broader conflict and a greater involvement at greater sacrifice of American troops. But I believe this to be a serious exaggeration.

Europe today is not the Europe of 1914, deeply factionalized and arming for a broader war. In fact, the Balkan war has not been expanding, but contracted. It is a serious crisis, but it is not an expanding crisis. No European leaders are seriously convinced that the dominoes of France, Germany, Italy, Greece, and the rest are about to fall, pushed by Balkan violence.

It is said that our vital national interests are challenged by a Balkan civil war, but this is simply not credible. What resources are threatened? What trade route is interrupted? What strategic military threat to the United States has developed? What American citizens are being placed in danger? The term "national interests" cannot be stretched indefinitely. It must mean something or it means nothing.

So, it seems that we are left with one reason, one explanation why 20,000 American troops are headed for the Balkan winter: Because the President

gave his word, and we cannot go back on it. Is this what the administration means by credibility? National interest is not found in the Balkans themselves but found in closing a credibility gap that the administration itself has opened.

Henry Kissinger summarizes this point as follows: "The paradox of the decision before Congress is that while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policies: If other nations," Kissinger says, "cease to believe our assurances, our capacity to shape events to protect American security and values will be jeopardized."

I do not want to minimize this concern. Many scholars and experts that I deeply respect believe that this reason alone is sufficient to justify American intervention. But, if that is the case, I have two questions that have yet to be answered in this regard.

First, how do we come to this place? Why should the world's only superpower, fresh off the success of Desert Storm, need to prove its credibility in a Balkan civil war? Have we so squandered American leadership and credibility that now it needs to be bought back with the presence of American troops and the risk of American blood?

This brings me to my second question: Will this intervention actually rebuild American credibility?

It is possible, but only under one circumstance: The mission must be an obvious success. Credibility is not determined by the promises we keep but by the outcome we achieve. An outcome similar to Somalia or Lebanon would be difficult to calculate. the important questions are: Is this Bosnian mission likely to add to American credibility? And what is the prospect of success?

These are questions I asked in the hearing process. In several key areas, and I have yet to find adequate answers.

How can the United States remain neutral and build up the Bosnian Army? Is not this logically contradictory, and inherently dangerous?

Though it is not entirely clear what form these arms and training will take, does anyone believe that the Serbs will stand by while their military advantage is reduced as the Bosnians arm and train with the best quality arms to the best extent possible? The Dole resolution portion of that—and I commend Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others for a well-intentioned and serious effort at outlining the conditions of American involvement—and much of this resolution contains language I can enthusiastically support, but a portion of it is deeply disturbing to me, particularly section (2)(b)3 which says the United States will "lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure that the federation of Bosnia-Herzegovina provide for its own defense, including, as necessary, existing military drawdown authority." And on it goes.

America, in effect, will be acting as a shield while one faction in a civil war aggressively arms. Taking sides in previous peacekeeping efforts have brought tragedy—not success. Clearly, the implementation agreement to an implementation of this section (2)(b)3 of the Dole-McCain resolution could lead to both a mission impossible to achieve and potentially disastrous consequences.

A second question is, How certain are we that a Bosnian Moslem-Croat federation is politically sustainable?

The Dayton agreement presupposes the survival of this fragile alliance—an alliance that is not even 2 years old. It was not even in existence when the Bosnian conflict began. It was the Bosnian Moslems and the Croats that were the warring factions—the Croats on the same side as the Serbs, each trying to carve up Bosnia for its own benefit.

What we have today is a marriage of convenience between some very reluctant partners. Are we going to stake American credibility on the assumption that eventually these uncomfortable allies will continue to enjoy each other's company? Henry Kissinger has cautioned that, "It is naive to expect the Croat-Moslem marriage of convenience to last indefinitely." He argues that the relationship is more of a time bomb than a permanent political identity.

A third question: What exactly is our mission, and how will we define success?

The President believes our mission is to supervise the separation of the forces and to give the parties confidence that each side will live up to their agreements. He wants the U.S. military to serve in this capacity for 1 year in order to "break the cycle of violence."

The most clear portion of the proposed mission is keeping the warring factions separated. That will not be easy. But at least its effectiveness can be measured, and I think it can be accomplished. I argue, however, that it is a mission that should not be necessary if, in fact, there is a real peace agreement reached.

But the second component of the President's mission statement, that of "giving the parties the confidence that each side will live up to their agreements," is dangerously unclear. These confidence-building measures include establishing the foundation for economic, social, and political reconstruction in the region. But, as I just previously stated, it is the explicitly stated but not agreed to by the parties to this agreement, it is that explicitly stated mission of arming and training one side in what I believe to be a civil war that is most disturbing to me.

I have struggled to understand this. I have struggled to find answers to these questions. I have struggled to find agreement with this so that I could support the Dole-McCain resolution. But I cannot resolve in my mind what I believe to be an inherent contradiction between a stated, written, agreed-to-by-all-parties portion of this Dayton peace agreement that calls for disarming of the parties, an achievement of a military balance, and the contradictory goal of immediately leading an effort to ensure arms and training to one faction of the three warring parties.

This militarization—not demilitarization—inevitably will lead to an arms race and, I believe, will inevitably lead to a failure of mission. And that failure of mission then squanders the last opportunity to establish or regain American credibility.

I ask the question I asked before. Have we since the gulf war so squandered American leadership and credibility that now we must regain it by engaging in a civil war in the Balkans at great risk of loss of American lives and at great risk of squandering future American credibility?

All these problems conspire to create a very difficult situation. We have staked our credibility on one outcome in the Balkans—peace. But that is the outcome that is the least likely of the many possibilities. On the one side, we have the evidence of 600 years of bitter conflict and, more recently, 34 broken cease-fires. On the other, we have the desperate hope that all the participants will show good will and good sense. I trust and pray that they will. That would be contradictory to 600 years of history.

The problem here is simple. Our credibility is at sake, but we do not control the outcome. Our success or failure will be determined by the parties and factions that have demonstrated that they cannot control themselves.

If, at the end of 12 months, there is chaos in the Balkans, the pressure on American credibility will be even greater than it is today. We will have invested American lives, American resources, and American leadership. So then how can we walk away at that moment with our leadership enhanced? Will there not be inevitable pressure to expand our efforts, to extend them?

Jeanne Kirkpatrick has commented that "failure to provide ground troops might do superficial damage to America's credibility, but committing troops and failing to achieve our goal would do major damage to America's credibility—really major damage. It is not possible to contemplate the damage to America's credibility that would result," she said.

Mr. President, I am convinced that this Bosnian crisis is a symptom of a

deeper foreign policy crisis, the evidence of a basic misunderstanding of what it means to be a superpower. The will to intervene, to spend lives and money, is a limited resource of any nation. It must be carefully preserved for essential missions that concern our vital interests and maintains stability in the world.

Endless and pointless interventions squander that limited resource of national will. It is precisely because we cannot be isolationists that we must be deliberate and realistic in our actions. It is because intervention must remain an option of American policy that our interventions must be wise. In Bosnia, discretion is wisdom.

This does not mean America should be and can be indifferent about situations like the Balkans, but it does mean we should consider other options—alternatives to ground forces—in conflicts where our interests are not directly engaged. One of those options available to a superpower is to lead our allies instead of following them. Unfortunately, that course has not been taken.

Gen. John Shalikashvili has conceded that "from a purely military standpoint" the West Europeans could undertake the Bosnian mission on their own. They have chosen not to do so. Rather, they have insisted that America make a symbolic commitment—not so symbolic when you consider it is 20,000 troops—to the extension of an unwise NATO policy of peace enforcement among ancient enemies. It is not the kind of mission for which American troops are trained or suited. It is a mission much closer to the British in Belfast than the Americans in the gulf war, and it is clearly not a mission to be achieved in 12 months. I am deeply troubled that American lives should be sacrificed to prove loyalty to an organization—NATO—that America should be leading, not following it into mistakes that can be reliably predicted by our experience in Lebanon and Somalia.

Once these troops are placed in the field—and they are being placed now—I will do everything in my power to assure that they succeed. But I cannot accept the responsibility of voting to place them there in the first place simply for the purpose of preserving U.S. credibility. It will do nothing in the long run for American credibility to follow our allies into this misguided deployment.

I will reluctantly be opposing the Dole resolution for reasons that I have stated and supporting the Hutchison-Inhofe resolution that we will be voting on shortly today.

Again, I thank Senator HUTCHISON, Senator INHOFE, and others for their efforts in attempting to address what I think is an extraordinarily difficult situation.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, throughout the Bosnian conflict, I have had grave reservations about the involvement of American ground troops in that troubled region. After the President made his speech on November 27, 1995, I continued to have serious concerns, because I felt that U.S. ground troops should not be involved in such a violent area that should be, primarily, a European responsibility.

Following his speech, I expressed these concerns in view of the fragility of the tentative Dayton peace agreement and the prospects for similarities to our peacekeeping efforts in Lebanon. I recalled the changes of attitude on the part of Congress and the public when the disastrous consequences in Beirut and Somalia unfolded on the nightly news.

Over the last several days, I have immersed myself in a study and evaluation of our present posture regarding the situation in Bosnia. I have listened and talked to military, political and foreign policy leaders, Members of Congress, and individuals in other related fields as well.

First, let me say that I hope during this debate over our role in Bosnia, we will rethink America's role as the sole remaining superpower and its participation in foreign disputes. We must recognize that other countries will want to use our military and financial resources to solve problems that basically they should remedy themselves. In my opinion, there should be less military involvement by the United States, as well as reduced foreign financial assistance, unless there is a vital U.S. interest involved. Furthermore, this need for rethinking is augmented by the movement to achieve a balanced budget.

Having said that, I want to share some of the thoughts that have entered my mind after reflection and discussions.

Like most Americans, I am thankful that a cease-fire and hopefully an effective Bosnia peace agreement has been reached between all of the warring factions in this long-standing conflict. I pray that the cease-fire holds, that the agreement succeeds, and that the Bosnians can live in peace. We have watched for nearly 5 years as these neighbors have cruelly and methodically torn each other apart.

On the surface at least, the Dayton agreement does hold promise for peace. It allows the thousands of refugees, theoretically at least, to return to their homes; it removes the foreign "holy warriors" from Bosnia; it withdraws heavy weapons; it preserves the October 5 cease-fire; and hopefully, it will stop the genocide and other atrocities that have plagued that part of Europe for far too long.

My primary concern with the agreement and the NATO mission it calls for is the requirement of having to send American ground forces to implement its provisions. This should be, essentially, a European mission. The use of air power on the part of the United States was very effective. That was, I believe, the extent to which most Americans expected U.S. forces to be involved. Perhaps this was then and is now the appropriate extent of our involvement.

NATO is probably the only military force that can be counted upon to do the job of peace implementation in Bosnia. The NATO air strikes, which were largely responsible for forcing the warring parties to the negotiating table in Dayton, were proof positive of their effectiveness. The strikes also proved that the Serbs do respond to the power of military might. Still, the mission in Bosnia seems to go beyond the defensive purpose for which the alliance was established nearly 50 years ago, and might set a dangerous precedent for NATO. If NATO's role is to be different from its treaty responsibilities, it should be tailored on an ad hoc basis to limit U.S. participation in what are primarily European internal problems.

Throughout this debate the question arises, "Is it in the vital national interest of the United States to become involved in Bosnia?" The term "vital national interest," however, seems to mean different things to different people. I would therefore like to take a moment to reflect on my idea of a vital national interest and how it differs from other interests our Nation may have.

A vital national interest is one that a country considers to be crucial to its national security. These are issues that are so important they are not open to compromise or negotiation. A country has no choice but to risk war to protect a vital national interest. With a major interest, on the other hand, the country is not at immediate risk. Instead, a decision must be made as to whether the use of force is justified. The use of the military is a question of risks, benefits, capabilities, and, in this case in particular, conscience.

Applying these definitions, it is questionable whether participation in Bosnia is a vital national interest of the United States. Some have stated their belief that the Bosnian conflict could spill across national boundaries and engulf Europe in bloodshed. They use our vital national interest of a stable Europe to justify action in Bosnia. We have, however, effectively managed to prevent the spread of this conflict for nearly 5 years without committing ground troops to the region.

We must also remember the peace keeping mission in Beirut, Lebanon. Many argued back in 1983 that if we did not end the fighting in Lebanon, it

would soon spill across the borders and the entire Middle East would be at war. However, our national interest was in a stable Middle East, not necessarily a stable Lebanon. After we pulled out our marines, we rightly redoubled our efforts on preventing the war from spreading across the borders to Israel and Syria.

Another problem we faced in Lebanon and may face in Bosnia is our apparent lack of neutrality. It is essential that peacekeepers enforcing an agreement or cease-fire not take sides. Yet in Beirut, we bombed and shelled the Syrian-backed forces in support of the Lebanese Army and Christian militia. This lack of neutrality made our men targets and led to the fatal bombing of the Marine compound.

In the present situation, United States planes have bombed numerous targets in Bosnia and killed hundreds of Serbs. Do we believe the friends, comrades, and commanders of these dead men view the Americans as neutral? And if we begin to arm the Moslems to achieve military balance among the three parties, will any Serbs view us as neutral? If any of the warring parties become convinced that the Americans are their enemy, it could mean real trouble, not the least of which could come in the form of terrorist attacks similar to Beirut in 1983.

There are other problems to consider as well, such as the divided feelings among the Serbs themselves about the Dayton agreement; divisions among the Croats and Moslems; the remaining residuals of the presence of foreign "holy warriors"; the millions of land mines; probably unfriendly or hostile police forces; and the lifting of the arms embargo after 6 months.

Having outlined some of my reservations about this operation, we have to be realistic. Some of our troops are already in Bosnia. The remainder of the 20,000 have been committed and will soon be there. Furthermore, the constitutionally-suspect War Powers Act allows the President to deploy troops for 60 days without congressional approval. It is also highly unlikely that Congress will vote to cut off funding at any time during the mission.

There is no Member of this body who does not support our troops when they are put in harm's way. While we might disagree over strategy or whether or not to support the peace plan itself, on the matter of supporting our troops, we do not differ. Since their deployment to Bosnia is a matter-of-fact, our task as Members of Congress, then, is to see that they have every possible means to succeed from weaponry to intelligence.

Another point to be raised is whether a failure to support the mission at this point will in some ways undermine the forces sent to Bosnia. This is a real possibility, since those rogue elements who may not believe that we are united on this issue, or that we are looking for an excuse to withdraw, could cause much greater danger to our troops.

While the impact of our vote on our troops is of paramount importance, there are a number of other issues that we must take into account as well. For instance, we must consider the constitutional role of the Commander in Chief and the War Powers Act; the respect we have for the military professionals; the constitutional roles of both Congress and the Executive; and the credibility of the United States.

Our decision must take into account the constitutional role of the Commander in Chief. Even strong opponents of the mission concede that the President has the power to deploy troops with or without the consent of Congress. The War Powers Act allows him to deploy troops for 60 days without congressional authorization. No President, however, has ever acknowledged the constitutionality of the War Powers Act, and it has never been invoked by Congress. Since it is constitutionally suspect, in all reality, the only way for Congress to stop the deployment is to stop funding. Otherwise, a constitutional crisis could be precipitated, with Congress invoking the act and the two branches ending up in court while troops are in the field.

Our decision should also take into account the great professionalism of the military. In my discussions with military leaders, I have been reassured of the fact that we do have the most highly skilled, educated, and trained military in our history. I am confident that if we give them every means necessary to succeed, they will succeed. While mistakes and unforeseen circumstances may arise, there is no reason to doubt their bravery, dedication, or professionalism in carrying out their task.

The respective constitutional roles of both the Congress and the executive branch should also influence our thinking here. The President is the Commander in Chief and head of state. The Congress has the power of the purse, the power to declare war, and the role of approving treaties and ambassadors. But we must be realistic. The President is supported by the Joint Chiefs of Staff, the Pentagon, the CIA and other related security agencies, and the State Department. He therefore has, at least in terms of numbers and experience, superior resources than the Congress in deciding the feasibility of committing military forces. This reality must be taken into account. However, this is not to say that Congress does not have independent, knowledgeable resources and a role to play in such a decision.

I also believe that the credibility of the United States is on the line in this situation, and we should carefully consider what would happen if we do not live up to the commitments made by the head of state, even if we disagree with those commitments. We only have one President, who is also the head of state, and he speaks for the country on matters of foreign policy. I fear that our credibility will be seriously damaged if we fail to support the mission. Such a vote will not prevent a deployment, but it will, however, send a message to the factions in Bosnia and to our allies and enemies as well. Without abdicating the role of the Congress, it is crucial that we give the President some degree of flexibility in conducting foreign affairs.

Finally, there is certainly a moral dimension to this issue. During our history, whether we were facing fascism or communism, we fought knowing our cause was just and that America was in the right. Our conviction that we were right was strong because we were certain that fascism and communism were wrong.

Mr. President, we all know that ethnic cleansing is wrong. We all know rape is wrong. We all know that murder is wrong. And without a doubt we all know that genocide is wrong and a great evil. It is a wrong so great that it shocks our humanity and lets our conscience know that it is right to take action.

The intense debate and congressional action regarding the Persian Gulf war was proof that even a deeply divided Nation and Senate will rally around a cause once a decision has been made. The vote to authorize the use of military force was 52 in favor and 47 against.

Yet, 5 days later, on January 17, 1991, the Senate voted 98 to 0 in favor of a resolution which commended and supported the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities and expressed unequivocal support of the men and women of the United States Armed Forces. I remember many Senators who had voted against the authorization of force saying before that vote in which we supported our Commander in Chief, that no one should doubt that the Senate and the Nation would be united once the authorization had been approved. I hope the same will be true once the votes have been cast with regard to the Bosnian troop deployment.

For the reasons I have stated and to demonstrate United States resolve and, most importantly, to give our American troops every means of success, I will support the deployment of America's military might to Bosnia.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Texas.

Mr. GRAMM. Mr. President, I rise to oppose sending American troops to Bosnia. The Dole resolution asks us to agree to, support, and expand the mission that the President has subscribed to in Bosnia. I intend to oppose that resolution because I think that the

President's mission is deeply flawed. I think we are making a mistake, and I intend to make it very clear that I oppose the policy we have undertaken with respect to Bosnia.

What we are being asked to support is the sending of American troops into the line of fire as a buffer force between two warring factions which have broken every cease-fire and violated every treaty over the past 500 years.

Historically, in our country, we have set high standards for sending Americans into harm's way. Each of us has set standards a little differently, but in general, we have all tried to ask ourselves, "Do we have a vital national security interest?"

Our President has, for 3 years, tried to make the case that we have a vital national security interest in Bosnia. I submit that the President has failed, not because he is not a great salesman, but because he has no product to sell.

What is happening in Bosnia is terrible. Many Members of the Senate have been to the Bosnian region. Every American has seen on television what is happening there and we are all outraged about it. But when you get down to the bottom line, whether we have a vital national security interest in Bosnia, the answer is clearly no.

It seems to me the second question we have to ask ourselves is, "Will our intervention be decisive in promoting the objectives we seek?"

It is one thing to have good intentions and pure motives, but it is another thing to have a plan that would allow you to put those good intentions and pure motives into force.

I see no evidence, whatsoever, to substantiate the claim that our intervention, as a buffer force between warring factions in Bosnia, is going to be decisive in promoting the objective we seek. I have always tried to apply a third test in committing Americans to combat and harm's way, a test which has come about in my own mind because I represent a large State of over 18 million people. Texas has a lot of people in uniform; many people born in other parts of the country have been stationed in Texas at one time or another, and, for myriad reasons, have become citizens of my State.

So when Americans died in the Persian Gulf and when Americans died in Somalia, Texans died. I was called upon to console the parents and spouses of Texans who had made the supreme sacrifice for our country. As a result of this experience, I have concluded that there is one additional question that I need to ask myself before committing Americans to combat and before putting Americans in harm's way. This test goes beyond whether or not we have a vital national interest and it goes beyond the question "Will our intervention be decisive in promoting our interest?" This test concerns my two college-aged sons and it asks "Am I so convinced that we have a vital national security interest in Bosnia, and do I have strong enough belief that our intervention will be decisive in promoting those interests that I would be willing to send one of my own sons?"

Until I can answer that question with a very decisive yes, I cannot feel comfortable in sending someone else's son and someone else's daughter.

We are told by the President that if we do not send troops to Bosnia, that we are going to undermine NATO. I submit, Mr. President, that this is an absurd notion. NATO is a defensive alliance. NATO was established in Western Europe to keep Ivan back from the gate, to keep the Soviet empire out of Western Europe. NATO has been one of the most successful alliances in history, but never, ever—not when NATO was established, and not to this point in its functioning—have we viewed NATO as an alliance which should intervene in civil wars. I submit that this is a change in the mission of NATO. To claim that a defensive security alliance will be undercut if the United States of America does not intervene in a civil war, simply has no merit and no justification. I am also very concerned about the Dole resolution. I am concerned about the fact that in the initial presentation, the President argued that we would be part of a NATO force that, on a neutral basis, would be a buffer between warring factions. My concern, under these initial circumstances, was that the cease-fire would not hold—every other cease-fire in recent history has not held—or that the peace agreement would be broken, something which has happened consistently for over 500 years.

The Dole resolution only increases my concerns by injecting a new element into the mix. Since the President has no exit strategy, and since the President's plan is very specific as to how we get into Bosnia but not very specific as to how we get out, the Dole resolution imposes an exit strategy by having the United States of America take sides in this conflict, by having us arm and train one of the warring factions. I submit, Mr. President, that if we take sides in this conflict, any protection in neutrality that our troops might have had will be lost. If there were to be any security in neutrality for our troops, then agreeing to take sides in the conflict, by arming and training one side, can only serve to further endanger American lives.

Paradoxically, if we were debating not to intervene in Bosnia in a peacekeeping role, but rather to be part of an effort to try to bring a balance in military power by lifting the arms embargo, by bringing the leadership of the Bosnian army to Germany to be trained by Americans, and to have an international effort to supply arms, in all probability I would be supportive of that proposal. But when we take on the role of a neutral peacekeeper, by the very nature of that role, we eliminate our capacity to take sides in the conflict, to be a source of weapons, or to be a source of training. I understand the desire to find an exit strategy, but, quite frankly, I believe the Dole resolution takes a flawed policy and goes one step further by making it more flawed. I intend to vote against the Dole resolution.

Let me raise a concern that I have thought about now since Somalia, and I raise it because, by going back to Somalia, I can divorce this issue from partisanship since it was President Bush who sent troops to Somalia. We could get into an argument about how he sent them there in one role and President Clinton used them in another role, but that is a subtle argument that I am not interested in.

I am very concerned about the fact that we are setting American foreign policy by channel surfing. I am very concerned about the fact that we went to Somalia for one, and only one, reason, and that was because the suffering and misery in Somalia was on television. Similar pictures could have been shown from a dozen other spots on the planet, but when one network decided to highlight Somalia, and when the public saw these pictures politicians in Washington responded by establishing a policy to intervene.

I submit that you cannot, and should not, run our Nation's foreign policy as if it were social work. You cannot always be looking for some good to do around the world. We, even as powerful as we are, and even as the greatest and most powerful nation in the history of the world, cannot fix everything that is broken. We cannot right every wrong. We cannot take unto ourselves the mission of seeking out all human suffering or all injustice on the planet, with the goal that we, through our power, should solve these problems. Quite frankly, we have a lot of problems of our own; we have a lot of human suffering in our own country. But I believe that we made a mistake in Somalia, and I believe that we are making a mistake in Bosnia.

I think in conducting foreign policy, you have to define your vital national security interests first. Then when something in the world threatens those predefined national security interests, you can determine whether or not, given your abilities, you can be decisive in protecting these interests. I think in the Persian Gulf the answer was, yes; our vital national interests were threatened. We had a military dictator who was developing, as we now know and have convincing evidence of, both chemical and nuclear weapons. His invasion of a neighboring country threatened the whole Middle East, it threatened Saudi Arabia, and threatened our ally, Israel. We had a vital national security interest in the Persian

Gulf, and we had the capacity, through our intervention, to be decisive in promoting that interest. This, however, is not the case in Bosnia.

I am very alarmed about this new approach—which is the foundation of foreign policy in the Clinton administration—of viewing foreign policy as simply an extension of social work.

One final point on this subject. The cold war is over. We are debating the powers of the President to use American military power around the world. Virtually everyone in this body has served in the Congress during a period where we were in a life or death struggle. Some of our Members served, not here, but in the service of the country, when that enemy was fascism. Every Member, except the newest Members here, has served in the Congress when we were in a life-and-death twilight struggle with world communism. While that struggle was underway, either against fascism or communism, American intervention around the world as a way of promoting our national interests was the most successful policy of this century—it won the cold war. Under those circumstances, when Ivan was literally at the gate, it made sense to give the President the benefit of the doubt. As a result, we have all conditioned our foreign policy thinking in terms like "partisanship ends at the water's edge."

I submit that this conditioning of our thoughts comes from an era that no longer exists. It was from an era when there was a worldwide struggle for survival underway. I submit that this sort of logic does not apply in this case. Why should the President have more benefit of the doubt while engaging in police activity in Bosnia than he has while engaging in police activity in Cleveland, OH?

I submit that there is no reason to give the President this additional benefit of the doubt. But even if one did, there is no evidence to substantiate the belief that we have a vital national interest at stake nor that our intervention can be decisive in promoting this interest. I am very concerned that, unless we are very lucky, the outcome of this intervention might simply be to add American names to a casualty list, but not to end the tragedy that we all want to see ended.

I am going to vote against the Dole resolution. I am going to vote for the Hutchison resolution, and I am going to vote for the resolution denying funds for the deployment of troops to Bosnia. I believe that we must take the strongest stand possible. I believe that the current plan is a mistake and that it is not a logical way to promote American interests. I do not want to send troops to Bosnia. I know they are going and I understand that the votes are here to assure that the President is going to not only be able to send troops to Bosnia, but also is going to be able to cloak himself in congressional support.

But I want to make it very clear. I do not support this policy. Since stopping funding is the only way to prevent the troops from being sent, I will vote to stop funding. There are those who will say, "Well, then, are you not supporting the troops?" The answer to this is that I am not concerned about the troops doing their job—I know they can and will do what they are ordered to do. I am concerned about the U.S. Congress doing its job. I know that our warriors will do their duty and I know they will serve proudly. I know that if this mission can be made to work then they will make it work. I know that every Member of the Senate and every Member of the House will be supportive of our troops, and I know we will give them the supplies, the weapons, and the support they need. But knowing all of this does not mean that this is not a bad decision which should not be undertaken. I oppose the deployment, and I intend to vote against it.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the legislation before us concerns one of the most important issues the Senate ever considers—whether to send American servicemen and women into danger. The decision to send American troops on this military peace operation is a huge responsibility, and we must weigh it with the greatest care and caution.

President Clinton has demonstrated impressive leadership in achieving the Bosnian peace agreement, to be signed tomorrow in Paris. The United States troops being sent to Bosnia are going there to help implement that peace plan. Because of U.S. leadership so far, they are not going there to fight a war—there is no longer a war to fight. And with U.S. leadership in the year ahead, there is a good chance the war will never resume.

Everything depends on the parties' own commitment to peace. We have given that question very careful consideration in our Armed Services Committee hearings in recent weeks, as well as in consultations with Secretary of Defense Perry, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, and Assistant Secretary of State Holbrooke.

Secretary Perry and Ambassador Holbrooke made very clear that the parties initialed the Dayton peace agreement and will sign the Paris peace agreement because they are tired of war, not because the United States or anyone else imposed it upon them. The parties met painstakingly for 21 days and nights in Dayton and reached a landmark accord to end the 4-year-long war that has plagued all of Bosnia and destroyed much of that country.

President Clinton is now sending United States troops to Bosnia to help all sides implement the peace agreement. Without American leadership, there would have been no agreement, and without American troops to implement the agreement, there will be no peace.

The role of United States forces in Bosnia serves American interests in several ways. Most important, this mission is the only real chance to achieve peace in Bosnia. That peace is essential to prevent a wider war in Europe; a wider war would inevitably involve the United States and with vastly greater risk of casualties. Twice in this century, tens of thousands of Americans have lost their lives in world wars that destroyed much of Europe. Containing such wars before they spiral out of control will save future American lives.

Sending United States troops to Bosnia will also serve the American goal of ending the massacres, ending the ethnic cleansing, and ending all the other atrocities that have claimed a quarter million lives in this war and driven 2 million more people from their homes.

The United States cannot be the world's policeman, and this deployment does not make us one. But our country was founded on respect for human rights, and on a responsibility to help those in need where we can. In this case, we can stand up for those principles by ending a war and helping a war-ravaged nation heal itself.

It is also in the U.S. national interest for NATO to succeed in this mission. This is a clear test-case for NATO. This alliance, created during the cold war to meet cold war threats, faces the massive challenge of reshaping itself to deal with security threats in the post-cold-war era. Meeting the challenge of Bosnia, using military forces to enforce a peace in a local conflict that threatens to escalate into a wider war, is the type of threat that NATO must be able to meet. If the alliance fails the test, it may well not survive. Surely, no one can deny that the vitality of NATO is in America's national interest.

Many of us had hoped that the U.N. peacekeeping force could have dealt with this conflict and produced a lasting peace, but that was not possible. Cease-fires came and went—the only certainty was that the war always resumed.

Now, the United States and NATO face this challenge. NATO air strikes, led by the United States, were the key factor in producing the most recent cease-fire, and NATO forces, led by the United States, will be the key factor in keeping that peace and giving it the chance it needs to take root in the hard, bitter, blood-stained fields of Bosnia.

This is no Gulf of Tonkin resolution blank-check commitment. The military mission is limited and achievable.

The United States and NATO are not assuming open-ended responsibility for peace in Bosnia. That is very important. The mission of the U.S. and NATO forces is to give the people of that divided nation new breathing room, not more breathing room to implement a specific peace plan. There is no commitment by the United States or NATO to nation building or to provide a long-run guarantee of peace. President Clinton has made clear that if the war resumes, he will withdraw our forces. He has also placed an approximate 12-month deadline on our troops' stay in Bosnia.

The war in Bosnia went on too long. The United Nations, the United States and our allies in Europe made many mistakes along the way. The war claimed too many lives, and it often threatened to spread to other nations. But now that all sides in Bosnia have chosen peace themselves, the United States is in a position to lead NATO and over 25 nations from around the globe, including Russia, in an unprecedented effort that is also a limited but clearly needed effort to continue the peace and give it time to stick.

We all recognize that the mission may fail to achieve a lasting peace. But the real failure would be not to try.

I commend President Clinton for his leadership. I commend our brave men and women going to Bosnia to serve American interests and American ideals. We stand behind them, and we wish them a safe and successful mission.

Mr. FEINGOLD. Thank you, Mr. President.

I begin by thanking Senator HUTCHISON and others who are leading the effort on the amendment regarding the disapproval of the deployment of United States ground troops to the Republic of Bosnia and Herzegovina.

Mr. President, on today's local NBC-TV news, it was just simply stated that there would be Senate debate today on Bosnia and that there would be a vote. But then the newscaster said, "But the President does not need congressional approval. The troops are already committed." This statement was made as if it is a simple matter of fact. More accurately stated, as if it is an undisputed point of law rather than the subject of what I believe to be one of the oldest and most important debates in our country's history: The question of whether the President can deploy troops without congressional approval.

I, and several other Members of the body, have said that we do not agree with this notion and that Congress must—must—approve such deployment, whether it be under article I of the Constitution's war-making powers or under the War Powers Resolution or under a more general notion of the checks and balances between the Congress and Executive.

In any event, Mr. President, it is obvious that this institution, this Senate, does not have the will to challenge decades of executive aggrandizement of congressional war powers. This is only the last and most recent chapter of that syndrome. It is certainly not only the act of President Clinton. It has been the act of Presidents of both parties ever since World War II.

So it is with disappointment in, what I consider to be, the falseness of this process that I rise to support the only amendment that allows some semblance of what I believe to be Congress' role in this process, and that is to approve or disapprove the sending of tens of thousands of troops into what is indisputably harm's way.

This notion that Congress has to approve a deployment is not something in my imagination or just a relic of America's past. It is one of the most important opinions that has been expressed throughout American history. I first ran into it as a high school student, when we were involved—in fact, trapped—in the Vietnam war. During my undergraduate years, I followed the debate and passage of the War Powers Act which was designed because of that crisis. I remember well, when I was a little younger, hearing about the very few Senators—a precious few Senators—who stood up and questioned the Gulf of Tonkin resolution. Of course, it was that resolution which let us slip into the quagmire that became known as Vietnam.

But my views on this are not just a throwback to Vietnam or the Gulf of Tonkin resolution, although I think appropriate parallels can be made between how we got into Vietnam and what is happening here with regard to Bosnia. There are several recent serious efforts to look at the role of Congress vis-a-vis the Executive in deploying troops. I am specifically thinking of two which were published this year. In his 1995 book "Presidential Power," Louis Fisher carefully documents the constitutional role of Congress. Mr. Fisher dedicates the book to the republican principle that warmaking is reserved for the legislature, and says "this definition of Executive power"—meaning the prevailing view that seems to dominate our proceedings now—"this definition of Executive power, to send troops anywhere in the world whenever the President likes, would have astonished the framers of the Constitution."

"It would have astonished the framers of the Constitution." Mr. President, it astonishes me today. I fear it is completely out of sync with our national interests, our international interests, and our capacity to make decisions as a nation in this post-cold-war world.

In another book published just this year entitled "A Culture of Difference; Congress' Failure of Leadership in Foreign Policy" by Stephen Weissman, it says: "It is not too much to say that Congress has substantially ceded its fundamental constitutional role in foreign policy."

As a Senator and as a member of the Senate Foreign Relations Committee and as a believer in Congress' role in the constitutional system, it is painful to hear that kind of assessment in 1995. But even more painful is to see this acquiescence and timidity played out in the context of Bosnia.

Late yesterday afternoon, the debate on various resolutions of support for and opposition to the deployment in Bosnia really began. Unfortunately, the resolution of authorization I would have hoped to have voted on will not be presented. In any case, the debate began yesterday afternoon and will conclude later today, with three votes, leaving essentially just 1 day of debate on a subject involving the sending of upward of 20,000 U.S. troops, or perhaps more, into harm's way.

Earlier this year, we spent a month out here on the balanced budget amendment, and I think it was well worth the effort. But just 1 day or 1½ day on the commitment of U.S. ground troops seems to me to be insufficient.

I have listened to just about all of the statements that several Senators have made since last night, either here or on the television. When I was listening, I heard mostly Republican Senators speaking in opposition to the deployment. And, although I do not agree with the conclusions, I was especially interested and impressed with the remarks of the Senator from Maine, Senator COHEN. I appreciated several things he said.

The first point he made is that President Clinton is not doing this for political reasons; that President Clinton is sincere in his motives. I believe that, too. I believe he is doing this, not to get votes, but because he believes it is the right thing to do. It is essential that we say that because there are those—including people who agree with me on this issue—who have suggested otherwise. I strongly believe the President, in his heart, believes this is the right thing to do, and that's why he's doing it.

I also appreciate what the Senator from Maine said, in candor, about the importance of the debate about constitutional power. He said it is important to resolve the issue of what is the role of Congress and what is the role of the Executive in deploying troops overseas. But then he quickly conceded that it is not going to be resolved on this one.

Do you know what, Mr. President? I have been here 3 years and we have already struggled with troop deployments in Somalia, Haiti, Rwanda, and Bosnia. That is an awful lot of intervention in just a few years when we do not even have an enemy like the Soviet Union threatening us. Yet on each occasion I have heard Senators say, "We have to do something about this, but it

is not going to be resolved on this one."

To refer to Senator COHEN's statements again, I want to echo his observation that what is at stake here is not really just that the President has tried to assert warmaking powers. The fact is, Congress has not done its job of using our power either as an institution, as the U.S. Congress, to exert our war powers. In fact, Senator COHEN used the phrase from the law, "possession is 90 percent of ownership," which, in effect, means you have to use the power or it goes away.

I remember a scene from the television show "Dallas," years ago, portraying a much more mundane expression of this same concept. It was the episode where the senior Ewing, Jock, was confronting his son, Bobby, who was complaining about his brother J.R. Ewing taking control of the oil company. Bobby said, "Daddy, you gave me the oil company." But Jock said, "Son, nobody can give you real power. You have to take it."

That is what Congress must do with regard to the war power: it must take the powers that the framers intended for it and use them. Here we have allowed the President of the United States to commit 20,000 or 25,000 troops without even having a binding vote on it.

What do the Members of the Senate who support the deployment say? They say, "The President should not have done it, but it is too late. He is the President. War Powers Act does not work." Even more puzzling, I've heard, "We have to get this thing done today because the peace treaty will be signed tomorrow." These are the excuses that are being used for not exercising our constitutional role of approving or disapproving this action.

We have been presented a fait accompli, a done deal. As was said by several Republican members at the Senate Foreign Relations Committee hearing last week, this is really a situation where we are being asked to participate in what is a pseudo-decision-making process, where the decision was already made a long time ago in the back rooms of the White House and within NATO, and maybe even in some of the back rooms of this building. That does not take away from the sincerity of the people who came to such understandings, but it does represent an affront to Congress. In effect, the Senate, in its constitutional role, is being co-opted here. The fix has been in for a long time.

Again, it is not really just the President's fault. It is Congress' failure to challenge and insist on a procedure whereby there is a true, organized debate, involving public participation, and culminating in a vote that the public will understand to mean that if we say it is a good thing to do, it will happen, and if we say it is not a good thing to do, at least there will be a serious consideration on the part of the Executive that it should not go forward.

But that is not what we have here. Senator COHEN pointed out, the Executive should seek a real vote on this mission, if for no other reason than the President and all of us may need—down the road as this operation goes forward and the going gets tough—we may need that understanding and public support which cannot be generated in this context.

That is why I introduced, on October 20, Senate Resolution 187. It simply says, "It is the sense of the Senate that Congress should vote on a measure regarding deployment of U.S. Armed Forces in the Republic of Bosnia and Herzegovina as a part of the implementation force as part of the North Atlantic Treaty Organization prior to the United States entering into a commitment to carry out such deployment." That is the sort of resolution that I would have hoped would have gone through this body before the treaty was signed.

Another step we should have taken was to lift the UN arms embargo against the Republic of Bosnia and Herzegovina. I was the first Member of the 103d Congress, as a new freshman Senator, to introduce a resolution calling for lifting the arms embargo. I am certainly not the only one who has advocated that, but I was involved early on, and was pleased to work with Senator DOLE who played a great leadership role later on.

But I must say, for the leader of this body to suggest that the President failed to lift the arms embargo and that Congress did everything it could do is false. We voted to lift the arms embargo, on S. 21, on July 26, by a vote of 69 to 29; theoretically veto proof. I know the President might have called a few of us and tried to get his numbers up, but where was the attempt to override this veto on the floor of the Senate?

Where was Congress in saying we will exert our role and—although we must defer to the President on foreign policy, in many cases—where were we to say that this one was different? Instead, I feel some of the leadership is trying to have it both ways, saying we do not want to confront the President, and that we support him; saying we support the troops, but we did not support the deployment. This is a masterful way to try to have it all ways. I think Senator BROWN had it right last night. The more truthful characterization of what is going on here is we are ducking our responsibility. I am very concerned about the process. Mr. President, assuming the vote today really was going to decide whether these troops are going to go or not, I'd like to address the merits, briefly, because I know many other Senators wish to speak. I believe that the United States has a very important interest in Europe—very important. But I am not convinced that we need United States ground troops in Bosnia to protect those interests for us or for Europe. I think the European countries certainly could provide all the ground troops in this case.

The list of issues and concerns about this operation are a mile long, whether it be the commitment of troops for just 1 year, or the challenges of the terrain, or to tie in the rationality of this approach with the discrepancy between the arms of the different sides. They are all important issues that have been raised. But, to me, to just come on the floor of the Senate and hear people say it is all about U.S. leadership or European stability, really does not tell me anything. I am not sure what those terms mean in the post-cold-war era. Why cannot the U.S. leadership in this context be defined as air power, naval power, intelligence, resources? Why does the definition inherently have to include the deployment of ground troops? I do not think ground force is inherent in the term "leadership," especially for a country that has shown such leadership already and will continue to show leadership throughout the world.

In my mind, ground troops indicate an ultimate physical threat to the United States. What is the ultimate physical threat to the United States that requires the sacrifice of American lives in this case? Is it a threat to Europe? Is it refugees on our doorstep? Is it just the pictures on CNN? I will show you pictures from Liberia, Angola, and East Timor and they are the same or worse. There is a very strong justification to stop the horror in those places as well with American troops.

When we look to our European allies in this case, I am not sure whether this is a question of whether we are leading. I am not so sure we are not just being led when it comes to being forced to put our ground troops in to the tune of a third of the I-For forces. As far as I understand, the possibility of not committing U.S. troops was not even seriously discussed during the negotiations in Dayton.

Again, we have to be cautious about analogies. People ask me if this is like the Persian Gulf or Vietnam. I want to be careful, but I guess I would have to say it is a lot more like Vietnam than the Persian Gulf.

Senator SMITH spoke last night, as a Vietnam veteran, about the justification for the process of the Vietnamization in Vietnam, and made the parallel that much of the language and things being discussed for the Bosnia mission are not unlike the extremely unsuccessful effort with the Vietnamization of South Vietnam during the Vietnam war. We must learn the lessons of history. I think there are very serious lessons from that quagmire.

Also, how does this effort fit in with our main goal of this Congress to balance the budget? We are having a terrible time trying to prevent severe damage to our important domestic programs and to balance the budget. Yet we have already had a $7 billion expense on the Bosnia deal—$7 billion, I say, because the President was determined to veto the defense appropriations increase of $7 billion until this proposal came down the road. I call that $7 billion the opening ante in Bosnia. I think it is going to cost a lot more.

Mr. President, I also worry about whether or not this intervention would have so much support if we still had the draft. I have always believed that it was good to have a volunteer Army, but I remember the Vietnam era, and I remember the people from all classes of society and all backgrounds who started to question the war because everybody's kid could possibly go to Vietnam. That is not what is going on here.

Have we thought about the economic status, the racial status, the ethnic status of the people who are more likely than others to die in Bosnia? It worries me. It worries me that we are not learning these lessons of history from that period either.

Finally, Mr. President, I think we have to ask the question in the post-cold-war era: What are the limits of American power? We are the most powerful country in the world, and we certainly want to stay there. But there are limits.

I remember the discussion years ago of the danger that we may try to create or enforce a Pax Americana, as Rome tried to do with a Pax Romana. Rome became overextended and ultimately could not withstand the strain on their own internal well-being.

I think this action—which, to me, is the first step toward our attempting to police the world—threatens our own national security. We need a new foreign policy that reflects post-cold-war realities, including our vital interests and our domestic needs.

Mr. President, I finish by simply saying that in addition to the fact that we are not following a constitutional procedure which could strengthen us in this kind of commitment, by not avoiding the deployment of ground troops we also run the risk of sapping America's strength from within.

So, regretfully, I have to oppose the President on this, which means I will support the Hutchison amendment, and oppose the Dole resolution in support of the deployment.

I thank the Chair. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, earlier this week we had a debate on what it means to support the flag. Now we are voting to stand behind that flag—and that means voting to support our troops.

No American ever wants to send our troops into harms way. Certainly no one wants to do this days before Christmas.

All over this country, and as our troops are doing abroad, families are planning for the happiest time of the year. They are visiting family, trimming trees, and singing Christmas carols.

But instead, as for our troops in Germany, they are planning to spend a year away from loved ones. And they are preparing for the risks that are part of any military mission.

After consultation with the President, the Vice President, the Vice President, the Chairman of the Joint Chiefs of Staff, and our Ambassador to the United Nations. And after prayerful reflection—I am voting to do just that.

Why? Because after 4 bloody years, the people of Bosnia have decided to give peace a chance. Only NATO can enforce this peace. But without the United States, NATO cannot and will not enforce the peace.

The fighting will continue. The savagery could continue. Mass murders and rapes could continue, and ethnic cleansing will continue unless NATO and the United States involvement takes place. Older people and children will continue to be pushed from their homes, but lights will go out once again in Sarajevo, and the lights will go out for any peace, or any possibility of peace.

But even as I say this, I want to speak directly, if I can, to the troops and to their families. I want them to know that I would not support this vote unless there was a specific, focused, and limited mission. Over and over again at every meeting I have spoken out for the fact that there must be clear criteria for going in and clear criteria for getting out.

Those are the questions that I asked the President and the Vice President—not what will send our troops there, but what will bring them back home. They gave me these following answers, and I shared this with the military, with our troops, and I share this with the families all over the United States of America who are watching what I think is a debate of great stability.

What we have been told—and I believe—is that the U.S. military, first of all, will only go if all sides agree to abide by the peace agreement. No peace agreement, no troops. No peace agreement, no troops. When our troops go, it is to create the climate for the Bosnians, all parties in Bosnia will take hold and make peace among themselves. We are to create the framework and the climate. If that dissolves, we are going to pull out.

Our troops will have these criteria for leaving as soon as the following things are accomplished: The cessation of hostilities; creation of a zone of separation; and the return by the Bosnians of the Serbian-Croatian troops and weapons to their home bases.

You, our men and women of the military, will be there to enforce the peace, not to rebuild Bosnia. But while you are enforcing the peace, the international community will provide humanitarian aid, resettle refugees, oversee elections, and also that there needs to be a military balance created between the Bosnians and the Serbs.

I would not vote to send those troops unless I was assured that they had received excellent training, the best equipment in the world, the best technology to find landmines and the right to use every means possible to defend themselves, and also that they would serve under an American commander.

To our troops, I want to say, you will not be alone. Over 25 nations will participate. They will be sharing the burden also of the risk as well as the financial one. Our oldest NATO allies, England and France, as well as new democracies like Poland, will be there—the countries that you helped liberate by winning the cold war. The Congress must back you. I believe that Congress will back you. And I know as always the American people will support you.

I would not vote to send you if your mission was not essential and honorable. Your mission is essential because without you, there will not be peace or stability in Europe. Without you, NATO, the world's strongest military alliance, would be destroyed. Without you, I am concerned the war in Europe might spread to Macedonia and Albania. It could bring Greece and Turkey into this situation.

Your mission is honorable because you are crucial to stopping the bloodshed in Bosnia. The people of Bosnia have endured misery, suffering, and brutality; 250,000 people died in this war. Families and communities, cities have been ravaged. Children were killed as they played. Old people were killed as they shopped for food. Hospitals were attacked as they tried to care for the wounded. War crimes that remind us of the Second World War were committed. We are asking you not to do this for some abstraction like NATO or Bosnia. Actually, we are asking you to do this for the people of Bosnia, for families that are just like yours, for children just like yours, for a child that I met named Zlata, a 9-year-old girl who keeps a diary and speaks to the world. They call her the Anne Frank of Sarajevo. Because of you, she will have a far better fate than Anne Frank endured. She is a child who tried to tell the world the suffering the war has caused and a child we hope we keep in our mind as we go forth in this mission.

So to you, the American troops, while you train for war, you will be

there to enforce the peace. The American people greatly appreciate you and are grateful for your heroic sacrifice. We thank you for taking the risk so that others could have the opportunity to give peace a chance. We thank you for being there when you are needed. I say to you as we vote on this, may the grace of God be with you and protect you as you go forward to protect us.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

Mr. CRAIG. Mr. President, Congress will respond today to President Clinton's decision to deploy United States troops in the former Yugoslavia as part of the Bosnia peace accord that was negotiated and initialed in Dayton, OH, and which will soon be signed in Paris.

President Clinton has articulated his policy to all of us, to the citizens of this country, and has now requested congressional support. Yet even as our troops are headed to Bosnia, the President has, in my opinion, failed to supply a defined goal or mission, strategy for achieving the goal, an exit strategy and/or the national and security interests of our country.

The President has raised three concerns to justify U.S. participation in implementing the peace accord: The potential spread of conflict throughout Europe, our leadership in NATO and international communities, and the need to end the carnage in the Balkans.

I do not question the concerns raised by our Commander in Chief. All of them have some degree of legitimacy. Mr. President, we would all like to respond to what we will refer to as the moral imperative President Clinton and others continue to emphasize as it relates to the devastation and the human suffering that has gone on in the Balkans and has left us all a tremendous feeling of frustration to which many Senators, including myself, have come to the floor of this Senate over the last 3 years to speak.

These feelings are not new. Four years ago, I was contacted by a Croatian-American constituent of mine when the conflict first raged between the Serbs and Croatians. This gentleman is a friend who was concerned, maintaining contact with my office, and his fears and frustrations were all very real to me, as all of us have experienced that with some of our constituents.

The moral imperative existed then. However, then, like now, our options for involvement, in my opinion, were very limited, and we still face the fundamental difficulty of trying to make the peace a greater victory than winning the war. While we all understand and agree with the moral imperative, we have yet to hear why this action would serve our national interests and our security needs.

I have listened to the President's proposal as presented by his representatives, and I have listened to my fellow Idahoans. I have read and I have reviewed the agreement and the proposed deployment. My conclusion is this: the answers I have been seeking such as defined goal, exit strategy, national security interests, have not been satisfied—not just to this Senator but to the American people.

Therefore, I am pleased to join my colleagues, Senator HUTCHISON, Senator INHOFE, and others, in offering an amendment to oppose this President's actions. Let me be clear, Mr. President, so that there is no effort to cloud what is being debated here. I oppose the President's decision to deploy our troops. I will, however, as I always have, support our troops if they are ordered by our Commander in Chief to implement a Bosnian peace agreement. I will not allow our brave men and women to become pawns in what I believe is rapidly becoming a high-stakes political game.

I find it ironic that as the Senate prepares to vote on United States ground forces in Bosnia, the Serbians there will be exercising their own voice as they have been in an unofficial referendum to vote on the peace agreement. I also find it ironic that we in the Senate conclude a historic vote on protecting the honor and the sanctity of our national symbol, the United States flag, while it is being trampled, torn and burned in the streets where our soldiers will be sent to make the peace. I think this Senate and this Congress has to explain to the American people why they cannot express a clear and strong opposition to our President.

The debate on the President's plan to deploy U.S. troops as peacekeepers to Bosnia is not a new debate but the continuation of a long and ongoing one over the President's desire to deploy ground forces in the Balkans. The Congress has spoken in opposition to this idea in the past, and I hope we will speak clearly on this issue again today. That argument is one that must be clarified for the American people.

I know of no other time when my constituents in Idaho have spoken more clearly to me.

Last weekend as I walked across the Boise airport, a crowd gathered around me as one man reached out and grabbed hold of my arm and said, "Senator, I have to talk to you for a moment. You," he said, meaning me, "cannot allow this President to put our young men and women at risk when there is no defined need to lose human life. We are not at risk nor is our security."

While this man and others in that crowd were clearly concerned about the loss of human life in the former Yugoslavia, they could not justify the spilling of American blood to stabilize that situation when this Congress stood on an arms embargo and tried to express our will, and this President refused; and we refused as a nation then to allow that kind of equity to exist.

The more I review the information on the agreement in the proposed peace mission, the stronger my concerns have become. As part of this agreement, our President, our Commander in Chief, will be deploying U.S. troops into extremely rugged terrain during the middle of what appears to be a very severe winter. In addition to poor conditions and freezing temperatures, there is the problem of about 3 million land mines that exist within the sector assigned to the American forces.

Mr. President, as my fellow Idahoans and I know, winter in the mountains can be demanding at best. The area where our troops will be is like an area in Idaho that we call Stanley. And I will tell you that in Stanley, ID, in December and January, if you are living in a tent, you are challenged as would be the most extremely capable survivalist. And that does not include the snipers, the civil disorder, or the land mines. I suggest that we are sending our troops into a most difficult situation.

During the December 1 hearings before the Senate Foreign Relations Committee, even the Secretary of Defense, William Perry, underlined the difficulties facing our troops. In addition to the snipers and the civil disorder, they include extreme elements of undisciplined militia and the hostiles that are there.

The dissatisfaction of some Serbian factions should not be taken lightly. There is a strong likelihood that our troops will be challenged, even attacked, in carrying out their mission of peace. How in that effort can it be called peace other than engaging us in an ongoing war? Yet we are continually told that our men and women are not going to fight a war, they are simply going to keep a peace.

In these conditions, Mr. President, the lines are so gray that they are no longer discernible. I believe this President cannot clarify them, nor can he define them. I have opposed the use of ground forces in Bosnia in the past. And I will continue to oppose that policy today.

It is most frustrating that the use of American ground troops is not the only option at hand. I am frustrated that the President has refused to lift what I viewed was an illegal arms embargo on Bosnia and Herzegovina. I have strongly supported the efforts of the majority leader and others in a very strong bipartisan voice on this floor to pursue the best policy options in a difficult situation. And one of the best policy options was to lift the illegal arms embargo on Bosnia and Herzegovina. It would not have caused us to take sides. It would have simply allowed fair play and the right of self-defense in those circumstances.

The last vote on this issue occurred as recently as July of this year. At that time, Mr. President, I asked how many bills will be passed, how many U.N. resolutions presented, how many cease-fire agreements will be broken before the people of Bosnia and Herzegovina will be allowed to stand against their aggressors and defend themselves?

Mr. President, there is ample reason to question the enforcement of the 1991 embargo against Bosnia in the first place. The embargo was not imposed on Bosnia, because Bosnia did not exist in 1991. Rather, it was imposed on Yugoslavia. In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. Charter.

Many Americans hoped that the passage of S. 21 would end the arms embargo and finally allow the Bosnian Moslems the right of self-defense. With rough parity in this conflict that might have happened, a lasting peace agreement would be far more likely than the kind that we are stumbling into. Instead, we have a very unequal situation going into the implementation phase of a peace agreement that at best could erupt into major fighting with our forces being squarely in the middle of it all.

Mr. President, I will just add, the United States did not need to do anything. Well, I think that is not true. We have done a great deal in the past 3 years. We have provided the support, the air cover, the naval logistics, all that we needed to do as a participating member of NATO.

It is now time for us to define much more clearly our role in foreign policy around the world. I would suggest to this President that every time we are called upon or led into a skirmish, deployment of our ground troops are not necessarily a demonstration of leadership. To lead means to try to solve it by alternative means. In this instance, I think the President has failed, and in failing, he risks now the loss of American life in a very tragic situation.

So I hope that we could support a strong voice today. I think the American people expect us to lead on these issues. I think they expect us to speak out as strongly as we can. And I hope that we can oppose today, with our vote, the President's deployment of United States ground forces in the former Yugoslavia.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, later today the President of the United States will leave for Paris to participate in a historic event, the signing of an agreement which will open the door to peace in the Balkans. Think about it, Mr. President.

The year 1995. Think about the conflict in the Balkans that marked the beginning of this century and how it was left to run wild, leading to World War I and in some ways leading to the imbalance and incompletion of that war that ultimately led to World War II.

The year 1995. Conflict breaks out in the Balkans, and today the President of the United States is leaving for Paris to participate in the signing of an agreement which opens the door to peace in the Balkans, which implements, as my friend and colleague from New York, Senator MOYNIHAN, has said and hopefully will say again, some basic tenets of international law.

Mr. President, much has been said in the last month about the role the United States played, first, in bringing the parties to the negotiating table, and second, in hammering out a complicated agreement which all the warring parties would be willing to sign and, most importantly, would be willing to live with. Much has also been said about the role the United States must continue to play if this agreement is going to have a chance of bringing the benefits of peace to the people of Bosnia, stability to Europe, and increased security to the world.

So, Mr. President, I would say that this is another one of those historic days in the life of the U.S. Senate. It is one of those defining moments in our history. Most of us in the Senate today faced a similar situation on January 12, 1991, when we stood to vote for or against authorizing President Bush to use American military forces in a war in the Persian Gulf. That situation in fact was very different from the situation we face today.

There, on January 12, 1991, the President had already committed a half million American military personnel to the gulf region, within range of Iraqi Scuds. There the war the President was about to engage in would find American forces facing a dug-in, fortified Iraqi force, fighting a war. And casualty estimates stated on this floor and elsewhere went as high as the thousands.

Here we are being asked to support, not a war, not to send our troops into war, but to send them on a mission of peace, to implement and monitor the peace that the parties to the war want as opposed to fighting as we did in the gulf war an untractable, unyielding enemy.

And remember, though the forces that fought in Desert Storm were international, they were primarily American. Here, on this peacekeeping mission, two-thirds of the implementation force will be non-American; one-third will be American.

Many of my colleagues believed that the best course of action in the early days of 1991 was to allow economic sanctions to continue to bite at Saddam and so did not vote for the authorizing resolution which Senator WARNER and I offered.

I understand the sincerity of that position. But the Senate did support President Bush on January 12 and voted 52 to 47 for Senate Joint Resolution 2 which stated, and I quote:

> The President is authorized . . . to use United States Armed Forces. . . .

While 47 Members of this body did not vote for that resolution, let us not forget that when the President exercised this authority and ordered Desert Storm to begin, every Senator, and I daresay every American, supported our troops and the President of the United States. And I hope and sincerely believe this will be the conclusion of our discussions and deliberations and votes this week with regard to the mission our troops are going to carry out in Bosnia.

Mr. President, the debate we have heard over the past days and weeks has been a good one, a thorough one, a sincere one. We have had numerous opportunities, as Members of the Senate, to hear directly from the President of the United States, the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, the President's National Security Adviser, Ambassador Holbrooke who negotiated the agreement, and a variety of former Government officials, academics, and thinkers.

The administration has, in my view, gone to extraordinary lengths throughout the negotiations and afterward to consult with Congress and to provide us ample opportunity to ask questions and to express our views. And so we find ourselves now, in the week when the Dayton agreement is to be signed by the warring parties. In the days following the signing, U.S. forces and those of our allies in NATO and 16 other non-NATO countries will move into the region to implement the peace which has been agreed to.

These forces go not to impose a peace on unwilling participants, they go because the parties to the conflict asked them to go. They go because the world community, acting as a result of American leadership and through the mighty force of NATO, finally struck from the air to bring some pain to the aggressors, aided by an increasingly strong ground force of the federation of Bosnians and Croatians.

Our troops will go because the parties to the conflict are fed up with the killing and slaughter, the deprivation and denial of their right to live in peace and civility, and they have asked us to come in and give them a chance to make this peace work.

They have asked us to come in, in the case of the Serbs, because of the effectiveness of the economic sanctions the world community imposed on the government in Belgrade and on the former Yugoslavia, on Serbia and Montenegro. That is a point worth noting. People criticize economic sanctions and say they are irrelevant, they

are useless, they are wrong. They worked here. That, as much as the failure, the increasing opposition that Serbian forces were facing in Bosnia certainly brought Mr. Milosevic to the peace table.

Mr. President, we have been briefed on the missions which our military forces will perform. We have reviewed the rules of engagement which will be followed by our forces. We have seen the nature of the force which we will be sending to the region. And we can conclude with some confidence from all of this that the highly trained, heavily armed professional force of volunteer soldiers, sailors, marines, and airmen we are sending will be able to do their assigned military missions within a reasonable time, and they will carry out this operation successfully.

The operation is not without risk. No one in the administration has said otherwise. None of us who support the deployment of American troops to Bosnia to implement this peace has said otherwise. No one in this administration or this Congress is eager to send our forces to a place where A some of these brave young men and women might be injured or, God forbid, killed. But I believe that with their training, the best in the world, their professionalism, the finest in the world, their sense of service and duty which impelled them to volunteer, their numbers and composition, the limited scope of their mission, the flexibility and robustness of their rules of engagement—which basically means that if these troops are threatened in any way, they will respond with overwhelming force.

Remember what happened in Haiti when American troops there were challenged at that police station. They responded with overwhelming force and were essentially never challenged again in Haiti. All of this provides as much safety as one can hope for when a military force is deployed to what was, until recently, a combat zone.

Of course, all Americans will be praying for the safety of our forces in the days and months ahead. All of us will understand and empathize with them and their families as they see Christmas, Hanukkah, and New Year's come and go separated from their loved ones and their friends. But these concerns, as real and deep as they are, are not sufficient reason to decide not to send our military to perform this important mission: To bring peace to Bosnia, to bring a greater level of assurance that there will be stability in Europe and in the former Soviet Union, to revive NATO, to reestablish at an ever higher level the strength and leadership of the United States of America.

For the first time in nearly 4 years, the people of Bosnia—who have engaged the minds and hearts of every one of us in this Chamber as we watched their suffering, as we watched them be the victims of aggression and genocide—for the first time in nearly 4 years, these people in Bosnia can see a ray of hope for their future, they can picture a day without running from snipers or praying that mortar rounds do not land in the marketplace while they are shopping with their children, or land on the snowy hills where their children go to sled and to act like children rather than targets for the irresponsible cowards who have fired on them now for 3 or 4 years.

Mr. President, we do not have the luxury of turning back the clock to a time when we might have done something other than sending our troops to serve on the ground as peacekeepers in Bosnia. As you know, in the past 4 years, I have spoken on the floor numerous times, joining with colleagues of both parties, in calling for a lifting of the arms embargo which was immoral, as the Senator from Idaho said before me. It was immoral, it was illegal, it was outrageous to deny a people the right they are given under the U.N. Charter, let alone and what might be referred to as natural law, to defend themselves and their families and their country.

So I, and others here, finally a strong bipartisan majority, called for a lifting of the arms embargo against the Government of Bosnia and Herzegovina and the conduct of airstrikes by NATO forces, to try to create some balance of force on the ground, to try to deter the aggressors, those who were committing genocide.

Finally, this summer, thanks in large measure to American leadership after the fall of Srebrenica which led to a slaughter of thousands of men and boys buried in mass graves, finally NATO struck at the Bosnian Serb aggressors from the air.

I will not go into all the what ifs which fill the minds of many of us.

I wish we had followed a strategy of lift and strike long ago. Had we done so, there might well have been an end to the killing before now. But let me say, Mr. President, in supporting the lift and strike strategy, I never thought it was a substitute for an ultimate peacekeeping force. At its best, I believed that the lift and strike strategy would create that balance of force on the ground that would bring the parties to the peace table—exactly what has happened now. I believe if we had implemented that policy earlier, we would have brought them to the peace table earlier because we would have removed from the aggressors, particularly, the motivation to continue to fight. But I have always felt that when they got to the peace table, if they could agree on the peace, there would be a need for an international peacekeeping force. That is where we are now.

Mr. President, it was important to many of us that on the day after the Dayton agreement was signed, the United Nations acted with the force of international law to lift the arms embargo—the goal so many of us in this Chamber had for so many years. In some ways, I regret that in the excitement over the Dayton agreement, and the questions raised about it, that extraordinary act did not receive sufficient attention and appreciation. The fact is that we have acted now. Thanks to American leadership, the parties came to the negotiating table and agreed to an extensive peace treaty; and tomorrow they will sign that treaty in Paris.

We have brought the parties this far. It is American leadership, joined with our allies in NATO and Europe, and impelled by the will of the combatants in the field themselves that have brought us this far. We cannot abandon these people or the cause of peace now. Nor can we abandon our allies in NATO who are sending their forces in to implement this agreement.

The President made it clear that he is prepared to send our forces, with or without the support of Congress, just as President Bush correctly made clear in 1990 and 1991 that he would send the United States' forces to the gulf war, even if Congress did not support his efforts. You come to a point where decisions and judgments of this kind cannot be made by 535 Members of Congress. That is what we elect Presidents for. In this case, I think President Clinton has demonstrated the leadership and courage we expect of our Presidents, just as President Bush before him did in the gulf war.

When we speak of defining moments in history, post-cold war, this decision will stand alongside the decision in the gulf war, as a marker as to where we would go and the extent to which the forces of Western civilization—particularly regarding Europe—were joined together to stop conflict and deter war.

Now it is this Senate's turn to demonstrate courage and leadership. Now it is this Senate's turn to support, in very clear terms, both the American troops, who will be on the ground, and the policy which has, at last, brought us to the point where the Bosnian Prime Minister Haris Silajdzic, could tell me last week when he was in Washington, "We are an inch from peace. Do not abandon us now when we are this close."

So, Mr. President, we have three choices before us. First is the resolution that comes from the House, which would effectively cut off funding for any peacekeeping operation by American forces in Bosnia.

Second, we have the amendment cosponsored by the Senator from Texas and the Senator from Oklahoma, which supports the troops but opposes the mission.

Third, we have what is now described as the Dole-McCain resolution, offered by the distinguished majority leader

and the Senator from Arizona—but I am sure it will be a bipartisan resolution when it comes to a vote—which offers support for the mission and the troops, the support contingent on terms that are stated in the resolution that the President has agreed to.

Mr. President, I want to speak for a moment about the language of the resolution offered by Senator HUTCHISON and Senator INHOFE, which "opposes President Clinton's decision to deploy United States military ground forces." Yet, it says that "the Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement."

Mr. President, it is my sincere belief—and I say this with the greatest regard for my colleagues who are sponsoring this resolution—that we cannot support the troops and oppose their mission. I remember the words from the Bible, "For if the sound of the trumpet be uncertain, who will follow into battle?"

Mr. President, the Hutchison-Inhofe resolution, with all respect, sounds a very weak and uncertain trumpet. Of course, we support our troops. No one ever doubted that. But how can we claim to both support the troops and oppose the mission"? How would we feel if we were in uniform, heading to Bosnia, and the Congress of the United States says, "Well, we are behind you, folks, but we do not support your mission"? I would not feel secure. I would not feel I had the support that I would want to have for my country going into a peacekeeping mission in a potentially dangerous zone, which the Commander in Chief has decided to send me into. I would want to see a closing of ranks in the same way that occurred at the time of the gulf war, to receive strong support, the kind of support that is involved and stated in the Dole-McCain resolution.

The Hutchison-Inhofe resolution, in my opinion, sends a muddled message to every one of our troops, to their loved ones back home and, most worrisome, to those in Bosnia who would like to see this framework wrecked by keeping the United States and NATO forces out of Bosnia.

To say that this Congress opposes the decision, the mission to deploy our forces, tells the war criminals in Pale and the rogues and terrorists in Bosnia who do not want peace and want the United States and the international implementation force out of Bosnia, that they can work their mischief against American forces, and because this Congress does not support the mission, this Congress may well pull the rug out from under the President and the troops and try to force him to withdraw those forces if damage is done to the troops by these rogue elements in Bosnia.

I am very concerned about this possibility. I know it is not the intention of the sponsors of the resolution. But, frankly, I do not see how we can have it both ways. I do not see how we can support the troops and say we are supporting them if we so clearly oppose their mission.

The Dole-McCain resolution offers a very thoughtful and credible alternative. It is not, to put it succinctly, a statement of unconditional support for the decision the President has made, but it is support for the mission. As one of the witnesses before our Senate Armed Services Committee said last week, the question now is not whether the commitment to send American forces to be part of this international implementation force should have been made—that is history and is done—the question now is whether we will honor that commitment, and that is what the Dole-McCain resolution offers us the opportunity to do. Many of my colleagues have come to the floor in recent weeks and spoken of their concerns about the danger associated with the terrorist, rogue, unreconciled Bosnian Serb groups and what harm they may do to our forces. But why, then, would we want to do anything which will give them hope that they can sabotage this peace effort of which American forces are so critical a part? This is a time to close ranks. This is a time to go back to the great moments in our history—obviously through the world wars, but then afterward as well.

We associate the ultimate in this with the Truman-Vandenberg relationship, but it has happened throughout the cold war and continued through Operation Desert Storm. To close ranks, to honor the commitment that is made, understanding, as the Dole-McCain resolution says clearly, that it is in the interests of the United States to preserve American credibility, that it is, in the words of this resolution, a strategic interest.

In that regard, I was very honored to receive yesterday a letter, which I suspect many of my other colleagues received, from retired Gen. Andrew Goodpaster, a former Supreme Allied Commander in Europe, respected soldier, statesman, and patriot. General Goodpaster signed the letter on behalf of five other retired general flag officers: Gen. Michael Davison, Gen. Walter Kerwin, Gen. William SMITH, Adm. Harry Train, and Lt. General William McCaffrey.

Here is a sentence from that letter from General Goodpaster and the others:

> As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be . . . [and to all others as well] that our country is giving them its full backing . . .

But listen to the final words of this sentence. Not just full backing—

> . . . its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

Mr. President, I ask unanimous consent a copy of this letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, for all these reasons I will vote against the Hutchison-Inhofe resolution, and I urge my colleagues to do so as well. Frankly, if people oppose this mission I think the choice is really to step up to the plate and vote for the first resolution from the House to cut off funding. But to oppose the mission and support the troops I respectfully do not think works. I do not think it goes together.

Again, the Dole resolution speaks in thoughtful and supportive terms. The Congress, it says, "unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina." I am quoting from the latest draft of that Dole-McCain resolution. And I continue:

> . . . and [the Congress] believes they [the troops] must be given all necessary resources and support to carry out their mission and ensure their security.

It goes further, as I suggested earlier, to offer support for the President's commitment, to offer support for the mission based on the fulfillment of certain conditions in carrying out that mission. Again I say, the President has accepted those conditions. The resolution particularly includes language which expresses the high priority that so many us in this Chamber, led by the distinguished majority leader, have given to the issue of equipping and training the forces of the Bosnian Federation.

I am pleased the President has now sent the majority a letter on this subject, dated December 10, in which he said:

> We believe establishing a stable military balance within Bosnia by the time the implementation force leaves is important to preventing the war from resuming and to facilitate IFOR's departure. We have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Mr. President, I have raised this question of equipping and training the Bosnian Government with the President personally and with members of the administration on a number of occasions, as have other Members of the Senate and members of the Senate Armed Services Committee particularly, and the assurances we have received are strong and clear and unequivocal. This administration, in supporting the Dayton peace treaty which finally led to the lifting of the immoral, illegal arms embargo, is going

one step further. This administration is committed to leading the coordination of the international effort to arm, equip and train the Bosnian forces so that they will be able to protect their families, their cities, and their nation, and deter aggression by a stronger neighbor, which, as Secretary Perry said in marvelous words, was "a causative factor" of the war in Bosnia. The imbalance of forces was "a causative factor," Secretary Perry's words, in the outbreak of war in Bosnia. We want to eliminate that causative factor.

So, between the assurances we have received from the administration orally and in writing, including the letter the President has sent us and the requirement stated in the Dole-McCain resolution, I am confident that the Bosnian forces will be equipped and trained to their satisfaction.

In fact, when Prime Minister Silajdzic visited the Capitol a week ago, I asked him specifically if he was satisfied with the commitment that was made to him and the other leaders of Bosnia at Dayton before they signed the peace treaty, and he said yes. In fact, he made it very clear that he, frankly, did not care whether it was United States forces who did the equipping and training or it was third parties, so long as his people were provided the means to defend themselves if the need should arise after the implementation force leaves Bosnia. And he said, deeply, he was confident that that would be the case thanks to American leadership and support.

So we come to the time of voting today. We, in the Senate, have an opportunity with our vote on these three pending resolutions to tell our men and women in uniform, to tell the governments which have signed the Dayton accords and all that might want to do harm to our forces once they arrive in Bosnia, that we will stand behind our military and behind our President as he executes his foreign policy responsibilities in Bosnia, whether or not we think the original commitment was wise.

We have the opportunity to avoid instability in Europe which twice in this century has drawn us into dreadful wars. We have the opportunity to send a message loud and clear to all the other ethnic groups in the former Soviet Union and elsewhere who have begun or are prepared to seek advantage over one another by force of arms, and, yes, by genocide. We have the opportunity here to take this NATO alliance and make it so strong that it protects the security of the world and relieves us, the United States, of our solitary burden for maintaining the peace of the world.

Some have said that NATO, by its charter, is a defensive institution meant to defend against Soviet invasion of Western Europe. It was, and it did that task magnificently.

We are at a different point in history now. For all of us who said on this floor that the United States cannot be the policeman of the world, NATO is the way for us to make sure that the United States is not the policeman of the world. Just as we turned to our allies in Europe to help us in Operation Desert Storm, and they responded by joining us heroically, today they turn to us to ask us to help them implement this peace in Bosnia. If we say no, what will they say to us the next time we turn to them and ask for help? But if we say yes, as we have, we will see NATO loom large in Europe and beyond as a force for stability and peace. It has already begun. For the first time in three decades the French are sitting in the same room at the same table, planning and implementing a NATO military operation.

So, let us not let this opportunity slip from our fingers. Let us take the long view. Let us understand that sometimes we are called upon to make a decision that is not popular with our friends and neighbors at home. Let us understand that foreign policy cannot and should not be made on the basis of public opinion polls, but must be made on the basis of each of our sincere calculations of America's national interests and national security needs.

Let us stand together to open "the door of future to the Bosnian children" as Zlata Filipovic, the young Bosnian girl whose diary of life in Sarajevo so moved the world. As Bette Bao Lord, chair of Freedom House has said in an open letter: "As our youth and our compatriots embark on this mission of peace, let them hear but one voice—that of America, a country of conscience and constancy, a country whose most enduring export is hope."

I say to my colleagues, let us stand together and approve the Dole-McCain resolution.

EXHIBIT 1

WASHINGTON, DC,
December 12, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to "dual-key" aberrations.

As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

On behalf of the retired general and flag officers listed below,

Sincerely,

MICHAEL S. DAVISON,
General, U.S. Army (Ret.).
ANDREW J. GOODPASTER,
General, U.S. Army (Ret.).
WALTER T. KERWIN,
General, U.S. Army (Ret.).
WILLIAM J. MCCAFFREY,
Lt. Gen., U.S. Army (Ret.).
WILLIAM Y. SMITH,
General, U.S. Air Force (Ret.).
HARRY D. TRAIN,
Admiral, U.S. Navy (Ret.).

I thank the Chair. I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. ROTH. Yes. I am happy to yield.

Mr. INHOFE. Mr. President, for a point of clarification, the Senator from Connecticut was accurate when he talked about the three resolutions, or votes that we will be having today. But he did not mention the order that they will be in. At 12:30 today we will be voting on H.R. 2606, which is the Hefley bill that was passed in the House of Representatives.

I want to suggest that I have quite a lengthy statement that I wanted to make. But I will withhold that statement, and only make a comment on 2606 which will be coming up in 40 minutes from now.

I will read this very briefly. It merely says "prohibits the use of Department of Defense funds for deployment on the grounds of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of the peacekeeping operation."

So that is clearly what the Constitution gave the power to Congress to do.

When the Senator from Connecticut characterized the resolution, I think it must be a little inaccurate to say how enthusiastic they are. I, finally, 2 minutes ago, received a copy of this. I did not have it before. It states "notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina."

That is kind of the preamble. So it is does not sound like to me what I would interpret as enthusiastic.

Last, Senator FEINGOLD so accurately described what our constitutional rights were in this body, and what the President's were. He quoted

Louis Fisher, who I think we all consider to be a foremost authority on the Constitution, wherein he said:

The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to "repeal sudden attack."

In fact, Mr. President, I ask unanimous consent that this be printed in the RECORD, this article by Louis Fisher.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 2, 1995]

WHAT POWER TO SEND TROOPS?

(By Louis Fisher)

WASHINGTON.—There seems to be an impression that President Clinton has constitutional authority to send troops to the Balkans without first obtaining approval or authority from Congress. But the case for Presidential power is not so open and shut.

The Framers knew that the British king could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to "repel sudden attacks." He has no general power to initiate military action. This principle was an axiom of republican government.

In 1787, James Wilson said the checks-and-balances system "will not hurry us into war" and that "it is calculated to guard against it." He said: "It will not be in the power of a single man, or a single body of men, to involve us in such distress."

The Framers deliberately separated the powers of the purse and sword. To Madison, in 1793, those who were to "conduct a war" could not be safe judges on whether to start one.

NATO does not authorize offensive actions or general peacekeeping activities. The North Atlantic Treaty of 1949 was a defensive pact, intended to contain the Soviet Union. The treaty's parties were "resolved to unite their efforts for collective defense" and "resist armed attack." None of these conditions exists in Bosnia.

To argue that NATO authorizes Mr. Clinton to act as he likes is to argue that the President and the Senate, through the treaty process, can eliminate the House's war power. Treaties do not amend the Constitution. One argument is that Mr. Clinton sponsored the talks, put our prestige at risk and thereby committed us to using force. Are constitutional and legislative processes skirted so easily?

In 1969, after the Vietnam buildup, the Senate passed a resolution challenging the President's right to commit the nation without first obtaining Congressional approval. Passed with strong bipartisan backing, it states that whenever our forces are used on foreign territory, or there is a promise to assist a country by using our military, such commitments result "only from affirmative action taken by the executive and legislative branches." This resolution has no legal effect, but it articulates a constitutional principle violated by President Lyndon B. Johnson and now threatened by President Clinton.

It might be argued that the "war power" is not involved because Mr. Clinton will use American forces for peace, not war. "America's role will not be about fighting a war," he said. He said he refused "to send American troops to fight a war in Bosnia," and "I believe we must help to secure the Bosnian peace."

Mr. Clinton has already authorized air strikes against the Serbs. He now intends to send ground troops. By making an "overwhelming show of force," he says, "American troops will lessen the need to use force." Note the word "lessen." Anyone who takes on our troops, he said, "will suffer the consequences."

Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

Mr. INHOFE. Mr. President, I agree with the Senator from Connecticut that, if you really do in your heart oppose the deployment of troops over there in that hostile area, this is the strongest message that we can send; that is, voting in favor of H.R. 2606 at 12:30 today.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Frederic S. Baron, a Pearson Fellow, and Maureen Fino, an Industry Fellow, be permitted floor privileges for the duration of the debate on the resolution on Bosnia.

I do that on behalf of my distinguished colleague from Connecticut.

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

Mr. ROTH. Mr. President, life can only be understood backward; but it must be lived forward. As such, we often find ourselves forced to respond to the consequences of decisions and even indecisions that were and were not made at the most appropriate moment in time.

As a Nation, we have no oracle—only history—and the wisdom of God has given us to govern our affairs and to support our democratic ideal among sovereigns and allies.

Often we overlook the majesty of our role—our responsibility—that is, until a man of Shimon Peres' standing reminds us that our Nation is "a commitment to values before an expression of might * * *" That our strength has saved the world from "Nazi tyranny, Japanese militarism, and the Communist challenge." That we have "enabled many nations to save their democracies even as [we] strive now to assist many nations to free themselves from their nondemocratic past."

This, Mr. President, is our legacy. And I am grateful to Prime Minister Peres for reminding us of who we are and what—since our divinely-appointed founding—has been our mission: freedom for us and self-determination for our fellow man.

Certainly, there are many ways to pursue this mission. We cannot be the world's policeman; nor should we. We must cherish the strength of America, and that means using it wisely, sparingly—certainly with some sacrifice—but never with imprudence, undue risk, and wanton disregard for our best interests.

The territorial aggression and horrific atrocities in the Balkans bring us to the floor today. The death and crimes committed in the former Yugoslavia have bruised our collective spirit, especially as the international community has been unable to resolve the conflict and establish reconciliation and lasting peace.

There was a time when, perhaps, America's resolved leadership could have minimized and even resolved the crisis by lifting the arms embargo against the Bosnians—by allowing them to defend themselves against the well-armed Serb aggressors.

At the same time we could have provided tactical and strategic air support to the Bosnian forces.

But President Clinton chose another road, one that brings us to the floor today. Life can only be understood backward; but it must be lived forward. Today we are forced to respond to the consequences of the President's decisions and indecisions, and history must be our guide.

The outcome here will not only have an influence on the security and lives of thousands of young American men and women, but it will affect us as a society, our leadership among allies, and the future of Europe—particularly the war-torn region known as the Balkans.

It is a difficult debate, one that must be entered thoughtfully, solemnly, and with the object of finding solutions rather than playing politics. It would be tempting to fill the air with "what ifs" and "if onlys," but we are beyond that point.

President Clinton has committed U.S. ground forces. He has done this as part of a peace process whose success will largely depend upon how we, the Congress, react—upon our determination and demonstration of support for the young American men and women who are even now moving into that region.

If we appear divided, we risk sending a message to those who would thwart the peace process that if they only hold out long enough support for our troops will weaken. This is not a risk that I am willing to take.

Much of the support leaving our shores is leaving from Dover Air Force Base. I have met with many of these young men and women; I know their concerns; I know their courage. And I know that every individual being sent into the Balkans is just like them. And I will not trifle with their security, with their future, and with the future of their families, their children.

When they wear our uniform in Bosnia I want them to know that they have my unqualified support.

I want them to know that they are there for a reason, they are on a mission—a mission with a purpose that was outlined so eloquently by Prime Minister Peres, to help this war-torn land free itself from its undemocratic past.

We cannot avoid our leadership, nor can we dismiss our legacy. Certainly, President Clinton could have embraced our earlier proposal and taken America down another road; but he did not. And the fact is, we do have an interest in seeing that peace is maintained in this region.

To date, more than a quarter million men, women, and children have been killed—many in the most horrible and atrocious manner. Over 2 million have been displaced and forced to flee. We have proof of mass executions, rapes, and other unspeakable crimes. Our legacy of support for human rights abhors these conditions.

America has gone to Europe to advance our ideals in two world wars. We have spent untold resources and dedicated countless lives to winning the cold war for the same reason—to advance the principles of freedom, democracy and self-determination. Perhaps the time has come to finish the task, to take a step toward bolting down our successes and see that the foundation for a peaceful European future is strong and sure.

This is not inconsistent with our responsibilities as a member of the North Atlantic Treaty Organization.

In fact, this peace-keeping mission will be the largest NATO mission in its history and the first since the end of the cold war. An unwillingness on the part of America at this point could do irreparable damage to the Transatlantic Partnership and its central institution, the North Atlantic Alliance.

Failure to follow-through on the commitment President Clinton has made would also undermine our position as a world leader. Our allies must know that they can depend on us.

This is critically important, because if we fail to keep the peace in the Balkans it is possible that the conflict may well spill beyond the borders and into NATO territory. Under those circumstances we would not be sending our young men and women to strengthen the peace, but to prosecute a war. I would rather have them there to strengthen the peace.

Mr. President, life can only be understood backward; but it must be lived forward. Perhaps President Clinton should have heeded our earlier counsel.

I would rather see peace in the Balkans and negotiations based on parity of strength, rather than on the presence of our ground troops.

I would rather see our involvement limited to strategic and tactical air and sea support. But those are not options, not anymore. When President Clinton picked up one end of the stick, he picked up the other. Now we must give the troops he has committed to the Balkans our full support.

An absolute requirement for success is to have Congress and the Nation united over the mission now under way. We must have bipartisan support.

This is why I have been so impressed by Senator DOLE's and Senator MCCAIN's role in the negotiations between Congress and the executive branch.

Through their statesmanship, they have offered an approach that captures our commitment to protect and support American troops deployed to the Balkan and that defines the core requisites to the success of the peace process.

Supporting the Dole-McCain endeavor is the appropriate response to our responsibilities as a world leader and as member of NATO. The most useful contribution this body can make to the peace process is to help ensure that America's role in the peace process will be guided by clearly defined objectives and strategies. In doing so, we would be living up to our responsibilities to support the American men and women assigned to this mission of peace and to the interests of America in post-cold-war Europe.

Mr. President, I yield back the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New York.

Mr. MOYNIHAN. Mr. President, first may I congratulate the Senator from Delaware on a wonderfully cogent and compelling statement, with that marvelous phrase of Kierkegaard's that "life can only be understood backwards; but it must be lived forwards." I would like to use that as the theme for my remarks. We are responding today to what we have learned from the past. What we have learned about the importance of law and of collective security.

It is for that reason, Mr. President, that I rise in support of the resolution developed by the majority leader, Senator BOB DOLE, and Senator MCCAIN. At the appropriate time I would ask, as I am sure many others will, to be a cosponsor.

This morning's debate has been, as the Senator from Connecticut suggested, a defining day in the history of the Senate. I think not least because of the quality of remarks not just of the Senator from Delaware, but the Senator from Idaho, although he is, perhaps, on the opposite side of the issue. He spoke of the arms embargo imposed on Bosnia and Herzegovina as being illegal, and indeed it was illegal, and it is illegal under article 51 of the U.N. Charter, which provides for the inherent right of collective and individual self-defense. This is a provision Senator Vandenberg, at the San Francisco conference, insisted be in the U.N. Charter, so that there would not be a conflict with the Rio Treaty for the defense of the Western Hemisphere. But that is singularly an American provision.

Then the Senator from Connecticut spoke of the way sanctions bit in Serbia. This has been the first ever successful use of sanctions in the course of enforcing international law after a century of advocacy of such measures by groups looking to a world of law, a world of international law, and consequently of a measure of order.

The failure of sanctions after the Italian invasion of Abyssinia, now Ethiopia, discredited the idea so severely it has rarely been attempted. It has worked somewhat in Iraq, let us grant, but it has not brought a regime to the peace table. Sanctions bit in Yugoslavia.

We have before us a resolution which begins:

> Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;
>
> Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

And now the third clause. I do not know that there has been such a statement on this floor in half a century. Since, that is, 1945, when the U.N. Charter came to the Senate under bipartisan sponsorship. The clause reads:

> Whereas the United Nations Charter restates "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986.

This is a rousing statement of the centrality of law to the actions that the United States, the NATO alliance, and the extraordinary assembly of other countries, some 29 in all, are now undertaking.

We sometimes forget how central international law has been to our understanding of what would follow World War II. The Genocide Convention, as it is called in shorthand, and which is specifically referred to in the Dole-McCain resolution, was in effect proposed by the General Assembly of the United Nations on December 9, 1948, when it declared that "genocide is a crime under international law."

To make it a crime required a treaty. In time a treaty was drafted, and in time ratified by the United States. As a treaty it is the supreme law of the land. This land, Mr. President.

The resolution also refers to the "egregious violations of the international law of war." By that, sir, we refer to the Geneva Conventions, which

were agreed to in the city of Geneva in 1949. A little history here. The Nuremberg tribunals, and the equivalent in Asia that followed World War II, were arguably extralegal, in that individuals arguably were not subjects of international law at that time for most of the issues that were involved in those trials. To resolve any question the Allied Powers determined to remove any shadow of doubt by adopting treaties to establish that the laws of war apply to individuals.

Four treaties were drawn up concerning the treatment of particular classes of vulnerable persons during war. These nearly universally accepted treaties are known as the Geneva Conventions of 1949. The conventions make it illegal to target civilians as the objects of military operations. Each of the four conventions has a common Article 3, which states:

In the case of armed conflict, not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms . . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

Note "sex," Mr. President.

To this end, the following acts are and shall remain prohibited at any time and any place whatsoever with respect to the above-mentioned persons:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

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To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular merder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

It is under that common article 3 of the Geneva Conventions that the war crimes tribunal has been convened in the Hague and indictments have been handed down. The Dole-McCain resolution specifically provides that the President will regularly report to the Congress on the progress of the tribunal.

Mr. President, the United States is in the process of assembling the most formidable and broadly-based collective effort to maintain international peace and security the world has ever known. This represents a triumph of an American position concerning the law of nations which goes back to the beginning of the Republic, a position that has defined American policy for much of this century, at least until mid-century. But which until this moment, with this resolution, a tradition that has been singularly absent from statements about the Dayton agreement by the President, the Secretary of State or the administration generally.

They have spoken about moral imperatives, which no doubt exist, but there is nothing in the Constitution that speaks of moral imperatives. The Constitution says, "The Congress shall have Power * * * To define and punish * * * Offenses against the Law of Nations." It says "Treaties * * * shall be the supreme Law of the Land. And in a lifetime of searching through article II, I have never found any real duty assigned to the President of the United States other than that "he shall take Care that the Laws are faithfully executed." We are now saying that he is doing this.

This goes back a very long way. S. 1, the first bill introduced in the first session of the first Congress of the United States in 1789, written if I may say, by Oliver Ellsworth of Connecticut, who in 1796 would be appointed Chief Justice of the United States, was titled "An Act to establish the Judicial Courts of the United States." It was the 20th public law enacted. Among other things, the legislation provided that—

. . . the district courts shall have . . . cognizance . . . of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States.

An alien can sue in U.S. court for a tort violation of the law of nations or a treaty of the United States which occurred outside our territory.

That was 206 years ago. Eight weeks ago the U.S. Court of Appeals of the Second Circuit unanimously held that under that statute the leader of the Bosnian Serbs, Radovan Karadzic could indeed be sued in the Southern District of New York for offenses against the law of nations committed in Bosnia and Herzegovina. The suit was brought before Karadzic was indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia. It is not likely that Mr. Karadzic will appear soon in Foley Square. Yet in the unanimous ruling, the Court of Appeals for the Second Circuit, said, yes, indeed, our laws do provide for such actions.

That spirit infused our early Republic. We thought of it as the basis of our legitimacy. When Chancellor Kent published his "Commentaries on American Law," lectures given at Columbia University, his first lecture in his first volume was entitled "Of the Law of Nations." That tradition goes back to the Constitution itself which gives Congress the power "To define and punish Offenses against the Law of Nations."

At the beginning of this century, there was a strong movement, the peace movement so-called, consisting of those who hoped that law could be used as a device for preventing war altogether. George Kennan has described this as follows:

At the outset of the present century, there emerged in the United States, England and other parts of northern Europe, a vigorous movement for the strengthening and consolidation of world peace, primarily by the development of new legal codes of international behavior.

This is from an introduction by Ambassador Kennan to a reprinted volume of a report on the Balkan wars of 1912–1913 which was sponsored by the Carnegie Endowment for International Peace. Elihu Root, then a U.S. Senator from New York, was, as I recall, chairman. I might say, when the Carnegie endowment was established in 1910, such was the degree of optimism in the world that the bequest provided the moneys be used for further objectives once "the establishment of universal peace is attained."

Ambassador Kennan is, as always, generous. In retrospect, the peace movement, he writes, might seem "unrealistic, naive, and pathetic. But they were * * * profoundly prophetic and well justified in the concerns they reflected." You had no more to see the First World War than to realize that.

Then came Woodrow Wilson's effort to create an international organization, the League of Nations, and the failed effort on the Senate floor to enact it. A failure that was far more the President's fault than the Senate's fault. He could have had the Treaty of Versailles if he made a few concessions, which were not of any consequence. But it failed.

We withdrew from the world. The world brought us back in with the Second World War. Then the U.N. Charter was signed and then the great effort began to see that law became the arbiter of relations between States.

That was reflected not least in the Genocide Convention, and in the Geneva Conventions, reflecting such deep convictions and beliefs on our part.

But there followed a time when, among many liberals, international law began to be seen as a set of doctrines that always got you into trouble, that said you had to do this, you had to do that in distant places of which, as the phrase goes, "we know little."

Next, in a conservative period that followed, for quite different reasons, the same rejection of law occurred. International law in the eighties came to be seen as a system of negative restraint saying what cannot be done. So damn the treaty: Mine the harbors.

Those are inadequate understandings both of what our laws are and what our interests are. We have a profound interest in a world with a measure of order, a measure of predictability, and a capacity to enforce it in some measure at least. As do others. Twenty-nine nations are going to join us in this effort, at last count. Forty-two nations met in London to discuss reestablishment of a civil society in the region.

So, Mr. President, I know my colleague from Nebraska would like to say a word, and that a vote is scheduled at 12:30. May I simply welcome this resolution for its ringing reaffirmation of a central tradition in American statecraft, American diplomacy, American military operations: The centrality of law, the legality of what we are doing and the importance of the fact that we are doing it in a collective mode, anticipated by the U.N. Charter.

I was once our Representative to the United Nations. I once represented the United States as the President of the Security Council. I did not know I would live to see such a hopeful hour as this.

None of us knows how much resistance the implementation force will face. There will surely be losses. I made my way into Sarajevo 3 years ago this Thanksgiving and I saw the dangers the French, Egyptian, and Ukrainian forces faced, along with the air crews of a dozen nations. And that, in theory, was a peace-keeping exercise. This is much more. We have settled for the partition of Bosnia and Herzegovina, however little we may like the term. With half the population of that state either dead or displaced in 4 years of war imposed on it from the outside, this is surely something.

Peace may come, in the sense of the absence of war. But stability is surely a long way off. Even so we have at length recognized the necessity to address the legal obligations of the parties involved, which include all members of the United Nations by treaty definition. We will do what can be done, and do it according to law. That has the potential for rescuing us from the shame of having done so little until now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I know the Senator from Nebraska has been waiting, and I am not going to take long because I want him to have his chance. But I do want to take this time to respond to the Senator from Connecticut who said he did not understand how someone can say they support the troops but do not support the mission. I just want to say, I think it is very easy to say you do support the troops but you do not support the mission. I think we have sent troops into harm's way in this country when we should not have done it.

No one would ever not support the people who are giving their lives, putting their lives on the line to protect our freedom.

Mr. REID. Will the Senator from Texas yield? The two leaders are on the floor. I would like to, while they are here, find out, since Senator EXON and I have been waiting most of the morning, if the time can be extended to speak for a few minutes.

Mrs. BOXER. If the Senator can add the Senator from California.

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mrs. HUTCHISON. I would like to finish my statement, unless the majority leader is seeking recognition.

Mr. REID. I just ask, if the Senator will withhold for a second.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. REID. Can I direct a question to the majority leader?

Mrs. HUTCHISON. Certainly.

Mr. REID. The majority leader and minority leader are now on the floor. I know they have been to the service for Reverend Halverson. But we have been on the floor most of the morning, all four of us, waiting to speak, and I wonder if there is a way for a limited period of time. I only need a few minutes. Senator EXON said he needed a short time. I do not know how much time the Senator from California needs.

Mrs. BOXER. Fifteen minutes.

Mr. DOLE. I do not have a problem with that, unless somebody has already made plans on voting at 12:30 and then doing something else off the Hill on either side.

Mr. DASCHLE. If the majority leader will yield, does this pertain to the pending amendment, or is it to the larger issue of Bosnia?

Mr. REID. I think, to be candid with the two leaders, I can speak later. It is inconvenient, but it is on the issue and I could speak later.

Mr. DASCHLE. This may not work——

Mr. DOLE. The vote is for 20 minutes.

Mr. DASCHLE. We can get unanimous consent that those Senators who are here be recognized immediately following the vote, if that will accommodate our Senators. I think it would be better to try to keep the schedule, if we can.

Mrs. HUTCHISON. Reserving the right to object, let me just say that Senator FRIST also should be put in that group, and I will not object. He has been here all morning. He finally left. I told him that I would protect his rights. I have no objection to the people who have been waiting, but I think we should add Senator FRIST and Senator SPECTER, who is also on his way in, for 15 minutes.

Mr. DOLE. I do not know which order over here, but whatever the order——

Mr. DASCHLE. Senator EXON, Senator REID, Senator BOXER and then Senator Bob KERREY I am told on our side were here. Senator MOYNIHAN spoke.

Mr. DOLE. And then Senator SPECTER.

Mrs. HUTCHISON. For 15 minutes and Senator FRIST and Senator DOMENICI.

Mr. DOLE. Senators SPECTER, FRIST, AND DOMENICI.

Mr. EXON. If the majority leader will yield for a question to try and straighten this matter out. The vote is scheduled at 12:30. Is there a time scheduled for the second vote?

Mr. DOLE. Not yet.

Mr. EXON. Several of us have been waiting a long, long time. Maybe we can get some agreement so I can keep my schedule. Nobody can keep schedules these days because of what is going on. If I could be recognized following the vote for 12 minutes, I would be glad to cooperate.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the next vote the Senator from Nebraska be recognized first, the Senator from Tennessee next, the Senator from Nevada next, the Senator from Pennsylvania, and the Senator from California be recognized.

Mr. DASCHLE. And we have two additional Senators. I would hope that we can alternate back and forth if we have additional Republicans. But our order would be as Senator REID has suggested.

Mr. REID. The Senator from Nebraska needs 15 minutes. I need 12 minutes. Two Senators that are Republicans need 15 minutes each.

Mr. DOLE. There are no time limits. We will just get a sequence. The only time limit is that the President would like to have us complete action on these by 6 or 7 o'clock so they can go to the House and they can be addressed there, if not tonight, tomorrow, shortly after they sign the peace treaty in Paris. So we are trying to accommodate the administration here.

Mr. REID. I ask, Mr. President, that the unanimous-consent request be granted.

Mrs. HUTCHISON. Reserving the right to object, I want to make sure it goes back and forth, a Republican and a Democrat.

Mr. DOLE. Yes, it will.

The PRESIDING OFFICER. The Chair believes the following unanimous-consent request has been made: After the vote, to recognize first, Senator EXON, the Senator from Nebraska; second, Senator FRIST, the Senator from Tennessee; third, Senator REID, the Senator from Nevada; fourth, Senator SPECTER, the Senator from Pennsylvania; fifth, Senator BOXER, the Senator from California; sixth, Senator DOMENICI, the Senator from New Mexico; seventh, Senator KERREY, the Senator from Nebraska.

Are there any additions?

Mr. DASCHLE. Mr. President, I suggest another Republican Senator and then Senator ROBB on our side. So we would hold open the slot for a Republican Senator, to be announced at a later time.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

PROHIBITION OF FUNDS FOR BOSNIA DEPLOYMENT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I ask for the yeas and nays on H.R. 2606.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2606) was ordered to a third reading, was read the third time.

Mr. DOLE. Mr. President, I ask unanimous consent that Senator WARNER be inserted into the Republican spot there, following the Senator from Nebraska, Senator KERREY.

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

Mr. MOYNIHAN. Mr. President, does the majority leader accept cosponsors at this point of the Dole-McCain amendment?

Mr. DOLE. Absolutely.

Mr. MOYNIHAN. I would like to be added.

Mr. EXON. Put me on.

Mr. DOLE. So we have the Senator from Connecticut, the Senator from Nebraska, the Senator from South Dakota, we will be accepting cosponsors throughout the day.

I will proceed for 2 or 3 minutes before the vote on this bill. I will speak later on the Hutchison amendment and on my own amendment.

Let me speak to the Hefley resolution because I think it is important. Just for the RECORD, I went back and had the Congressional Research Service check my votes and the debates I was participating in between 1969 and 1973 when it came to cutting off funds in Vietnam. We had one debate that lasted 7 weeks, and I was the leader of the effort not to cut off funds because we had people like John McCain who were in prison, and we had other young men and women who were on the ground in Vietnam. I thought it would have been a tragedy. We had long, rancorous, heated debates, on the so-called Cooper-Church amendments—Senator COOPER from Kentucky and Senator CHURCH from Idaho.

So let me say on the so-called resolution before us now, and having a lot of experience in efforts to try to avoid cutting off funds once we have our young men and women committed somewhere around the world, we have a couple of choices. We can cut off funds for this operation and our forces who are already underway; second, we can loudly protest the President's decision and express our opposition; third, we can require the President to take measures that will enhance the safety of our troops and ensure that they will return quickly—without their withdrawal leading to resumption of hostilities.

I have given this matter a lot of thought, and I have been engaged in a lot of these debates on the Senate floor. I have thought about my own personal experience during World War II and deliberations I have had since that time. I have thought about the American troops spending a Christmas overseas in the mountains of Europe. I have also thought about the experience of our brave war heroes like Senator JOHN MCCAIN and BOB KERREY. JOHN MCCAIN was in a Vietnamese prison while tens of thousands of Americans were marching to protest the war, and Congress regularly debated cutting off funds for United States military operations in Southeast Asia. As some may remember, the Congress spent weeks—even months—on debating Cooper-Church, McGovern-Hatfield, and other measures to cut funding for the war in Vietnam, Laos, and Cambodia.

I recall that in the spring of 1970, I led a filibuster against the Cooper-Church amendment cutting off funds for military operations in Cambodia and Laos. In that debate, I offered an amendment that would have allowed the President to waive the funding restrictions if he determined United States citizens were being held as prisoners of war in Cambodia by North Vietnam or the Viet Cong. This amendment failed. Believe it or not, the amendment failed by 36 to 54, and Cooper-Church passed, but only after troop withdrawal had begun.

Mr. President, while I understand opposition to and disagreement with the President's decision to send American ground forces to Bosnia, I believe that action to cut off funds for this deployment is wrong. It is wrong because it makes our brave young men and women bear the brunt of a decision not made by them, but by the Commander in Chief.

I will vote against H.R. 2606, sponsored by Representative HEFLEY, which was passed by the House last month. H.R. 2606 prohibits any use of Department of Defense funds for deployment of United States Armed Forces on the ground in Bosnia participating in the NATO implementation force—unless such funds have been specifically appropriated by subsequent law. There has been no appropriation for this operation, so the effect would be to cut off funds to our troops who are on the way or already on the ground in Bosnia. I do not believe we should limit the funds for food, supplies, and ammunition for our troops. It was wrong during Vietnam, and it is wrong now.

I believe that passing the Hefley resolution would undermine our troops, as well as our credibility.

I believe that even at this late date, the Congress can play a constructive role—supporting the troops by enhancing their prospects for a timely and safe withdrawal, and ensuring that there is a military balance upon the departure of our forces.

President Clinton does not have an exit strategy for our troops. Let us be clear: A date is not an exit strategy. In my view, it would be irresponsible to send thousands of American forces in without a concrete plan to bring them out. We will be debating that at a later time.

Furthermore, we need to do what we can to make certain that the sacrifices being made now—by our men and women in uniform, by the U.S. taxpayer—are not for nought. It would be inexcusable to undertake this immense endeavor, only to leave Bosnia, a year later, in the same situation it is in now—virtually defenseless and at the mercy of its bigger and stronger neighbors.

Later today, we will have an opportunity to vote on the Hutchison-Inhofe and Dole-McCain resolutions. Now, we should speak decisively in support of our troops and defeat H.R. 2606.

This is not the way to go—cutting off funds. As I have said, in all the debates that I have engaged in, these are the records of my votes between 1969 and 1973. It never seemed appropriate for me, when you had young men like JOHN MCCAIN, a prisoner of war, that we would cut off funds in the U.S. Congress, and I still have that same attitude today.

The PRESIDING OFFICER. The question now occurs on H.R. 2606. 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.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 22, nays 77, as follows:

[Rollcall Vote No. 601 Leg.]

YEAS—22

Brown	Grassley	Nickles
Campbell	Gregg	Pressler
Craig	Hatfield	Smith
D'Amato	Helms	Thomas
Domenici	Inhofe	Thompson
Faircloth	Kempthorne	Warner
Feingold	Kyl	
Gramm	Murkowski	

NAYS—77

Abraham	Bennett	Boxer
Akaka	Biden	Bradley
Ashcroft	Bingaman	Breaux
Baucus	Bond	Bryan

Bumpers	Harkin	Mikulski
Burns	Hatch	Moseley-Braun
Byrd	Heflin	Moynihan
Chafee	Hollings	Murray
Coats	Hutchison	Nunn
Cochran	Inouye	Pell
Cohen	Jeffords	Pryor
Conrad	Johnston	Reid
Coverdell	Kassebaum	Robb
Daschle	Kennedy	Rockefeller
DeWine	Kerrey	Roth
Dodd	Kerry	Santorum
Dole	Kohl	Sarbanes
Dorgan	Lautenberg	Shelby
Exon	Leahy	Simon
Feinstein	Levin	Simpson
Ford	Lieberman	Snowe
Frist	Lott	Specter
Glenn	Lugar	Stevens
Gorton	Mack	Thurmond
Graham	McCain	Wellstone
Grams	McConnell	

So, the bill (H.R. 2606) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 35, offered by the Senator from Texas, Mrs. HUTCHISON.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent the Senate resume consideration of Senate Concurrent Resolution 35 and it be in order for this Senator to offer my Senate joint resolution and that no amendments or motions to commit be in order to either vehicle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, let me indicate that we now have had our first vote. We would like to complete action on the concurrent resolution authored by Senators HUTCHISON, NICKLES, and others and then have that vote very quickly if we can. I know a lot of people want to talk, but I think it is general debate. We would also like to have the vote on my joint resolution, the Dole-McCain joint resolution, sometime, hopefully by 6 o'clock this evening. So that gives us about 5 hours of debate. We have already had a number of Members, I would say about 20 Members, each requesting from 10 minutes to 15 minutes to 90 minutes.

Now, we are not going to be able to accommodate everybody, or I hope they can accommodate us, and I hope we can, as much as we can, keep our remarks limited to 5 or 7 or 8 minutes, because if I just add up these requests, this will take us beyond 6 o'clock, probably 7 or 8 o'clock. And I would say as the Republican leader, we are trying to accommodate the President of the United States. So, hopefully, we will have cooperation on both sides. I think the Senator from Texas would like to have a vote about what, midafternoon, on her concurrent resolution?

Mrs. HUTCHISON. Mr. President, yes, I would like to vote as early as we can. I think most people are speaking in general terms so I think midafternoon. And then I would like to see the final vote on yours around 5 so that the House could have the opportunity, if that is possible.

Mr. DOLE. We will do our best.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Let me just add to what the majority leader said. Obviously, a lot of Senators wish to speak, for good reason, about this issue and on these resolutions. I hope, though, that we could accommodate all Senators who wish to speak by shortening the length of our statements to the extent that it is practical to do so. Obviously, we will have more opportunities once the resolution passes to come to the floor and continue this exchange and to continue to express ourselves.

But if we are going to allow every Senator an opportunity to speak, we are going to be constrained somewhat in the time allotted for each Senator. So I hope everyone will bear that in mind and cooperate to the extent it is possible so that we can have a vote at the earliest possible time.

I yield the floor.

Mrs. HUTCHISON. Mr. President, we need to get aunanimous consent on the next sequence of speakers. I wish to do that so that people know how to plan their afternoon.

This is the second list after the one that was agreed to earlier, and it would include Senator DEWINE, then FEINSTEIN, then LOTT, then BIDEN, then ASHCROFT, KOHL, HATFIELD, LEVIN, INHOFE, BYRD, FAIRCLOTH, WELLSTONE, D'AMATO, MURRAY, LEAHY, SIMON, BRADLEY, and NUNN, and there will be Republicans between MURRAY, LEAHY, SIMON, BRADLEY, and NUNN. Senator MURKOWSKI would be after Senator BYRD. I ask unanimous consent that we put that order in place so that people can begin to plan. And I urge, but do not ask for unanimous consent, that people hold their remarks to 5 minutes so that everyone will have a chance, with the hope that we would be able to vote around midafternoon on the Hutchison-Inhofe resolution and then around 5 on the Dole-McCain resolution.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and the additional Senators will be added to the list.

Mrs. HUTCHISON. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska [Mr. EXON] is recognized.

Mr. President, for the past few weeks, military and civilian officials from the administration have come to Congress to make the case as to why United States ground troops must be a central part of the international peacekeeping force that will go to Bosnia following the formal signing of the Dayton peace accord this Thursday in Paris. To date, I have withheld final judgment on the advisability of this action and kept an open mind to arguments on both sides of the debate. I listened closely to President Clinton's national address on Bosnia and have discussed, in both public and private forum, some of my concerns with members of his cabinet and top military advisers. In addition, I have sought and received the advice of my constituents in Nebraska, many of whom are members of the Armed Forces or have relatives in the services.

I have been impressed by the bipartisan leadership on this issue by Majority Leader BOB DOLE and Senator MCCAIN. I support their bipartisan amendment.

The facts are that the President has exercised his constitutional authority to dispatch troops to Bosnia. What we do by vote here today does not start nor can it stop troop deployment. It's a done deal whether we like it or not.

I have carefully deliberated on the question of blessing or condemning the deployment of American peacekeepers in Bosnia. I believe there is no more solemn an action the President can take or we as Senators can take or vote to endorse the process. The deployment of American men and women overseas into a potentially harmful environment even though it is advisory, is a legislative action that requires particular care and a need for thoughtful introspection that is typically not required in the conduct of our day-to-day business. Let no one be under any allusions, the collective voice of Congress on the issue of troops to Bosnia along with the President's decision as our Commander in Chief will have great historic significance, affecting not only the short-term prospect of peace in the Balkans but also the long-term role of America in NATO and as a worldwide leader.

Some seem to believe that some of us who have served our country in the past by being placed in harm's way have some special insight or superior wisdom or license to be holier than thou in these decisions. Our wartime experience provides us with just that—experience—but not necessarily a priviledged status in reasoned decision-making because of our past valor.

While the perils of participation in the international peacekeeping force in

Bosnia are unquestionable, I believe a reasonable case has been made for the deployment of American troops there.

Once the three parties sign the peace agreement in Paris on Thursday. For me, the debate boils down to this central question: By risking the safety of American troops in the next year do we avoid an even greater threat to our national security interests and possible loss of life in the future? That is a judgment call. There is no certainty. The question is: Will this stitch in time save nine?

If the United States was to renege on its promise by its President and constitutional Commander in Chief to join 27 other nations in the NATO-led peacekeeping force, I am concerned the consequences would be dramatic and irrevocably harmful to the pursuit of peace and the furtherance of our security interests. If the United States does not followthrough with its commitment to provide one-third of the Bosnian peacekeeping force, it would be the end of American leadership in NATO, and likely the end of NATO itself. NATO has been a stabilizing force for peace for 50 years. To pull the rug out from under it now at a time when a peace agreement has been brokered that will hopefully end a brutal 3-year war filled with ethnic cleansing, rape, mass executions, and torture would be unconscionable. To scuttle the agreement now would throw the region back into the horrific morass of war, guaranteeing more civilian deaths, more refugees, more instability in Europe, and the very distinct possibility that the fighting will spread and soon ensnare other bordering nations, allies of the United States, into armed conflict with one another. Opponents of the President's policy are fond of delving into history to discuss centuries old animosities that exist between the warring factions in Bosnia. Let us not conveniently skip over, however, the lessons of World War I and what happens when one regional ethnic conflict, left unchecked, draws in other nations, which in turn brings still other nations to arms. European incubation of World War I and World War II eventually cost us 522,000 deaths and 875,000 in military casualties. Whether or not we like it, it is clear what happens in Europe does affect us.

Bosnians, Serbians, and Croatians came to Dayton because they sought an end to the fighting. The peace agreement reached in Ohio is their peace, not a peace that the United States or any other nation is imposing upon them. The Dayton agreement is quite clear about what is expected of each of the signatory parties. If the agreement is broken by any of the three parties, we and the other peacekeeping nations are under no obligation or commitment to remain in that troubled country. More importantly, the military tasks required of our troops in Bosnia have been explicitly set forth and can be accomplished within 12 months, the 12-month timeframe set by the administration. Our peacekeeping troops will be in Bosnia to assist in the separation of forces along a 4-kilometer demilitarized zone of separation. We will assist in transferring of territories as called for in the Dayton agreement. We will be there to break the cycle of violence and ensure that all sides are living up to the requirements of the Dayton accord. Our ground troops will not be in Bosnia as a police force. They will not be asked to disarm militias or move refugees or deliver aid. Nor will they be required to perform many of the civilian tasks set forth in the Dayton agreement, such as economic reconstruction, supervising new elections, or bringing about a military force balance among the three entities within Bosnia. These tasks will be performed by nongovernmental organizations and other nations. In short, the United States military mission in Bosnia is narrow, specific, finite in length, and, most importantly, unencumbered by any limitations on American unit commanders to preemptively strike at hostile forces and otherwise defend our forces using whatever means necessary.

Secretary of Defense Perry, Chairman of the Joint Chiefs, General Shalikashvili, Secretary of State Christopher, and Ambassador Holbrooke have gone the extra mile in my opinion to spell out as best they can all the intricacies of our involvement in the implementation force. Over many long congressional hearings they have detailed how our troops are being trained and prepared for mission, how and when the forces will enter the region and the Tuzla Zone, the steps involved with implementing the military tasks set forth in the peace agreement, the time line for transitioning to peace, and our exit strategy and have all been spelled out. The administration has been as forthcoming as possible in addressing congressional concerns with respect to rules of engagement, the additive cost of the operation, the command and control of our forces, and so forth. The steps also have been spelled out that will be taken to bring about a balance of military power in the region once the peacekeeping force is withdrawn.

Mr. President, no military operation is risk free. Even during peacetime, we lose scores of men and women each year due to training mishaps and other duty-related accidents. Life in the Armed Forces is inherently dangerous. Like law enforcement and firefighting, they are professionals. The profession of soldier is also a voluntary one, filled with uncertainty and peril. That is the history of service to the United States of America. There are no guarantees about what will happen in Bosnia in the next 12 months. With or without congressional authorization, the President of the United States, as our Nation's Commander in Chief, has the constitutional authority to commit troops to the multinational operation in Bosnia. He has done that.

Over the past 3 years a large number of Senators have taken to this floor and given an even greater number of speeches deploring the bloodshed in Bosnia and the desperate need to do something—anything—to end the fighting, end the ethnic cleansing, end the raping, end the mass executions. Now, after years of handwriting, a window of opportunity has presented itself to see that the ceasefire becomes a peace and that the peace, in turn, can mature into lasting stability and the restoration of a nation figuratively and literally bled dry. I hope that those same Senators who called for action are now ready to get behind the President's policy. The reality is that for this process to succeed, our Nation's leadership is essential. We cannot simply wish for a happy ending in Bosnia. If we want the United States to continue to be the world's preeminent power, if we want NATO to remain strong and relevant into the 21st century, if we want to prevent the Bosnian war from rekindling and potentially spreading into neighboring countries, then the United States cannot disengage itself and stand on the sidelines and act as a critic.

Mr. President, preserving stability on the European continent and strengthening NATO is in America's national security interests. If it was not, then we should bring home the 100,000 Americans we have stationed there, close dozens of bases, and cut our $264 billion national defense budget by a healthy percentage. But I suspect that those who are critical of the President's policy would squeal loudly over such a suggestion. Well, Mr. President, you cannot have it both ways. If we do not want to be the leader of NATO, then we should withdraw our forces and cut our defense budget. If we want to stop the slaughter of innocent men, women, and children in Bosnia, we must be willing to act, even if it means assuming some risks. The world's problems are often complicated. Sometimes it is too much to expect antiseptic, risk-free solutions, because they are unreasonable. The alternative of isolationism is no alternative, in my opinion, and only guarantees our Nation greater problems down the road. We are not declaring war, we are declaring peace in conjunction with 27 other countries sending in peace-keeping forces at the invitation of the previous warring parties. If we were to renege now, America would lose its world respect and surely darken and make more somber other challenges in the future that could come home to haunt us.

I urge support for the bipartisan amendment offered and led by the majority leader and the Senator from Arizona.

Mr. President, I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. FRIST] is recognized.

Mr. FRIST. Mr. President, I rise to discuss the issue of American troops in Bosnia and Herzegovina. I respectfully, but strongly, disagree with the President's decision to deploy U.S. troops there. It was the wrong decision. And it is that decision that I will address in the next few moments.

However, before I do, I want to make it as clear as possible that I am 100 percent behind our troops now that the commitment has been made and the process has begun to deploy them. I will support them and their efforts in every way possible. I will work to see that their mission is a narrow one, that the exit strategy is clearly defined, and that they return home as quickly and safely as possible.

There are several unsettling aspects of the President's plan to send troops to Bosnia. They are questions that, in other circumstances, would have been asked and answered during open and public congressional debate. Unfortunately, that debate has effectively been denied to the American people by the President's unilateral action in committing American troops to foreign soil. But I still think it is important to ask these questions because, perhaps if they are asked this time, then next time they will be answered before we take action.

The first question: Is this action in the vital national interest of the United States? Vital national interests can be clearly and specifically defined. They include defense of U.S. territory, support of allies who are threatened, support of treaty obligations, or protection of economic interests, international waters or U.S. citizens in operations abroad. In other words, Mr. President, vital national interests are interests clearly worth fighting and dying for.

I listened to much of the debate yesterday and today and heard many of my colleagues address this very issue. Time and time again, the debate returned to the question of whether our reasons for being in Bosnia would satisfy the mother or the father whose son or daughter is killed there and who turns to us directly and asks, "Why?"

Like my colleagues, I have failed to hear a satisfactory answer. Some say because our credibility is at stake. But is it truly our credibility or perhaps NATO's credibility? Mr. President, I believe the two may be very different, particularly in a post-cold-war world.

Others say, because without us there will be no peace. But where have we been for the last 3 years, and do we really believe that we can create peace among people who do not want it? Do we really believe that our presence for 12 months—for 1 year—will suddenly make the warring factions who have been at it for nearly 500 years suddenly forget what they and their ancestors have been fighting for and live as neighbors peacefully? I do not believe so. Mr. President, the situation in Bosnia, no matter how tragic, does not equate to a vital national interest.

A second question: What is Congress' role under the Constitution in the determination to send combat troops into a conflict such as the one we face in Bosnia?

Certainly the President has the authority to deploy forces in situations requiring immediate action, especially in situations where vital national interests are threatened. But committing 20,000 American troops to hostile territory in an action where no vital U.S. interest is at stake, where there is no clearly defined goal or mission, where the factions have been warring for centuries, where the situation, since the initialing of the peace agreement, has clearly deteriorated and where casualties, by the administration's own admission, are certain, in my view, necessitated first a full and fair discussion between the executive branch and Congress. We owe that to the American people and particularly to the American service men and women.

The need for an open debate on this matter is further highlighted when we focus on the peace accord that was reached in Dayton. There are real questions as to whether a bifurcated Bosnian state will survive or, more importantly, whether two separate political entities can function as one country without the constant presence of troops to keep the peace.

Even if the Bosnian conflict did involve the vital interests of the United States, I am concerned that the underlying peace agreement is fundamentally flawed. Already we have seen towns burned, American flags burned, and demonstrations against the Dayton accord because this is a forced peace. And, Mr. President, the fact that we are sending our troops to support this imposed peace plan with little debate in Congress and virtually no support from the American people troubles me greatly.

Third, and perhaps most importantly, how can we prevent this situation from occurring again in the future? Before that question can be answered, we must first understand how we got to where we are. The slippery slope upon which we have now embarked began largely with the end of the cold war, when the world reverted to the ethnic, regional and subnational violence that characterized it before the rise of the bipolar world.

Unfortunately, at that time, America failed to define adequately the role it would play. Instead, we began a pattern of committing U.S. forces on hastily decided and hastily defined missions of peace, of peacekeeping or, tragically, the potential quagmire of peacemaking without the advice, consent or even the confidence of the Congress and the American people.

In each instance, we have seen a President obligate funds and scarce military resources and place U.S. lives on the line for missions well outside what can reasonably be called the vital national interest. And in each instance, rosy administration projections and lofty humanitarian goals bear no resemblance to the outcome of the missions. Just look at Somalia and Haiti today. They are sad mockeries of what we were promised they would become once the most powerful military in the world cleaned them up.

So we again face the question, How is it that we ultimately discover such a radical difference between the intentions and the outcome and that the mission is murkier and the price too high?

In each and every instance, this disturbing and dangerous precedent has been reinforced, making it ever more likely that the pattern will be repeated again and again, with Congress offering fewer and fewer objections under its authority under the Constitution.

It is very similar to the case whereby States' rights fell by the wayside in the push for a stronger and ever more powerful Federal Government.

In the absence of vital national interests, a lack of clear mission has combined with the lack of support of the American people, and we have faced a loss of American life. We have ended these missions without reaching our goals, without achieving any semblance of peace and democracy, and at great cost to the real mission of our Armed Forces: To be ready to defend, with overwhelming force and resolve, the real threats to our life, liberty, and well-being—or those of our allies. Again, Mr. President, we need only look toward our recent experiences in Somalia and Haiti.

In each of these instances, United States and Presidential credibility is offered as a reason such ill-conceived initiatives cannot be opposed. In the case of Bosnia, the Congress and the people are not even given the opportunity to approve or disapprove—but simply to give our approval and comment after the fact. Some argue that this is the President's prerogative under the Constitution, but it is not a shining moment in the life of American democracy. We are asking America's finest men and women to face possible death for a commitment outside of our national interests.

And finally, Mr. President, will we continue to commit our blood and treasure to every cause which captures the moment, and which appeals to our

collective sense of justice and compassion? Or will we finally define our interests and our policies, so that when a dangerous situation arises again—and it will—and when our credibility and vital national interests are truly on the line, we will be fully prepared to defend them.

It's an unfortunate and dangerous chapter in the life of our beloved democracy, Mr. President, when we are told it was inappropriate to ask these questions earlier, because the matter had not been settled, and that is inappropriate to raise them now, because the decision has already been made.

At what point do we have the chance to answer those questions? When they are placed before us, and when it may be too late? The question then becomes, Mr. President: At what point will Americans define American interests? I think the time has come to answer these questions now—before we are faced with our next Bosnia.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Mr. President, there is a unanimous-consent order already in effect regarding the Senators who will speak. I ask unanimous consent that the next grouping, following me, would be, first, a Republican, and that name will be supplied by the leader. After that, Senator SARBANES, and then another Republican, and after that, Senator KERRY of Massachusetts.

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

Mr. REID. Mr. President, as Members of the Senate, the most important and really solemn votes that we cast are those which put at risk the lives of American servicemen and women.

I have long been concerned about the conflict in Bosnia and the potential United States military role in ending the conflict in Bosnia. Mr. President, I have stated on many occasions on this floor, and in various places in the State of Nevada, that I personally do not believe that U.S. ground troops should be committed to keep the peace in this centuries-old civil war in Europe. But still, Mr. President, I recognize that I am not the Commander in Chief of the armed services of the United States, nor does the President need congressional approval to dispatch U.S. troops on this type of a peace mission.

Mr. President, I am going to support the resolution that has been drafted by the Senator from Arizona, the majority leader, and the ranking member of the Armed Services Committee, Senator NUNN. But I say that I support that resolution, not because President Clinton is in office and is a Democrat. I would remind my colleagues, that I stood here and was the first Democrat to publicly support the Desert Storm operation in Iraq. I was standing here, and I received a call from then-President Bush. I was getting ready to speak on the floor. I told him that he did not have to ask me, I have already agreed. So I am going to support this resolution because I believe it is the right thing to do, not because the President is a Democrat. I would do the same for a Republican, as I have shown in the past.

There comes a time that we in Congress, despite our opinions about a President's prerogatives, must lay our criticisms aside. I have given plenty of criticism on this issue. This is a time, Mr. President, when, despite our opinions, we must lay our criticism aside. As I speak, troops are being deployed in Bosnia. As I speak, troops are on their way to Bosnia by train and airplane and other vehicles. Whether this Bosnian peace agreement will be recorded in the history books as the end of a centuries-old conflict remains to be seen. In the meantime, the President has made his decision, and I now believe all Americans should stand behind those whose lives will be on the line in Bosnia.

A number of my colleagues have cited the war in Vietnam in their statements in opposition to the deployment in Bosnia. I also would draw a comparison between the two situations, but for a different reason. The fine young men and women who risked their lives and, in many cases, sacrificed their lives in Vietnam had to perform their missions in the face of enormous disagreement at home about their presence overseas. They came home to protests, and they came home to anger. We should have learned by now that dissent at home costs American lives, because dissent encourages the enemy to kill Americans. Dissent at home costs American lives.

Our colleague, the distinguished senior Senator from Arizona, understands what a blow that kind of civilian denunciation can mean to our military forces. His statements in this Chamber gave me great pause, as I pondered the vote I must make relative to my own personal misgivings. I commend Senator MCCAIN, a war hero by any measure, for the work he has done on this resolution. I understand that in Arizona the vast majority of people think the President's decision is wrong. It is the same in Nevada. Therefore, it gives me even more pause to think how difficult this was for Senator MCCAIN, but how right it was for Senator MCCAIN.

I also commend the distinguished majority leader for crafting a compromise that gives congressional support for the deployment of troops, but that better clarifies and defines the U.S. mission and the criteria that will determine its success.

This mission must not fall into the trap of what is known as mission creep, where an initial goal grows vague and extended. Our troops must go in with a clearly defined and achievable goal and come out in a timely manner. This resolution, the McCain-Dole-Nunn resolution certainly does that.

I intend, I think, along with a number of my other colleagues, to closely monitor the progress of the United States mission in Bosnia, to do it throughout the year. I look forward to the return of the American troops—hopefully before the year is out, certainly by the time the year is up.

The commanders of NATO and the U.S. military leaders who trained our troops for the mission have taken every step possible to ensure the troops' security, but we know it would be naive to think there will be no casualties and we will all grieve the loss of even one American life. But if there is any lesson we learned from Vietnam, it is that we cannot send American troops overseas with a denunciation of their mission.

I choose now to support the Dole-McCain resolution containing some defined parameters for American involvement rather than disagree with the President's decision.

I was on the floor earlier today, right before the first vote, when the majority leader made a statement. He clearly defined the resolution, and he talked about heroes. JOHN MCCAIN was one he mentioned. He mentioned others. But it was interesting to note that he did not talk about himself.

We have in this Chamber some people who have sacrificed a great deal for our country. Senator MCCAIN, of course, was a prisoner of war in Vietnam for 6 years, in solitary confinement for half that time. We have other people who sacrificed a great deal. Senator JOHN CHAFEE was a hero in the Second World War and the Korean conflict. Senator HEFLIN saw service in the Second World War. Senator GLENN was a marine pilot in the Second World War, in Korea, and then, of course, was an astronaut. We could go on and on with the list of people who sacrificed a great deal who now are serving their country in the U.S. Senate. But I think it is interesting to note Senator DOLE did not talk about himself. He has sacrificed as much as anyone in the service to his country. During the Second World War, he was wounded. He almost died.

So I think the record should reflect the courage of Senator DOLE in sponsoring this amendment and drafting this resolution. It would have been very easy for Senator DOLE—not only the majority leader but a Presidential candidate, who likely will be the Republican nominee for President next year—to have taken the easy way out. Would it not have been easy for him to demagog this issue and to be opposed to Bill Clinton? That would have been the easy thing for ROBERT DOLE to do, but he did not do that. It is because of what he did and what Senator MCCAIN did that there are people like Senator

REID of Nevada, willing to swallow, maybe, a little bit of pride, and support this resolution about which these two men, who are certifiable heroes, have said: Our troops are on their way there. Some of them are already there. It is wrong not to have this body support them in everything that they do while they are there.

So I want the record to reflect the fact that Senator DOLE in his statement this morning did not mention his own name. I understand that shows humility, but I want the record to reflect that of all the people who served in the U.S. Senate who have records of heroism in service in the military, to our country, no record tops that of Senator ROBERT DOLE.

I do not want the men and women who go to Bosnia—not to make war but to support a peace—to wonder whether the American people support them, whether this Congress supports them, and whether this Senator from Nevada supports them. I support them.

The holiday season is upon us. My thoughts and my prayers are with the families who will not be together this year because of this deployment. We have seen them interviewed on CNN and in other news stories, how they are going to spend Christmas away from their wives and children and husbands. I commend the men and women who will serve this Nation with honor and courage in Bosnia. I do so with faith and hope in their ability to achieve this mission of bringing peace and stability to Europe.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I have a unanimous-consent request I would like to propound.

I ask unanimous consent to add to the sequence that has presently been placed in the RECORD a Republican Senator; following that will be Senator DODD; after that, a Republican Senator; after that, Senator BRYAN; after that, a Republican Senator; after that, Senator DORGAN; after that, a Republican Senator; after that, Senator GLENN; after that, a Republican Senator; after that, Senator HARKIN; after that, a Republican Senator, and after that, Senator LAUTENBERG.

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

Under the previous order, the Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, the most weighty factor in deciding how to vote on the Bosnian resolution is that United States troops will be deployed in Bosnia regardless of what Congress does, since there are not enough votes to cut off the funding. In fact, the advanced troops are already in Bosnia. Not only is the congressional vote nondeterminative, but the debate has been advanced and the votes expedited in the expectation that there will be some show of congressional support to bolster our troops' morale. Certainly we should do that. So that with the troops on the way and the congressional vote nondeterminative, all the Congress can do now is to make the best of it.

After extensive discussions with my constituents, my colleagues in the Senate, and executive branch officials, it is my view that the United States does not have a vital national interest in Bosnia to justify sending United States troops there. When President Clinton called me, almost 2½ weeks ago, seeking my support, I asked the President what was the vital United States national interest. He responded by commenting on the widespread killing.

I said I was very concerned about the atrocities, the mass killings and genocide, but asked him how that distinguished Bosnia from Rwanda or other trouble spots around the world. President Clinton then warned about the conflict spreading to other nations of Central Europe.

I asked if that posed a security threat to members of NATO, which would activate our treaty obligations on the principle that an attack on one is an attack on all. The President said that he was not basing the national security interest on a treaty obligation on that issue.

In extended informal discussions with colleagues, some Senators have argued that a vital United States national interest arises in a number of contexts. For example, some contend that the stability of Central Europe is vital to U.S. security. Other Senators have said that an opportunity to involve Russia in the joint action with NATO rises to the level of a vital national interest. Others say that there is a vital United States national interest in ousting the Iranians from Bosnia, so that the fundamentalists do not gain a foothold in that important region.

Former Secretary of State Henry Kissinger articulates a vital U.S. interest in the following way.

> The paradox of the decision before Congress is that, while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policy.

Dr. Kissinger continues:

> If other nations cease to believe our assurances, our capacity to shape events, to protect American security and values will be jeopardized.

The problem with Dr. Kissinger's analysis is that it gives the President the power to create a vital national interest by unilaterally making an American commitment without the consent of Congress in the context where the consent of Congress is necessary to bind the United States. My own judgment is that those considerations do not aggregate to a vital United States national interest.

U.S. national security is not imminently threatened, and we are not the world's policeman. It may be that at some point there will be consideration to the deployment of U.S. troops for international moral commitments or from some other standard, but the vital national interest context has been that which has traditionally governed the deployment of U.S. military personnel. So far, they are proposed to be only peacekeepers. But it is a short distance from being peacekeepers to being in harm's way, and really, even being peacekeepers is in harm's way, with the troops that are already there being apprehensive about taking a step off a tarmac out of concern about stepping on a landmine.

In 1991 on this floor I had the privilege to participate in the debate on the resolution for the use of force as to the gulf war. I believe that it was indispensable that Congress pass on that matter, even though it was a Republican President, President Bush, who in late 1990 said a number of things about dispatching troops there involving the United States without congressional approval. But ultimately the President did bring back the issue to the House and to the Senate. And we had debates about vital national interest. A number of us were on the floor at that time—Senator WARNER, Senator NUNN, and others—and comments in the media were that it was a historic debate about what are United States vital national interests.

At least, in my own judgment, we have not seen the establishment of the vital national interest in what we have present today in Bosnia. But that is a judgment call like so many other judgments that we have here.

In the absence of a vital national interest, it is my judgment that the Congress should support the troops, without endorsing the President's policy. Our congressional action should show as much national unity as possible under the circumstances and project American leadership to the maximum extent possible consistent with congressional policy not to give the President a blank check.

It is obviously going to be a tough winter and a tough year for our troops so we should be as supportive as possible where they are concerned.

I am encouraged by the testimony presented to the Senate Intelligence Committee from the executive branch. We convened those hearings in the Intelligence Committee, which I chair. The executive branch officials testified that our troops will be authorized by the rules of engagement to defend themselves on their finding of hostile intent rather than hostile action.

That means that our troops will not have to wait until they are shot at; but they can take preemptive action if they conclude that there is hostile intent. The anticipation of hostile action gives them the discretion to make the judgment that preemptive action is warranted.

It is obviously problemsome on U.S. international relationships for the Congress to pull out the rug from the President's unilateral commitments to our allies. However, it is fundamental in our constitutional separation of power that the President's authority in foreign policy and as Commander in Chief is limited by Congress' authority on appropriations and the declaration of war. And the Founding Fathers were explicit in having that kind of a separation of powers, and that is what we are concerned about here today.

My preference, as I expressed it to the President in our conversation, was that the President come to the Congress with authorization in advance of dispatching the troops to Bosnia. We have learned from the bitter experience of Vietnam that the United States cannot prosecute a war, or really any extended military operation, without the backing of the American people. And the first line of that determination is to have the backing of the Congress. The President chose not to do so.

When we take a look at what our allies' expectation has been, or should be, we have to note that repeatedly congressional action in opposing President Clinton's Bosnia policy has put our allies squarely on notice that the Congress might well disavow the President's promises. It was plain on the public record that the Congress voted overwhelmingly to lift the arms embargo unilaterally to allow the Bosnian Moslems to defend themselves against Serbian atrocities. In the Senate we had a vote of 69 to 29. In the House the vote was 298 to 128. All of that required a Presidential veto. And it was only after those overwhelming votes occurred in both Houses of Congress that the President's policy in Bosnia was activated.

For a long period of time many of us had urged the executive branch to undertake massive bombing using our tremendous air power, and we were met with the response that in the absence of ground troops the bombing would not be effective. Once that bombing was initiated, however, quite the opposite occurred from what the administration and the Department of Defense officials had predicted, and it brought the Bosnian Serbs to their knees. It brought them to the bargaining table. And this agreement has been worked out.

But it is in this context of the very severe disagreement that has been expressed by this Senator—and many others on this floor and in the House of Representatives—that the allies, the other party signatory to the agreement in Dayton, have been squarely on notice that the Congress might well disagree with the President.

The institutional conflicts between the Congress and the President on foreign policy have a long history. Many have challenged the President's actions in ordering United States troops to fight wars without congressional authorization in Korea and Vietnam. The War Powers Act was an effort to establish constitutional balance. But that War Powers Act met with little success.

President Clinton took the initiative in ordering an invasion of Haiti in the face of overwhelming congressional resolutions expressing disapproval of that Presidential action. Fortunately, it turned out to be a bloodless invasion when potential opposition withdrew.

So, Mr. President, our allies have been on notice. Depending on future events, the Congress may have to assert its authority to cut off funding, if we conclude that the President has exceeded his authority or has pursued unwise policies. Those are congressional prerogatives, and under our constitutional system of separation of powers they have to be zealously guarded and observed. But since the President is not now usurping congressional authority to involve the United States in war, and since the votes are obviously not present to cut off funding, we should make the best of the situation in formulating a resolution to support the troops, and demonstrate as much national unity as possible.

To the extent possible, the resolution should impose the maximum pressure to strengthen the Bosnian Moslems militarily to establish a balance of power in that area so that our troops may be withdrawn at the earliest practical date. An exit policy from Bosnia will turn on there being a balance of power there.

It is critical for the United States and its NATO allies to articulate a plan for equipping and training the Bosnian Army. Regrettably, the administration has been reluctant to articulate such a policy. But, in letters just publicized yesterday and today, we may have those assurances. And those assurances and that action ought to be subject to the maximum possible congressional power and persuasion.

Arming the Bosnians is critical for two reasons.

First, it will help ensure a balance of power in the region—a balance that currently favors Serbia and Croatia.

Second, the Bosnian Army must be armed before the NATO implementation force can leave. As former Under Secretary of Defense, Paul Wolfowitz, recently noted, "Until the Bosnians have the capability of defending themselves, it will be impossible for us to withdraw without terrible consequences."

In addition, we should do our best to use the current situation in Bosnia to establish important international law precedents against genocide, and to prosecute war criminals.

Bosnian-Serb leader Radovan Karadzic and army commander Ratko Mladic and others under indictment should be brought to trial in the War Crimes Tribunal. This is a unique opportunity to follow up on the Nuremberg precedent and to establish an international rule of law.

Since 1989 the United States has been a signatory to the International Genocide Convention. The United States has been a leader in instituting the War Crimes Tribunal.

For years, I have pressed resolutions adopted by the Congress to set up an international criminal court with the principal thrust to control international terrorism and drug dealing.

It has been my view that, while it has been impossible to get countries like Colombia to extradite to the United States, if there were an international criminal court, that might be doable in a practical political context. And we have yet to be able to put our hands on the Libyans under indictment for the terrorism against Pan Am 103.

And there again, if an international criminal court were present, it might be possible to have extradition to such a court if extradition to Scotland or England or the United States cannot be obtained. And it is very important for us to press ahead on these prosecutions under the War Crimes Tribunal.

In 1993, my amendment was adopted to provide $3 million to assist the prosecutor in gathering evidence against those who committed atrocities and mass killings in Bosnia. We should press all parties to the peace agreement to make their maximum efforts to bring the war criminals to trial. My recent meeting with Chief Prosecutor Justice Goldstone provides encouragement that a significant international legal precedent can be achieved in that tribunal. International action against mass killings and genocide would promote an important goal of the law of nations.

My discussions with Secretary of State Warren Christopher and National Security Adviser Anthony Lake provide reassurance on the firm U.S. policy to bring the war criminals to trial. For myself and many others in the Congress, continued support of the Bosnian operation would be materially affected by the intensity demonstrated to bring such war criminals to justice.

While I do think it an unwise policy to deploy United States troops to Bosnia, I am very much concerned about the kind of isolationist rhetoric that we have heard in this Chamber in the past 2 days. I have consistently supported a robust national defense and a robust foreign policy by the United States, an attitude gleaned from my earliest days studying international relations as a student many years ago at the University of Pennsylvania.

The United States should not turn to isolationism, but neither should we turn to being the policeman of the world when there are incidents around

the world, and so many of them, without having a vital U.S. national interest involved. But weapons systems, army divisions, and aircraft carriers are not enough to ensure our security. We must be committed to the notion that the United States needs to be engaged throughout the world diplomatically, economically, militarily, and always carefully. We need to use all our instruments of national power to shape the international security environment in a way that guarantees American security. In my judgment, for the reasons I have outlined, Bosnia and the Balkans do not rise to that level. But by the same token, we must be careful to resist instantaneous or knee-jerk reactions to any use of U.S. military force even where we did so in Desert Storm.

Mr. President, these are obviously matters of great complexity. We vote on them in a series of resolutions trying to exercise our best judgment, knowing that the troops are on the way, whatever we do. We obviously will follow the matter very closely through our congressional action in a variety of committees, including the Senate Intelligence Committee, which I chair, to bring our best judgment to bear on the Bosnian situation, to support the troops wherever we can and to bring them home as soon and as safely as possible.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senator from California is recognized.

Mrs. BOXER. I thank the Chair very much.

I rise today in support of the peacekeeping mission in Bosnia as long as it remains a peacekeeping mission. I also rise to express my strong support for our men and women in uniform who will be one-third of the peacekeeping force.

We are here debating one of the most difficult and important decisions to face us as legislators, the deployment of American troops overseas. The commitment of our troops is never an issue to be taken lightly, so I thank the leadership for bringing this issue to the floor.

I also wish to thank those committees that have held hearings on this issue over the past few weeks and the administration witnesses who have answered questions openly, candidly, and directly. These hearings have proven very informative and have helped me to reach my decision.

I support the participation of U.S. troops in I-For first and foremost because the mission as spelled out by the President and subsequently by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is a true peacekeeping mission. This is not like the Persian Gulf war when we were sending our men and women off to fight a war. We are sending our men and women to be one-third of a peacekeeping force, keeping the peace as a result of the Dayton peace accord which is supported by all the parties involved.

This is a point I believe must be made perfectly clear. The major combatants in Bosnia support this peace agreement. We are not going to Bosnia to force a United States vision of peace upon them. We are going to help implement their vision, their agreement.

If we were not truly peacekeepers, I could not support this mission, and if at some future date the Dayton peace agreement changes course, I will immediately reevaluate my position.

I have listened with great interest to Secretary Perry, General Shalikashvili, and other military and civilian leaders who have explained the rules of engagement for our troops in Bosnia. When I was a member of the House Armed Services Committee, I realized how crucial it is for our troops to have very clear rules of engagement. I have seen tragedy occur, and we have lost men and women in uniform because the rules were unclear. In my view, it is essential that our troops have the ability to aggressively respond to threats to themselves or to their mission. They must not be required to consult with anyone before responding to a potentially life-threatening situation.

On this point, I quote the Secretary of Defense, William Perry, who said:

> If our forces are attacked or if hostile intent is demonstrated by opposing forces, our rules of engagement will permit the immediate and effective use of deadly force.

In all of his speeches, the President has been very clear on this point. The message he has sent is clear and unmistakable: the first enemy that tries to harm our troops will never forget the lesson of the fateful misjudgment of our power.

So the mission is clear and the rules of engagement are robust. The final element is to assure that our exit strategy is adequate and, in my view, it is. After close examination, I am satisfied on these points.

The administration has publicly stated that our troops will come home in about a year. I support that kind of a timeframe. Our mission is to keep peace for about a year, and after that it is up to the parties to the agreement to sustain it. When we leave, we must leave with a much more balanced situation in terms of military balance. And I am pleased that Members of Congress have talked to the administration about this, and have received clear assurances that when we leave we will not go back to the status quo. This is very important.

I want to make it clear that I support our participation in the peacekeeping force, not because the President wants it but because I believe it is the right thing to do. I know that some have argued we should support deploying our troops simply because the President has committed us and we must not act to undermine the Presidency. However, I take a different view. I believe that as the President accepts responsibility for his decision as Commander in Chief, we must accept full responsibility for our vote on this matter.

I believe that the Congress has the absolute right to deny any President the funds to carry out this or any other mission. In this case, I did not vote to deny the President the funds, and I will not support the Hutchison amendment. However, the Senator from Texas has every right to offer it, and every Member here has every right to vote for it, just as they had every right to vote for the prior amendment we just disposed of which dealt with cutting off funds.

So I believe that when I cast a vote for the Dole-McCain-Nunn amendment, I am doing the right thing, and I take full responsibility for it. I am not ducking behind it and saying it is because the President thinks it is the right thing to do. I have not voted with this President before on the question of Bosnia. I have voted, in fact, against him on two other occasions. When I vote for this, I do not do so as a weak partner of the executive branch but as a strong partner. If at some future time I disagree with the administration policy, as I have done in the past, I will speak out and vote accordingly.

We now have the opportunity to help bring peace to Bosnia. I believe that as long as our troops are part of a larger force, as long as the mission is peace and as long as we have an approximate exit date, I will be supportive of this mission.

Mr. President, it is a rare moment in history that we have a chance to stop a genocide and generations of hatred. It is rare that we have a chance to stop the spread of war in a region where we have lost thousands and thousands of Americans. Some of our very own colleagues walk on this floor with the wounds of those wars.

This is not some area of the world where war is unknown. Sadly, it is. We have seen war spread. Now, maybe, just maybe, the President has done something here that will stop a war from spreading. We do not know that. I may be back on this floor saying, "Bring the troops home. I was wrong."

But in the war that I well remember that got me into politics, the Vietnam war, we said, "Give peace a chance" in those days, and I think "give peace a chance" has not lost its meaning in this circumstance, after generations of genocide and hatred. I lost part of my family in a genocide.

Now we have a chance to stop it. At the minimum—at the minimum—if things go reasonably well, when we leave there we will leave there in a way where the various parties to this conflict are at least on a level playing field, which I think is very, very important. If there is a pause in the fighting,

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it may lead to a lasting peace as a result of our participation in this force.

So let us give this peace a chance as long as it is truly a peacekeeping operation. Let us support our men and women who are going over there in a tough time, Christmastime. Let us not send signals of equivocation about that support. Let us support the Dole-McCain-Nunn amendment.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DOMENICI and then Senator KERREY are to be recognized.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

I ask unanimous consent that I be recognized to speak at the time that Senator DOMENICI was originally to be recognized in the unanimous-consent agreement, and that he take the place that I had.

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

Mrs. HUTCHISON. Would the Senator from Virginia let me make one more unanimous-consent request?

Mr. WARNER. Absolutely, Mr. President.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the names of Senators HATCH and CHAFEE be added to the next available Republican slots, which I believe would follow LEAHY and SIMON.

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

Mrs. HUTCHISON. I thank the Chair. And I thank the Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from California leaves the floor, I'd like to say I was greatly taken by her closing remarks. And I think I jotted it down accurately. I may be wrong. "I may be back here on the floor asking that we bring our troops home."

I say to the Senator, that is precisely why I oppose this Presidential decision to send to Bosnia a third significant element of United States troops—that is, troops on the ground. This Nation experienced the problem of Congress acting to withdraw our troops from Lebanon. This Nation experienced that problem in Somalia. I happened to have been on this floor protecting Presidential prerogative—at the time we took serious casualties in Somalia, some 18 killed in one day and some 80-plus wounded on that same day—and I said it is the President's decision as Commander in Chief when a military mission is completed and when our forces should be brought home.

We had a very vigorous battle right here on the floor of the Senate about that Somalia situation. And it was a tough fight to establish the President's clear right to determine when to bring those troops home and not rush to judgment in the sorrow of those severe casualties.

Mrs. BOXER. May I respond?

Mr. WARNER. This is what bothered me. The credibility of the United States of America will be far more endangered if we are faced in 6 or 8 months with a decision to bring our troops home because of casualties and other unforeseen problems, than if we make the stand now not to go forward with this mission.

Mrs. BOXER. Would the Senator yield for a very brief moment?

Mr. WARNER. Yes. I do not yield the floor, but for a question.

Mrs. BOXER. I understand.

I just wanted to respond to my friend. I will, of course, put it in the form of a question. But the deployments that my friend talked about I did not support. I come here to say that I think it is worth a try in an area of the world where we have lost thousands and thousands and thousands of Americans.

If the Senator believes that there is no chance that this war can spread and this mission cannot change that and is not important and is not worth trying, then he should absolutely vote against the Dole-McCain amendment. And I respect his right.

All this Senator is saying is that I have waited, and I believe—and I take full responsibility for that vote, and I respect my friend if he comes down on the other side—in this part of the world we have an opportunity to make a difference for peace. If it does not work out, we at least have tried to do so.

I do view it quite differently than in the other areas that my friend has pointed to. I did not support those deployments, I say to my friend.

I guess I did not have a question. I merely wanted to respond, but I have the utmost respect for my friend for whatever conclusion he reaches, and I hope he would have that same respect for this Senator if she comes down on the other side.

Mr. WARNER. Mr. President, I say to my colleague from California, this vote is a clear vote of conscience, not politics, and each of us has to draw on our own life experiences, our own best judgment and make this tough decision.

Mrs. BOXER. I agree with my friend.

Mr. WARNER. I am on the side opposite the Senator from California and will oppose the President's deployment decision.

Mr. President, I will go into some detail regarding my concerns. Indeed, this is one of the most important debates that I have been privileged to participate in in the recent history of the U.S. Senate. Our Nation has experienced a gradually growing involvement of its Armed Forces in the tragic civil war in Bosnia and other contiguous areas in the former Yugoslavia.

Over the past year, U.S. airmen have flown the majority of the air missions over Bosnia, and U.S. Navy and Marine Corps personnel stationed in the Adriatic off the Dalmatian coast have provided a very significant percentage of the ships and personnel involved in the naval operations in that region.

America is heavily committed militarily with its NATO allies and others at this very moment. There is a misconception that we are not involved in Bosnia and that we have to go. Wrong. We are there, very significantly, at this particular time, and we have been there for almost two years.

But now the President has directed a further and very significant expansion of U.S. military involvement. I credit the President, the Secretary of State, and others for working out an agreement which I do not refer to as a peace agreement. Nevertheless, it is an agreement that has led to a very substantial lessening of the hostilities. It is an agreement that possibly could at some future date form the foundation for a cessation of hostilities, but I do not find that condition to exist now.

Therefore, the President has ordered ground troops, some 20,000, for actual deployment to Bosnia and approximately another 14,000 to be deployed to nearby geographic regions as support and backup forces.

It is interesting, when this mission was first described by the President back in February 1993, it was always said that we were going to send in 20,000 ground troops. But now we learn that almost a force of equal size will be required as backup. That is prudent military planning, but the initial impression across the land was of a lesser number.

Ever since this Presidential decision nearly 2 years ago, I have consistently expressed my concerns. Today, I join with many other Senators in expressing my total disagreement with the President. I do so respectful of his role as President, as Commander in Chief, but I am sure the President recognizes I have a right to express my views and I do so as a matter of conscience.

President Clinton made this decision on his own, without that level of consultation from the Congress that I believe was necessary and might have contributed to a different decision.

And now the Congress is left with trying to decide how best, as the elected representatives of the people, we can ensure that the voice of the American people is heard. I am privileged to do so on behalf of many, many Virginians with whom I have visited and from whom I have heard over the past months.

Mr. President, I have always been a strong supporter of Presidential constitutional prerogatives in the area of foreign policy—I expressed that in my colloquy with the distinguished Senator from California—and particularly

the President's authority as Commander in Chief. This very phrase is embodied in our Constitution. As Commander in Chief, the President has the right to deploy, send beyond our shores into harm's way if necessary, the men and women of the Armed Forces of the United States.

Presidents have judiciously exercised that awesome power since the very formative days of our Republic. Therefore, I do not challenge the constitutional authority of the President to deploy United States ground troops to Bosnia. He has that right under the Constitution. I do, however, challenge the wisdom of President Clinton's decision to involve this third significant element of United States forces, namely on the ground in the territory of Bosnia.

On the question of constitutional authority on this matter, I ask unanimous consent, Mr. President, to have printed in the RECORD following my remarks a very fine analysis of that issue by Lloyd Cutler, former Counsel to the President.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, since the beginning of the conflict in Bosnia in 1992, as I said, I have consistently opposed the use of United States ground troops. Today, we are faced with the situation of what do we do now, given the President's commitment? My votes today expressing opposition to this Presidential decision go back to the fundamental question: Does the United States have a vital—and I repeat and emphasize the word "vital"—national security interest at stake in this region of the world, such vital security interest of a level that would justify the added deployment of United States ground troops into a region that we know is fraught with risk?

I see on the floor the distinguished Senator from Nebraska. I was privileged to accompany him to this region, the region of Krajina, in early September. We saw with our own eyes the ravages of this war-torn region. We looked into the faces of the refugees, combatants and noncombatants alike. This was the fifth in a series of trips I have conducted to this region over the years since the conflict has started.

I wish to acknowledge, Mr. President, to my colleague, how much I value the opportunity to travel with this distinguished Senator, a former naval officer, highly decorated, a man whose judgment and opinion I greatly value on military matters.

The reason I raise this is that I wish to apply a test to this deployment decision along these lines: Would I be able to go into the home of a service person who had been either killed or wounded in Bosnia as a consequence of this proposed deployment and explain to a parent or a spouse or a child why their loved one was sent to Bosnia and why their sacrifice was justified?

This is a duty I performed earlier in life as a young Marine officer and again as Secretary of the Navy, and it is not an easy one, Mr. President. I apply that test today.

I could not justify such a sacrifice, given the current situation in that region and the current status diplomatically and militarily of all the circumstances surrounding this peace accord.

I have listened carefully to the administration's justification for this deployment, but I do not find a vital United States national security interest at stake in Bosnia that would justify the use of ground troops at this time in that nation.

I do not want to see further American casualties in trying to resolve a civil war, based on centuries-old religious and cultural hatreds, which none of us understand. I certainly say, as hard as I have studied, and based on five trips, I do not understand how people in this civilized age of mankind can treat one another this way. These are well-educated people. Yet, they behave in such a manner as to be on the borderline of savagery. I cannot understand it, Mr. President.

I remember so well a hearing of the Armed Services Committee in the aftermath of Somalia. I remember a Col. Larry Joyce, the father of a young Ranger who was killed in the October 3-4 raid in Somalia which I described earlier. He came before the committee and he said to the Senators as follows:

> Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings the doorbell at 6:20 in the morning to tell a 22-year-old woman she is now a widow, they would develop their policies more carefully.

I would hope that the Somalia experience would cause us to more carefully consider the policy decisions that put at risk the men and women who serve in the Armed Forces.

I have been deeply moved, as has every other Member of the Senate, and indeed all Americans, by the suffering we have seen in Bosnia as a consequence of the hatreds and atrocities in that region. I have seen it in their faces, in the hospitals we visited and in the wanton destruction of the homes and properties—homes which are so essential for the return of the many refugees. Senator KERREY and I witnessed, as we went through the villages, a row of houses, and one house with the geraniums out, the fresh laundry hanging out, and the house right next to it was flattened to the ground—flattened because it was once occupied by a Serb. That Serb had fled this village where he or she or the family had lived for years with their neighbors, but they were forced to leave in the face of the Croatian military advance. And the locals destroyed the Serb house—the house being a symbol of their hatred for that individual—and they blew it up, destroyed it, so that it would be of no use to anyone ever again. We saw that, as the Senator will recall, in village after village—a manifestation of hatred, which we cannot understand.

I remember so well the Secretary of Defense in his testimony before our committee saying, "My greatest fear in this operation is the hatreds among the people in the region." That is what concerns me. I do not want to see 20,000 U.S. troops placed in the middle of this 500-year-old sea of hatred.

Mr. President, we have heard President Clinton say that United States troops are not being sent to Bosnia to fight a war, but rather to help implement a peace agreement. According to a December 2 radio address by the President, "It is a peace that the people of Bosnia want. It is a peace that they have demanded."

Yet, I say to my colleagues, most respectfully, I disagree with the President's assessment. I think the events of recent days, of recent weeks, of recent months, have been a harbinger of things to come. At the very time IFOR is beginning its deployment to Bosnia, Bosnian Croats are burning villages which will be returned to Bosnian Serb control—villages which we, the West, will have to rebuild. Reach into your pockets and take out the funds we are going to be asked to contribute to rebuild these houses, which have been wantonly destroyed, not as a consequence of troops marching through—in some instances, yes—but largely because of the hatred that exists.

These are not the actions of a people who have embraced a peace. At this point, all we can really say is that the three leaders of this region have done their best to work out an agreement. But only time will tell the extent to which the people will eventually embrace this agreement.

Nevertheless, the President has made a decision, and it is within his constitutional authority. The troops are being deployed. Initial elements have already arrived. We have seen the pride with which the Marines and others have unfurled Old Glory on Bosnian soil. We salute them and we say: One and all, we in this Chamber unanimously support our troops.

It has been my privilege to work for 17 years on the Senate Armed Services Committee and to visit our troops many times throughout the world, wherever they have been deployed—in the Persian Gulf region, Somalia, and other areas—and to see our troops in action. So I commit myself unequivocally, in the same way I have throughout my entire adult life, to their support.

On that point, I would like to address an issue which I do not think has been addressed by any other Senator to date, and it concerns me greatly. Frequently, I have heard a few individuals

in high positions, both in the executive branch and in the Congress of the United States, make a statement along the lines that, "Well, they are volunteers, they can go."

Mr. President, we are very proud in our country to have the All-Volunteer Force. It originated, again, when I was privileged to be the Secretary of the Navy in the Department of Defense, and it was a direct decision from the then-Secretary of Defense Melvin R. Laird. Having heard these statements and becoming greatly troubled, I contacted the former Secretary and asked for his views. For the RECORD I would like to explain how we decided to have this force. During Vietnam there was a great strife across this Nation, much of that strife directed at force conscription and the draft, and President Nixon and Secretary Laird said they were going to take a risk and initiate the All-Volunteer Force.

I will read from Mr. Laird's letter of December 12, 1995. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MELVIN R. LAIRD,
Washington, DC, December 12, 1995.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The President's decision to commit United States military forces to Bosnia has brought renewed attention to the high level of patriotism and professionalism of the women and men who serve as members of the All-Volunteer Force.

The All-Volunteer Force was instituted during our service at DoD, yours as Secretary of the Navy and mine as Secretary of Defense. I regard the termination of the draft and the successful creation of the All-Volunteer Armed Force as the most defining action taken during my service as Secretary.

At this time of placing American military personnel in harms way, it is well to recall that the All-Volunteer Force came into being to end the inequities of pay and service of military conscription and to pay, train, and equip our military forces as professionals. That has been accomplished in large measure. Our country has the finest military force in its history. Because they have volunteered, as opposed to being drafted for military service, does not mean there can be less of a standard for when it's in our vital national interest to interject them into a dangerous environment.

It is important that the genesis for the All-Volunteer Force be a part of consideration for the justification for deployment of our military force.

With best wishes and kindest personal regards, I am

Sincerely,

MELVIN R. LAIRD.

Mr. WARNER. He stated:

Because they have volunteered, as opposed to being drafted for militry service, it does not mean there can be less of a standard for when it is in our vital national interest to interject them into a dangerous environment.

That is right on point, Secretary Laird. You are the father of the All-Volunteer Force. It has worked, and worked beyond our expectations, to the benefit of this country. I would not like to see this debate, in any way, erode the proud All-Volunteer Force concept that we have today.

The clear implication of those critics that use this phrase, "Well, they are volunteers," is that we are willing to send those who serve in the volunteer force to a foreign land to do missions and take risks that we would not have asked of a military draftee. Wrong. This is an atrocious implication. I hope the Members of this Senate will dispel any idea that, because currently the members of the Armed Forces of the United States are all volunteers, that they should be treated with any less concern than we have for generations treated previous members of the Armed Forces, whether they were draftees, Reserves called up, voluntarily or involuntarily, whatever the case may be. Once they don that uniform they deserve no less than the highest concern by the Congress, and indeed the President.

Americans willing to ask these volunteers to risk their lives in the performance of missions that do not fit the clear test of being in the vital national security interests of this country have to ask themselves a question. When the Congress decided we would fill the ranks of our military with volunteers—a policy, as I said, that was initiated in the latter part of the Vietnam war, 1972–73—one of the concerns expressed at that time was that our military might be viewed as a mercenary force. Is that now the case?

You will recall from your history that the concept of mercenaries prevailed through much of Europe, in the history of the Middle Ages and, indeed, into this century. In fact, Great Britain sent mercenaries to our colonies, often, to try to subjugate us.

Anyway, I believe that every Senator in this body will agree that while soldiers, sailors, airmen, Marines, today are volunteers, they are not mercenaries. So let us put to an end any comment about, "since they are volunteers, they deserve any less measure of concern by the Congress." The Congress stands, 24 hours a day, 7 days a week, 12 months a year, as trustees—trustees to guard the safety and the welfare of those who wear the uniform and of the families here at home who await them.

There are many aspects of this I-For deployment which I find troubling. First and foremost, I do not believe the mission of I-For has been carefully and clearly articulated. In addition to the specific military tasks with which I-For is charged in the Dayton accords, there are a list of supporting tasks which, in my view, will inevitably lead to mission creep and to I-For's involvement in implementing the nonmilitary aspects of the peace agreement.

For example, I-For is called on to assist the UNHCR, the U.N. High Commissioner for Refugees, and other international organizations, in their humanitarian missions, to prevent interference with the movement of civilian populations and refugees, and to respond to deliberate violence to life and person. It is not clear what guidelines, if any, have been given to the commanders on the ground to help those commanders determine when I-For should get involved in these supporting tasks. This must be clarified and the mission strictly limited to implementing the military aspects of the agreement. I think that should be done before another soldier, sailor, airman, or marine departs to go to that region.

I am also concerned about the administration's lack of an adequate exit strategy and an announced time limit of 12 months for this mission. Just announcing that we will leave in 12 months is not an exit strategy. We have to make sure that there is a balance of military power between these warring factions. That balance will serve as a far better deterrent, far better than anything else we can do.

I salute the distinguished majority leader, the Senator from Kansas [Mr. DOLE]. I have joined him in the past year, in trying to implement the concept of assisting one of those factions, the Bosnian Moslems, and bringing their level of armaments up to where they can possess a deterrent to attack.

I think it is naive to believe in 12 months the United States and NATO military involvement will wipe away centuries-old hostilities. What I fear we are facing is a temporary lull in the fighting until the international community withdraws its troops. Then, I ask my colleagues, what will happen to the credibility of the United States and NATO if this mission ends inconclusively, or is possibly even judged to be a failure because the conflict resumes after we depart?

Remember, remember those pictures of our brave Marines as they left Somalia with the people on the shore firing at them as they disembarked in their small craft to go out to a larger American warship and return home. I do not forget that. I do not forget those instances.

Because of the serious concerns which I have outlined, I will vote to oppose this deployment of U.S. ground troops. This was not an easy decision for any of us to make but I do it as a matter of conscience. However, if that full deployment is to occur and does occur, then I will, as I have in every day I have served in this U.S. Senate, support the troops 100 percent in every way I know how.

Mr. President, I ask unanimous consent that recent editorials on this situation by the former distinguished Secretary of the Navy James Webb, and by a former professional Army officer,

Col. Harry Summers, be printed in the RECORD and I yield the floor.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 28, 1995]

REMEMBER THE NIXON DOCTRINE

(By James Webb)

The Clinton Administration's insistence on putting 20,000 American troops into Bosnia should be seized on by national leaders, particularly those running for President, to force a long-overdue debate on the worldwide obligations of our military.

While the Balkan factions may be immersed in their struggle, and Europeans may feel threatened by it, for Americans it represents only one of many conflicts, real and potential, whose seriousness must be weighed, often against one another, before allowing a commitment of lives, resources and national energy.

Today, despite a few half-hearted attempts such as Gen. Colin Powell's "superior force doctrine," no clear set of principles exists as a touchstone for debate on these tradeoffs. Nor have any leaders of either party offered terms which provide an understandable global logic as to when our military should be committed to action. In short, we still lack a national security strategy that fits the post-cold war era.

More than ever before, the United States has become the nation of choice when crises occur, large and small. At the same time, the size and location of our military forces are in flux. It is important to make our interests known to our citizens, our allies and even our potential adversaries, not just in Bosnia but around the world, so that commitments can be measured by something other than the pressures of interest groups and manipulation by the press. Furthermore, with alliances increasingly justified by power relationships similar to those that dominated before World War I, our military must be assured that the stakes of its missions are worth dying for.

Failing to provide these assurances is to continue the unremitting case-by-case debates, hampering our foreign policy on the one hand and on the other treating our military forces in some cases as mere bargaining chips. As the past few years demonstrate, this also causes us to fritter away our national resolve while arguing about military backwaters like Somalia and Haiti.

Given the President's proposal and the failure to this point of defining American stakes in Bosnia as immediate or nation-threatening, the coming weeks will offer a new round of such debates. The President appears tempted to follow the constitutionally questionable (albeit effective) approach used by the Bush Administration in the Persian Gulf war: putting troops in an area where no American forces have been threatened and no treaties demand their presence, then gaining international agreement before placing the issue before Congress.

Mr. Clinton said their mission would be "to supervise the separation of forces and to give them confidence that each side will live up to their agreements." This rationale reminds one of the ill-fated mission of the international force sent to Beirut in 1983. He has characterized the Bosnian mission as diplomatic in purpose, but promised, in his speech last night, to "fight fire with fire and then some" if American troops are threatened. This is a formula for confusion once a combat unit sent on a distinctly noncombat mission comes under repeated attack.

We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would "continue to discourage the development of the necessary military strength Western European countries should provide for themselves."

The Administration speaks of a "reasonable time for withdrawal," which if too short might tempt the parties to wait out the so-called peacekeepers and if too long might tempt certain elements to drive them out with attacks causing high casualties.

Sorting out the Administration's answers to such hesitations will take a great deal of time, attention and emotion. And doing so in the absence of a clearly stated global policy will encourage other nations, particularly the new power centers in Asia, to view the United States as becoming less committed to addressing their own security concerns. Many of these concerns are far more serious to long-term international stability and American interests. These include the continued threat of war on the Korean peninsula, the importance of the United States as a powerbroker where historical Chinese, Japanese and Russian interests collide, and the need for military security to accompany trade and diplomacy in a dramatically changing region.

Asian cynicism gains further grist in the wake of the Administration's recent snubs of Japan: the President's cancellation of his summit meeting because of the budget crisis, and Secretary of State Warren Christopher's early return from a Japanese visit to watch over the Bosnian peace talks.

Asian leaders are becoming uneasy over an economically and militarily resurgent China that in recent years has become increasingly more aggressive. A perception that the United States is not paying attention to or is not worried about such long-term threats could in itself cause a major realignment in Asia. One cannot exclude even Japan, whose strong bilateral relationship with the United States has been severely tested of late, from this possibility.

Those who aspire to the Presidency in 1996 should use the coming debate to articulate a world view that would demonstrate to the world, as well as to Americans, an understanding of the uses and limitations—in a sense the human budgeting of our military assets.

Richard Nixon was the last President to clearly define how and when the United States would commit forces overseas. In 1969, he declared that our military policy should follow three basic tenets:

Honor all treaty commitments in responding to those who invade the lands of our allies.

Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

These tenets, with some modification, are still the best foundation of our world leadership. They remove the United States from local conflicts and civil wars. The use of the American military to fulfill treaty obligations requires ratification by Congress, providing a hedge against the kind of Presidential discretion that might send forces into conflicts not in the national interest. Yet they provide clear authority for immediate action required to carry out policies that have been agreed upon by the government as a whole.

Given the changes in the world, an additional tenet would also be desirable: The United States should respond vigorously against cases of nuclear proliferation and state-sponsored terrorism.

These tenets would prevent the use of United States forces on commitments more appropriate to lesser powers while preserving our unique capabilities. Only the United States among the world's democracies can field large-scale maneuver forces, replete with strategic airlift, carrier battle groups and amphibious power projection.

Our military has no equal in countering conventional attacks on extremely short notice wherever the national interest dictates. Our bases in Japan give American forces the ability to react almost anywhere in the Pacific and Indian Oceans, just as the continued presence in Europe allows American units to react in Europe and the Middle East.

In proper form, this capability provides reassurance to potentially threatened nations everywhere. But despite the ease with which the American military seemingly operates on a daily basis, its assets are limited, as is the national willingness to put the at risk.

As the world moves toward new power centers and different security needs, it is more vital than ever that we state clearly the conditions under which American forces will be sent into harm's way. And we should be ever more chary of commitments, like the looming one in Bosnia, where combat units invite attack but are by the very nature of their mission not supposed to fight.

[From the Washington Times, Dec. 11, 1995]

AFTER THE DOUBTS, SALUTE AND OBEY

(By Harry Summers)

When it comes to the Bosnian intervention, "the proverbial train has left the station," said Rep. Floyd Spence, South Carolina Republican, chairman of the House National Affairs Committee. But that did not mean he agreed with that deployment. "I believe we will all eventually regret allowing American prestige and the cohesion of the NATO alliance to be put at risk for a Bosnian peacekeeping operation."

Many senior military officers would privately agree with his assessment. But now is not the time to publicly express their doubts. Before a decision is made, the duty of a military officer is to speak up and express any reservations about a proposed course of action. But once the decision is made, the duty is then to salute and obey and wholeheartedly support the task at hand.

And that support especially includes keeping their doubts to themselves. Commanding a rifle company in the 2nd Armored Division in 1965, my executive officer, Lt. Thomas E.M. Gray II, had grave reservations about our emerging Vietnam policy. Expressing those concerns in a Troop Information lecture, he was surprised when the soldiers turned on him with a vengeance. Many were already alerted for Vietnam, and they wanted to believe in what they were being ordered to do. They had their own doubts and fears to contend with, and what they needed from their leaders was reassurance that the task was both necessary and doable.

Like Jesus' centurion, a soldier is "a man under authority," and when his civilian and military leaders say go, "he goeth." Despite

his misgivings, Lt. Gray himself went to Vietnam and was tragically killed in action while serving with the 1st Infantry Division's 1st Battalion, 16th Infantry. Like Lt. Gray, many others served in Vietnam, and will serve in Bosnia as well, despite their private reservations.

One who did so in Vietnam was Vice President Al Gore, and on the day of the president's address, the vice president invited several of us to the White House for a briefing on Bosnia. In the course of our talk, he called attention to a Nov. 27, 1995, New York Times article headlined "Commanders Say U.S. Plan for Bosnia Will Work." But those comments may not be as telling as he believed. They may well reflect only the traditional military reluctance to undermine soldiers' confidence and morale on the eve of a hazardous operation.

Whether the military commanders have private misgivings about the Bosnian operation is not knowable, but what is becoming clear is the lengths they have gone to ensure that the military mission was limited to doable military tasks.

Until recently, according to press reports, the military operation was to include not only the "peacekeeping" task of keeping the warring parties separated, but the "nationbuilding" task of rebuilding the Bosnian political and economic infrastructure and also the job of training and equipping the Bosnian Muslim military to bring it up to par with its enemies.

At our White House meeting, the vice president took particular pains to disavow any such "mission creep." The "nationbuilding" notion that led to such grief in Somalia will not be a U.S. military mission, he said. That will be a task for the Europeans, specifically the OSCE, the Organization for Security and Cooperation in Europe, which has several ongoing missions in the area. Training of the Muslims, originally said to be a task for the U.S. Army's 10th Special Forces Group, will now be done by third-party nationals. And the vice president categorically ruled out any manhunts for war criminals, such as the one that led to the disaster in Mogadishu.

To their credit, the senior military leaders have done their best to limit the mission to doable tasks. But the one thing they have not succeeded in doing is resolving the issue of military casualties. This is an issue of major concern, and at the vice president's briefing and later in the presidential address to the nation, it was emphasized that the Bosnian operation is not risk free, and that casualties will occur.

But casualties per se are not the limiting factor. It is whether those casualties are disproportionate to the value of the mission. In World War II, the value was national survival, and we willingly paid more than a million casualties in its pursuit. In Somalia, the value was never established, and 16 became too many. The task for President Clinton is to establish the value of what we are trying to do in Bosnia as the basis for the costs in both lives and treasure that such an operation will entail.

If the polls are correct, that value has not yet been established. And if that task remains undone, then even one casualty may prove to be too many and Mr. Spence's warning will prove to have been only too correct.

[From the Washington Post, Nov. 26, 1995]

OUR PIECE OF THE PEACE—SENDING TROOPS TO BOSNIA: OUR DUTY, CLINTON'S CALL

(By Lloyd N. Cutler)

After months of sustained effort, the Clinton administration has succeeded in negotiating a peace agreement among the three warring ethnic factions in Bosnia. The agreements initialed in Dayton would require us and our NATO allies to place peacekeeping units of our armed forces in Bosnia for a year or more. This raises once again the biggest unresolved issue under the U.S. system of separate executive and legislative departments: Is the constitutional authority to place our armed forces in harm's way vested in the president or in Congress, or does it require the joint approval of both?

President Clinton has said he would follow the precedent set by George Bush before the 1991 Desert Storm invasion and seek a congressional expression of support before committing American units to the enforcement of the Bosnian peace agreement. But he has also asserted the constitutional power to act on his own authority, just as Bush did. This time, it is Republican congressional leaders who are challenging a Democratic president's view that the president can lawfully act on his own, but, more typically it has been Democratic Congresses challenging presidents of either party.

During the coming debate, Congress would be wise to bear in mind, as it did five years ago, that the world will be watching how the one and only democratic superpower reaches its decisions, or whether it is so divided that it is incapable of deciding at all. Congress needs to recognize that we cannot have 535 commanders-in-chief in addition to the president and that some deference to presidential judgments on force deployments is in order. That is especially true when, as in Korea, Iraq and Bosnia, the president's proposed deployments are based on United Nations Security Council resolutions that we have sponsored and on joint decisions with our allies pursuant to treaties Congress has previously approved.

In the case of Bosnia, the argument for committing U.S. forces to carry out a peace agreement is a strong one. All of us are revolved by the ethnic cleansing and other human rights abuses that the various factions have committed. These abuses are likely to continue if the peace agreement is not formally signed in mid-December as now scheduled, or if it is signed but not carried out. If the war goes on or soon resumes, it may well spread to other parts of the former Yugoslavia and to the rest of the Balkans, still the most unstable region of Western and Central Europe. Any widening of the Balkan wars could well spread to Eastern Europe and the Middle East and pose a substantial potential threat to U.S. national security.

Some foreign forces are needed to separate the contending armies and to control the standing down of heavy weapons. Under our leadership, and only under our leadership, NATO is ready to supply the necessary forces. The stronger the forces, the better the chance that they will not be attacked and that they will accomplish their mission. All these reasons argue for a significant U.S. military commitment, now that a promising peace agreement has been reached.

In 1991, the Democratic Congress narrowly approved President Bush's decision to reverse the Iraqi invasion of Kuwait, thus mooting the issues of whether the president could have acted alone. Today, the Republican congressional leadership, while sounding somewhat more conciliatory than in recent weeks, is challenging President Clinton to make his case for the proposed deployment. This war powers question has come up repeatedly since the 1950 outbreak of the Korean War, when President Truman committed our forces without first seeking congressional approval, but has never been resolved.

In foreign and national security policy, as in domestic policy, neither Congress nor the president can accomplish very much for very long without the cooperation of the other. This is so for both constitutional and practical reasons. The Constitution gives Congress the power to "declare war," but both Congress and the president share the power to raise armies and navies and to raise and appropriate funds for their maintenance and deployment. Only Congress can enact such measures, but it needs the president's approval or a two-thirds majority of both houses to override his veto. Only the president can negotiate treaties, but he needs a two-thirds vote of the Senate to ratify them. The president's separate powers are limited to receiving ambassadors, serving as commander-in-chief of the armed forces and faithfully executing the laws. If as commander-in-chief he orders our armed forces into a combat situation, he still needs congressional approval to finance such a commitment over an extended period of time.

Before the United States became a superpower, disputes over the authority to commit our forces rarely arose. We had few occasions to deploy our military units abroad, much less commit them to conflict. Armies, navies and news of battle traveled very slowly. Air forces and long-range missiles did not exist. There was plenty of time after learning of a threatening event for the president to deliberate with Congress about the proper response. Occasionally, presidents committed us unilaterally, as in our attacks on the Barbary pirates in Tripoli in Jefferson's time, but it was rare for Congress to claim that its own prerogatives were being usurped by the president.

Since World War II, all this has changed. As commander-in-chief of the democratic superpower, presidents now deploy our armed forces all over the world. We can attack, or be attacked, within moments. On numerous occasions, presidents have committed our forces to armed conflict, sometimes of a sustained nature as in Korea and Vietnam, without asking Congress to declare war. In Vietnam, as it had in Korea, Congress initially supported the president's initiatives by appropriations and other measures. But as the duration and scope of our military actions in Indochina escalated, an increasingly restive Congress enacted the War Powers Resolution over President Nixon's veto. The resolution laid down a series of rules that require a president "in every possible instance" to "consult with Congress" before he commits our armed forces to combat or to places in which hostilities are "imminent." It also requires the withdrawal of those forces if Congress fails to adopt an approving resolution within 60 days.

President Nixon and all subsequent presidents have challenged the constitutionality of these prescriptions, but the Supreme Court has never accepted a case that would resolve this dispute and is unlikely to do so in the near future. When presidents "consult" with Congress before committing forces, they are careful to avoid saying they do so "pursuant to" the War Powers Resolution; they say they do so "consistent with" the resolution.

There are obviously situations where modern technology makes advance consultation with Congress impractical—most notably the case where our sensor equipment indicates that a missile attack has been launched on the United States or our NATO allies, or where speed and secrecy are key factors, as in the rescue of American hostages or reprisals against a terrorist act abroad.

But presidents have continued to commit our forces to armed conflict or situations where conflict was clearly "imminent," whether or not split-second timing was imperative. President Ford, for example responded forcefully to an attack on a U.S. vessel (the Mayaguez) off the Cambodia coast; President Carter launched a military mission to rescue our hostages in Iran; President Reagan put our forces into Lebanon, the Sinai, Chad and Grenada and ordered bombing attacks on Libya; President Bush sent troops into Panama, Liberia, Somalia, Saudi Arabia, Kuwait and Iraq.

As for President Clinton, he has already ordered our forces into Somalia, Rwanda, Haiti and Macedonia and has authorized our air units to enforce the U.N. no-fly zone over Bosina itself.

Moreover, in the 22 years since the War Powers Resolution became law, Congress has never undermined these presidential uses of force by action (or inaction) in a way that would have blocked the mission or required withdrawal within 60 days.

All this does not mean that Congress must cede the power to make national security decisions to the president. Congress successfully forced Johnson and Nixon to limit and finally to terminate the undeclared Vietnam War. Congress successfully stopped Reagan's covert sales of weapons to Iran and his covert and overt military aid to the contras. As these examples show, presidents cannot effectively exercise their separate constitutional powers over national security and foreign policy over an extended period without the cooperation of Congress. That is why Clinton, like Bush in 1990, has invited Congress to express its views before our forces are committed to support the peace agreement in Bosnia.

A week ago Friday, while the Dayton negotiations were still going on, House Republicans passed a bill that would bar the expenditure of any funds to sustain U.S. forces in Bosnia. Fortunately, the Senate is unlikely to follow, and even if it did, a presidential veto would be difficult to override. But the House Republicans who launched this preemptive strike would do better to emulate former Republican congressman Dick Cheney.

In 1990, when we had a Republican president and Democratic majorities in both houses of Congress, Cheney was the secretary of defense. As he said before we entered the Gulf War, "When the stakes have to do with the leadership of the Free World, we cannot afford to be paralyzed by an intramural stalemate." The decision to act, he noted, "finally belongs to the president. He is the one who bears the responsibility for sending young men and women to risk death. If the operation fails, it will be his fault. I have never heard one of my former [congressional] colleagues stand up after a failed operation to say, 'I share the blame for that one; I advised him to go forward.' "

This does not mean that Congress must approve the president's proposed commitments without change. For example, following the Lebanon precedent, Congress could require its further approval if the forces were not withdrawn within, say, 18 months, a period that expires after the next elections. The president and Congress have the shared responsiblity of finding a solution that shows we can function as a decisive superpower and as a responsible democracy at the same time. The public expects no less.

It may be too late to help in the Bosnia debate, but there is one change in our process for making national security decisions that ought to be adopted. The National Security Council (NSC), the statutory body created to advise the president on national security affairs, consists entirely of officials in the executive branch. When the NSC takes up issues related to the potential commitment of our forces, the president could invite the attendance of the speaker, the majority and minority leaders of the House and Senate and the chairmen and ranking members of the national security and foreign policy committees of each house. Since the NSC role is purely advisory, no separation-of-powers issues would arise. In this way Congress, in its own favorite phrase, would be effectively consulted before the takeoff, rather than at the time of the landing. The cooperation on national security issues that the nation wants and expects might still elude us, but the president would have done his part to carry out George Shultz's admonition that trust between the branches must be Washington's "coin of the realm."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is next to be recognized under the previous order.

Mrs. HUTCHISON. Will the Senator from Nebraska yield for a unanimous consent request?

Mr. KERREY. I am pleased to yield.

Mrs. HUTCHISON. I ask unanimous consent Senator SNOWE be sequenced following Senator BRADLEY in speaking order.

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

The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, first, the Senator from Virginia just gave very eloquent testimony, not just to the U.S. abilities in the past to accomplish good things, but the risks contained in them.

I did have a great honor to be able to travel with the Senator from Virginia earlier this year, to Zagreb and down to Split and down to Knin in the Krajina Valley where the Croatian forces had succeeded in driving, by some estimates, close to 200,000 military and civilian personnel from that valley. It was very clear to me that I was in the presence of a man who understood, not just that particular region as well as any, but understood the great value and importance of we Americans leading where we can and doing what is possible to make the world a safer and better place. I have many of the same misgivings the Senator from Virginia just expressed and I know that, in expressing opposition to the resolution and the deployment, in his own statement just now he wants this mission to be successful. He wants this operation, this NATO operation to be a success.

I also must say——

Mr. WARNER. Mr. President, I wish to thank my distinguished colleague. We will travel together again to other places in the world on behalf of our Armed Forces.

I will be pleased to hear the Senator's remarks.

Mr. KERREY. I look forward to the travel. I learned a great deal in a relatively short period of time from the distinguished senior Senator from Virginia. I look forward to having a chance to travel and learn again.

The goal of any policy, particularly a foreign policy, I presume and hope, is success. But, in a complex and confused conflict, such as this one, which has festered for centuries, success is extremely hard to define. The civil war in the former Yugoslavia is the consequence of a very confusing sequence of events that very few people understand fully. Yugoslavia itself was an intricate construct of religions and nationalities. Even the future consequences of U.S. inaction now are not immediately clear. Also, there has been considerable disinformation put out by all sides in the conflict, to justify the claims that all sides have to the status of being a victim.

The international solution coming out of the Dayton agreement is not exactly simple either. A NATO force, including non-NATO units and even Russian units, is to separate the parties along a meandering 600-mile boundary line and then oversee the restoration of civilian government functions in Bosnia.

Meanwhile, the European Community and international donors put together a financial program to rebuild Bosnia's infrastructure. The plan may or may not be brilliant, but it certainly is not simple.

So it is not surprising, Mr. President, that well-informed citizens—and I am thinking in my case of Nebraskans who I had the honor of visiting with this week to discuss this policy—do not fully understand the Bosnian case.

As I indicated earlier, I had the opportunity to travel to the former Yugoslavia, have attended hours of briefings in the intelligence community, and have visited the National Military Joint Intelligence Center in the Pentagon the last two Fridays. I must say I do not fully understand this problem, either.

Mr. President, I do understand that American leadership has already made it better. My response to those who despair of improving this tangled region is that from the moment of President Clinton's decision last summer to lead the way to a solution, the former Yugoslavia has become a more peaceful place. Bosnia is now a safer place for its inhabitants.

Mr. President, it was only last summer that the only access to Bosnia's capital, Sarajevo, was over the dangerous Mount Igman road. Three American diplomats were killed in July on that road. The airport was closed. Sarajevo's very life was at risk from mortar attacks, from snipers, and from the cutoff of the energy and food on which life depends.

Then came the United States commitment to lead, Ambassador

Holbrooke's full-court press, and today Bosnians are safer as a consequence. C-130's now land at Sarajevo. Sarajevans' daily brushes with death are over, we pray forever. Energy and food deliveries are resuming, Mr. President. I am describing the indicators of success—success we have already achieved.

The distinguished Senator from Virginia earlier indicated, and I think quite properly, a test that all of us should apply to an operation, to a mission of this kind. That is, would we be able to go into the home of a family who had lost a loved one in a conflict and tell them what their loved one had accomplished? Was it worth their sacrifice?

Mr. President, you would, I think, be hard pressed not to be able to go into the homes of the three diplomats who gave their lives to secure peace in Yugoslavia and not be able to say that, thanks to their bravery in July, being willing to run the risks associated with travel to Sarajevo at the time, that as a consequence of their bravery we now have peace in that city.

There are many people who are planning trips there and lots of travel going on there. Mr. President, there has been a tremendous success accomplished already.

Last August when I visited Yugoslavia, Sarajevo was judged so dangerous that the administration said that I and the delegation that I traveled with should not go there. We could not get to the capital of the country which is at the heart of this problem. Today, not only is Sarajevo accessible, but Tuzla, where our troops will be stationed, is accessible as well. Already, several congressional delegations have traveled there in the past few weeks to see for themselves the conditions our troops will face. That access is the fruit of policy success.

But success in any enterprise, Mr. President, is temporary unless you are willing to secure it and to build on it. The Dayton agreement provides for military forces to enforce separation of the parties and to ensure compliance with the agreement. If all the parties comply with the agreement, success will be achieved and a peaceful, secure Bosnia will not just be a possibility but an odds-on likelihood.

Mr. President, given what has happened in Bosnia and what could happen without the decisive impact of American leadership, I contend this would be a highly successful outcome, one in which all Americans could take great pride.

Mr. President, much has been said—I have listened to many colleagues, and I have heard, particularly on talk radio, concern expressed—about President Clinton as Commander in Chief. First of all, let it be said that Mr. Clinton, our President, is the architect of this policy and he is the Commander in Chief of our Armed Forces. As the distinguished majority leader has correctly stated, we only have one President, one Commander in Chief. Our Armed Forces have a high level of good order and discipline. They recognize that fact. They will follow the orders the President gives them. They will proceed to the places named in his orders.

When we do our constitutional duty of debating deployment such as this one, we should not say or do anything which might separate the Armed Forces from their properly constituted chain of command. A resolution of this body declaring support for the troops but opposition to the action the President has ordered the troops to take could have very negative consequences for the morale of the Armed Forces as well as for the outcome of the mission.

A statement by one Senator such as I read in this morning's New York Times to the effect that this Senator has spoken to soldiers at a military installation and said, "They're with me. They're mixed. They know I'm for them and I'm trying to keep them out," is not helpful. The troops are with their Commander in Chief and with no one else, regardless of the outcome of this debate.

There is also a good deal of talk, as I said, on talk radio criticizing Bill Clinton's right to deploy American forces and his ability to command those deployed forces because he did not go to Vietnam.

I will address this topic, Mr. President, head on. Having not served, I must say, can be a handicap for people serving as Commander in Chief of the military, no two ways about it. There are parts of a job you grow into, and I believe strongly that the President has really grown as a Commander in Chief. He inherited Somalia from the Bush administration, and as Commander in Chief of the Somalia operation, Bill Clinton has experienced the human tragedy of being the leader when United States casualties occur. He has not flinched from hard talks with the families of casualties that occurred on his watch. Those talks are a sobering and maturing experience for any commander, even a President. He is not naive or starry eyed about what he is ordering young Americans to do.

There is another aspect of Presidential service that must be considered, particularly as we engage in this kind of debate. Bill Clinton may not have been in combat in Vietnam, but in a very real way he, like all his predecessors, is experiencing combat now. He is experiencing the daily danger which, unfortunately, is part of his job. His residence has been attacked twice. He suffered the loss of a friend and ally, Prime Minister Rabin. He knows firsthand every day the sense of an unknown but ever present threat to your life and the life of your family, which is an essential part of combat. In this sense, too, he has matured a lot. The job has that effect on people.

In the final analysis, though, the most important tool that the President brings to being Commander in Chief is the fact that he is properly sworn. He is the duly elected President of the United States of America. Mr. President, that is all it takes. Every American soldier, every American sailor, every American airman and marine must understand it.

As far as a national interest, Mr. President, it does fall to the President of the United States to define the Nation's vital interests and then act to defend them. Such interests are at issue in the former Yugoslavia. The most important one, in my judgment, is the stability of Europe.

We have learned in this century that we ignore European instability at our peril. Twice we have made the mistake of thinking Europeans, with their money and sophistication and long experience as countries, could maintain their own stability. Twice we have had to send millions of our soldiers to fight in Europe to correct the mistake and to lead Europeans into stable, peaceful arrangements with each other. There may come a time when Europeans can do this all by themselves, but the Yugoslavian experience of the past 4 years shows that time is not yet here.

At the end of World War II, America determined to shore up the stability and security of Europe. Former friend and foe alike were a shambles, communism was a growing force in European domestic politics, and the Soviet Union showed both the ability and the inclination to incorporate all the continent into his family of satellite states.

To our farsighted leaders of the period, a crisis was apparent. They responded with a decisive commitment of American leadership. They organized an alliance of the United States, Canada, and 13 European countries, an alliance with a simple but breathtakingly open-ended commitment, an attack on any member was an attack on all. In other words, we would go to war to defend any NATO member. With the implementing vision of the first Supreme Allied Commander, Dwight D. Eisenhower, the NATO alliance began a record of achievement that climaxed not a year later but 40 years later with the fall of the Berlin wall and the collapse of Soviet communism.

Whenever we give speeches about what we are proud of in America's accomplishments since World War II, we brag, and very properly so, about our victory in the cold war and the U.S. leadership of NATO which made victory possible. Mr. President, our commitment in 1949 was not totally assured of success. Far from it. And our commitment was not accompanied by a congressional requirement for an exit strategy. In 1949 our leaders acted boldly to leverage American leadership

into an alliance with a good chance of success. Today, with a new situation in Europe, we face a requirement to act again, boldly, to restore and maintain European stability. Again, NATO is the instrument of choice. If we do not act, instability will spread more broadly in a region in which major European powers have historic interests and have not shrunk from war to advance those interests. If we do not use NATO as our instrument, this alliance will not be available to continue its 40 year role as the guarantor of a peaceful, stable Europe.

It was not so long ago that our major European allies were usually at each other's throats. NATO created a framework of defense cooperation in which shared interests outweighed rivalries. Today NATO expansion carries the potential to extend the same cooperation into Eastern Europe and I hope, eventually, Russia and other former Soviet states. I cannot think of a better way to lock-in the benefits of the end of the cold war. But without NATO as a vibrant, capable organization, it will not happen. NATO cannot be such an organization without U.S. leadership. Mr. President, stability in Europe and the continued viability of NATO are our vital interests, and they are at issue today in the Balkans.

We have other lesser, but important interests there. We have an interest in a peaceful, stable, Russia which cooperates with us and with NATO on defense matters and with which we can share mutual confidence. The deployment of Russian units to the I-FOR under United States command provides a potentially priceless opportunity to build such a relationship. Also, we have an interest in developing a better relationship with the Moslem world. Moslems have clearly been the underdog in the Yugoslav war, and American leadership to preserve and secure a Bosnia which is again safe for Moslems will have positive effect on United States relations with the Moslem world. It will show the truth of our national character, which is we seek justice and fairness and do not play ethnic favorites.

DRAFT A RESOLUTION TO SUPPORT SUCCESS

What we vote today matters. We should not hamstring our commanders with requirements that make success harder to attain. When we require the administration to supply armaments of the highest quality to one of the combatants, the highest quality being the best the United States has in its own arsenal, or when we pass a resolution which sets an artificial time limit on an operation which should only be bounded by accomplishment of the assigned task, we are placing handicaps on Admiral Smith's ability to accomplish the mission. I know none of us wants to do that. Once our troops are committed, all of us want them to succeed.

I must also add my concern about Congress declaring U.S. creditability to be a strategic interest. We may be issuing an open-ended invitation to Presidents present and future to make unilateral commitments and require Congress to support them on the fuzzy basis of creditability. The stability of Europe is reason enough for this operation, in my view.

Mr. President, I have been to briefings at the Intelligence Committee and have spent the last two Friday afternoons at the National Military Joint Intelligence Center at the Pentagon, trying to learn all I can about this mission and the intelligence support our commanders will be getting. I am immensely proud to have a military that can do a mission like this—to go into difficult terrain in tough weather conditions and be able to provide its own support and security while being prepared to engage any or all of three contending armies. I am proud of the work our national and military intelligence communities have done and are doing to support our troops with the best intelligence available, and also support the NATO and foreign forces in the I-FOR. No one else in the world could do this, except the United States. We are doing it, as I said, to protect vital interests. We are doing it in a good cause.

If all the parties to the Dayton agreement abide by it, our leadership will have brought peace to the Balkans. More importantly, we will have extended the guarantee of European stability to which we have been committed, in NATO, since 1949. If we lead with the vision of our post-war predecessors, we can achieve success in Bosnia.

Mr. President, finally, let me point out what should be obvious. The success that has been achieved thus far has been a success of the President of the United States committed to achieve peace in the Balkans, but a success that has been put together by diplomats, by politicians, some elected and appointed leaders, not just of the United States but of all three of the nations in the Balkans. And if success is to be the end goal, and if we are to achieve that success, the military can only do part of it. In order for the military to be successful, we political leaders are going to have to do the hard work of making certain that all the parties adhere to the agreement that we expect them to sign in Paris tomorrow.

I believe there is a good chance of success—of further and continued success—a chance of success that is worth the risk that we take, the risk of lives and the risk of capital in the Balkans.

I hope that the debate about this resolution—a nonbinding resolution that does not necessarily impact the President—I hope that the President hears throughout all of this debate perhaps some criticism. But even critics have to grudgingly, I hope, acknowledge that there is peace in the Balkans, that you can fly to Sarajevo, that children and civilians in Sarajevo markets do not worry on Sundays—as they did when I was there on the 28th of August—that 120-millimeter rockets and mortars were going to rain down on them and take their lives. That fear is gone today. The fear of sniper attack is gone.

If the standdown of forces occurs in the first 30 days and in the next 45 days and the next 180 days, if we can just stand down the forces, the United States of America will continue to be able to say that we are saving lives. There are people alive today in Sarajevo that would not have been alive were it not for the leadership of the President of the United States and the people of the United States backing that President.

I hope we understand and appreciate the great success that only the United States of America could achieve under the leadership of Bill Clinton. I hope this debate does not cloud that success, and I hope this debate does not prevent and make more difficult a continuation of our efforts to build upon that success.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator LOTT be traded in speaking order for Senator DOMENICI, who would be next, and also that Senator KASSEBAUM be added after Senator NUNN in the speaking order.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Texas for accommodating my schedule and allowing me to change the order of the list of speakers. I also want to thank her for her leadership in this area. It is not easy. It takes a lot of courage, and the Senator from Texas has done an excellent job on this issue. I support her resolution because it best reflects my views on this issue.

This resolution expresses opposition to the decision to put United States troops on the ground in Bosnia, and also it says that we support our troops. Certainly, we all do, whether they are in the Continental United States or anywhere around the world. This resolution is simple. It is direct. It is to the point. And, I agree with it. I oppose the decision to send U.S. ground troops to Bosnia.

Conversely, I intend to oppose the resolution by the distinguished majority leader, and the Senator from Arizona, Senator MCCAIN. They have done

excellent work on their resolution. They have improved it considerably. But it still has language that to me—leaves the impression that a vote in favor of the resolution equates to authorizing, or agreeing with the decision to deploy ground troops. It does not say exactly that, but it still has language that gives me discomfort in that area.

I also have difficulty with our putting United States troops on the ground—supposedly as neutral I-FOR troops between the Serbians, the Bosnians, and the Croats on the other side—all while the United States leads an effort to train, equip, and arm the Bosnians. That is a precarious position for U.S. forces. I think that is a very impractical arrangement. You cannot appear to be, or try to be neutral while you are, in fact, leading an effort to train one party of the three factions involved. So I have not been able to get that problem worked out in my mind with the language that is before the Senate in the resolution by Senator DOLE.

Mr. President, in 1921, Oliver Wendell Holmes wrote:

> A page of history is worth a volume of logic.

Without an understanding of history, it is easy to repeat the mistakes of history, and it is in that context of history that we must carefully review President Clinton's decision to send United States ground troops into Bosnia.

On November 21, 1995, President Clinton announced that an agreement had been reached in Dayton, OH, an agreement which he believed would secure peace in the former Yugoslavian Republic of Bosnia. According to him, key to its success would be participation of 20,000 American military personnel on the ground. Without American involvement, the President suggested there would be no peace and U.S. leadership of NATO would suffer, perhaps to the point of rendering NATO useless. But the President's dire warnings must not be simply conceded under the assumption that he is right. The decision to send United States troops to Bosnia should not be reached because of feared diminution of United States leadership in the world or of NATO.

The fundamental decision should be based on answers to two simple specific questions: Are vital United States national security interests under threat in Bosnia? Do we have an effective exit strategy?

Before going further, I want to say that the President deserves credit for creating a negotiating framework which brought together the leaders of the warring parties and for fostering an environment of serious work to bring peace to war-torn Bosnia.

But the decision to deploy United States troops to Bosnia is much more complex than just simply affirming a peace agreement negotiated in Dayton. Much more must be considered before our troops are deployed en masse.

Before addressing the two immediate questions regarding this decision, though, whether to deploy the troops, we must understand the history of Bosnia, if for no other reason than to gain some sense of the potential success or failure of that Dayton agreement.

In his second State of the Union Address in 1862, President Lincoln counseled the Congress to remember that we cannot escape history. That same counsel applies to the strife-ridden Bosnia.

The former Yugoslavia found its birth in 1918 as the Kingdom of the Serbs, the Croats and Slovenes united under the reign of King Alexander. In 1929, the country was renamed Yugoslavia, but the recent civil unrest in Bosnia can be traced much further back than that. The deep hatred and animosity of the Serbian, Bosnian, and Croatian peoples was not born from their forced union in 1918. It reaches back to the mid-1300's when the Ottoman Turks subdued the Serbian state.

History is clear that death, civil strife, and general mayhem between the Serbs, Croats, and Bosnians was prolific between the mid-1300's until Tito solidified his control of Yugoslavia at the close of World War II. In most cases, the hostility between the parties was based on religious and cultural divisions and the leadership of the day, whether it be King Alexander or Tito, used these religious and cultural hatreds as tools to suppress, to check, and to trump the national aspirations of each of the parties in the region. The result was nearly continuous bloodshed between the three warring factions.

This backward, bloody, and ugly history led British Prime Minister Benjamin Disraeli to tell the House of Lords in 1878 these words, which are applicable to today's situation. He said:

> No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia, Herzegovina and other provinces—political intrigues, constant rivalries, a total absence of all public spirit—hatred of all races, animosities of rival religions and absence of any controlling power . . . nothing short of 50,000 of the best troops would produce anything like order in these parts.

That was in 1878. If it would have taken 50,000 troops then, how many troops would it take today?

When King Alexander was assassinated in 1934 byy Croatian extremists, Yugoslavia began to split apart at the seams. Why was King Alexander assassinated? Well, in 1929 he tried to create an autonomous Serb, Croat, and Slovene government under a unified federalist structure called Yugoslavia. While one central government was to remain under his ledership, the three parties would achieve independence.

The Dayton agreement—at its fundamental base—seeks to resurrect much of King Alexander's failed plan of 1929. But instead of creating three separate states under one central government, the Dayton agreement seeks to create two parts, the Croat-Bosnian Federation and the Serbian Republic, all under one central government.

Just as President Lincoln said, "We cannot escape history," neither can President Clinton escape the history of Yugoslavia, nor can any of us afford to ignore it. Based on this history, it is likely—and unfortunate—that there will be no peace in Bosnia with or without United States troops on the ground to support it.

No international troop presence on the ground in Bosnia will restore peace to a region which has forgotten peace, does not remember peace, and does not forgive past violations of peace. United States troops should not be squandered on such a prospect.

Yes, we all hope for peace, but the peace must be achieved in the hearts and minds of the people there who have been warring for centuries. America cannot impose it with military troops.

The United States has a history, a noble history, and a heritage born from war in search of peace. Ours is a noble history and heritage, but this heritage should not and does not commit us to blind military commitments, the goal of which is to right historical wrongs or impose tranquility where tranquility does not exist or has not existed for over 600 years.

War is an ugly, gruesome undertaking. War should not be pursued or waged for mere political expediency or humanitarian gains.

Now, there are those who will say there is not war here; this is a tenuous peace. Yes, but how long will it be that way? As I pointed out, one of the things that worries me is if we go in saying we are neutral but acting in a partisan way supporting one faction, how long will that peace hold?

While we must be good at waging war, not all wars are fit for the United States to come in and solve the problem. Why must we always be the one that sends our troops in, no matter where it is around the world, when we do not have a vital national security interest? The United States should only participate militarily on the ground in places in which U.S. interests are clear and understandable.

I have looked long and hard to find United States vital security interests which are under threat by the civil strife in Bosnia. I have not found any. The United States does have vital security interests in Central and Western Europe, but the civil war in Bosnia does not threaten these interests. Therefore, we should not go. That is the fundamental hurdle that I cannot go over.

If our vital security interests dictate that we should place troops in harm's

way, then we must go. We should and we will. We will be prepared to fight for our vital national interests and win. We should go, though, as combatants prepared to fight, to do whatever is necessary, but only if our vital security interests are required.

The President has talked about robust rules of engagement.

But he has not clearly and specifically outlined his commitment and intent to respond disproportionately should U.S. troops come under attack or siege. If our troops go, there must be no limits. If Serb forces take hostages, or others, or attack U.S. patrols, the President must be willing, committed, and intent on taking the conflict to the safe haven of other countries that are involved, specifically Belgrade.

I have not heard this commitment from the President, nor do I read this level of commitment as his intent. Anything less will sentence U.S. ground personnel to a hunkered-down, bunker existence suffering casualties in disparate hit-and-run attacks. U.S. personnel would become targets, plentiful and ripe.

We have made that mistake in the past. We made it in Somalia. And we should not repeat it. It may not happen immediately. Maybe it will not happen in the cold, snowy winter months after we first arrive. But it would, I think, happen sooner or later. And the price of American lives should not be set so low for a goal so distant from our own vital security interests.

As President Clinton announced his intention to send U.S. troops to Bosnia, I pulled out his National Security Strategy, a document that the President presented to the Congress in July 1994. Under the section addressing peace operations, on page 14, it says:

> Two other points deserve emphasis. First, the primary mission of our armed forces is not peace operations; it is to deter and, if necessary, to fight and win conflicts in which our most important interests are threatened. Second, while the international community can create conditions for peace, the responsibility for peace ultimately rests with the people of the country in question. That is what President Clinton had to say just in July of 1994—only 17 months ago.

The President's own national security strategy does not warrant sending troops into this area. Bosnia does not represent a conflict in which our most important interests are threatened, nor have the people of former Yugoslavia assumed the responsibility for peace.

The second issue which must be considered prior to sending troops is the question of identifying a clear, definitive exit strategy. How will we know when the mission is completed and it is time to leave? We have been told a year, or was it about a year? Will it be 14 months or 15 months? How much will it cost? We were told, well, $1.5 billion. And then we were told, $2 billion. We all know it will be $4 billion or $5 billion.

The President said the U.S. mission in Bosnia will be "clear, limited, and achievable." But I have not heard articulated the most important point: How will we know the mission has been achieved so that we will know it is time for us to leave? If we do not have a clear, identifiable exit strategy, we will be suspect to expanding our reason for going. New missions will be added, like we have seen in other instances. Success will be harder to identify.

A successful exit strategy cannot be driven by a time limit as the President has suggested and as, quite frankly, the Congress has sought. Is it just that we will stay 1 year, wait for the Bosnians to be sufficiently trained and equipped, and then leave? I do not think that is what was intended, but perhaps that is the real exit strategy. It must be constructed with the intention of leaving behind a locally supported peace that does not require an open-ended commitment of U.S. troops. Once again, the history of the region does not lead to any rational conclusion that is what would happen.

I do not believe that the American people are willing to support a prolonged occupation by U.S. troops in Bosnia, and we will have one if no clear exit strategy exists.

In the Persian Gulf we had a clear, measurable, and definite exit strategy—expel Iraq from Kuwait. Many people think we should have gone further. I am not one of them, because, you see, we had a strategy. It was to remove Iraq out of Kuwait and then leave, period. No one disputes the results of the gulf war.

This is not the case in this present situation. Under the President's own National Security Strategy, he acknowledges that successful peace operations can only be sustained when the responsible parties want peace. Once again, the history of the region does not lead anyone to believe that the leaders of Serbia or Croatia and Bosnia want peace at all costs. And this plan will not grow the seeds for such a desire.

I urge my colleagues to look at the proposed settlement map. As I understand it—and there has been some disagreement and controversy about this—but there will be some repatriation of displaced Serbs into Croatian-held territory. Maybe we will not be actually doing that, but as I understand the agreement, we will be responsible for protecting them and at least in some ways assisting in this operation.

How do you think the Croatians will react to this repatriation? Approvingly? Or the Bosnians when people of Serbian descent are repatriated to Bosnia? Do not forget that this current conflict started when the Serbs decided they wanted to exterminate the Bosnian people from territory they considered theirs from centuries before.

I just do not believe this plan will work. If it could work, it could work without U.S. ground troops on the ground. King Alexander tried it 68 years ago. He paid the price with his life at the hands of a Croatian loyalist and extremist. If we try it, Americans will die in a faraway land, one steeped in hatred and one in which we have no vital security interests under threat.

The United States should not resign itself to rubber stamp this decision—one based on noble intent, yet ill-conceived. The President has tried to explain the logic of deploying U.S. troops on the ground in Bosnia, but only one page of the history of this troubled region explains why we should not go.

I urge my colleagues to vote for the Hutchison resolution and against the Dole-McCain resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator MACK be added in speaker order after Senator SARBANES and Senator JEFFORDS be added after Senator KERRY of Massachusetts.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Under the unanimous-consent order, the next speaker on the Democratic side was to have been the Senator from Virginia.

Does the Senator from California ask unanimous consent to change that order?

Mrs. FEINSTEIN. Yes. It is my understanding that for the time being I am taking his place.

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

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I have really come full circle on the question of whether or not to send U.S. troops to Bosnia to try to keep the peace. I must say I was initially very skeptical. I believed that you could not keep a peace that the people in Bosnia do not want kept. And in the earlier meetings of the Foreign Relations Committee I was not convinced by the arguments presented by Secretaries Christopher and Perry and the Chairman of the Joint Chiefs of Staff.

But as events have developed, I have come to the conclusion, after attending every classified briefing and every Foreign Relations Committee meeting, that the President's policy is the only way to stop this war and prevent its spread. I believe there is far greater risk in doing nothing and seeing the spread of this war than there is in doing something and trying to bring about a just peace.

The Dayton peace agreement would not have been reached without U.S.

leadership, and it will not be successfully implemented without our leadership either.

I have also become deeply convinced that the United States has a moral mission here, that the cause is noble and the cause is just. Today one-half of the people of Bosnia are either dead or homeless. Rape has become an instrument of war. Atrocities have been committed that have not been seen since World War II. This must end. People have had enough of war.

The United States is being asked essentially to provide one-third of the peacekeeping forces. The other day I was visited by the new British Ambassador. He pointed out to me that Great Britain is going to provide 16,000 troops, a nation far smaller than ours; 13,000 in Bosnia itself and 3,000 in Hungary and Austria.

He also said, "Know this. If the United States goes, we go, too. We in Great Britain and in Europe look at you as the leader of NATO." If NATO is to function, the United States must lead and perform. And I believe that is essentially the way it is today, whether we like it or not.

At our most recent Foreign Relations Committee hearing on December 1, I was deeply impressed with the arguments put forward by Secretary Christopher, Secretary Perry, and General Shalikashvili. They laid out not only the rationale for our involvement but a clear and well-defined plan for carrying out our mission.

Some of the opponents of this policy are making the argument that they oppose the policy but they support the troops to carry it out. In fact, the Hutchison resolution that we will be voting on shortly says exactly that. But as I listened to these arguments, I must say that to me they strike me as a figleaf at best and disingenuous at worst.

We all support our troops. That goes without saying. But what message do we send to our troops if we send them off to do a job and in the same breath declare that the job that they are doing is illegitimate? How can you say, "I condemn the mission you are being sent to do, but I support you in doing it"? Will our troops really believe they have our support if this is what the Congress of the United States says?

Some have raised the specter of a repeat of Vietnam in Bosnia, but the real repetition of Vietnam would be to send United States troops to carry out a mission without supporting that mission. Some of my colleagues have asked: "Does anyone believe we are really going to stand by our young men and women that we are going to send to Bosnia?" Well, I certainly am, the President is, the full force of the United States military is, and I believe that the Senate will in the long run as well.

In my view, the Hutchison resolution undercuts the troops. It says it supports the troops, but it is designed to give the President a back door to pull the rug out from under them. Instead of giving lukewarm support to the troops by questioning the wisdom of their job, we should unify behind the policy and commit to giving our troops every advantage, all the equipment and all the support they need to carry out the mission successfully.

We cannot have it both ways. If we support the troops, we should support the policy.

I have had an opportunity to review the Dole-McCain resolution, and I support it and I support it strongly. I would like to set aside some of the myths that I think have been raised by those who are opposed to it.

The first is the myth of the intractable nature of the conflict. There are some who appear to have bought into the argument of ultranationalists on all sides. Yes, there have been wars for hundreds of years in the Balkans, but there has been a history of war and brutal atrocities in Britain, in France, in Germany. Today these nations are at peace.

As the distinguished Senator from Ohio pointed out yesterday, we had Prime Minister Shimon Peres on the floor of the House yesterday speaking about the long history of violence in the Middle East. That goes back to the Crusades, and even beyond. Conflict has been endemic to the Middle East for centuries, but today peace is beginning to take hold.

What about Northern Ireland? That conflict has gone on for a long time as well. But I do not think anyone here would suggest that the Middle East or Northern Ireland are beyond help and doomed to an eternity of conflict, and I do not think we should come to the conclusion that the only way of life in Bosnia is a way of death and atrocities and the spread of the war.

The fact is that there is now an opportunity for peace, perhaps the only opportunity that we will have. If we fail to take this opportunity, this war will surely spread to Kosovo, to Macedonia. It then involves two NATO allies— Greece and Turkey—and then it involves the rest of Europe, and Europe has always been a vital interest to the United States. Our men and women have fought two wars on the European Continent because of that interest.

There is also the myth that there is no clear and defined mission, and I would like to debunk that.

Some of my colleagues have complained that this operation is not clear, and that it is not achievable. But if you listen to the President, to Secretary Christopher, to Secretary Perry, to General Shalikashvili, to General Joulwan, and to others in our military, it is clear that this mission, in fact, is clearly defined. As a matter of fact, General Joulwan said yesterday he should know within the first 3 months whether the mission can succeed or not.

There is a clear exit strategy. Our troops are not being asked to go to Bosnia to engage in all sorts of nation building activities. The military mission and the goals are explicit, and they are limited. We will not be engaged in civilian policing. We will not be engaged in refugee resettlement. We will not be engaged in civilian reconstruction. We will not be engaged in election monitoring.

The President and NATO leaders have been quite clear. Our forces in Bosnia will monitor the military aspects of the peace agreement, the cessation of hostilities, the withdrawal of forces to their respective territories, and the lines of demarcation. They will monitor the redeployment of forces and heavy weapons to designated areas and the establishment of zones of separation. That is the mission.

I want to speak about the one part of the Dole-McCain joint resolution that does concern me, and that is the part that appears on page 4 and speaks to the balance of power. A major portion of this effort is to see that when the United States pulls out in approximately 1 year, there is a defensive balance of power so that the Bosnians, if need be, can defend themselves. This can be a deterrent to future wars if it is carried out correctly. However, it cannot become the launching point for radical Islamic fundamentalism on the European Continent, and I want to stress that.

The Dole-McCain resolution very clearly describes periodic reports on the armaments provided to the Bosnians that the President will make to this Congress, and I think that is extremely important. I think every Member of this body should be militant in seeing that destabilizing weapons do not go into this area and that the balance of power that is achieved is a defensive balance of power. I think that is extraordinarily important, and I think it has to be clearly stated.

There is another myth about the lack of U.S. interests in the region. People have said, "You know, many of our citizens can't recognize Bosnia on a map. We don't want to send our people there. They may die. We have no major national interest in the area." And I thought this originally. But I believe the United States does have an interest in a safe, secure, and stable Europe. The United States does have an interest in assuring that this conflict does not spread and become the third general European war of this century.

The United States does have an interest in supporting our NATO allies and assuring that NATO can continue in its role guaranteeing European security.

Because of World War II and because of the threat of Communist aggression from the Soviet Union, the NATO alliance was set up to provide peace and

stability for the NATO nations, and this Nation has always been in the leadership of that effort. We have made the commitment to it throughout the years, and the reason we have done so is because of the failure of Europe in World War I to protect itself, in World War II to protect itself, and, I am sorry to say, that same failure we see there today. You see, very few strong European leaders are willing to come forward and say, "We will tackle this job alone because it's on our back door."

Now, we can be repelled by this, we can be reviled by it, we can view it with dismay and with some shock, but it is the real world out there, and, therefore, this is where the credibility of the NATO alliance comes in. The United States is critical to the success and survival of the NATO alliance.

As the British Ambassador said to me 2 days ago, "We will be there as long as the United States is. If the United States leaves, Great Britain leaves." Period. The end. That, to me, spoke volumes of the importance of U.S. leadership. There was no European country that could effect the peace. It took the United States of America to effect the peace. So I believe we have an interest in reaffirming our own position as the global leader of the free world and protecting that leadership and that freedom.

I believe the United States has a moral interest in ending crimes against humanity. I, myself, could have been born in Eastern Europe, in Poland. I would never have been privileged to have a good life had that been the case. Well, the same circumstances are present today in Bosnia. I remember all during the 1940's, when people were saying, "How could we not have responded?" "How could we not have known?" "How did we not know that these boxcars were traveling throughout Europe and turn a deaf ear to what was happening?"

It is moral. It is just. It is noble. We are not asked to fight a war. We are asked to give peace a chance.

Thank you, Mr. President. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, Senator HATFIELD is on his way to the floor, and he is next in line to replace Senator DEWINE in the order. I wanted to take this opportunity until he gets here to answer what several Senators have said on the floor—most recently, the Senator from California, and before that, the Senator from Connecticut—regarding people who would support my resolution, who are in full support of the troops, though they have questions about this mission.

I think it is very important that every one of us in this body give to each other Member the right to have a vote of conscience. And there are many of us who do not think this is the right mission, but who are going to go full force to support our troops. In fact, we believe we are supporting our troops in the most effective way by opposing this mission because we think it is the wrong one.

I do not question anyone's motives, or how they feel, if they vote against the Hutchison-Inhofe resolution. But, by the same token, I think it is important that those who are going to support the Dole-McCain resolution and the Hutchison-Inhofe resolution—that it be known that they, too, are doing what they think is right.

It is a tough decision for anyone to vote to put troops in harm's way. And if someone decides that they can best support the troops by opposing the President's decision, I think that everyone knows, or should know, that that is the right of every Senator to do.

There have been other missions in the history of this country, in which the people have been good people, supported by America, well equipped, given everything they need to succeed in their mission, but nevertheless the same people in America have not agreed with the mission.

I think the mission in Vietnam was certainly controversial. But the people of this country loved and revered the people who went to Vietnam from our Armed Forces and fought there for our country. So I do not think there is any question whatsoever that you cannot support a mission and support the troops fully. I think that each of us has the ability to make this decision for ourselves.

As I have said, I think it is incumbent on a Member of Congress to make this decision. It is a constitutional responsibility that we were given by the Founders. They did not want it to be easy to send troops into a foreign conflict. That is why they put Congress in the power to declare war. I do not know that our Founders had even thought about peacekeeping missions and the nuances that we would have on declaring war. I do not think they thought about a Commander in Chief sending our troops into what is talked about as peace, but which, in fact, is sending our troops into military conflicts. I think they would have envisioned that Congress should authorize a peacekeeping mission that the President and the Secretary of Defense and the Chairman of the Joint Chiefs have said is going to put troops in harm's way, where there may be casualties, and I believe our Founders would have wanted authorization by Congress.

They did not want it to be easy to send our troops into harm's way. That is why they made it the decision of Congress to declare war, while the Commander in Chief would run the operation. The Commander in Chief does have the right to run the military. There is no question about it. But it is very clear in the Constitution that Congress should be consulted and authorized any time our troops are sent into harm's way.

I was holding the floor for the distinguished senior Senator from Oregon, who has now arrived. I yield the floor to him for his comments.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, on Thursday, the leaders of the warring parties in Bosnia and Herzegovina will formally sign a peace agreement that was initialed last month in Dayton, OH. This formal signing will pave the way for the deployment of the 60,000-strong NATO peace implementation force.

Congress has a role to play in making decisions about the use of U.S. troops in hostile situations. In fact, we have an obligation to our constituents to raise questions about any mission that will lead to our troops being put in harm's way.

After the Vietnam war, Congress insisted that it have a partnership role with the President in future conflicts. So the Congress passed the War Powers Act. Under this act, the President retained the power to dispatch troops when there was an emergency. But within 60 days of the deployment Congress had to take action to specifically authorize the deployment, tell the President to bring the troops home, or to continue to evaluate the situation after another 60 days extension. It was intended to force Congress to take action, to participate in the decision.

Unfortunately, Congress has found ways to avoid taking action. Since 1965, Congress has voted only twice to authorize the deployment of United States troops and, in recent years, we have voted on nonbinding resolutions, in some cases, and we have allowed troops to be deployed in the Persian Gulf, Somalia, Rwanda, and Haiti, without authorizing legislation. We are about to do so again today.

During the course of this debate, the Senate will have the opportunity to vote on three different measures relating to the use of United States forces in Bosnia. We have already completed the first one. The President has requested congressional authorization, but has said that he intends to deploy U.S. troops with or without that authorization.

Of course, he would like to have Congress' support. The Senate's consideration of these measures will provide us with the opportunity to participate in the debate. However, do not be misled. With the exception of the measure passed by the House that we have defeated today, the other two resolutions which we will consider, and likely pass, are not legally binding.

Mr. President, I want to reflect for just a moment on some very interesting history on Vietnam. Many who can recall during that war period, Members of the Senate, particularly, would stand before the television cameras for the evening news and wring their hands about how awful this war was and why it should not continue. But at no time during that period was any Member of Congress willing to take responsibility. All they wanted to do was to criticize the President. I have a feeling that there is a reluctance over the last few years, since we passed the War Powers Act, for Congress to stand up and take responsibility. It is much easier to criticize the President, whether Republican or Democrat, than to assume a partnership role, as provided under the War Powers Act.

Let me say that while I know that the President is sincere in his attempt to bring peace to Bosnia, I find it hard to believe that anyone can define a successful military mission which will ensure a lasting peace in the region.

The ethnic struggles which have led to war in Bosnia and Croatia are the result of more than 800 years of hatred and mistrust. How are we going to change the course of history in one short year? In my view, this is an impossible and unrealistic military mission.

I will go back to school-teaching days and say I hope that people would take the time to read one very brief synopsis of the history of this region of the world. Robert Kaplan's "Balkan Ghosts" is a very straightforward treatise on the history, and the impossibility of this kind of a mission I would apply to that history. Read the history. We do so little reading, we do so little reflection on how we got to where we are and what were the forces that made that possible in our own country, let alone an area of the world that is probably one of the least understood areas of the world from either political, economic, social, or cultural history.

During the last 3½ years we have seen more than 50 partial and general cease-fires signed in this region with these contestants, these parties. All have been broken within several weeks of their signing. My dear colleagues, they have been doing this for 800 years, lying to one another, not meaning what they were doing, because of that deep hatred that they have. To see this happening here, even in our own day we do not seem to be taking much lesson from it.

In addition, we have seen three previous peace agreements come and go. Given this history, it is impossible for the President to promise he can protect U.S. troops. No one can guarantee their safety if the peace agreement falls apart.

The Dayton peace accord calls for the immediate transfer of peacekeeping control from the U.N. peacekeeping forces to the NATO peace implementation force. The approximately 20,000 U.N. peacekeepers in Bosnia will be replaced by 60,000 heavily armed troops under NATO command.

Mr. President, this is not a peacekeeping force. This is an army. It proves that we are trying to solve a political dilemma, a religious dilemma, a cultural dilemma, with military troops rather than through diplomacy and negotiation.

One must only look at the peace agreement to see this. The primary mission of this course will be to implement the military aspects of the peace agreement. This includes monitoring and enforcing the requirements that each entity promptly withdraws their forces behind a zone of separation which will be established on either side of the cease-fire line, and that within 120 days each entity withdraws all heavy weapons and forces to barrack areas.

However, under the agreement, the current warring armies will continue to exist. Each entity is permitted to maintain their army. The NATO forces will be made up of enough firepower to, in the President's words "respond with overwhelming force" to any threats to their safety or violations of the military aspects of the agreement.

This does not sound like a peacekeeping mission to me, and it should not be promoted to the American public as a peacekeeping mission.

Furthermore, while the agreement calls for the parties to enter into negotiations before the Organization for Security and Cooperation in Europe on future arms and heavy equipment restrictions, the agreement also contradicts that arms control goal by lifting the international arms embargo on Bosnia, Croatia, and Serbia.

Now, get this. We are not only sending our troops in there and letting them maintain their own troops; we are saying we are going to lift the arms embargo so that they can look forward, after 180 days, to getting into an arms race, escalating their military equipment, their arms.

The agreement states that no side may import arms for 90 days after the agreement enters force. There is this 180-day restriction, I repeat, on the importation of heavy weapons, mines, military aircraft, and helicopters. After that, all bets are off. In fact, administration officials have indicated that, if necessary, the United States Government will begin rearming the Bosnian army as early as next summer in an effort to bring a balance of power between the warring factions.

In other words, arms beget arms, violence begets violence. And we are going to continue this worldwide arms merchandising that we have been doing with such efficiency during and ever since the Cold War.

In addition to equipping the Bosnians, the United States will also provide necessary training. The agreement sets a precedent that military arms must be maintained to achieve stability in the region. In my view, this will only lead to an unfettered arms buildup and further undermine our ability to bring lasting peace to the region.

The arms embargo was not a success to begin with. At the same time we now go through that charade, to think we are going to do something to reduce the arms. We should be pushing to get the region disarming; disarming, not rearming.

There is no question that the war in Bosnia has had a terrible human toll. More than 140,000 Bosnians have been killed during the conflict. Another 3.6 million refugees and internally displaced persons have been created by this action and have had to flee their homes. Although the peace agreement includes provisions allowing refugees to return to their homes, it is unclear how many will be willing or able to return. And we see in the news of the sacking, the burning of those homes that are being vacated for the transfer of population.

Cases of ethnic cleansing continue to come to light as mass graves are uncovered near the so-called safe havens that have been overrun by the Bosnian Serb Army.

No side to this conflict has clean hands. I can assure you that during the time that this was happening, there were some of us who were raising the question of choking off the arms, choking off the arms that were flowing down the Danube from our allies, from our friends—from Greece, from France, from Italy, from Germany. And who knows what kind of arms out of our country were in a third-party transfer? We never did try with great effort to stop the flow of arms, even under the embargo. Now we are going to lift the pretense of an embargo in order to make them much more available and accessible.

In order to end this human tragedy, we must take away the means to make war. A successful peace will be one that includes a strategy to diminish the war-making capability of all sides to this conflict. It is amazing how we can orchestrate 25 countries of the world for a common purpose to fight a war for oil, but somehow we do not find our ability to orchestrate our allies for the cause of peace, or to disarm an overly armed area of the world that is a great trouble spot.

During the course of congressional consideration of the war in Bosnia, we have failed to take the steps necessary to limit the war-making capability. The only votes that the Senate has taken since the war began in 1991 have been to unilaterally lift the arms embargo. I have opposed these resolutions in the past because I felt that lifting the arms embargo would only lead to

more bloodshed. Those who supported the lifting of the embargo did so because they felt, if we arm the Bosnians, they would be able to defend themselves, thereby doing away the need for U.S. troops to become involved in the ground war.

Rather than joining with our allies to secure and enforce the embargo against all warring parties in the region, we could only see military might as the solution to the complex problem. How many people do we have to kill in actions of war to realize the total fallacy of that thesis? We now say we are going to send more troops in. We are talking about injecting our own troops into the war—and that is what it is, because there has been no peace reached yet. As I said before, we are going into Bosnia with an army and we are going to force the peace. This is different from the traditional notion of peacekeeping missions, such as the ones we have seen in countries like Korea and others.

I do not take this deployment lightly, nor do my colleagues. American soldiers will likely be killed during this mission in Bosnia. We have to accept that reality. Our brothers, sisters, wives, husbands, and children will be at risk. In Bosnia and Croatia there are nearly 6 million landmines in the ground. These hidden enemies pose the greatest risk to our troops. In fact, landmines have become the leading cause of casualties in Bosnia of peacekeeping forces.

Even though the peace agreement requires all sides to participate in identifying and removing these mines, the reality is that little information exists about the layout of the minefields scattered throughout Bosnia. As we have seen in Cambodia and Afghanistan, mine removal is a tedious task which takes years. Landmines in Bosnia endanger not only our troops and peace implementation forces, but also civilians who are trying to return home and rebuild their lives.

I will not support any resolution that explicitly or implicitly gives the Senate's support for United States troop involvement in Bosnia. While I will wholeheartedly support our troops once they are there, not under their own doing, under the Commander in Chief, I cannot and will not endorse this military mission.

We must bring a lasting peace to Bosnia, but we must do so by limiting, not increasing, the war-making capability of all sides in the conflict. In my opinion, the mission outlined by the President fails to meet this basic requirement. I yield the floor.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, what I want to do, if we can—I know there are some people who still want to talk. I know the Senator from Texas would like to have a vote on her amendment. I would like to have that vote, if we can, at 4 o'clock.

I have just been on the phone with the President. He would like to have the vote as early as possible. I know the House is involved in debating resolutions over there. I know some of our colleagues have yet to speak, but there will still be one additional resolution; that is the Dole-McCain-Nunn-Lieberman, and others, resolution. So people could still speak in general debate.

It seems to me there is no reason not to vote on the amendment by the Senator from Texas. There is no use making a request if it will be objected to. Does the Democratic leader think we can proceed on that basis and still have plenty of time for debate?

Mr. DASCHLE. I have consulted with a number of our colleagues on this side of the aisle, and many of them feel very strongly about their need to speak prior to the time they will be called upon to vote on either measure. They would prefer to give one speech rather than two.

In my urging to limit Members to one speech, and hopefully to keep those speeches to a minimum length, I will have to accommodate them and their interest in speaking and being protected in their opportunity to speak prior to the time that they would be called upon to vote.

I am compelled at this point to object to the scheduling of the vote prior to the time that they have had the opportunity to speak.

My preference would be that we have both votes back to back to accommodate the speeches, and I think we can get some cooperation in limiting the lengths of time, if that can be done.

Mr. DOLE. Certainly this Senator does not have any problem with back to back—anything that would expedite the process. I think most people have spoken with reference to one or two of the amendments. I do not know how many more speakers are on this side. Some have spoken a number of times.

I think if we limit our speeches to one per Member, or at least two per Member, that would help some. Maybe we can have a back-to-back vote at some time.

How much more time do you think it will take on your side?

Mr. DASCHLE. A lot of our colleagues are not willing to commit to a time limit yet. We are working on getting at least an agreement that everybody speak just once and then hopefully limiting their time for speaking.

At this point, I am not able to give the leader any specific estimate as to the amount of time we need.

Mr. DOLE. I do not make the request, then, because the Democratic leader has obviously not been able to give me the consent, so there is no need doing that.

In the meantime, we will try to see if we cannot find some consensus, some agreement here, where we could have back-to-back votes at some reasonable hour.

We have how many speakers left now?

Mrs. HUTCHISON. Mr. President, if I could answer, I think there are at least 20 people signed up to this point.

I was, of course, hoping that the distinguished minority leader might be able to put a time agreement together, and then I think we could gauge the length of the speeches a little more and perhaps reach a conclusion, and I assume that everyone would like to do this before the President leaves at 6 o'clock or so.

Mr. DOLE. I think there is a phone on the plane.

Mrs. HUTCHISON. I am sorry to hear that.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous-consent the Senator from Florida, Senator GRAHAM, be added in the next Democratic slot on the list of speakers.

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

Mrs. HUTCHISON. Will the Senator from Virginia yield for a unanimous consent request to add Senator HELMS in the next available slot?

Mr. ROBB. I am happy to yield.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent Senator HELMS be added in the next available Republican slot.

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

The Senator from Virginia.

Mr. ROBB. Mr. President, we cannot and should not attempt to act as the world's policeman. But that eminently sensible acknowledgment of the limits of U.S. power cannot and should not deter us from acting when it is the United States and only the United States that can end aggression and bloodshed, or in this case the genocide that has already claimed the lives of over 200,000 human beings and left over 2 million as refugees.

I understand the concerns and reticence of many of our colleagues, indeed most of the American people. Calls in most congressional offices remain overwhelmingly against putting United States ground forces in Bosnia. But without U.S. leadership, there would be no peace. The Europeans tried nobly but in vain. The fighting did not stop until the United States led NATO in the air and led the diplomatic efforts which culminated in the initialing of the agreement in Dayton and the final signing that will take place tomorrow in Paris.

Without U.S. leadership and active participation on the ground, the peace will end and the carnage will continue. We now represent the last, best hope to bring the war in the Balkans to a close.

Are there risks? Certainly there are risks, serious risks. Of course there are

some risks to our troops even in normal training exercises. But I believe the risks are even greater if we fail to honor this commitment. I do not relish putting our troops at risk in the barrens of northeast Bosnia.

But for each of us, I would suggest that there are some risks—something that we consider so important that we are willing to work, that we are willing to risk dying for it. I think, for example, we would all agree that we would do whatever it was necessary to do in order to protect immediate members of our family. But there are also larger risks that are worth dying for—as a Nation worth putting our troops at risk for. I have seen some of these risks. I have seen war. I have had men literally die in my arms in combat. I have written letters and talked to the parents of those who have lost their lives under these circumstances. It is not easy. But the cost of freedom is high. Yet, it is a price that I believe that we have to be willing to pay.

We cannot shrink from the role that only the United States of America can play in making peace work in faraway lands when America is now the only nation with the capacity to lead this effort to a successful conclusion. No one supports the atrocities which have occurred daily in Bosnia. But the question we face is whether the lives of American service men and service women are worth risking to stop it. And I believe that risk is appropriate. I believe we have a moral responsibility to act.

In that vein, I was struck by Elie Wiesel's comments this morning when he said, "We in the United States represent a certain moral aspect of history. A great nation owes its greatness not only to its military power but also to its moral consciousness." He went on to say "What would future generations say about us, all of us, here in this land, if we do nothing?" And I remember his deeply-felt plea to the same effect some 2½ years ago at the dedication of the Holocaust Museum when he turned and urged President Clinton to stop the war in the Balkans.

Mr. President, doing nothing represents an abdication of our responsibilities as the leader of NATO and the larger community of nations. Doing nothing increases the likelihood of a larger war in Europe. Doing nothing amounts to tacit acceptance of more slaughter in Bosnia.

The Prime Minister of Israel, Shimon Peres, yesterday at a joint session of Congress was eloquent and powerful in saying to us

> You enabled many nations to save their democracies, even as you strive now to assist many nations to free themselves from their nondemocratic past. You fought many wars. You won many victories. Wars did not cause you to lose heart. Thanks to the support you have given, and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us, and feel sufficiently strong to take measured risks to wage our campaign of peace.

Mr. President, we now stand alone as the only country capable of restoring order and a sense of hope in Bosnia and Herzegovina. The American imprimatur carries enormous weight among the community of nations. We can and should seek to spread the word of peace to places like the Middle East, and Ireland—and, yes, Bosnia—that have known the language of violence and war for too long.

Mr. President, these war and peace decisions are difficult, and they reach deep into our emotions. I believe our Founding Fathers were wise to vest in the President the responsibilities of being the Commander in Chief of our Armed Forces while providing Congress with the power of the purse and the exclusive right to declare war.

We have only one President at a time, and he has acted in his capacity as Commander in Chief. Were we in his shoes we well might have taken 100 different courses of action in the Senate, and perhaps as many as 435 different courses of action in the House. Indeed, I have long urged more assertive action by the United States for several years.

But, Mr. President, it is the President of the United States who is ultimately responsible for this decision, and the American people and ultimately history will hold him accountable. His choice to deploy troops to Bosnia may not be popular with the American people. But you cannot lead by following the polls, and for this I commend his courage.

The President has made a choice in favor of leadership over isolation—in favor of standing shoulder to shoulder with our allies instead of abandoning them, in favor of morality rather than allowing the crimes against humanity to continue. I applaud his choice to grapple with these problems and to seek a comprehensive solution. He deserves enormous credit for taking on this cause of peace and freedom that is so ingrained in our American way of life.

I happen to have a very high level of confidence in our troops who are the best led, best trained, and most powerful fighting force that the world has ever known. When they have successfully completed their limited mission in Europe, there is clearly going to be more to do with respect to a residual force. And, in that respect, I believe that Europe will step up to its responsibility at the appropriate time.

In the same context, Mr. President, I would like to salute our majority leader, BOB DOLE, and Senator JOHN MCCAIN in particular, who have risen above whatever partisan gain might have accrued to them by taking a different course of action, to join the President in leading the country to support our troops—just as I was pleased to help lead the effort and support our troops, and support President Bush when he asked for our help in the gulf war.

Mr. President, I believe the President of the United States has made a strong case for U.S. leadership. Absent American participation peace will fail in the Balkans, and ongoing war will have continued to threaten our national security interests.

Mr. President, I believe our security depends on joining with our allies in times like this, and I urge my colleagues to do what I believe in this case is the right thing to do. And that is to support the deployment and to support our troops in the commitment that the President of the United States acting in his capacity as Commander in Chief has made there and on our behalf.

With that, Mr. President, I ask our colleagues to vote against the resolution which would be a resolution of disapproval, and vote for the bipartisan effort that the majority leader and others have sponsored to support our actions, notwithstanding some of their own reservations, so that our troops carrying our flag will know that they have our backing when they are placed in harm's way.

With that, Mr. President, I thank the Chair. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time has been reserved for the Senator from New Mexico?

The PRESIDING OFFICER. There are no time limits.

Mr. DOMENICI. I will try to finish in 8 minutes. Would you notify me when I have used 7?

Mr. President, fellow Senators, first of all, I think everybody knows of my great support for Senator DOLE. I am, for the most part, at his side in all the battles that are fought in the Senate. I cherish that relationship very, very much. I am also fully cognizant, at least as cognizant I can be, of the Commander in Chief concept that is discussed here so eloquently by many who know more about it than I and by people like the distinguished Senator from Virginia, who understands it from the battlefield.

Mr. President, I have heard other Senators talk about the derivation of that constitutional power of the Commander in Chief. I heard one of the eloquent Senators last night, Senator COHEN, describe it in a way that I will repeat very briefly. Between the Congress and the President, the exercise of this constitutional power is somewhat like a race—whomever gets there first has this power. If Congress, 6 months ago, would have enacted an appropriations bill prohibiting United States involvement in Bosnia and prohibiting the expenditure of funds for that purpose, then it would be illegal to spend

these funds. There would be no constitutional issue because the Commander in Chief would have no authority to spend any money.

The power of the purse strings and of using the taxpayers' money to pay for events, whether they are here or overseas, is that of the Congress. If the President decides to involve our troops in an issue such as this, in a commitment such as this, and the troops are deployed before congressional action, then it is said that we must support this decision because he had the inherent power as Commander in Chief.

Now, I do not want any misunderstanding as far as this Senator is concerned. There is no one in the Senate that I take a back seat to in terms of supporting the defense of our Nation, and I have had a lot to do over the last 15 years with how much we spend on defense, not necessarily the details, but a lot to do with the total that we spend. I have come down for the most part on the side of spending more rather than less. We must have the best equipped force rather than take any risks. We must pay our All-Volunteer Army enough so that it remains an all-volunteer army in the concept originated under the Nixon administration. They must be paid with some parity to civilian jobs so we get and keep the very best.

All of this is said by this Senator to suggest that I want a very strong American military. I am proud of the fact that when we send our military to get involved in the world, they do their job. As far as our soldiers are concerned they always come out of it, with few exceptions, as being good people, if you can do that and have war. We are a good nation and we have good motives, and, with few exceptions, that is how we behave.

But, Mr. President and fellow Senators, in spite of these inherent powers, we are each elected as a Senator from our State. American men and women are going to be assigned to a foreign country in large numbers—20,000, maybe 25,000—to accomplish a mission, and I believe paramount to all of these various powers is my right as a Senator to express myself either in favor of it or opposed to it.

I am opposed to the involvement of the 20,000 American troops with 40,000 from other countries, mostly the countries that were formerly NATO. Now we have expanded NATO's role and we have a few countries involved that were not part of NATO. I believe it is my right to say I do not think this is the right thing to do.

Now, nobody should doubt that this view is going to lose and that the American troops are going to go there, and nobody should doubt that once they are there they will find this Senator agreeing to pay to keep them there and keep them the very best. When our generals say you need money to make sure they are as safe as possible, I will be right here among the first and the clearest saying I am for it.

I am expressing myself, fortunately, before the troops are there. There is a small contingency there. And let me even say that my remarks might not even be addressed at them because that is a small contingency. They are there, and I do not want to see anything happen to them. But this issue I am addressing is—should we put 20,000 Americans there to maintain the peace? Frankly, I think it is a mistake almost any way that I look at it. We are powerful, and if we go there, people will think we are powerful. If we go there, Europe will think it is great. They will say, America is leading again.

But the question is, leading what? What are we trying to do? And is there a real, bona fide probability that what we are trying to do will not work? I happen to know less than most around here about what went on in that country for the last 600 years. But I do know something. I do know that the only times these people have lived together in peace and harmony in modern times were two events in history: One, when the Germans occupied it. Clearly we do not intend to keep the peace among these people who do not seem to want to have peace among themselves with an occupancy like Hitler's. I hope we do not, and we are assured we do not.

The other peaceful time in modern history was the reign of the dictator Tito. The Communists' most pervasive way of keeping peace and harmony is block by block behavior that must be consistent with the state or something happens to you, right? That is a simple way of saying you behave or we kill you. This was maybe not like the Nazi occupation, but that also maintained the peace.

We are not going to do that. There is no one around suggesting that anyone is going to do that. And so we have three new countries born of new boundaries and we are going to ask of that leadership, the leadership of those countries, what I perceive to be impossible. We are going to ask them to do a "Mission Impossible"—disarm those who would cause harm with weapons. How are they going to do that? I do not believe they are strong enough, and I do not believe they will get it done. There will be plenty of guns around for rebels who want to kill each other, who are angry because they do not belong in that country or their houses are occupied by people they do not want.

We are also asked to be part of making sure that these countries get a balance of military power amongst themselves. I am not even so sure that will work. We have been talking about it for a long time, but I am wondering even if a military balance is reached then pull our troops out, that Bosnia could be an even bigger tinderbox and more war with more killing. So my own feeling is we are sending our troops to do something that will not work, to exhibit our leadership in a situation that we ought not be leading or even supporting.

Now, obviously, it is easy to get up on the floor of the Senate and talk about how great America is, and how wonderful our military men and women are. We can almost envision in our mind's eye the great, beautiful sight when they arrive and show up with all of our new tanks and all of the American flags. It is going to be a great scene. And believe you me, I am going to feel very proud, because it is a fantastic—a fantastic—accomplishment of the people of the United States who regularly have been paying taxes. Let me mention right now, they are paying about $270 billion for the defense of our country, so that we can have men and women like these that we are sending there.

So I close today very simply by saying I would not send any more people in, and I am voting for the resolution that says we do not approve of this. It is with reluctance that I will vote against the Dole resolution when it comes up because I do not think it is the right thing to do.

I hope I have explained myself that I am not trying to pass judgment on these constitutional powers, be they inherent or otherwise. I am talking very, very simply about what I perceive to be my right and my responsibility. I express it as best I can here on the floor. And that is the way I feel. For those who have led this cause, with far more effort than I, I thank them for it. And I thank the junior Senator from Oklahoma for his leadership.

I do believe we are going to be there for quite awhile and spend a lot of money. I pray that is all we spend there, and we do not spend any lives there. I truly believe it is possible that we will lose a lot of lives. But I am not standing up here saying I am frightened singularly of that. I just do not think we ought to do this. I do not think it is the right mission for us. And since I feel that way, neither our tanks nor our resources nor our men and women should be there trying to accomplish this job. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, today or tomorrow the Senate will be voting on the President's decision to deploy United States military forces as part of a NATO peace enforcement mission in Bosnia.

There are many different views of how we got to this point. You have my own views on that. I will discuss them at another time. I have already discussed them in the past on numerous occasions.

But it is my hope that the Senate will now be able to concentrate its focus on the choices that are now before us. There are few things about the current situation that we know; a few things that we believe based on reasonable judgments but not certainty; and many unknowns that are subject only to reasonable speculation at this point, even if it is reasonable speculation.

The things that we know are what I will try to deal with in a short and brief set of remarks today.

First of all, we know that President Clinton has decided to commit United States military forces to this mission in Bosnia.

Second, we know that NATO has decided to commit the NATO alliance to this peace enforcement mission. And we know that all NATO nations that have military forces are participating.

Third, we know that several hundred American troops are now on the ground in Bosnia; and several thousand troops will be on the ground in Bosnia in the next few weeks.

Fourth, we can debate the constitutional power of the Commander in Chief, as we have many times in the past and we will again, and we can debate congressional responsibility to declare war, but we all know that Congress has neither the ways nor the means to prevent this deployment unless we cut off the funds. We know that. It has already been decided by the Senate today that we are not going to cut off the funds. We know that.

Fifth, we know that the Defense appropriations bill has passed, been signed, and the President, like his predecessors of both parties, will finance the operation out of operation and maintenance funds and then seek reimbursement of these funds next year in a supplemental appropriation.

Sixth, we know that if Congress cuts off the funds at this point, it would require a majority in both Houses to pass and two-thirds vote in both the Senate and House to override a certain veto. The Senate rejected this cutoff of funds decisively today when we voted on the first resolution because I believe the Senators concluded this would have an adverse effect on our own military forces, an adverse effect on our allies, an adverse effect on our leadership in NATO and the world, as well as an adverse effect on the parties on the ground in Bosnia.

The President has decided on deployment. The NATO alliance has decided on deployment. The United States forces are on the way to Bosnia. What then is the congressional role in this important national security decision?

Mr. President, I would like to talk at length today about some of the constitutional challenges we have in terms of determining the role of Congress in the post-cold war era. I will return to that subject shortly.

But today we must face a world of reality. The cards have been dealt. The administration's actions—starting with the President's commitment almost 3 years ago—and that was a public and international commitment that United States forces would participate in a NATO force to implement a Bosnian peace agreement—have put Congress in a situation in which a great deal is at stake, including United States reliability and leadership, but also including the peace agreement itself, the ending of the tragedy in Bosnia, as well as the future of NATO as an alliance.

We also know that a cut off of funds will not become law, but passage of this type of legislation—followed by a veto and a vote to override, if the House passes it or we pass it today—would put our military forces in limbo in the middle of their deployment—when they are most vulnerable. To me this is unthinkable and unacceptable.

We also know that the effect of such action would erode the value of U.S. commitments around the world and would increase the danger to U.S. military personnel in harm's way that are stationed in dangerous places around the world.

That danger certainly would be an increase to our military forces whether in the Korean Peninsula or in Europe or in the Middle East because the greatest thing they have behind them is United States credibility and the credibility of our own word.

The bottom line—Mr. President—if today Congress found a way to prevent the President from going forward with his commitment, the damage to America and the increased danger to our troops in the world is certain. There is really no doubt about that.

If we do give the President the green light and permit the mission to go forward in a carefully prescribed manner, the risks are considerable but there is at least a chance of success if that term is narrowly and carefully defined.

I will not dwell on the definition of success in these remarks today. But before the week is out I do want to give a much more detailed presentation including what I think we should do in terms of the definition of success, including the risk of this operation as well as the opportunities of this operation.

Mr. President, my main concern today however is the message the Senate sends to our military forces who are about to embark on this NATO mission to Bosnia.

I would like to read into the RECORD and place in the RECORD a letter I received today. It was dated December 12. It is signed by Michael S. Davison, General, U.S. Army, retired—many will remember General Davison for his service to our Nation—Andrew J. Goodpaster, General, U.S. Army, retired, who also served as the Supreme Allied Commander in Europe as well as the head of NATO forces, Walter T. Kerwin, General, U.S. Army, retired, who had a very distinguished career in the Army, William J. McCaffrey, Lieutenant General, U.S. Army, retired, William Y. Smith, U.S. Air Force, retired, Harry D. Train, Admiral, U.S. Navy, retired, and others.

For those of us who have been here very long in the Senate, this is a sterling list of outstanding military leaders that have served our Nation with distinction. Here is what they say:

DEAR SENATOR NUNN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command must make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to "dual-key" aberrations.

Continuing the quote from these distinguished retired military officials.

As our leaders consider our country's involvement in Bosnia, we encourage them to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

And then the letter is signed by these generals.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

December 13, 1995.

As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their county—that is, by the whole American people—in their difficult and dangerous assignment.

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is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

MICHAEL S. DAVISON, GENERAL, U.S. ARMY (RET.)
RUSSELL E. DOUGHERTY, GENERAL, U.S. AIR FORCE (RET.)
JOHN R. GALVIN, GENERAL, U.S. ARMY (RET.)
ANDREW J. GOODPASTER, GENERAL, U.S. ARMY (RET.)
WALTER T. KERWIN, GENERAL, U.S. ARMY (RET.)
WILLIAM P. LAWRENCE, VICE ADMIRAL, U.S. NAVY (RET.)
WILLIAM J. MCCAFFREY, LT. GEN., U.S. ARMY (RET.)
JACK N. MERRITT, GENERAL, U.S. ARMY (RET.)
BERNARD W. ROGERS, GENERAL, U.S. ARMY (RET.)
BRENT SCOWCROFT, LT. GEN., U.S. AIR FORCE (RET.)
GEORGE M. SEIGNIOUS, II, LT. GEN., U.S. ARMY (RET.)
WILLIAM Y. SMITH, GENERAL, U.S. AIR FORCE (RET.)
HARRY D. TRAIN, ADMIRAL, U.S. NAVY (RET.)

Mr. NUNN. Mr. President, I agree with every word in this letter. I think they are absolutely right on target. This is where we are today. And this is the kind of consideration that the Senate must take into account today. We will have plenty of time to debate how we got to this point. But today I think we first and foremost need to consider the effect of what we do on not only the military forces themselves that are in the process of deploying, but on their families and on their mission.

Mr. President, I urge the Senate today to support—or tomorrow, whenever we vote—the Dole-McCain resolution. This resolution has been the subject of intense and constructive negotiations on a bipartisan basis with a Democratic working group headed by Senator DASCHLE, Senator PELL and myself.

The Dole-McCain resolution, as now worded, has a key paragraph which I believe conveys the kind of support our American troops and their families both need and deserve. I quote that paragraph because I think it basically follows almost exactly what these distinguished retired military generals and admirals have said to us in the way of advice.

Quoting the paragraph in the Dole-McCain resolution:

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery and believes that they must be given all necessary resources and support to carry out their mission and ensure their security.

Mr. President, that is the heart of what we are going to be voting on. I hope that our colleagues on both sides of the aisle will understand the importance of what we are doing, and I hope they will put the military forces first and foremost in their minds.

Mr. President, before we vote on the Dole-McCain resolution, it is my understanding we will vote on the Hutchison-Inhofe resolution. I have great respect for both Senators who sponsored this resolution. They are on the Armed Services Committee, and they do a sterling job of representing their States and representing the American people on this committee. But the Hutchison resolution does not provide what our troops need. It does not provide a sense that the Senate backs them and their mission. It tells our military forces, in effect—"We don't agree with your mission. What you're doing is not important to the United States. It's not important enough for you to risk your life."

These are the people who are going to be risking their lives. "It's not important enough for you to risk your life and neither is the NATO alliance and its mission."

"Enforcing the peace agreement in Bosnia"—and this is my paraphrasing of the Hutchison-Inhofe message; these are not the words. I do not want anyone to think I am quoting the words. This is the effect of those words. "Enforcing the peace agreement in Bosnia is not something we agree with." That is what we are going to be saying implicitly if we adopt this resolution. Certainly we will be saying it if we adopt this resolution and do not pass the Dole-McCain resolution. We are also saying implicitly the President is totally on his own without the backing of the Congress and the American people.

We go forward and say in the Hutchison-Inhofe resolution—again, in effect, these are my words—"We will pay you, we will equip you and we will wish you well. We don't agree with the mission, we don't think it's important enough for you to risk your life, but we are going to equip you, support you and wish you well."

Now, how are our military men and women and their families going to feel about undertaking this kind of mission where, indeed, many of them will be risking their lives? I hope not many will end up being injured or killed. I hope none. But nevertheless, there is a very serious risk here. We know that. How are they going to feel if we send them off on this undertaking with this message from the U.S. Senate?

Mr. President, I understand the temptation of my colleagues to vote for the Hutchison-Inhofe resolution. It gives Senators the ability to say we were against this mission from the beginning but we support our troops. This resolution, which will be voted on today or tomorrow, may be what some Senators need, but it is not what our troops need at this juncture.

It is entirely possible—I hope it does not happen—but it is entirely possible the Hutchison-Inhofe resolution could be agreed to and the Dole-McCain resolution could fail. If this occurs, then our American military will have the worst of both worlds. We will be saying, "Full speed ahead on a risky mission that we don't agree with, don't approve of"—and that is what we are going to be saying—"Full speed ahead on a risky mission with the clear knowledge the mission is denounced at the outset by the U.S. Senate."

I urge my colleagues to vote against the Hutchison-Inhofe resolution, and I urge them to vote for the Dole-McCain resolution.

I urge all of those who at this stage are thinking about voting for the Hutchison resolution to think very carefully. It is essential for the morale of our military forces that we send the clear message of the Dole-McCain resolution which says, in effect, "We may not agree with the President or how we got to this point, but we believe the commitment of U.S. military forces to Bosnia is important; it is important to prevent the spread of the conflict, to maintain United States leadership in NATO, to stop the tragic loss of life, to fulfill American commitments and to preserve United States credibility."

There is a different message, a fundamentally different message that will go forward if we adopt the Hutchison-Inhofe resolution. If we pass the Dole-McCain resolution, in spite of the clear concern expressed in that resolution about how we got to this point, there is no doubt that the Dole-McCain resolution fully supports the American military forces and fully supports the mission that they are going to be undertaking.

I want to read again the paragraph in the Dole-McCain resolution that makes this abundantly clear, and I hope Senators will concentrate on the difference between this language and what is in the Hutchison-Inhofe language.

The language in the Dole-McCain resolution says:

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their missions and ensure their security.

Mr. President, in closing, I urge the passage of the Dole-McCain resolution so that our military forces and their families will understand not only that we in Congress support them, but that the mission they are undertaking and the risks they will bear are important to America.

I know there are others waiting to speak, and I am not going to go into great detail, but I do want to say, just in summarizing my prepared remarks, which I will not give today but will give at a later point in this debate or thereafter, that the Congress of the United States needs to take a fundamental look at the role we are playing or not playing in terms of these national security decisions.

Congress must understand—if we do not at this point, we must begin to, and I have understood it for a number of years—the War Powers Act does not work. The longer this outmoded and unworkable legislation remains on the books, the longer we will continue the illusion that Congress is playing a meaningful role in the commitment of U.S. military forces to these types of missions.

President Clinton will be viewed by most in Congress as assuming the full responsibility for the fate of the United States military mission in Bosnia. That is because this commitment by President Clinton was made in 1993 without consultation with the Congress or the congressional leadership.

There is a similarity between this and the Persian Gulf where the President of the United States, President Bush then, committed the United States internationally without an approval of Congress. That is the parallel. We are going to face this situation over and over and over again, where Presidents commit internationally before they get approval at home.

We have to address this. I think it is in our court. I think it is Congress' responsibility to make the correction. An awful lot of this comes from the illusion that the War Powers Act may some day miraculously work. It has never worked. It is not going to work. It is based on the fundamental flaw that assumes that congressional inaction can require the Commander in Chief to withdraw forces from abroad. Congressional inaction will never, ever force a Commander in Chief to withdraw forces. The only way we can do that is by cutting off funds, and we need to recognize this.

No President will or should allow U.S. forces to be withdrawn from a military mission because of simple congressional inaction. I think, Mr. President, it is time to repeal the War Powers Act and replace it with legislation that is realistic and workable. We must find a way to create regular, full, and comprehensive consultation between the President and the Congress before the President makes concrete commitments and before U.S. troops are committed to harm's way.

We do not have that mechanism now. We do not have the consultation taking place in a timely fashion, and that has been true both in Republican and in Democratic administrations.

So I hope out of this we will begin looking at the War Powers Act and begin to make changes to correct it.

I see that the Senator from Delaware is on the floor. He and I and Senator BYRD, as well as Senator WARNER and several other Republicans, several years ago sponsored a revision of the War Powers Act. I hope our colleagues will begin to think along those lines because it is leading us down the primrose path of having a law on the books that supposedly involves Congress in these decisions when, by the time Congress gets involved, the international commitment has already been made and the choices are regrettably limited.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the debate that has been undertaken here in the U.S. Senate and the remarks of individuals who are sincere on both sides of this question. I do think, however, that in characterizing the resolutions upon which we will be voting, it is important to understand the wording of the resolutions and to take them for their face value.

The distinguished senior Senator from Georgia has sought to characterize the resolution of Senators HUTCHISON and INHOFE as being one which would not signal to the troops that we really support them. I would like to read section 2, which is entitled "Expressing Support for United States Military Personnel Who Are Deployed." The wording is simple, straightforward, and unmistakably clear:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general framework agreement for peace in Bosnia/Herzegovina and its associated annexes.

It seems to me that that is a very clear and generous statement. It is an honest statement by the U.S. Senate, which allows that even if we disagree with the President—and many of us do—when such a deployment is made, in the words of the resolution, we will strongly support the military personnel who are ordered by the President to implement the particular mission which has been designated. In this case, it is to implement the general framework for peace in Bosnia and Herzegovina and the associated annexes.

Today, Mr. President, the United States again finds itself faced with the conflicting demands of a confused and chaotic world. Today's debate carries the name of "Bosnia," but it is a debate that this Congress has faced numerous times before—it is just the name that has changed.

At stake and at question are the specific terms, conditions, and reasons for deploying U.S. troops, and the nature of U.S. foreign policy generally. These are not small or trivial matters—not for the President or for those of us here in the Congress, not for the military, and certainly not for the families of America's service men and women, who are preparing for deployment in Bosnia.

Like all Americans, I want to see an end to the killing and cruelty that have come to define the daily existence of millions of people in Bosnia. The atrocities committed by all parties are so heinous as to offend all of our consciences and to fire within us justifiable outrage. That these horrors come to an end is not a point of debate; that the United States has a special responsibility in the world, as the only superpower, is likewise not a matter of genuine debate.

But today's debate is much more narrowly focused—it is a debate about a so-called peace plan—brokered by the United States, agreed to by the warring parties, signed in Dayton—and whether that plan warrants the involvement and possible deaths of U.S. ground troops in the Balkans. I believe that until the Clinton administration can clearly and convincingly answer why, how, and under what conditions we ought to be involved, I cannot support the President's decision to deploy American soldiers to enforce the peace agreement.

In any deployment of U.S. ground troops, I believe that we must meet at least a five-part test. I will state the parts of that test again today, just as I have consistently over the course of the last year.

First, I think we have to identify the vital U.S. national interests. It has to be a security interest. It has to be an interest which is important to the continuing existence of this country.

Second, we need to outline clear U.S. military and policy objectives.

Third, we need to construct a timetable and strategy for achieving those objectives.

Fourth, we need to develop an appropriate exit strategy; and,

Fifth, we really need to gain the support of the American people for the policy initiatives and the military objectives in any deployment.

What we determine to be our vital interests is dynamic. A geographical region that might be vital to our interests at one time may not be at another time. Technology might change. Broadly defined, "vital" U.S. interests are defined as being those interests that have a direct political and economic effect on the Nation. They ought to have an interest about our capacity to survive and succeed as a nation. Threats to strategic assets, to shipping lanes, to our strategic allies, and threats to our traditional sphere of influence, similarly represent "clear and present danger" to the United States. Less

clear is the nature of humanitarian interest, and how and when such interests are considered vital U.S. national interests.

Despite the protestations of members of the Clinton administration, it is this final category that I believe we are dealing here. In the course of the past few weeks, I have had the opportunity to hear from a number of the architects of the Dayton accord—Secretary of State, Warren Christopher; Secretary of Defense, William Perry; Chairman of the Joint Chiefs of Staff, General John Shalikashvili, and chief negotiator Richard Holbrooke. Their explanations of why we should be involved, in my judgment, lacked credibility. Their rationale has never included a valid explanation of how vital U.S. national security interests are at stake in the Balkans at the close of this century.

On the one hand, they have said that we have a risk of an expanded full-scale Balkan war that could domino its way all across Europe. Such assertions fly in the face of fact. Secretary Christopher has stated that a major reason the peace agreement was reached is that the warring parties are suffering from battle fatigue. This is an internal conflict that has raged for years, stemming from differences which have divided people for centuries. If the fighting factions are war weary, then what evidence is there to suggest that the potential for the war to spread is imminent or greater now than it has been in the past?

We have seen some 30 cease-fire in this region before, which begs the question, is this the cease-fire of the century or a cease-fire of the season, with another long winter's nap? While the threat of another massive European war makes for good headlines, baseless threats make for lousy public policy.

The President has argued that our continued leadership in NATO is at stake here. He believes that it is a vital U.S. interest to prove ourselves overseas. U.S. perception and leadership overseas are clearly vital. The question that no one has answered, however, is how the deployment of U.S. ground troops will help.

The only response I have been given that comes close to answering this question is that U.S. ground troops must be deployed in order to vindicate the President because in a speech 2 years ago, he made a promise to send troops. Retreating from that promise would somehow signal a failure in his leadership. Well, very frankly, we should not put American lives on the line just to rescue an outdated Presidential promise.

Following the gulf war, world perception of our resolve—of our determination to get things done—was clear, the United States meant what it said and acted accordingly. Since that time, world perception has taken a dramatic turn for the worse. Our foreign policy objectives have been unclear, and our resolve has been uncertain. Before we deploy U.S. troops anywhere in the world we must determine whether our vital national interests must be at stake.

I am confused about the explanations by the administration which allege that this indeed involves a set of vital interests because when you ask the administration about the deployment, they say that the deployment will be for 1 year. The achievement is not of a vital interest. The achievement here is a time of duration. If these interests are so vital, if they are critical to the success and survival of this country in the next century, why is it that they are only critical for a year, and we will leave whether or not we will achieve them in a span of a year?

The idea this is a deployment for a term of days rather than for the achievement of vital and specific interests is an idea which shakes and threatens the very foundation of the allegation that there are vital interests here. I guess there is the question about whether the United States should be a world policeman that imposes her morality on the world. The United States is the world's only superpower, and that role carries with it responsibilities no other nation has. These responsibilities include the responsibility to use our forces judiciously. We should not decide to deploy U.S. troops simply because we can. We should not exercise military prowess to conquer a mountainous civil war merely because it is there. We should not be a 9-1-1 on call to respond to every world dispute or civil disturbance. We must recognize that it is possible to squander our power and our resources by misusing them.

Mr. President, according to the administration, we have an expiration date but we have no achievement strategy. Why deploy ground troops in the first place if we are going to pull them out whether or not anything is accomplished?

There is a related issue about this agreement that troubles me. It has to do with the assignment of our soldiers that they are being asked to undertake. There are some components of the Dayton accord which really elevate values in which we do not believe. We should ask ourselves, under the Dayton accord, will we be going abroad with our troops to enforce things and values which are not things that we are willing to support or that we respect at home? As a matter of fact, are we going there to support or reinforce things which we abhor at home? Would we be going there to enforce a type of ethnic de facto segregation that we are fighting against at home? Is it possible that we are deploying America's soldiers to fight for values of ethnic isolation that run contrary to America's values? Are we asking our troops to defend territorial lines among ethnic factions which were gained through offensive atrocities? Are we validating ethnic segregation of the parties to promote peace, when our Nation painfully learned that it is only "united we stand, divided we fall."

For generations we pursued an international strategy of promoting democratic values. I think we have to ask ourselves, is that what we are doing here? There are a lot of nuances and uncertainties about foreign policies. This is not one of them. We fight abroad for our interests and our values. We must not agree to work for something that is both not in our vital national interests, but contrary to our values.

Let me just say in conclusion that I believe that we must make sure that the deployment of our troops is not merely the appetizer and that the main course becomes massive foreign aid that is felt as an obligation of this country and Congress as a result of having had the deployment of our troops on the soil of a foreign nation. All too frequently, we feel that we must follow our troops after a deployment has been concluded, with an outbreak of nation building and infrastructure construction and resources which are beyond the ability of our culture to afford for ourselves—certainly not within our capacity to provide for everyone around the world.

There is a substantial expense in this whole operation that is going to take $2 billion out of our defense budget this year, and there will be requests for additional money to support this deployment. Frankly, it will hurt—it will hurt our ability to provide defense in other areas.

I am convinced that we have to be careful not to weaken our ability to defend strategic vital national interests where they occur around the world by deploying our troops in areas which do not have clear objectives, where there are no strategic vital national interests, or where those interests are not clearly outlined and where our commitment is not for the achievement of a specific objective but it is for a term of days.

Mr. President, I intend to vote in favor of the Hutchison resolution because I believe that it is appropriate for us to indicate to our troops that when they are deployed we will provide them with all of the resources necessary for their security and success. But that Hutchinson resolution, cosponsored by a number of other Senators, including the leadership of the junior Senator from Oklahoma, Senator INHOFE, also provides an opportunity for Members of this Senate to express their disagreement with the decision of the President to deploy ground troops in Bosnia. I believe that

is the appropriate position for this Senate to take. I urge other Senators to do so. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Chair notes the list I had indicated Senator BIDEN had spoken before Senator ASHCROFT, so the Senator from Wisconsin would be in order.

Mr. KOHL. I yield my position to Senator BIDEN, and I will speak after Senator INHOFE, if that pleases the Chair.

Mr. CHAFEE. Senator INHOFE and I have switched off, so I am taking the place of Senator INHOFE. I will follow Senator BIDEN.

Mr. KOHL. I ask unanimous consent, if I yield to Senator BIDEN, that I may speak after Senator CHAFEE.

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

Mr. KOHL. I yield to Senator BIDEN.

Mr. BIDEN. Mr. President, I think a little bit of immediate past history is important for us to recall here.

With regard to whether or not this policy that has been pursued in this administration relative to Bosnia and Herzegovina was a sound policy or not, it is the same policy that was pursued by the Bush administration. The Bush administration set a policy in motion that said we would support an arms embargo against the Bosnian Government, as well as others, and that we would not use air power to relieve the genocidal actions of the Serbs.

To my great disappointment, although there were faint efforts to change that policy by attempting to convince our allies to lift the embargo, the truth of the matter was this administration did not change the position.

Some of us, as long ago as the last 4 months of the Bush administration, argued loudly, if not persuasively, that the Bush policy was an incorrect policy. We argued that we should lift the arms embargo. In addition to that, we argued that we should supply weapons to the Bosnian Government which at that time was a multiethnic government made up of a council of Presidents, roughly divided in thirds among Moslems, Croats, and Serbs within Bosnia, and a Bosnian Army made up of Bosnian Serbs, Bosnian Croats, and Bosnian Moslems. We even passed the so-called Biden amendment through both Houses of the United States Congress that authorized the President of the United States to seek a lifting of the embargo and to transfer up to $50 million worth of weaponry, off the shelf, to the Bosnian Government. That was in the last months of the Bush administration.

I—and I do not say this to speak to what I did or did not do, but to mark it historically—I, after Senator MOYNIHAN, was one of the few people who went to Sarajevo, went to near Srebrenica, went to Tuzla, went to Belgrade, went to Zagreb, met with Karadzic, met with Milosevic, met with UNPROFOR, met with the Croatian leadership, came back and wrote a report, and was debriefed by the Secretary of State and the President. The report called for lifting the arms embargo and using air power to strike at the Serbian genocidal undertakings.

Back then, I—and I was not the only one in the world community—I came back and pointed out that this was raw, unadulterated genocide. The Serbs had set up rape camps, a policy explicitly designed to take Moslem women, primarily, into camps, rape them, have them carry the children to term, in order to intimidate and pollute the Moslem people in Bosnia. Everyone said that was not going on; this was not 1937 or 1938 or 1940. But now, no one questions it occurred.

I remember coming back—after going up through Mount Igman and over the mountains into a place called Kiseljak and going through villages—and saying, "There are graves." You could ride through a village in the mountains and see three or four homes in a row, pristinely kept, window boxes with flowers. The next home, a hole in the ground. The next home, perfectly kept. After that, two holes in the ground or a chimney sticking up. And graves at the end of the town road.

I was told by our own people as well as the French, God bless them, and the Brits, that these folks are all the same. They are all bad guys. They are all like this. They have all been doing this for all of the last 4 centuries—which is historically inaccurate and was inaccurate in terms of what was taking place at the time.

I remember when we watched on television—the Senator from Arizona and I spoke to it on the floor that night—when they overran Srebrenica. You could actually see U.N. soldiers sitting there with their blue helmets and hats on top of tanks, watching the Serb conquerors take the women and children and send them in one direction and take the able-bodied men and send them in the other direction—for extermination. This was not because they wanted segregated prison cells. They took them to the woods, they dug holes, they shot them, they dropped them in the holes, they poured lye on their bodies and bulldozed the dirt over them.

We were told no, that is not happening.

Now we have satellite imaging that uncovers this—surprise. Surprise. "Oh, my Lord this is happening."

The reason I bother to say this, because I know you all are tired of hearing me saying it for the last 3 years, is to make one very important point. One, with all due respect, I do not think the President has accurately made. And that is, what is our interest in Bosnia? Is there a vital interest? Or, as my friend from Missouri said, "Does this action represent our interest and our values?"

If this does not represent our interests and our values, then nothing that has happened since the end of World War II represents our values. How many in this Chamber, like me, have gone to Holocaust memorial events and heard the refrain, "Never again." Never again? On the same continent, in the same proximity, the same death camps—it is happening again. And it happened again.

This time it was not Jews. It was primarily Moslems. In 1935 and 1937 and 1939 and 1941 and 1943, had it been Catholics like me, or Protestants, like many in here, who were being taken to death camps, the world would have risen up years earlier. But it was not. It was Jews. And we all turned a blind eye, as a world.

I respectfully suggest, were it not Moslems this time who were in the rape camps, were it not Moslems who were being exterminated as part of this new phrase "ethnic cleansing", that the world would have behaved differently. I wonder how many of us ever thought, as students of World War II or as participants in World War II, that we would ever serve in the Senate and hear the phrase, openly used by one party in a conflict, "ethnic cleansing." Ethnic cleansing. Is that not an antiseptic term?

And notwithstanding the fact only the Serbs used the phrase, I kept hearing on this floor that, "They are all the same. They are all the same."

There have been atrocities committed by Moslems and by Croats. But they have not set up rape camps. They have not set up death camps. They have not mass murdered as part of a coherent plan for people, based upon their ethnicity and their religion. That is called genocide—genocide. That is what it is. And now, even in our move to state what our vital interest is, this administration and others who support it are afraid to use the word. We are told we are not taking sides.

I am here to take sides. Milosevic, the leader of the Bosnian Serbs, is a war criminal. He is no better than Himmler. He is no better than Goebbels. He is a war criminal. Karadzic is a war criminal.

I might add that the leader of Serbia, Milosevic, is also a war criminal, although he is the only one not indicted so far.

So I hear people stand here and say, "What is our interest? What is our interest?" Our interest is that history repeated itself.

Let me be presumptuous enough to go on a little more to what I think the next history lesson will be. The Soviet empire has collapsed—the good news. The bad news is that all of the ethnic hatreds, all of the ethnic fighting, all of the atrocities that occurred 100

years ago and 40 years ago are now uncovered again. There are 25 million Russians living outside the border of Russia, in the Ukraine, in the Baltic countries, in Kazakhstan. There is war in Armenia, in Georgia, and almost all of it is based on ethnicity.

What is the message we send to the world if we stand by and we say we will let it continue to happen here in this place but it is not in our interest? We do not fear that it will spread? I am not here to tell you that, if we do not act, it will spread and cause a war in Europe—tomorrow or next year. But I am here to tell you that within the decade, it will cause the spread of war like a cancer, and the collapse of the Western alliance. What is so important about the Western alliance? NATO for NATO's sake so that we can beat our breast?

What I am about to say is going to cause me great difficulty if I am reelected and come back here as the ranking member or chairman of the Foreign Relations Committee. But Europe cannot stay united without the United States. There is no moral center in Europe. When in the last two centuries have the French, or the British, or the Germans, or the Belgiums, or the Italians moved in a way to unify that continent to stand up to this kind of genocide? When have they done it? The only reason anything is happening now is because the United States of America finally—finally—is understanding her role.

So we do have a national interest. Our national interest goes well beyond the genocide that will spread like a cancer. I will not take the time, because others wish to speak, to explain what the rest of it is. But I do in my longer statement which I will put in the RECORD.

But there is a second question it seems to me after first asking what is the national interest of the United States. Once you establish that there is a national interest—and I believe there is one—then, is the proposed action by the President the one that can meet that national interest? I respectfully suggest this is not the best one. If the President and the administration and the last administration, in my view, had the gumption, they would have told our European allies that we are lifting the arms embargo.

This is not a Vietnamization program. The Vietnamese and South Vietnam were not sure where they wanted to be, North or South. That is why it never worked.

The Bosnians know where they want to be. They want to be free. They will fight for themselves, and all they have ever asked for is lifting the arms embargo.

Prime Minister Silajdzic came after my first visit to Bosnia. I had him in my office and 12 of my colleagues—very good men and women came, Democrats and Republicans. The word was then, if we lift the embargo, it is just going to make it worse for those poor folks and more are going to get killed. One of my Republican colleagues, who is very informed on policy, and a Democratic colleague at my conference table asked the same thing of Silajdzic. Silajdzic said something I will never forget as long as I live.

He looked at this Senator, and he said: "Senator, at least do me the honor and the privilege of letting me choose how to die."

"Senator, do not send me food to fatten me and my family in the winter only to be assured that I will be killed with the full stomach. Give me a weapon. Let me defend myself, and have the good grace to let me choose how to die."

He then went on to add, "I am not asking for you to send a single American troop. I am not asking for you to send a single American. I am asking you to lift this immoral embargo."

That is what should have been done, as a student of history of the Balkans—I suspect that I have read as much as almost anybody here, at least I have tried my best, and I have gone there twice and I have spoken with everyone I could. During the last two Balkan wars, the only time they ended was when all parties concluded that they could not achieve any more on the ground than they could at the peace table.

But events have overtaken us. And the event that has overtaken us is called Dayton. I say to my friends here in the Senate, the part that I do not like about being Senator is when Presidents do not get it right, and we do not get to make the best choice. We get to choose among bad choices.

It is that old thing about the Hobson's choice. Two bad choices is no choice at all. The best choice is to lift the embargo, provide air cover, wait while it is being done, and let the Bosnian Government establish itself because Serbia has already lost. Milosevic has no interest in continuing because he is a pariah in the Western community. Have the War Crimes Tribunal go forward and let it be settled. But we did not do that.

We have one of two choices now: One, we participate with a better than even chance. We provide enough time for the Bosnian Government to get the physical wherewithal and economic strength to defend themselves, and then we leave. Two, we do not participate at all, which means nothing happens because the Europeans have no center on this issue. Nothing will happen except the embargo will be on, the genocide will continue, our interest will be badly damaged, and the cancer will spread. My son may not go to Bosnia today, but he may be in eastern Germany in 8 years. My grandchildren may not be in Bosnia today but they will be in Europe fighting a war 15 years from now.

So given the choices, I support this resolution. I support it because we do have a vital national interest, and we do have a moral rationale for our engagement.

If we thought we had a moral interest, a national interest in restoring the Emir of Kuwait to the throne—restoring the Emir of Kuwait to the throne, God bless his soul—to send 500,000 troops there, tell me, tell me why we do not have a moral interest in stopping what was international aggression by Serbia crossing the Drina River into a U.N.-recognized country and participating in genocide?

In Kuwait we had a single example of one young woman who was raped and beaten, which turned out not to be true, to enrage people about the awful thing Saddam Hussein was doing. And here we have mass graves. I have visited with BOB DOLE a hospital in Sarajevo. Do you know who was in the hospital? Seven children. Do you know why there were only seven children? Because the Serbs sit in those hills and they have as a campaign of terror, the maiming of children. Walk with me through Sarajevo's streets and see draped across the roads blankets and sheets. I thought it was a Lower East Side in 1919 of New York.

I asked why. Do you know why they are there? To take over the line of fire from Serbian snipers shooting children. We pretended it did not happen. Ask BOB DOLE.

We stood beside a beautiful raven-haired child who looked at us as we spoke. And the neurosurgeon said, "The reason she is not turning is she has no sight. He turned her head. The bullet had gone through the back of her head, severed the optic nerves, and came out the other side.

There were seven children in that hospital. Nobody else. It was a planned campaign by Mladic and the Serbs to terrorize the Moslem community.

So let me tell you. If your moral center is oil, I understand you. If your moral center is humanity, there is no comparing the restoration of the Emir of Kuwait with the ending of genocide in Bosnia.

But there is only one exit strategy, I say, Mr. President, there is only one.

I hope the President, with all due respect, means it. That we will not be able to leave unless—what BOB DOLE, JOE BIDEN, JOE LIEBERMAN, and a whole bunch of others insist be in this resolution—the Bosnian Government is armed and prepared to defend itself. That is the ticket home for Americans.

There is a moral reason for this. There is a U.S. interest. It is not the best way to do it, but, as Senators, we only get to choose among the bad ways offered to us. It is worth doing.

In this Christmas season, as I saw off the first group to go to Bosnia from

Dover Air Force Base, the only thing I could think to say is "thank you; watch where you walk—there are a million landmines—and God bless you. I am telling you, you are doing something right but you are being put in a position that is not the one you should have been put in in order to accomplish it." It is a hell of a way to send them off, but we have no choice, it seems to me, to meet our moral obligation and our national vital interest.

Mr. President, after nearly 4 years of indifference, half-measures, national policies of European governments pursued in the garb of international peacekeeping, and other sophistries devoid of moral content, the western world has finally been moved to put an end to the murderous fighting that has left Bosnia and Herzegovina in ruins.

While the dilly-dallying has gone on, more than a quarter-million Bosnians of various ethnic and religious affiliation have been killed, and an additional 2½ million persons—over half the total population—have been driven from their homes.

But, Mr. President, numbers alone cannot begin to convey the savagery, the barbarity, the depravity that has reigned in this small balkan country.

There have been wars since time immemorial, many on a larger scale than the war in Bosnia. There have been refugee flights in other countries that dwarf the Bosnian numbers.

This century has seen the Jewish Holocaust, the Armenian Genocide, the murderous collectivation of Ukraine, and the killing fields of Cambodia. So, Mr. President, I suppose cynics might say that we have become hardened to the unspeakable.

Yet what has happened in Bosnia and Herzegovina not only has had components of the other horrors the 20th-century, it has actually added a diabolical new feature: The unprecedented, centrally planned campaign of mass rape that the Bosnian Serbs have used as a calculated weapon of terror designed to demoralize Bosnian Moslem communities.

Mr. President, why was this allowed to happen? To help answer this question, let me offer a piece of counterfactual analysis that I have delivered before on this Senate floor:

"What if" a Moslem-dominated Bosnia-Herzegovina had attacked a peaceful orthodox Christian Serbia, carried out barbaric atrocities against Serbian civilians, and then proudly announced that its policy of ethnic cleansing had been successful—would Christian Europe then have sat idly by, conjuring up excuse after excuse for not halting the cruel and cowardly aggression?

Mr. President, I think the answer is self-evident.

European Jewry was yesterday's victim. The Bosnian Moslems are today's. If we let the barbarism in Bosnia stand, who knows who will be tomorrow's?

Now at last, thanks to the belated—nonetheless, praiseworthy—leadership of the United States, we stand on the verge of a massive international effort designed to put a stop to the depravity, to try to restore a modicum of normal, civilized life to that sorry land.

I fear that the chances for success are a long-shot. But Mr. President, make no mistake about it: if the United States does not continue to lead this effort, the chances for even a semblance of peace in Bosnia are zero.

And yet the choice is not an easy one. Like almost every other decision concerning foreign policy that a U.S. Senator has to make, our choice about whether to support President Clinton's decision to deploy 20,000 American troops to Bosnia as part of the international peace implementation force known as I-For is a reactive one.

The U.S. Congress rarely gets to formulate policy. We cannot, and should not, write arms control treaties or other international agreements. Most of the time we are asked to react to proposed solutions that are far from ideal, perhaps not even the best. But often these solutions, however risky they may be, are nonetheless better than not acting at all.

That is exactly how I feel about the proposed deployment of U.S. troops in the I-For. For more than 3 years, since September 1992, I have been calling for lifting the illegal and unjust arms embargo against the Government of Bosnia and Herzegovina, the victim of Serbian aggression, no matter what our European allies think about such a decision.

Concurrently, I have called for striking from the air at the offending Serbs while the Bosnian Government was building up its own military strength.

Finally, I have advocated making clear to the Government of Serbia that it would suffer massive air strikes upon its territory across the Drina River if it increased its assistance to the Bosnian Serb aggressors.

Moreover, the Biden Amendment, which I introduced in 1992, and which was successively approved by Congress in 1993 and 1994, authorized assistance to Bosnia through a drawdown of up to $50 million of Defense Department weapons stocks and other military equipment. This year's foreign operations conference report has increased this figure to $100 million. As soon as the President receives and signs the foreign operations appropriations bill, he will be able to use this source any time upon termination of the arms embargo.

Up until 1 month ago this policy that I proposed remained, I am convinced, the best option open to the United States. It would have created the conditions of military parity in Bosnia and Herzegovina that are essential for maintaining a lasting peace.

Then came the talks at Wright-Patterson Air Force Base. The peace agreement that emerged from those talks is not perfect—no international agreement ever is—but we have to deal with the situation now at hand.

Let me take this occasion to congratulate Secretary of State Christopher and his negotiating team for their tireless efforts that achieved what no one else had been able to accomplish for 3½ years: a multilateral agreement that offers the only real promise of ending the worst bloodshed in Europe since World War II. It is a highly significant achievement, which brings great credit to the United States of America.

Yet Secretary Christopher, Secretary of Defense Perry, and General Shalikashvili would be the first to add that the Dayton Accords are still only a building block for the structure of peace for the former Yugoslavia, which remains to be put into place.

Let me underscore that the involvement of American ground troops in the peace enforcement effort—the solution less preferable than the lift-and-strike policy I have consistently advocated—in no way lessens the necessity of equipping and training the Bosnian Federation's army in order to allow it to defend itself when all foreign peace implementation forces leave. The bipartisan resolution specifically mentions this point.

So I would like also to be perfectly clear that if the administration had not assured that this equipping and training would take place—if not by uniformed U.S. military personnel, then by contractors—I would not support the participation of U.S. ground troops in the I-For. Third countries may, of course, also contribute weapons and training to the Federation, but a failure of Americans to take the lead in this effort would quite simply be a prescription for a prolonged involvement of our ground forces in Bosnia, a policy which the American people will not countenance.

President Clinton's outstanding televised speech to the Nation went a long way toward explaining to the American people the rationale for, and mission of our troops in the I-For. I do not take issue with any of the President's arguments.

Above all, I would emphasize to those who wish to restrict America's involvement abroad that the choice facing us is not between a risky foreign mission and the status quo. If the United States does not participate in—or more precisely, lead—the I-For, I am convinced that the war will re-ignite, escalate, probably spread, and open the door for a radical destabilization of southern Europe. And that most assuredly is in our vital national interest to prevent.

Finally there is the issue of American leadership in NATO and in the larger community of civilized nations. I have long criticized some of our European allies, first for their utilization of

the purposefully hamstrung U.N. peacekeeping operation in order not to take the militarily resolute measures that could have stopped the Serbs in their tracks in 1991, and second for their obstinate unwillingness to allow NATO—principally American—air power to cripple the Bosnian Serb war machine.

It took the massacre in the Sarajevo market at the end of August and the withdrawal of the hobbled European peacekeepers, for us finally to overrule our timorous European friends.

Yet, Mr. President, the President of the United States has given his pledge of American troops; the United States was the driving force in crafting the Dayton accords; and our credibility as the leader of NATO is on the line. Bosnia has revealed strains within NATO that must be addressed, but this is not the time to exacerbate the tensions. Moreover, France has just re-entered the alliance's integrated military command, a sign that a successful operation in Bosnia may bode well for a stronger NATO in the future.

Some of the opponents of our involvement have trotted out the cliche that the United States cannot be the "world's policeman." Well, of course we can't solve every crisis everywhere. But as President Clinton said in his television speech, that obvious fact does not mean that we cannot help anywhere.

The slaughter, rape, and destruction in Bosnia and Herzegovina should be an affront to the sensibilities of every American. The I-For mission at the very least will give the brutalized people of that land a last chance to stop the killing and to re-enter the world community.

For all these reasons, then, our participation in the operation is vital. There are, however, serious risks associated with sending our troops to Bosnia, and it is incumbent upon the administration to explain how we are planning to minimize them. These risks include:

Millions of lethal mines, which will probably be hidden by snow for several months;

The brutal Balkan winter that makes driving hazardous;

Irregular forces, foreign extremists, and other rogue elements that may specially target American troops; and

The likelihood that an armed, hostile Bosnian Serb populace in several locations could both harbor attackers and engage in disruptive activity itself.

From administration testimony in hearings before the Foreign Relations Committee, I am satisfied that these concerns have been thoroughly analyzed, and countermeasures developed to the fullest extent possible.

Last Friday at 5 o'clock in the morning, I went to Dover Air Force Base in my State of Delaware to personally say good-bye to a detachment of our troops as they embarked for Bosnia. They are as fine a group of American men and women as has ever represented the Armed Forces of this country. Every possible precaution must be taken to lessen the threat to their person as they carry out their duties in Bosnia. In this regard, I emphasize that the robust rules of engagement for our troops must not be altered under any circumstances.

In larger terms, I believe that the criteria for the mission's success and a responsible exit strategy must be delineated even more clearly than has already been done. For example, is the absence of serious conflict after 1 year sufficient progress to warrant a declaration of mission accomplished?

Stated more precisely, will we withdraw our ground troops after precisely 1 year even if the envisioned democratic institutions of the Bosnian central government are not yet functioning? If so, will other international units remain for a longer period?

My own belief is that the I-For mission should be limited to creating the basic conditions for democratic institution-building to take place. There must be no mission creep for our military forces.

Yet if the civilian aspects of the agreement do not proceed, then the American troops and their international colleagues will have served in vain. Hence, a premium must be put on coordinating the mission of the American military force with the work of the international civilian agencies preparing to implement the electoral, refugee, and humanitarian aspects of the Dayton accords.

But it may well be unrealistic to expect construction of a working democracy in 365 days or less. Therefore, plans must be drawn up immediately for a follow-on force to remain in Bosnia after the United States troops leave. My strong feeling is that this force should be led by our European NATO allies, augmented by units of European neutrals with experience in peacekeeping operations.

Finally, let me repeat once again the absolute necessity of creating a balance of military strength on the ground so that when the international peacekeepers are withdrawn, the federation of Bosnia and Herzegovina will not be vulnerable to renewed attack.

The peace settlement is far from perfect. There is no guarantee that it will be implemented. The involvement of American ground forces means—although I pray I am wrong—that casualties and fatalities are likely to occur.

But, as I have indicated, we live in a highly imperfect world. To do nothing would be to invite larger problems in the future that would require a much riskier and bloodier American involvement.

If the conditions I have outlined are met: retention of very robust rules of engagement for our troops; no mission creep for our troops; but close coordination of the I-For with international civilian efforts in Bosnia; a United States lead in coordinating arming and training the army of the federation of Bosnia and Herzegovina; and a finely drawn set of criteria for mission success.

Then I believe that President Clinton's policy deserves the support of the Congress. The President has promised to meet these conditions. Therefore, I will vote for the bipartisan resolution, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Dole-McCain resolution which authorizes the participation of U.S. military forces in what is known as the I-For, the NATO implementation force. The purpose of this is to monitor the peace agreement in Bosnia.

The Dayton peace agreement and this NATO deployment represents, in my judgment, the only opportunity to achieve a long-term peace in Bosnia and with it a more stable Europe. That is a very important point, Mr. President—a more stable Europe, which is a matter of profound interest to the United States.

The Senate's vote on the Dole resolution involves the question of what role the United States should play in Europe and throughout the world as we approach the 21st century. Let us just take a brief look into history, if we might. It was an assassination in the Balkans, in Sarajevo itself, that triggered World War I, a conflict into which the United States was reluctantly drawn. Indeed, we stayed out of it for nearly 3 years.

At the conclusion of that devastating war, the United States made a very conscious decision, and that was to withdraw from any involvement in European security affairs. From 1919 until 1942, the United States remained aloof from Europe, even though World War II raged for 2½ years during that period. Yet, inevitably, we were dragged into that war, the most costly of all wars in terms of lives and treasures.

We have now learned that the United States, the world's lone superpower and the undisputed leader of the NATO alliance, simply cannot withdraw from European security matters, nor should we. Our active engagement in Europe for the past 50 years since the end of World War II has brought enormous benefits to us, to the Europeans, and to the world at large. Western Europe has enjoyed peace, it has enjoyed freedom, it has enjoyed democracy, and it has enjoyed economic success ever since the end of that war.

This has largely been due to U.S. leadership in NATO. Our leadership has assisted in bringing about the fall of

communism and the liberation of Eastern Europe. But despite these successes, Europe today is not free of war and bloodshed and instability. We need to look no further than the war that has raged in the Balkans for the past 3 years. Others have spoken about it, and sometimes we forget these statistics: 250,000 people have lost their lives in that conflict, and more than 2 million people have been displaced or are refugees. This war has the potential to spill over into the rest of Europe.

The history which I just touched on has taught that maintaining a free, democratic and peaceful Europe is very much in our interests, in our security interests, and deployment of the NATO force in which the United States provides one-third—not one-half, not two-thirds, but one-third—of the troops will help ensure the type of Europe we want: A Europe that is free, that is Democratic, and that is peaceful.

I would ask, Mr. President, those who oppose this deployment to answer this question. If we, as part of NATO, cannot lead an effort to try and end the war in Bosnia, then why should we be members of NATO? Let us forget the whole thing, at least our participation in it. It seems to me that helping to end destabilizing military conflicts inside the borders of Europe such as Bosnia represents is the type of responsibility NATO should undertake in the post-cold-war world.

May I remind my colleagues that the implementation force includes many non-NATO forces—not just the NATO forces, but others—that share our interest in securing peace in the Balkans.

Those opposing this resolution, the Dole resolution, also argue that U.S. troops will be at a risk of being drawn into nonmilitary activities and may also suffer needless casualties.

To this I say, take a look at the Dayton peace agreement. Unlike some recent failures—we have had them in this Nation, particularly if you think of Somalia—where United States military roles were not entirely clear, the Bosnian deployment plan and the administration's pledges are very specific about what our troops will and will not do. I am reassured by this part of the written statements.

In addition to its own self-protection, the mission of our force is to oversee and enforce implementation of the military aspects of this peace agreement. Now, what are we talking about? We are talking about cessation of hostilities, withdrawal to agreed lines, creation of a zone of separation, return of troops and weapons to their encampments. Civilian authority such as the United Nations, not our troops, will be responsible for many of the nonmilitary aspects that are envisioned by the agreement.

Now, what are we talking about there? Overseeing elections, conducting humanitarian missions, helping civilians move about, acting as local police forces. You can be sure that Congress and the American people are going to be watching carefully. We are going to be monitoring this to see that our troops do not engage in any activities for which we are not responsible.

I do not want to suggest, Mr. President, that sending United States military forces to Bosnia is without risk. Regrettably, we may well suffer casualties, as is often the case in military operations such as in the Balkans. But please remember that the United States and the 25 other nations are sending a force totaling 60,000 ground troops, forgetting those that are in the air or on the waters. This is an overwhelming numerical advantage over any group or faction that would challenge our authority.

I would also point out that unlike former United Nations peacekeeping missions in Bosnia, we will be completely prepared to defend ourselves. This is a mission in which if we are shot at, we are going to reply with bullets and shells.

Mr. President, the rest of the world looks to the United States to be a leader in promoting peace and democracy, and this is certainly the case in the Balkans where the three signatories have authorized our intervention. If a United States-led NATO force can help secure peace in Bosnia, it will make an enormous contribution to world security.

On the other hand, Mr. President, if we abdicate our responsibilities to our NATO allies, it will send a clear and I believe very troubling signal that the United States has once again retreated into Fortress America. It will show that we are not there when a difficult job has to be done. That is not a signal we can afford to send. So, therefore, I urge my colleagues to support the deployment of United States troops to Bosnia and to vote for the Dole-McCain resolution.

I further would urge a vote against the Hutchison amendment, which, in my judgment, sends a very confusing message. It says, on the one hand, to our troops, we do not think you should be in Bosnia, but nevertheless we support you. I do not think that is the kind of message I, for one, would like to receive if I were risking my life or on a mission of this nature in Bosnia. The message, again, seems to say we are for you, but you should not be there. I do not find that a message of much comfort or encouragement, in my judgment.

So therefore, Mr. President, I hope that my colleagues would support the Dole-McCain amendment.

I thank the Chair.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

Mr. President, the question of sending American men and women on a dangerous mission, whether it be to fight a war or, as in this case, to strengthen a fragile peace is always a difficult one. A healthy debate has been carried on across the Nation, and it is clear that Americans are reluctant to send U.S. forces in harm's way.

While I share that reluctance, my reluctance does not stem from a sense of isolationism; but rather, I am reluctant to commit our troops when the situation on the ground is so tenuous. I understand that the combatants themselves have asked us to help them implement the Dayton accords; however, I remain skeptical about their commitment to peace. I question whether the presence of a large NATO force will be enough to overcome the daunting challenge of national reconstruction facing all the Bosnian people. And, given the deep hatreds that exist there, I wonder how realistic it is for us to think that once United States troops leave Bosnia the peace will hold.

At the same time, what are our alternatives? I agree that the situation on the ground may have been different if the President had heeded Congress and lifted the arms embargo. However, as one of our colleagues pointed out to me recently, even if the administration had agreed to lift the arms embargo and the Bosnian Moslems had been better armed, there still would have been the need for a peace accord, and we would still be facing the difficult question of whether to send in United States ground forces to guarantee the peace.

After 4 years of anguish over the atrocities in Bosnia, I believe we have a responsibility to try to end this war. We cannot turn our backs on the innocent men, women, and children who have lived through the unspeakable atrocities committed by all sides. We cannot turn down a request that is probably the last and best opportunity to end this harrowing civil war.

At the same time, we cannot allow emotion to sway our decisionmaking about sending United States ground troops into what until now has been a war zone. We would all like to see an end to the bloodshed in Bosnia, and an end, for that matter, to bloodshed everywhere. But, it is disingenous to say that we are sending ground troops to Bosnia out of a sense of moral responsibility that we must police the entire world. We have already determined that neither do we have the desire nor the means to be the world's policeman.

Recognizing we are not the world's policeman does not mean that there are no circumstances under which we should send U.S. troops abroad. If we are to take advantage of winning the cold war and retaining our capacity to shape events in this changing era, then we must demonstrate leadership and be

willing to take risks for peace. The difficult question is, when should we take these risks?

I have always held that any determination to commit U.S. troops abroad should meet four criteria:

One, there must be a clear and compelling issue of national interest.

Two, the benefits must outweigh the cost of endangering American soldiers.

Three, there must be an established plan of action—including plans for troop withdrawal.

And, four, there must be support and involvement of the international community.

Unfortunately, without the stark black and white of the cold war to guide our foreign policy, it is less clear when our vital national interests are at stake. The world has become a far more complicated place, and there is much disagreement over whether there is a vital national interest at stake in Bosnia.

Some say this is a European problem and we should leave it to the Europeans to solve. Indeed, the Europeans realize that they have more at stake here than we do. That is why they are supplying the majority of the forces and why they are providing most of the funding and technical support for the crucial task of rebuilding Bosnia.

Then, why could not this be a European-led mission with American support? Frankly, the Europeans have been indecisive and unable to do this on their own. Yet, if this civil war rages on, it poses a serious threat to European stability. Just as that possibility poses a threat to our European allies, it also threatens us.

That is why America must assume the mantle of leadership. The future stability of Europe is, and always will be, in our national interest. We have fought two major wars in Europe, and in the 50 years since the end of World War II we have committed U.S. troops and resources to the defense of Europe and to the leadership of the NATO alliance. Because of our ties to Europe—historically and economically—it is in our interest for NATO to be strong and it is in our interest to continue to lead NATO.

That said, do the potential benefits of this mission outweigh the costs? There are many ambitious—I might say overly ambitious—goals laid out in the Dayton accords: The return of refugees, the negotiation of arms control agreements, the prosecution of war criminals, and the reconstruction of civil institutions. I am pessimistic about the prospects for realizing many of these nation building goals in the short term.

Nonetheless, I believe there is still a potential benefit to participate in a strong peacekeeping force. The ominous warnings of many opponents of this mission belie the fact that the NATO Implementation Force is not embarking on a combat mission, nor is it a mission to impose a peace. This is not Somalia. Furthermore, our troops will not be leading the nation building efforts. This is not Haiti. This mission is in response to a direct request by the combatants to help them implement a peace agreement that they negotiated. The greatest and most achievable goals of this mission are strictly military goals: Separating the forces and creating an environment for the continued cessation of hostilities. And 1 year may not be enough time to rebuild Bosnia, but we cannot underestimate the potential of a 1-year breathing period to lay the groundwork for a more stable peace down the road.

How do these benefits measure up against the potential costs? There has been a strong consensus in the United States that sending ground troops at an earlier date would have been too risky and not worth the cost. Are we now risking the same entanglement we so assiduously avoided by sending in ground forces to implement this shaky peace? As peacekeepers, will our troops be a lightening rod for some of the more controversial provisions of the peace agreement many in Bosnia are not sure they want?

Over the past few weeks, I have explored these and other issues related to the risks. I have met with the National Security Advisor, and yesterday with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Vice President, and with the President himself to express my concerns directly, and to listen to their responses.

I have come to believe that it is most unlikely we will become entangled in a full-scale war. We are participating in a NATO operation to implement a peace agreement painstakingly negotiated over several weeks. The Dayton accords set forth clear military goals for the implementation force. Our troops have a limited mission—limited in the specific tasks designed to strengthen the peace and limited in its duration. We have made no commitment to stay on should the peace fail. And, should all out war break out before the year is up, then we surely will leave. Contrary to the views of some of my colleagues, I believe that Secretary Perry and General Shalikashvili have established a clear plan to action and a clear exit strategy.

In the unlikely event that our troops become targets, we have learned from earlier mistakes: Our troops will be well armed, will be sent to Bosnia in sufficient numbers, and will be operating under the right rules of engagement, allowing them to defend themselves fully.

To be sure, we can never eliminate all the risks. Even under the best of circumstances, Bosnia is a dangerous place. On balance, however, I believe that this mission is worthwhile.

Can we state with certainty that our efforts will pay off, and that the war is over? Unfortunately, it is too early to tell whether the conditions in Bosnia are really ripe for peace. But, that does not mean we should not proceed. If this diplomatic effort fails it will be a failure of the Croatians, the Moslems and the Serbs to take advantage of the international commitment to help them implement the peace. Only time will allow us to test their commitment to the peace accord. In the meantime, we cannot afford to turn our backs on the most serious diplomatic agreement to date.

Mr. President, I am disappointed that the majority leader has been compelled by members of his party to have three separate votes on Bosnia. Either we support this policy or we do not. It is too easy to say that the President has made his decision, that he has committed U.S. forces, and then take no responsibility for the mission but still vote to support the troops.

In this case, I believe that the President has demonstrated leadership. He has acted in our national interest, and he has done so cognizant of the risks the men and women of our Armed Forces will face. Now that the Bosnian people have taken a step toward peace, we have the chance to do something concrete, specific and finite to help bring this bloodshed to an end. And so I say, let us do it.

Mr. President, I will be voting against the Hutchison resolution and in favor of the Dole resolution.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, at the outset of my remarks on Bosnia, I want to state for the record my total support for our men and women in uniform deployed in the Balkans. I know they will serve the Nation with honor and distinction. I commit to them today that I will make every effort to provide for their safety, to make every available resource for their defense and to work hard and look forward to their safe return home.

Let me say that I have lived my entire life in a small eastern North Carolina town that is surrounded by Fort Bragg, Camp Lejeune, Seymour Johnson Air Force Base, and Cherry Point Marine Base. My whole life, I have literally been surrounded by people who are strongly committed to serving our Nation and our Commander in Chief.

I am confident that the bravery of our soldiers deployed in Bosnia and their respect for their commanding officers will serve as an example and an inspiration to all Americans. While I have nothing but praise to offer for our troops, I come to the floor to voice my strong opposition to the President's decision to deploy United States forces in Bosnia.

Despite repeated requests by Congress and the American people, the Clinton administration has yet to show a compelling national security interest which would justify the commitment of United States ground forces in Bosnia. In fact, President Clinton's Bosnia strategy over the past 3 years has been an incoherent jumble of vacillating policies.

As a candidate, Bill Clinton criticized the policies of the Bush administration and advocated a forceful interventionist role for the United States. Once in office, President Clinton dithered while the Balkan situation degenerated into a brutal, dehumanizing ethnic civil war. Much of the tragedy we see in Bosnia occurred on President Clinton's watch.

Without consulting Congress, President Clinton entered into an agreement to commit U.S. ground forces. He has not come before a joint session of Congress to explain his policies on this issue. Rather, from the Oval Office, President Clinton delivered a televised national address and then boarded Air Force One bound for Europe. It struck me as though he was more eager to collect congratulations in European capitals than to explain his Bosnian policy to Congress and the American people.

Despite this absence of Presidential leadership, a rejection of the Clinton administration's troop deployment plans does not mean a rejection of American involvement in the Bosnia peace process, nor a retreat into isolationism.

The United States has played a significant role in Bosnia, and we should continue to do so. United States military commanders provided leadership to NATO in advocating the use of airstrikes to break the Bosnian Serb military advantage, while the Clinton administration dallied with the United Nations.

In the end, the administration failed to take a leadership role in convincing the United Nations to lift the arms embargo which would have allowed the Bosnian Moslems to defend themselves at a much earlier date and might have alleviated the need for our ground forces there at any time.

We brought the warring factions to the peace table, and we have an interest in seeing that the peace agreement is implemented, but we do not—we do not—have a vital national security interest, which is the only thing which would justify putting at risk the lives of 20,000 American soldiers and marines. The President was wrong to make this commitment, and Congress will be wrong if we endorse it.

Some believe that President Clinton's hastily concluded decision on ground forces will demand congressional approval in order to preserve international respect for the Office of the Presidency. I disagree. Respect for the power of the Presidency is preserved and enhanced when the holder of that high office has led the Nation toward a consensus on military intervention before troops are deployed. Bill Clinton has turned Presidential leadership on its head. He is trying to build a national consensus after having committed U.S. forces. This is not leadership.

On the ground, our troops will face overwhelming logistic hurdles. In addition to arriving at the height of the harsh Balkan winter, our troops will face 6 million landmines covering much of Bosnia. The exact whereabouts of many of these mines is unknown and their detection will not be easy, as many are made of plastic.

The infrastructure of Bosnia has been devastated by years of war. The bridges, roads, and railroads which remain usable are simply not capable of supporting the weight of M1–A1 tanks and any other heavy armaments. Most existing airstrips have been seriously damaged.

Clearly, we will have to spend millions of taxpayers' dollars, American taxpayers' dollars, in infrastructure before we can begin to adequately police the so-called peace agreement. Once we begin that effort, we will then spend billions more on military equipment and personnel. How much will this latest effort in nation building cost? And that is what we are doing, nation building. Some estimates are as high as $100 million a month. I suspect that probably is not high enough.

Further, I have written to the Clinton administration requesting information about its plan to start supplying foreign aid to Bosnia. I have not yet received a response.

We have an opportunity to avoid repeating the tragedies of Lebanon and Somalia. Now is the time to use our technological superiority to spare American lives. Many of those who opposed our investment in advanced military hardware and cut defense spending would now lay aside that advantage. Now is the time for the U.S. Air Force and the Navy to take the lead in enforcing this peace agreement, which grows less certain by the day. It is simply a bad policy to put U.S. ground forces between enemies who have been fighting each other for over 600 years, and that is how long this battle has been going on. One year of American troops will not end it.

President Clinton stated that our troops will fight fire with fire. However, this pledge is useless when it is impossible to distinguish between a Serb, a Croat, and a Moslem.

Mr. President, it is not impossible to identify a vital national security interest. The invasion of Kuwait and our response provides a textbook example of how to do it. It should be clear to all Americans that President Clinton has yet to measure up to the standards of Desert Storm. Until he does, I will continue my strong support and respect for our troops by opposing the President's decision to deploy ground troops in Bosnia.

I yield the floor.

Mr. LEVIN addressed the Chair.

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

Mr. LEVIN. Madam President, as a member of the Armed Services Committee, I have spent a great deal of time analyzing the risks involved in the United States joining the NATO effort or not joining the NATO effort. There are risks both ways. I have concluded that the risks of not acting, not joining the NATO effort, are greater than the risks of acting with our NATO allies, and I will, therefore, support the Dole resolution.

The risks of acting are clear, and include the risk of casualties from mines, from accidents on the road, possibly from snipers. Those risks are real, and I think the American public should be fully aware of what those risks are. As hard as we have tried to reduce those risks—and the Joint Chiefs and the commanders have made an extraordinary effort to reduce those risks in every way possible, through training and equipment and in other ways—those risks are there and they are real.

But there are risks of not acting to join our NATO allies. Those risks of not participating with NATO are also very real and, in my judgment, are greater than the risks of joining. The risks of not acting, of not participating with NATO, include the risk of a peace agreement falling apart because of NATO's absence. That, in turn, could lead to a wider and more dangerous war, with continued killing, ethnic cleansing, rape, and other atrocities, more civilian refugees and humanitarian catastrophe in Bosnia, Croatia, Slovenia, Serbia, but also possibly in Kosova and Albania and Macedonia, and even possibly in Greece and Turkey.

The effects could be felt beyond the region as well. Of great importance here—and this is something which I do not believe has been given enough attention—is that Russia is now willing to participate with the United States and our NATO allies in the peace implementation force in Bosnia. In fact, Russia is willing to place their troops in Bosnia directly under an American commander. That would be historic cooperation with long-term benefits for European security and for world security.

But if this agreement falls apart and the war widens because we do not participate with NATO, and we know NATO will not carry out this operation without the United States, NATO would be weakened and fractured, and the United States and Russia could be pulled to opposite sides in a Europe newly divided.

Hardliners in Russia would balk at working with the United States and would gain political points domestically in upcoming elections. So, in addition to the region becoming inflamed again, in addition to the United States potentially being dragged into a widened war in Europe, just as we have been dragged in twice before this century, we could see a Russia become more threatening to Europe and to United States interests, precisely when NATO is fractured and less able to deal with that newly threatening Russia.

So the failure to participate here could well sink our efforts to improve the United States-Russia relationship, to build strong democracies in Europe, to expand NATO, and to integrate Russia into permanent European security arrangements.

When President Clinton wrote to the Speaker of the House last month, he highlighted the costs of not trying to help secure the peace efforts of the warring parties, and this is what he said:

> Unquestionably, there are costs and risks to all involved in making peace. Peace is the less risky alternative. But there will be no peace without America's engagement.

Madam President, I have asked a lot of questions about this mission over the last few weeks, as a member of the Armed Services Committee. The first question is: Are there important U.S. interests at stake? I believe the answer is yes.

The United States has an interest in helping the parties establish peace and stability in Europe. We have an interest in preventing the war from spreading, which also could fracture the NATO alliance and which could put Russia and the United States on opposite sides of a renewed and wider war.

The second question I asked: Is the mission clear, and is it limited and achievable? The Chairman of the Joint Chiefs of Staff has testified that it is, and the military commanders agree. The NATO mission has three primary military objectives: maintaining the existing cease-fire, physically separating the warring parties, and overseeing the division of territory agreed to by the leaders in Dayton.

Our military leaders have been clear about what our troops will not do, so there will not be any mission creep. They will not oversee election security; they will not conduct humanitarian relief missions; they will not help civilians relocate or act as local police.

Now, there is a fine line between actually performing those tasks, which U.S. and NATO troops will not do and that the U.N. agencies and other private organizations will attempt to do, and helping to create a secure environment, which NATO's force will do while they are there so that those other tasks can be accomplished.

NATO and U.S. military leaders say that they have sufficient guidance to make the judgment about that fine line. Our troops will not be directly responsible for disarming the Bosnian Serbs or equipping the Bosnian Government to achieve an equilibrium of forces on the ground. While both of those missions are desirable, it is appropriate for the NATO force to be able to maintain its evenhandedness in dealing with all of the parties and therefore to leave those tasks to separate mechanisms.

The third question I asked: Has the risk to our troops been minimized? Bosnia, even after this agreement, is a very dangerous environment. I have been particularly concerned, as have many of us, about the threat posed by landmines, which some have estimated to number 6 million. General Shalikashvili has testified last week that the troops have received extra training before deploying to the theater specifically against known hazards, such as landmines and snipers. They will be well-armed, equipped with robust rules of engagement that they need to protect themselves, and local commanders will have the authority that they need to make decisions about using force without any cumbersome dual-key arrangements.

Secretary Perry testified that they have the authorization to use deadly force, if necessary, and National Security Adviser Tony Lake warned that—

> . . . if anybody fools with our forces, they will get hit, hit immediately and very hard, and we expect that any other challenge or threat to our forces would be intimidated.

In addition, there is a clear chain of command with U.S. commanders at the top. General Shalikashvili testified that he believes the risk of physical danger to be small and that he would anticipate more casualties from accidents than from hostile action.

The fourth question I asked: Are there clearly defined conditions under which United States forces will not go into Bosnia? The answer is yes.

We have received repeated testimony that NATO will not fight its way in. The parties have initialed an agreement, and they are scheduled to sign it in Paris tomorrow. Vanguard NATO units are in Bosnia. We must see evidence of compliance with this agreement before deployment. Otherwise, General Shalikashvili has testified that we are not going in. We are not going to fight our way in. We are going there to help implement a peace agreement which the parties want.

The fifth question: Is there a clear exit strategy? Administration officials are clear that the deployment of United States forces with NATO will last approximately 1 year, and they have said that most of the military tasks that the NATO force is charged with achieving may be achievable in less than 12 months.

There are two key issues here. One is whether an effective equilibrium of forces can be achieved between the parties in such a way that the Bosnians can defend themselves when the NATO forces leave. There is still a lot of doubt about this. The goal is not part of the military mission itself. It is a separate commitment from the United States to all of the parties, which all of the parties, we are told, have accepted.

Now I remain skeptical, as indeed do some of the officials who testified before us, that an arms control agreement as outlined in the Dayton agreement can by itself effectively achieve that equilibrium. Secretary Perry says that he believes that the United States commitment to assure success of this effort to rearm and train the Bosnians if the arms control effort fails, will actually help that arms control effort succeed.

We will need to watch closely to see if the parties abide by their obligations to reduce armaments, working with the Organization for Security and Cooperation in Europe. For instance, they have agreed not to import any weapons for 90 days and any heavy weapons for 180 days. If they do not abide by these aspects of the agreement, the United States is prepared to assure that arms and training will be provided to the Bosnian Government. This must be premised, of course, on the most reliable possible assessment of all sides' current military capabilities, and the assessment of what constitutes an effective equilibrium: defensible territory with sufficient armaments. If the arms control agreements are not carried out, as Secretary Perry testified, the United States can and will need to try to accelerate the arming effort during the 12-month NATO deployment period.

The second key issue on exiting is whether a secure environment can continue to exist after the NATO force leaves. Annex 11, signed by the parties, establishes an international police task force assistance program to monitor, observe, inspect, advise, and train law enforcement agencies to improve public and state security. But that may not be enough. In addition to the international police task force, full and lasting implementation by the parties of all aspects of the peace agreement may require the presence of a smaller residual military force in the former Yugoslavia for longer than the 1 year planned for the NATO implementation force, and any such residual force should be comprised primarily of Armed Forces from European nations without U.S. Armed Forces.

I believe there should be planning underway now for a European residual force. The President should be encouraging European nations now to initiate contingency planning for such a force that does not include U.S. Armed Forces to maintain a secure environment for implementation of the peace agreement after the NATO forces leave.

Mr. President, there is no need to wring our hands in this body about not having a choice. Some say we have no choice, that the decision has been made. Well, we have three choices, at least.

Choice 1 is to say there shall be no funds for these troops. That was the choice that we voted against earlier today. But that was a choice. That is a constitutional capability that we have, if we decided to exercise it, to say that we will use the power of the purse so that these troops would not go to Bosnia. By an overwhelming vote, 22 to 77, we decided not to use the power of the purse, not to use that capability that this Congress has under the Constitution to restrict funding in order to prevent troops from going to Bosnia. But it was a choice. We were not in a position where we were prevented from exercising that constitutional option.

We have a second choice. We can express an opinion which is in opposition to this mission, short of using the power of the purse, but nonetheless an expression of opinion. That is what the Hutchison resolution does.

It seems to me, however, that the Hutchison resolution would be a terrible mistake and would sap the morale of our troops terribly. To tell our troops that we will support you, we are all for you, as part of the Hutchison resolution does, to say that the Congress supports military personnel who may be ordered into Bosnia, but we oppose the decision, is telling those troops who are put in a position of danger that we do not support their mission.

Now, if anything will undermine morale of troops, it would seem to me, it would be saying this to them: No matter how much we say in one paragraph of the resolution that we are behind the troops—you can say that all you want, you can proclaim that all you want in one paragraph—but it runs exactly counter and undermines that message to say in another paragraph, you are being sent on a mission which is wrong. If that mission is wrong, then the power of the purse should be used to prevent it.

It should be one way or the other. We have the authority under the Constitution. We chose not to exercise it. I think we made the right decision. But we had that choice under the Constitution. Having chosen not to exercise a power that this Congress had to prevent the troops from going to Bosnia to be put in a position of danger, it seems to me now it is totally wrong for us to tell those troops we are now for you but your mission is a mistake. If that mission is a mistake, we should have voted not to allow it. We cannot have it both ways and expect our troops, who are being put in harm's way, to do anything except react in wonderment and amazement that a Congress could decide not to restrict the funds, and then to say in the same resolution we are behind our troops, although the mission is wrong.

I hope we will defeat the Hutchison resolution and adopt the third resolution which will be voted on, the Dole-McCain resolution, which in a qualified way, in a very careful way, supports the continuation of this mission.

Mr. President, it comes down to this: We have vital security interests in trying to help prevent a war in Europe from resuming and spreading into a wider regional war which would probably fracture NATO, which could very well pit NATO ally against NATO ally. We have an interest in reducing the chance of Europe becoming divided again with Russia on the other side from most of Europe, with a Russia that would be likely, if this peace agreement failed because the United States stayed out of the NATO force, to then grow as a threat to the United States and to our allies. If this peace agreement falls apart because of United States non-participation with NATO, we would be playing into the hands of the most extreme nationalists in Russia and furthering their election ambitions next year. If this NATO military mission succeeds, Russian troops for the first time will be under American command, an extraordinary development in history, and will be a greater part of a European security solution, instead of being part of the problem as they have for so many decades.

U.S. involvement in this NATO force is essential if the peace agreement of the parties has any chance of being implemented. This is a chance, a chance that only the parties can take advantage of. But by participating, we would also be giving the parties a chance to end the slaughter and the ethnic cleansing and the use of rape as a weapon. For all of these reasons, and having answered the questions which I put to myself in good conscience over the last few weeks, I have concluded we should participate in the NATO force, and I hope the Dole-McCain resolution is adopted.

Mr. President, against all odds and against most predictions, the warring parties in the Balkans came together and negotiated a comprehensive and complex peace agreement. It is not perfect, and its success is by no means assured, but it is their agreement, and as Assistant Secretary Holbrooke testified last week, it goes farther than anyone had reason to hope the parties would go when they first started.

This agreement represents the best chance for peace in the region that we have seen after 4 years of devastating war. It is still up to the parties themselves to implement the agreement. The role of the NATO Implementation Force [IFOR] is to give them that chance, by creating a secure environment in which the many tasks set forth in the agreement can be pursued.

But if the United States does not participate in that NATO force, after the parties have signed up to an agreement we urged upon them, with the expectation that we would participate, then the war will resume and probably spread. More civilians will be killed, tortured, and ethnically cleansed in a renewed war. More refugees will be displaced and dispersed throughout Europe. As President Clinton said last month:

> If we're not there, NATO will not be there. The peace will collapse. The war will reignite. The slaughter of innocents will begin again . . . American cannot and must not be the world's policeman. We cannot stop all war for all time, but we can stop some wars.

There is wide support for this conclusion.

President Bush's former National Security Adviser Brent Scowcroft warned against the risks of this undertaking, but he said that "the alternative, in my judgment, is a clear disaster. To turn our back now would be a catastrophe. . . . If we don't go in, a lot more Americans will die, somewhere, sometime."

Former Undersecretary of Defense Paul Wolfowitz testified to the Armed Services Committee that "if we go in, there is a modest chance of success. If we stay out there is a real certainty of failure." The cost to important U.S. security interests of a wider and more deadly war spreading throughout the region, possibly putting us in direct conflict with Russia again after 5 years of improving relations, would be enormous. It is not just the relevance and usefulness of NATO as an instrument of European stability that would suffer, but United States credibility around the globe.

Mr. President, there are indeed reasons to be skeptical that the peace agreement can be fully implemented. The region has seen centuries of historic animosities, and 4 years of brutality. There are still territorial disputes whose final settlement has been put off. The man who fueled war with dreams of a Greater Serbia, Slobodan Milosevic, now claims to be the guarantor of the Bosnian Serbs' compliance with the agreement.

Resettlement of refugees, guaranteed in the agreement, promises to be exceedingly difficult. We are not sure how many refugees will even try to reclaim their homes, or who will arbitrate claims of ownership. Even this past weekend, some Croat forces looted and burned the homes of a town scheduled to be returned to Serb control.

Mr. President, I have concluded however that although there are serious risks to this mission, the costs and risks of not acting with our NATO allies, would be even greater.

People around the world are watching the United States at this moment, watching to see whether we will fulfill again the role of facilitating peace that

has long been our tradition. I recently received a letter from a old friend of mine, Eric Osterweil, now living in Brussels, but following our deliberations closely. Welcoming the Dayton peace agreement, he wrote:

I think it is in the strategic interest of the United States to ensure that peace reigns in Southeastern Europe. The risks, if we fail to act, are, I think, far-reaching. They include potential Russian intervention, a conflict between Greece and Turkey and other disagreeable eventualities. It may be difficult for the U.S. not to be involved in any major conflict on the continent of Europe. To me, the most potent argument, however, is that the U.S. has a chance to ensure that peace prevails over war and life over death.

Mr. President, the most important votes we take in the U.S. Senate are those involving the deployment of U.S. military personnel to dangerous spots around the globe. The volunteers who make up our Armed Forces are dedicated, talented women and men whose lives we value and whose service we cherish. The NATO mission before them is challenging, but it is doable, as General Shalikashvili has testified, and however individual Senators vote on this resolution, the troops should know that we all stand behind them and we all stand for them.

Mr. President, the Bosnian State outlined in the Dayton agreements has two armies, three administrations, and is surrounded by hostile neighbors. Can a civil society grow out of a land so steeped in mistrust, anger, and savage conflict? There is no guarantee. We cannot assure that there will ultimately be that successful outcome—only the people who live there and their leaders can achieve that. But at least NATO is acting to give them a chance to build a civil society and put war behind them. That is a mission that the United States should not undermine.

The PRESIDING OFFICER (Mr. BROWN). ACCORDING TO THE PREVIOUS UNANIMOUS-CONSENT AGREEMENT, THE SENATOR FROM MAINE IS RECOGNIZED.

Ms. SNOWE. Mr. President, let me say at the outset, while many of us have serious concerns with the scope and the structure of the Bosnian mission, there is no doubt about our troops' ability and competence to carry out the mission that has been assigned to them by the President of the United States. Like so many times in the past, when they have served our country well and they have made us proud, I have no doubts about the fact they will be no different in this mission.

Despite what is being said here this evening, whether you are for or against the proposition that is before us, we will obviously not change the outcome. The deal, as they say, is done, because the troops are being deployed and will continue to be deployed, no matter what we do here or how we vote.

Congress is essentially faced with a proposition of accepting the President's position on Bosnia, having come full circle from "Mission Impossible" several years ago, to "fait accompli" today. By disavowing any congressional role, the President has presented this policy no longer as the administration's policy, but now it is America's policy. That clearly places us in a very difficult position. What we can and should do today is to use this debate to express our reservations and concerns, our support—whatever the case may be.

Inevitably there are constitutional conflicts between branches of Government. Inevitably, we have been in this role before, with respect to whether or not we should assign troops and whether or not the President should come to the Congress. I happen to think it is very important to express our concerns to this and future Presidents about the fact that Congress is not playing such a role before the fact—and not after the fact. The fact of the matter is, it is in America's interests to have congressional involvement and participation. It helps the President to advance his own policy and his own mission. It helps to broaden the support if there are doubts about such a mission. But, unfortunately, that is not what is before us today.

We have also considered other alternatives with respect to Bosnia. In fact, I can remember as far back as 1993, in the spring, when I was a member of the House Foreign Affairs Committee in the House of Representatives, we voted on lifting the arms embargo so that the Bosnian Moslems could defend themselves and their families, their property. And for over 2 years we fought that battle, and the administration did not support us in that endeavor. The Europeans resisted this effort as well. I think that is part of the Balkan tragedy, the fact that the Moslems could not defend themselves; that they did not have the arms or the equipment or the training to defend themselves and their families.

Now we are faced with the proposition of deploying troops to Bosnia. This should have been the last option and not the first. We should have exhausted all other means and all other possibilities before we resorted to deploying ground troops.

Back in 1993, it is interesting, the administration presented its own criteria, guidelines for a future mission in Bosnia. In fact, Secretary of State Christopher laid out those guidelines in 1993. They said that, in order to deploy troops, four criteria should be met:

First, that the goal must be clearly stated;

Second, there must be strong likelihood of success;

Third, there must be an exit strategy;

Fourth, the action must win sustained public support.

It seems to me the administration has fallen far short in meeting some of these criteria that the administration itself has established. But I would like to take a look at some of those guidelines tonight and how this agreement fits into the context of the criteria the administration laid out for such a mission.

First, the goal must be clearly stated. When it comes to the mission of the troops, I think this Chamber and the American people certainly need to know what this deployment is or is not about. We know it is not a peacekeeping mission. In fact, it is much of a departure from a peacekeeping mission. It is a peace enforcement mission. That being the case, as the administration has suggested, is the goal simply to separate warring parties for 1 year and then leave? The administration has said yes, and so did witnesses before the Foreign Relations Committee. But at other times the administration argued that we will only achieve success if we succeed in creating a single, unitary, multiethnic Bosnian state, as Secretary Holbrooke said after the signing of the agreement in Dayton, when he said, "Otherwise, we will have failed."

So, is it a part of our mission to also create a more stable arms balance in Bosnia, by ensuring the Bosnian Government forces receive the heavy armor they currently lack? Yes, that is part of the overall intent of this administration. But the administration has also agreed that the arms buildup will not occur until we can succeed first in pursuing an arms builddown. But there is no such mechanism for that builddown to occur.

Then we have the arming and training issue. It will certainly be one of the focuses of this resolution before us that will be offered by Senator DOLE. But it still is not clear what the administration has in mind or how, in fact, it will be accomplished. The fact is, this could be accomplished without even deploying troops to Bosnia. But that, unfortunately, is not our option today.

So the arming, the training, the equipping of the Bosnian Moslems will occur in the face of opposition from our European allies and the Serbs. It was so much opposed that it was not even a part of the agreement. Yet it now happens to be, and should be, a very key component of the overall strategy. Because Senator DOLE has been working on precisely defining this mission now, because it has not been precisely defined by this administration, it will remain one of the key components of this mission. Yet it will have to be done in the face of overwhelming opposition by our allies and the Serbs. How that will be done remains open to serious question.

Is our goal, as well, to facilitate elections? Protect refugees? Undertake reconstruction activities? Track down and arrest war criminals? The administration sometimes argues no. But then

it also argues that these nation-building activities are what will determine whether or not we have succeeded. So, are these our goals as well? In fact, this case is strengthened by the fact that in the Dayton accords the United States insisted on granting our forces the power to become involved in these activities.

To quote from article 6, section 3:

Our NATO forces will have the authority to:

A. Help secure conditions for the conduct of free and fair elections;

B. Assist in the accomplishment of humanitarian missions;

C. Assist the U.N. High Commission for Refugees;

D. Prevent interference with the movement of civilian populations and to respond to deliberate violence to life and person.

If our powers under article 6, section 3, are not a recipe for mission creep, I do not know what is.

Second, there must be a strong likelihood of success. Is there? Of course, that all depends on the definition of our mission. And, as I have already stated, those goals are somewhat confused and vague. I have read the predictions of a wide range of experts on this subject, and few are truly optimistic about the long-term success of this agreement, whatever the definition of success may be. There is also a great deal of skepticism of the genuine commitment of all the parties to this agreement or to any common vision of a future for Bosnia.

But, clearly, we are not going into Bosnia with lightly armed troops monitoring a peace that has been reached voluntarily and in good will by the parties themselves. That is what a traditional peacekeeping operation is all about. But that is not what this is. Rather, we will be moving in with one of the U.S. Army's six heavy armored divisions, the 1st Armored Division which served as a cornerstone of NATO's defense against the Soviet Union. So, this becomes more like our deployments to Beirut in 1983 and Somalia, in 1993, both of which ended with disastrous consequences, and both attempted to deploy United States troops in the service of so-called nation-building activities.

Third, there must be an exit strategy.

The administration has said it has an exit strategy by promising to be out within a year. But this is an exit timetable, not an exit strategy. It says nothing about what needs to be accomplished during that year to permit our successful disengagement. Again, any viable exit strategy defines our missions and goals. And we still have seen that remains nebulous at best. How can the administration legitimately argue that it has an exit strategy if it cannot clearly define the mission? In fact, Secretary Perry said before the Foreign Relations Committee that the exit strategy will have accomplished the cessation of hostilities, a separation of warring parties, and a break in the cycle of violence. But that really does not define an exit strategy. What it does is define an end date. It defines exactly what the state of affairs happens to be at the time in which we depart. But it does not define what we have accomplished.

As Dr. Schlesinger testified before the Armed Services Committee, he said, "We do not really have an exit strategy because the situation is too messy. We have an exit hope."

Finally, the action must have sustained public support. Polls have shown that there is not strong support for this mission to Bosnia. In fact, it shows the opposite. The majority of the American people oppose the deployment of American troops into Bosnia. We know that could change as the troops are being deployed and will continue to be deployed.

But what is the reason for the concern among the American people? I think the concern stems from the fact that the administration has yet to make a compelling case on the merits of the mission or even to clearly define the mission itself in terms of our vital national security interests. The American people need to know—and they deserve to know—that the mission itself merits a military deployment of our troops. The American people have the right to know that the parties involved in Bosnia are committed to self-sustaining and enduring peace. And at the very least they should expect that these parties will be committed to a longstanding peace. That remains open to a very serious question. And it gets back again to the definition of our goal and mission.

I happen to think that it is very important that whenever we are deploying our men and women to an area of conflict, when we are putting them in harm's way, that it is absolutely vital that the parties involved are absolutely committed to securing a long-lasting peace. I think that all that we have heard thus far remains open to very serious question as to whether or not that will be the ultimate outcome.

So I think that the administration has fallen short in meeting its own criteria for this mission. But above and beyond that failure, there is another question. And that is the unprecedented nature of this deployment.

It has been said that this is the first time NATO has embarked upon a mission outside of the treaty area itself. And there are those who argue in favor of such a mission because they say that it will serve as a model for future NATO missions as well as securing the future of the alliance. That may be true. But no one has answered the question as to what harm will come to NATO and its prestige if this mission should fail. And what damage will that do to the alliance? If 2 years from now we face renewed fighting—which indeed is a serious prospect and consideration—and a partition of Bosnia, as so many analysts believe is the most likely outcome, in the end what will we have accomplished? Will it have been worth the potential loss of American lives, if that loss could have been avoided by employing other means such as lifting the arms embargo?

Mr. President, one cannot help but feel that if we had pursued and exhausted all other possibilities and alternatives, Congress, the American people, and our troops would not be faced with a situation that has now been forced upon us. But, unfortunately, the proverbial train has left the station.

In the final analysis, this is a mission in which success is in no way clear—whose mission is yet to be defined, whose goals are yet uncertain, and whose mission does not have the sustained support of the American people, and with parties who are not fully committed to peace.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. According to the previous order, the distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, of course, there is no audience—or very little—here on the floor. But I do not speak tonight to the audience on the floor. I speak to the audience that may be listening or watching through the electronic eye.

I also speak for the RECORD, Mr. President, because a year from now we are going to look back on this debate. Ten years from now we will look back on this RECORD. And this RECORD will stand 100 years; 1,000 years. So I think the RECORD should be made for future guidance.

(Ms. SNOWE assumed the Chair.)

A CONTRADICTORY BOSNIA RESOLUTION

Mr. BYRD. Madam President, one resolution we are now debating, offered by the junior Senator from Texas, directly addresses the idea of supporting the troops and the role which they have been asked to play, in what I believe is a somewhat contradictory manner. The resolution before us would sign the Senate up to supporting U.S. troops in Bosnia without supporting the mission that they are called upon to perform.

In two simple sentences, this resolution would purport to support U.S. troops while simultaneously undermining the very work they are performing. How can we, as the resolution before us states, "strongly support the U.S. Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . ." after

having just stated, in the same resolution, that "the Congress opposes President Clinton's decision to deploy United States forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . ."? What kind of moral support are our troops supposed to find in that? And what kind of resolve does that demonstrate to anyone who might attempt to undermine the Bosnian peace agreement?

This is a clear flag, Madam President, to those who would target our troops telling them that, if they target our troops, we will yank them out of that mission. So, the mission is undercut and eroded from the very beginning by our own actions. That is not support of the troops, to my way of thinking.

This resolution also fails to address Congress' Constitutional responsibility to weigh in on decisions to employ U.S. troops. It is simply silent on that point. With this resolution, we again fail to dip even our toes into the icy waters of a controversial and difficult political decision to risk the lives of U.S. troops, even in support of what we all hope will be a relatively unthreatening mission in support of a peace agreement. Because we cannot guarantee that the life of not one U.S. military service person will be lost in this endeavor, we shy like a skittish horse from the halter of our responsibility.

I say to my colleagues that the lives of three diplomats have already been lost in this effort, but we do not think their lives were lost in vain, because we have reached a peace agreement. Is their effort, their sacrifice, not worth this effort to see the hard-won peace through to the end? There is no better alternative, and Congress must now stand up and shoulder its responsibility to vote on this mission, to support both the troops and the job they are undertaking.

Mr. President, it is clear from the historical record that, until recently, the President has had only limited powers as Commander in Chief. Other than repelling invasions and protecting U.S. forces, the President's authority as Commander in Chief was bound by the Congressional power to raise and support armies and the Congressional power to authorize the use of those forces in offensive operations. Congress not only supported the troops as a daily, practical matter, it played an essential role in deciding on the circumstances under which troops would be used offensively. President Jefferson and others recognized and acknowledged the limits on their presidential authority to order troops into actions that were not clearly in defense of U.S. territory and forces.

It is only recent practice in which Congress has acquiesced greater authority to the President to employ military forces in offensive or non-traditional operations without specific authorization. This has had the effect of tying the use of troops ever more tightly with the President in his role as Commander in Chief. I am sorry that this is the case, because I believe that it is a degradation of Congressional authority that undermines the delicate balance of power intended by the Framers, but it is the situation in which we find ourselves as a result of our own Congressional unwillingness to assert our Congressional role.

As Cassius said, "The fault is not in our stars, dear Brutus, but in ourselves that we are underlings."

Congress remains proud of its support of the troops in terms of providing robust, even overblown, defense budgets, but it has failed to exercise its authority under the Constitution to direct or authorize the use of troops. This was clearly not the intent of the Framers.

How can we reasonably tell troops in the field that we, the Congress, support you, the troops, but we are not willing to support the task you have been ordered to perform? This is what the resolution before the Senate says, but this is a hair that cannot be split. We must step up to the plate, and support the job as well as the laborer, or we are not fulfilling our constitutional role. I hope my colleagues will not be fooled into thinking that they can have their cake and eat it, too, by supporting the troops without supporting the mission that they have been ordered to perform.

Suppose I would say to one of my grandsons, my beloved grandsons, who might be going off to Bosnia, "Well, my dear grandson, you know I love you; I love you more than life; but I do not support the mission that you are on. I am going to slam the door behind your back when you leave the house, and you're on your own!"

This resolution is a slap in the face to our troops, telling them that we support them, but that their mission is foolhardy.

What kind of support is that? You are up there on the high dive, troops, and we support you, but we do not believe there is any water of justification in the mission bucket you are about to dive into. That is not support. Anyone can see that such a claim amounts to a hollow nut! There is no meat in it!

Let us read what the Apostle Paul said in his First Epistle to the Corinthians. It may be a little old fashioned to bring the Holy Bible in to the Chamber, but I am a little old fashioned. I am not of the religious left or the religious right, but I believe in this holy book. Here is what Paul said:

> And even things without life giving sound, whether pipe or harp, except they give a distinction in the sounds, how shall it be known what is piped or harped?
>
> For if the trumpet give an uncertain sound, who shall prepare himself to the battle?
>
> So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Madam President, the Hutchison-Inhofe resolution speaks into the air, saying one thing on the one hand and another thing on the other. We are giving an uncertain sound with this trumpet. We are speaking into the air. Then in the words of Paul, "Who shall prepare himself to the battle?"

This is lighting a candle and putting it under a bushel. Jesus said, "Neither do men light a candle and put it under a bushel but on a candlestick, and it giveth light unto all that are in the house."

This resolution by the able Senators from Texas and Oklahoma does not give light to all that are in the house. It puts the candle under a bushel, and all that are in the house are left in darkness. And worse, this resolution tells the President—not just this President, but all future Presidents—that you can do whatever you want, we may not agree with you, but you can count on us to support the troops. Do what you want with the troops, we do not question your authority, and count on us to follow up with appropriations and other forms of support to the troops you have committed to the field. This dangerous precedent allows Congress to wash its hands—like Pontius Pilate—of the responsibility to authorize the use of troops, to stand in judgment on the mission the troops are called upon to carry out. We can just pass contradictory, confusing resolutions to "support the troops" in carrying out any Presidential whim, without dealing with our constitutional responsibility to deal with politically difficult decisions on how and when to employ force. I say to my colleagues, think again, before supporting this very unwise and potentially dangerous resolution.

Mr. President, now I wish to address the resolution by Mr. DOLE and Mr. MCCAIN.

I commend the majority leader, Mr. DOLE, as well as the distinguished Senator from Arizona, Mr. MCCAIN, for their resolution. And I commend them for working with the minority leader and other Senators on both sides of the aisle to fashion it.

I commend the minority leader and Senator NUNN and Senator PELL and all the other Senators who were on the task force on the Democratic side who worked with the words and with the Republicans in fashioning the final product. It is important from a historical and constitutional perspective. It is important as well from a political perspective. First, if it passes, and I hope that it will, it provides the political underpinning necessary for the President to pursue a military deployment abroad where there are going to be costs in the billions of dollars, for the risk of casualties certainly exists, and

where the credibility of the United States and NATO is at stake.

Second, I believe that the language fulfills the constitutional requirement that the Congress authorize or approve the operation in specific enough detail to draw limits around it. In doing so, the Congress fulfills the exercise of its responsibilities that the Framers expected and that has prevailed through most of American history.

I think it is important for Senators to reflect on our constitutional responsibilities in respect to our action today. The question of the actual constitutional reach of the President, acting alone, and without congressional authority to deploy forces into hostilities or substantial risk of hostilities has become a recurring modern issue between Presidents, beginning with Harry Truman and continuing through to today.

When the Framers began their work at the Philadelphia Convention, existing models of government placed the war power squarely in the hands of the king. The English Parliament had gained the power of the purse in 1665 to control the king, but the power to go to war remained a monarchical prerogative. John Locke's Second Treatise of Government (1690) spoke of three branches of government: legislative, executive, and "federative." The latter consisted of "the power of war and peace, leagues and alliances, and all the transaction with all persons and communities without the commonwealth." The federative power (what we call foreign policy today) was "almost always united" with the executive. Separating the executive and federative powers, Locke warned, would invite "disorder and ruin."

A similar model appeared in the Commentaries written by Sir William Blackstone, the great eighteenth-century jurist. He counseled that the king had absolute power over foreign affairs and war: the right to send and receive ambassadors, make treaties and alliances, make war or peace, issue letters of marque and reprisal, command the military, raise and regulate fleets and armies, and represent the nation in its intercourse with foreign nations.

These models were well known to the Framers. They knew that their forebears in England had committed to the executive the power to go to war. When they declared their independence from England, they vested all executive powers in the Continental Congress and proceeded to incorporate that principle in the first national constitution, the Articles of Confederation. Later, during their learned and careful deliberations at the Philadelphia convention, they decided to vest in Congress many of Locke's federative powers and Blackstone's royal prerogatives. The delegates emphasized repeatedly that the power of peace and war associated with monarchy would not be given to the President. As James Wilson noted, it was incorrect to consider "the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a legislative nature. Among others that of war and peace.

By the time the Framers finished their labors, the President had been stripped of the sole power to make treaties. He shared that with the Senate. He had the right to send and receive Ambassadors, but only after the Senate agreed to his nominations. He had no power to issue letters of marque and reprisal (authorizing private citizens to undertake military actions). That power was vested in Congress. Although the President was made Commander in Chief, it was left to Congress to raise and regulate fleets and armies. The rejection of Locks and Blackstone was decisive.

The reasoning for this break is set forth clearly in The Federalist Papers. In Federalist No. 69, Alexander Hamilton explained that the President has "concurrent power with a branch of the legislature in the formation of treaties," whereas the British king "is the sole possessor of the power of making treaties." The royal prerogative in foreign affairs was deliberately shared with Congress. Hamilton contrasted the distribution of war powers in England and in the American Constitution. The power of the king "extends to the declaring of war and to the raising and regulating of fleets and armies." Unlike the King of England, the President "will have only the occasional command of such part of the militia of the Nation as by legislative provision may be called into the actual service of the Union". No such tether attached to the king.

In Federalist No. 74, Hamilton provided an additional reason for making the President Commander in Chief. The direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single head." The power of directing was and emphasizing the common strength "forms a usual and essential part in the definition of the executive authority."

Designating the President Commander in Chief represented an important method for preserving civilian supremacy over the military. The person leading the Armed Forces would be the civilian President, not a military officer. As U.S. Attorney General Bates explained in later years, the President is commander in chief not because he is "skilled in the art of war and qualified to marshal a host in the field of battle." He is commander in chief for a different reason. Whatever soldier leads U.S. armies to victory against an enemy, "he is subject to the orders of the civil magistrate, and he and his army are always 'subordinate to the civil power.'"

The Constitution grants to Congress a number of specific powers to control war and military affairs: to declare war; to raise and support armies and provide and maintain a navy; the power to make regulations of the land and naval forces; the power to call forth the militia; and the power to provide for organizing, arming, and disciplining the militia. Furthermore, the Constitution vests in Congress the power to regulate foreign commerce, an area that has a direct relationship to the war power. Commercial conflicts between nations were often a cause of war. Guided by history, the Framers placed that power with Congress. James Madison later remarked: "The constitution supposes, what the History of all Govts demonstrates, that the Ex. is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the Legisl."

The debates at the Philadelphia Convention include a revealing discussion on Congress' power to declare war. The early draft empowered Congress to "make war." Charles Pinckney objected that legislative proceedings "were too slow" for the safety of the country in an emergency. He expected Congress to meet only once a year. Madison and Elbridge Gerry recommended that "declare" be substituted for "make," leaving to the President "the power to repel sudden attacks." Their motion carried.

There was little doubt about the scope of the President's authority. The power to repel sudden attacks represents an emergency measure that permits the President, when Congress is not in session, to take actions necessary to repel sudden attacks either against the mainland of the United States or against American troops abroad. It does not authorize the President to take the country into full-scale war or to mount an offensive attack against another nation.

I believe that any objective reading of this history would lead Senators to the conclusion that the President's scope of authority does not include the ordering of a deployment into Bosnia, even if a treaty organization such as NATO requested such action by its member states.

The Framers empowered the President to be Commander in Chief, but that title relates to responsibilities that are authorized by Congress. The language in the Constitution reads: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." Congress, not the President, does the calling. Article I gives to Congress the power to provide "for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel invasions."

The title of Commander in Chief was introduced by King Charles I in 1639 and was always used as a generic term referring to the highest officer in a particular chain of command. With the eruption of the English civil wars, both the king and Parliament appointed commanders in chief in various theaters of action. The ranking commander in chief, purely a military post, was always under the command of a political superior, whether appointed by the king, Parliament or, with the development of the cabinet system in the eighteenth century, by the secretary of war.

England transplanted the title to America in the eighteenth century by appointing a number of commanders in chief and by the practice of entitling colonial governors as commanders in chief (or occasionally as vice admirals or captains general). The appointment of General Thomas Gage as commander in chief from 1763 to 1776 caused the colonists grave concern, for he proceeded to interfere in civil affairs and acquired considerable influence over Indian relations, trade, and transportation. The bitter memory of his decision to quarter troops in civilians' homes spawned the Third Amendment to the Constitution. These activities and others prompted the colonists in the Declaration of Independence to complain of King George III that he had "affected to render the Military Independent of and superior to the Civil Power."

But the colonists had no reason to fear the governors who were given the title commander in chief, even though they controlled the provincial forces, since the colonial assemblies claimed and asserted the right to vote funds for the militia as well as to call it into service. In fact, grievances came from the governors, who complained of the relative impotence of their positions. The colonists' assemblies' (and later, the states') assertions of the power of the purse as a check on the commander in chief reflected an English practice that was instituted in the middle of the seventeenth century. By 1665, Parliament, as a means of maintaining political control of the military establishment, had inaugurated the policy of making annual military appropriations lasting but one year. This practice sharply emphasized the power of Parliament to determine the size of the army to be placed under the direction of the commander in chief.

The practice had a long influence, for, under its constitutional power to raise and support armies and to provide a navy, Congress acquired a right that the colonial and state assemblies had to vote funds for the armed forces. An additional historical parallel in the Article I, Section 8, clause 13 provides that "no Appropriation of Money to that Use shall be for a longer Term than two Years." The requirement of legislative approval for the allocation of funds to raise troops underscores the principle of political superiority over military command. It also constitutes a sharp reminder that a Commander in Chief is dependent on the legislature's willingness to give him an army to command.

The Continental Congress continued the usage of the title in 1775, when it unanimously decided to appoint George Washington as general. His commission named him "General and Commander in Chief, of the Army of the United Colonies." He was required to comply with orders and directions from Congress, which did not hesitate to instruct the commander in chief on military and policy matters.

The practice of entitling the office at the apex of the military hierarchy as commander in chief and of subordinating the office to a political superior, whether a king, a parliament, or a congress, had thus been firmly established for a century and a half and was thoroughly familiar to the Framers when they met in Philadelphia. Perhaps this settled historical usage accounts for the fact that there was no debate on the Commander in Chief clause at the Convention.

President Thomas Jefferson understood the limitations of the Commander in Chief clause. in 1801, in his first annual message to Congress, he reported the arrogant demands made by Joseph Caramanly, the pasha of Tripoli. Unless the United States paid tribute, the pasha threatened to seize American ships and citizens. In response, Jefferson sent a small squadron to the Mediterranean to protect against the threatened attack. He then asked Congress for further guidance, since he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It was left to Congress to authorize "measures of offense."

Jefferson's understanding of the war clause underwent no revision. Like Jefferson, President James Madison was aggrieved by the punishment and harassment inflicted on United States vessels. In 1812, he expressed to Congress his extreme resentment of the British practices of seizing American ships and seamen and inducing Indian tribes to attack the United States. Madison complained but said the question of "whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or, opposing force, to force in defense of their national rights" is "a solemn question which the Constitution wisely confides to the legislative department of the Government."

Following his 1823 announcement of what has become known as the Monroe Doctrine, President James Monroe was confronted with international circumstances that seemed to invite the use of force, but Monroe repeatedly disclaimed any constitutional power to initiate hostilities, since, he maintained, that authority was granted to Congress.

President James K. Polk may well have initiated war with Mexico in 1846, when he ordered an army into a disputed area on the Texas-Mexico border. But Polk understood the constitutional dimensions of the war power and offered the rationale that Mexico had invaded the United States, which, if true, would justify a response by the Commander in Chief.

Until 1950, no President departed from this understanding of the parameters of the Commander in Chief clause. But to justify President Truman's unilateral decision to introduce troops into the Korean war, revisionists purported to locate in the President a broad discretionary authority to commence hostilities.

Emboldened by Truman's claim, subsequent Presidents have likewise unilaterally initiated acts of war, from the Vietnam war to the incursions in Grenada and Panama. But this claim is cut from whole cloth. It ignores the origins and development of the title, the clear understanding of the Constitution's Framers, the nineteenth-century record, and the history of judicial interpretation. The Supreme Court has never held that the Commander in Chief clause confers power to initiate war. In United States v. Sweeny (1895), Justice Henry Brown wrote for the Court that the object of the clause was to give the President "such supreme and undivided command as would be necessary to the prosecution of a successful war." In 1919, Senator George Sutherland, who later became an Associate Justice of the Supreme Court, wrote, "Generally speaking, the war powers of the President under the Constitution are simply those that belong to any commander in chief of the military forces of a nation at war. The Constitution confers no war powers upon the President as such."

While the Supreme Court has held that the President may not initiate hostilities and that he is authorized only to direct the movements of the military forces placed by law at his command, it has been contended that the existence of a standing army provides the President with broad discretionary authority to deploy troops on behalf of foreign-policy goals. Although the intrusion of a public force into a foreign country may well entangle the United States in a war, Presidents have often manipulated troop deployments so as to present Congress with a fait accompli. Given the broad range of war powers vested in Congress, including the authority to provide for the common defense, to raise and support armies, and to decide, in Madison's words, whether "a war ought to be commenced, continued or concluded," it seems clear that Congress

may govern absolutely the deployment of forces outside U.S. borders. As a practical measure, Congress may choose, within the confines of the delegation doctrine, to vest the President with some authority to send troops abroad, but there is nothing inherent in the Commander in Chief clause that yields such authority.

Representative Abraham Lincoln in a letter to William H. Herndon said:

> Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose. If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us," but he will say to you "be silent; I see it, if you don't."
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

We are aware of the now familiar pattern of most recent Chief Executives in similar circumstances of invoking the title Commander in Chief and descriptions of him as being the sole organ of foreign relations or chief of administration to suggest a conclusion of constitutional invulnerability. No statutory or decisional authority is volunteered in support of the conclusion.

If Congress is to have the sole authority "to declare war," as the Constitution clearly states, then are we to suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive?

As we have seen, wars can be waged, and have been waged, without a declaration by Congress. Such military actions, nonetheless, still constitute wars. The shedding of blood, the taking of lives, the destruction of property, the movement of navys and armies, are all the same, whether done under a declaration of war or without such a declaration. War is war whether it is a "declared" conflict or otherwise. Are we to imagine that the authority is shifted from the elected representatives of the people in such instances to someone else, or to some other department, or to the executive? The lack of a declaration of war does not make the conflict any less a war than it would be with such a declaration. The sacrifices, the costs, the ramifications are just as far reaching in the case of an undeclared war as in the case of a declared war. Why then, should we strain our imagination to the breaking point and pretend that, short of a declaration of war, the authority rests somewhere other than in the legislative department?

President Clinton has taken the position that he does not believe that he needs the authorization or approval of the Congress to engage in a major military deployment in Bosnia, where warring parties have signed a peace agreement but where flashes of violence and hostile actions are so possible that NATO and other forces are needed to make the agreement work. His immediate predecessor, Mr. Bush, took a similar position in regard to his deployment of forces to Saudi Arabia to do battle against Iraq in Desert Storm. Nevertheless, both of them requested the formal support of the Congress in advance of their actions. I requested President Clinton on a number of occasions to seek the support and approval of the Congress and the American people, before committing troops. The Senate "authorized" Mr. Bush, in S.J. Res. 2 on January 12, 1991, "to use United States Armed Forces" against Iraq, by a vote of 52–47.

Again, here today in the Resolution offered by the Majority Leader, the Senate is providing clear authorization for the President to undertake a specific action, and in this case in somewhat more specificity than was the case with regard to Mr. Bush, and for a limited time. The operative words are in Section 2, that "the President may only fulfill his commitment to deploy United States Armed Forces . . . for approximately one year to implement the general Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b)." That language fulfills the Framers' intent, from a constitutional perspective, for the Congress to authorize the President to undertake war making powers that he would not otherwise have.

The emphasis of the authority given here today is its limitation in scope and time. If, in the future, the missions engaged in by our forces go creeping into nation-building, to doing the job of civil authorities for reconstruction or refugee movements, then the President would have exceeded his authority. I, for one, would certainly be prepared to pull the plug on the operation—as I did in the case of Somalia—and cut off the lifeblood of its appropriated funds, if that kind of backsliding were to occur. The same is true if we went beyond "approximately one year", language that I insisted be included in this resolution. Our military leaders repeatedly testified that they were highly confident that the military implementation tasks could easily be completed within a year, and the Dayton Accords obligated us to, specifically "approximately one year." Thus, the resolution holds the parties' feet to the time clock. In the interim, the Bosnian Muslims should be properly prepared, from a military standpoint, to defend themselves. Furthermore, we ought to be considering putting into place a follow-on European-manned security force, if further military security from the outside appears to be needed. But, for us, our job is to be done in "approximately one year," and that should be that.

The Constitution divides governmental powers into three areas: legislative, executive, and judicial; and distributes them among three co-equal branches: Congress, President, and the courts; and provides a system of checks and balances to keep the powers separate and the branches equal. Underlying this scheme of government in the area of immediate concern is the desire to establish interdependence between Congress and the Executive in hopes of fostering cooperation and consensus in the supersensitive areas of national security and foreign affairs.

As Commander in Chief and sole organ of foreign relations the President has independent powers, not simply those conferred on him by statutes. *Dames & Moore* v. *Regan*, 453 U.S. 654, 661 (1981), quoting *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–320 (1936). At the same time, by virtue of its power over the purse and powers to raise and support armies, to provide and maintain a navy, and to regulate both, Congress has broad constitutional powers implicating national security and foreign affairs. Article I, 1, cls. 12, 13, 14.

The separation of powers principle is intended to prevent one branch of government from enhancing its position at the expense of another branch and, thus, disturb the delicate balance of powers that the Framers assumed was the best safeguard against autocracy.

As Commander in Chief the President has command of the army and navy and may respond to an attack upon the United States. See, e.g., *Youngstown Co.* v. *Sawyer*, 343 U.S. at 642 (concurring opinion). Also, there is authority for the proposition that he may act to safeguard American lives and property abroad. See *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860) and *Slaughter-House* cases, 16 Wall. 36, 79 (1872). But see the Hostage Act of 1868, 22 U.S.C. 1732, which excludes war from the President's options to obtain the release of Americans unreasonably detained by a foreign government.

On the other hand, aside from his powers "to grant Reprieves and Pardons for Offenses against the United States . . ." and to "receive Ambassadors and other public Ministers", the

President is totally dependent upon Congress for authority or money and usually both to implement any policy. Congress is under no legal obligation to supply either or both. For example, it has been said that "[w]hile Congress cannot deprive the President of command of the army and navy, only Congress can provide him an army or navy to command." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 644 (concurring opinion).

In the Dole resolution, the authority to implement the President's proposed Bosnia policy is clearly provided, and in so doing the Senate is accepting responsibility for the action. In doing so, a vital bipartisan political foundation is being provided for the President's actions, and I think it clearly follows that the consequence of authorizing this policy fall upon us here in this branch as well as in the Oval Office. If it passes, we will be giving substance to the proposition that politics in America stops at the water's edge, and this is as it should be. The American people should know that the Bosnia implementation is a national policy, approved through the constitutional scheme that was intended by the framers.

The Constitution specifies that "[n]o Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." This provision has been held to be a restriction upon the disbursing authority of the Executive Department, and means that no money can be paid out of the Treasury unless it has been appropriated by an Act of Congress. *Cincinnati Soap Co.* v. *United States*, 301 U.S. 308, 321 (1937). Accordingly, the absolute control of the moneys of the United States has been said to be in Congress, and Congress is responsible for its exercise of this great power only to the American people. *Harrington* v. *Bush*, 558 F. 2d 190, 194 note 7 (D.C. Cir. 1977). The power to make appropriations includes the authority not only to designate the purpose of the appropriation, "but also the terms and conditions under which the executive department of the government may expend the appropriation. . . . The purpose of the appropriations, the terms and conditions under which . . . appropriations [are] made is solely in the hands of Congress and it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, the Dole Resolution does not provide the appropriations needed to carry out the Bosnia operation. This is a policy resolution. That was also the case when we authorized President Bush to make war against Iraq in Desert Storm. In that case, the appropriations were provided later. In the same way, the Congress will have to approve appropriations for the Bosnia operation in the near future.

I hasten to point out, Mr. President, that the power of the purse is our ultimate hammer, and one which is always available, to terminate the operation. If it turns out that the parties to this piece of geography fail to live up to their pledge to keep the peace and to provide for the security of our forces, and the agreement fails, the Congress can take swift action to terminate our involvement. We have exercised the power of the purse recently to terminate operations and limit them. This was the case in both Somalia and Rwanda. So, while I support this Resolution and believe it is appropriate and timely, I would certainly not hesitate to participate in an effort to end the operation and bring our forces home if the parties will not allow it to work.

Although Congress in enacting laws has to scrupulously avoid even incidental, adverse effects on fully autonomous presidential powers (e.g., the pardoning power, Ex parte Garland, 71 U.S. 333 (1867), it is under no similar constraints in other areas. The fact that in the exercise of an acknowledged power, such as powers to fund or to regulate the Armed Forces of the United States, the Congress may incidentally impinge upon presidential authority as Commander in Chief does not render that exercise a violation of the separation of powers. "There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the Country, its industries and its inhabitants. He has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 643–644 (concurring opinion.) "The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." Id. at 588 (opinion of the court).

Although Congress is subject to the Constitution in the exercise of its power of the purse as in the exercise of all its powers, e.g., *United States* v. *Lovett*, 328 U.S. 303 (1946), "[e]ven when the President acts clearly within his powers, Congress decides the degree and detail of its support," Henkin, Foreign Affairs and the Constitution 79 (1972), and "it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, I shall enumerate the defense and war powers set forth in the Constitution, as bearing on the President as Commander in Chief, as compared with those that are directed to the legislative branch.

Section 2 of Article 2 states: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called in to the actual Service of the United States."

Section 3 of Article 2 states, ". . . He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

I find nothing else in the Constitution that would indicate any additional authority or power given to the President with respect to the armed forces.

On the other hand, there is much language in the Constitution with respect to the authority and power of the legislative branch anent the military. For example:

Clause 1, Section 8, Article 1: "The Congress shall have power to . . . provide for the common defense . . . of the United States; . . ."

Clause 10, Section 8, Article 1 states: The Congress shall have power "to define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;"

Clause 11, Section 8, Article 1: The Congress shall have power "to declare war, grant letters of Marque and Reprisal, and make rules concerning captures on land and water;"

Under Clause 12, Section 8, Article 1, the Congress shall have power "to raise and support Armies, but no appropriation of money to that use shall be made for a longer term than two years;"

Clause 13, Section 8, Article 1 states: The Congress shall have power "to provide and maintain a navy;"

Clause 14, Section 8, Article 1 states: The Congress shall have power "to make Rules for the government and regulation of the land and naval forces;"

Clause 15, Section 8, Article 1 provides that: The Congress shall have power "to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;"

Clause 16, Section 8, Article 1 states: The Congress shall have power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;"

Clause 18, Section 8, Article 1 states: The Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

If Congress is to have the sole authority "to declare war," as the Constitution clearly states, then are we to

suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive? To so suppose, strains credulity to the breaking point. I prefer to suppose that the Framers, being unable to foresee the various degrees of military action short of that which would be taken under a declaration of war, and, therefore, they did not attempt to go into any detail beyond that which would obtain in the event of all out war. Obviously, the President has the inherent power and authority to take action to repeal an invasion, or a sudden and unanticipated attack on the United States or its military forces. In such instances, the President would have no alternative but to exercise such authority, there being no time to consult with or to secure authorization from the Congress, which might not even be in session at that moment. It seems logical however, to believe that the specific power to declare war—that being the ultimate circumstance—and such declaration having been invested in the legislative branch, anything short of the ultimate circumstance, anything short of the declaration of war, the responsibility and authority for committing the armed forces of the United States in an offensive action, the authority would remain vested in the legislative branch. In other words, the lone authority to declare war being vested in the legislative branch, anything less than a declaration of war would seem to be reposed for its authority in the same source, namely, the Congress. It strains imagination to the utmost to believe that the authority to commit the military forces of the nation in an all out war, shifts elsewhere when the military forces of the nation are to be committed to a lesser action by the military forces than that of all out war. The authority to go to the ultimate limit would seem to carry with it the authority to extend the military action to something less than the all out or ultimate action of declared war.

I close by thanking the majority leader for his leadership and for his statesmanship in taking the position he is taking in introducing the resolution that we are going to vote on.

Mr. President, I urge that the Senate vote down the resolution offered by the distinguished Senator from Texas and the Senator from Oklahoma, Mr. INHOFE, and others, and that the Senate vote to approve the resolution offered by Mr. DOLE and Mr. MCCAIN.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions on which we will vote today in the order in which we will vote.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. CON. RES. —

(Purpose: To Oppose President Clinton's planned deployment of US ground forces to Bosnia)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That the Congress opposes President Clinton's decision to deploy United States ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

Section 2. That the Congress strongly supports the US Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

S.J. RES. —

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American diplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest,

the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security

Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestones for measuring progress in achieving the mission and objectives;

(4) command arrangements for United State Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1–A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a)(1) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, buy may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have been asked by the leader to make the following request:

I ask unanimous consent that the time on our side of the aisle be divided as follows, in the following order:

Senator WELLSTONE, 7 minutes; Senator MURRAY, 9 minutes; Senator LEAHY, 7 minutes; Senator SIMON, 7 minutes; Senator BRADLEY, 10 minutes; Senator SARBANES, 5 minutes; Senator DODD, 7 minutes; Senator LAUTENBERG, 7 minutes; Senator GRAHAM, 7 minutes; Senator MOSELEY-BRAUN, 5 minutes; Senator KERRY, 10 minutes, and Senator DASCHLE, 10 minutes.

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

Mrs. HUTCHISON. Madam President, I ask unanimous consent that at the hour of 10:15 this evening, the Senate proceed to the final vote on the pending Hutchison-Inhofe concurrent resolution without further action or debate, and immediately following the vote, the Senate proceed to the final vote on the Dole-McCain joint resolution on Bosnia, with the time between now and 10:15 p.m. this evening to be equally divided between the two leaders or their designees.

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

Mrs. HUTCHISON. I further ask that the Senate resume the Bosnia debate, and it be in order for the leader to offer his joint resolution at a later time.

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

Mrs. HUTCHISON. Once again, Madam President, I thank all Senators for allowing us to do this so that every Member of the Senate who might be looking for a timetable would know that the votes do start at 10:15, and that the time between now and then will be equally divided.

I yield the floor.

WHY I OPPOSE SENDING GROUND TROOPS TO BOSNIA

Mr. INHOFE. Mr. President, in recent weeks I have spent a great deal of time thinking about Bosnia. I have been to hearings and briefings. I have consulted with experts. I have had many discussions with my colleagues and my constituents. One month ago, I even went to Sarajevo and Tuzla myself to see the conditions our soldiers would face there.

Since my return, I have taken to the floor of the Senate many times, and used every public opportunity, to state my opposition to the President's imminent deployment of ground troops to Bosnia. In the days since the conclusion of the Proximity Peace Talks in Dayton, I have also spoken out against any conditional support of this deployment coming from the Congress. The decision to intervene on the ground in Bosnia is a bad idea, Mr. President, and while I will always support our soldiers wherever they are sent, I want no part of this decision.

My conviction that the administration's intention to put troops in harm's way in Bosnia is a huge mistake rests on three broad arguments. First, and above all, the conflict in Bosnia poses no real threat to vital American interests—simply put, there is nothing in Bosnia that Americans should die for. Second, the Dayton talks have produced a false peace that is inherently unstable and politically doomed. Finally, the implementation force [I-For] plan is self-contradictory and hopelessly optimistic, and will expose our soldiers to unreasonable risks even as they diligently pursue its unrealistic objectives.

WHAT INTERESTS ARE THREATENED?

The administration has repeatedly argued that two vital interests are at

stake in the conflict in Bosnia. If we don't intervene now, they say, the war will widen to a point where it threatens all of Europe. If the U.S. does not lead NATO in intervention, they say, both the NATO alliance and U.S. leadership of it will be at risk.

The President is correct when he says that preserving security in Europe, and maintaining American leadership of NATO, are vital American interests. But it is one thing to refer to vital interests, and another to claim that they are really threatened by the conflict in Bosnia. I do not think they are. The administration asserts that the war in Bosnia will spread throughout Central Europe. But where is the evidence that this conflict threatens Bosnia's neighbors? Local countries like Italy, Hungary, and Austria do not seem concerned.

The President has often referred to previous European wars in this century. But comparing this war to either of the world wars—and likening those of us who oppose United States involvement in Bosnia to 1930's-style isolationists—is absurd. It shows a profound misunderstanding of history, and of the roots of those conflicts. World War I began in the Balkans because the world powers took sides in a Balkan war, not because they kept at a safe distance. What the Clinton administration is doing looks a lot more like taking sides. As for World War II, neither Serbia, Bosnia, nor Croatia are anything like Nazi Germany, in terms of ambition, population, industrial strength, military power, or anything else. They are focused on each other, not on external aggression.

The Balkan war has not spread in the past 4 years, and it shows no signs of spreading. So when the President states that stability in Europe is a vital American interest, he is right. But when he says that European security is threatened in Bosnia, he is wrong.

The only other vital interest the administration refers to is that of preserving our leadership of the NATO alliance. Mr. President, I believe in NATO. It has served us well, and because there are still potential threats to European security, we must enhance and even expand it. But right now, the American people are divided on the question of NATO's importance. Many wonder if the alliance has outlived its usefulness. How does the administration expect Americans to feel about NATO when we get bogged down in a NATO mission in Bosnia? They will view every body bag as one more reason to get out of the alliance once and for all. They will ask: "This is why we are a part of NATO?" And they will be much less willing to act when a real threat to Europe comes along. There are still real threats to Europe out there, Mr. President.

Dragging—or being dragged by—the alliance into a conflict for which it was not designed and for which it is not suited is not leadership. NATO still has a viable mission, but not one of intervening in a nasty Balkan civil war that poses no demonstrable threat to European security. Why should we risk the inevitable conflicts with our NATO partners that will result when we all start taking casualties in a place where no one really wanted to be in the first place?

And why, if this is so important to NATO, should Russia—whose unpredictable future is one of the principal reasons for NATO's continued existence—be included so completely? Why would we go out of our way to include Russian forces with our own, when their natural sympathies lie with the Serbs that we will be trying to disarm, the Serbs we were bombing just a few weeks ago? We have been told by the administration that we would be even-handed in our actions in Bosnia, but I was told by an administration official not long ago that the Bosnians were our first priority. But Russia's first priority will certainly be the Serbs.

Not only will this forced alliance with Russia bring Russian troops into Central Europe for the first time since World War II; it will create the potential for misunderstandings and conflict with Russian forces that we have not seen since the Berlin Wall came down—all in the name of preserving European security.

Mr. President, I repeat—I support NATO. If and when this conflict truly threatens Greece and Turkey, or any of our other NATO allies, I will support action to contain it. But the administration proposes not to contain the conflict, but to jump right into the middle of it. If NATO is to become a rationale for America intervening in civil wars in states that are not even members of the alliance, then I say we should disband the alliance tomorrow.

WHAT KIND OF "PEACE" ARE WE TRYING TO IMPLEMENT?

Mr. President, in all the discussion of the implementation force, many people have lost sight of how shaky the agreement reached in Dayton is itself. Regardless of our interests in Bosnia, or our concern for the victims of the war there, the NATO force is being sent to Bosnia to implement what I believe is a fatally flawed agreement, one not likely to survive without the continued presence of large numbers of NATO troops. Let me quote at length from a study by John Hillen of The Heritage Foundation, dated November 30, 1995, and titled "Questioning The Bosnia Peace Plan":

Is a bifurcated Bosnian state a realistic and sustainable political entity? The Bosnian peace accord proposes a Bosnia-Herzegovina that has the appearance of a single state, but is in fact based on two very separate political entities—The Bosnian Muslim/Croat Federation and the Bosnian Serb Republic. In order for the central organs of Bosnia to actually function as intended, the two separate entities of Bosnia will have to show the most extraordinary goodwill and cooperation towards each other, qualities that have never before been in evidence in Bosnia.

Many experienced diplomats have expressed skepticism about the political viability of this Bosnian state and the realistic chances of its survival as a centrally governed and coherent nation. * * * Stephen Cambone of the Center for Strategic and International Studies noted that "any agreement reached in 20 days over issues that have been fiercely fought over for more than four years is fraught with compromises and internal flaws." Helmut Sonnenfeldt of the Brookings Institution noted that the accord has "a lot of loose ends" and "many ways in which it could unravel." In short, the accord is diplomatically enchanting but realistically impractical.

Much of this skepticism over the accord is rooted in the fact that the accord does not address fundamental issues of sovereignty and ethnic self-determination. Instead, it freezes those unresolved issues in place and offers up an elaborate power sharing agreement for a Bosnian central government. However, it will be difficult for a contrived central government to replace the bonds of loyalty, authority, and legitimacy that currently exist between Bosnian Croats and Croatia and Bosnian Serbs and Serbia. Those existing bonds are rooted in centuries of political, ethnic, and cultural identity and are sure to prove stronger than bonds to a hastily fabricated central government. * * *

If history is any guide, this agreement does not stand much chance of lasting. In Cyprus in 1964, international negotiators reached a similar agreement between Turkish and Greek Cypriots. Much like the Bosnian agreement, the doomed Cyprus accord attempted to replace bonds to the "parent entities" for both sides (Greece and Turkey) with an unworkable central executive and ethnically aligned parliamentary blocs. This ensured continued intractability except in the event of the most extraordinary goodwill. This structure never worked because it never addressed the fundamental fears and aspirations of the warring factions and was completely predicated on a diplomatic fantasy: the hopes for a degree of cooperation that had never been present in Cyprus. After 10 years of sporadic fighting and instability under this makeshift arrangement, Turkey invaded the island, partitioned Cyprus, and put an end to the ephemeral peace; an imposed peace that was never locally supported. UN peacekeepers have been in Cyprus for over 30 years.

The same pattern can be expected in Bosnia. How can an imposed peace that does not reflect political realities or the basic concerns of the warring factions hope to survive except by the continued enforcement of thousands of NATO and American troops? The hastily concluded Bosnian peace accord is, by necessity, a weak plan. The weakness is inherent because the accord does not address the fundamental issues that caused the parties to go to war in the first place. It is, at best, a cease-fire that can only work under the continued stewardship of 60,000 heavily armed NATO combat troops.

Mr. President, it is my view that, in addition to finding threats to vital interests in the Balkans where there are none, the President is putting U.S. prestige on the line to implement a peace plan that has very little chance of succeeding in the long run even if everything goes well for a year.

THE REAL RISKS TO AMERICAN TROOPS

Maybe the most troubling thing about the administration's approach to the Balkans is its confidence that it will be able to control the conflict after it jumps in with both feet. The President speaks of a "limited, focused" mission; he tells us that we are "not fighting a war." Then why are we sending more than 60,000 troops, reinforced with tanks, artillery, and airpower? What of this talk of "overwhelming force" and "robust rules of engagement?" Just what is "overwhelming force" when you are fighting against landmines? What are "robust rules of engagement" when you are fighting snipers—an airstrike on the village where you think the shot came from? Mr. President, I remind my colleagues that we had robust rules of engagement and overwhelming force in Vietnam, and they did not work in the end. I think that it is utter nonsense to apply these concepts to Bosnia.

Regardless of any paper agreement signed in Dayton, there are those in Bosnia for whom continued fighting is a better deal. There are those who are profiting from the war as bandits or on the black market. There are those who are used to getting their way with guns; for them this war is about money, not ethnicity; one NATO commander told me that they had found cases where Serbs were selling black market ammunition to Muslims! What about those who will be displaced from their homes by the Dayton agreement, who will not willingly leave? What about those who have been displaced—there are up to three million refugees in Bosnia-Herzegovina—for whom peace means "going home," but who will not be allowed to return as the result of the agreement? What about fighters who are demobilized as a result of the treaty, but cannot find jobs because the economy has been ruined? And those who just miss the power of a rifle? While I was in Tuzla last month, the commanding general of UN Sector Northeast, General Haukland, told me that there will be criminality and gangsterism when troops are demobilized. Mr. President, what about those who have a score to settle after four years of brutal war? One thing is certain, Mr. President—there are a lot of people in Bosnia who may be tempted to shoot at Americans, regardless of our "overwhelming force" and "robust rules of engagement."

A LONG-TERM COMMITMENT

On October 17, 1995, Secretary of Defense Perry told the Senate Armed Services Committee: "The U.S. has vital political, economic, and security interests in Europe. The war in Bosnia threatens those interests, and the U.S. vital security interest is served by stopping this war." At the same hearing, Secretary Perry states the administration's commitment to bringing our troops home in approximately one year.

But the administration cannot have it both ways. President Clinton cannot say that our vital interests are threatened in Bosnia, and at the same time pledge that we will be out of Bosnia in about a year. If two vital interests—European security and the NATO alliance—are truly threatened in Bosnia, how can there be a one-year statute of limitations on our response? Since when are American vital interests only worth one year's commitment?

The administration has also said that United States troops will leave Bosnia if the peace agreement is violated and conflict resumes. In short, their plan claims to be defending a vital interest, but promises that we will leave if enough people shoot at us, or when the 12-month clock runs out. But if conflict in Bosnia really threatens a vital U.S. interest, are they not committed to ending that conflict no matter what it takes, or how long it takes? Is that not what "vital interest" means? Mr. President, if the administration can tell us that IFOR will leave in about a year, no matter what, then there must not be much of a threat or much of a vital interest. If there are vital interests at stake, the Administration should be honest and tell the American people that we are committed to Bosnia for the long haul.

If I were sending one of my sons to Bosnia, I would want to know that his life was being put on the line to accomplish something important, something worth doing at any cost, and something that the American people stood firmly behind. But at best, the Dayton plan and IFOR will bring a few months' respite to the people of Bosnia. When the war resumes after we leave, or if "systemic violations" force us out, then the hundreds, perhaps thousands, of Americans who died trying to impose a token peace in an artificial country will truly have been wasted.

Vital interests are the only thing we should ask our soldiers to die for. When U.S. vital interests at stake, the American people and our troops alike will tolerate things going badly for a while. They will stay the course. If there were vital interests at stake in Bosnia, the President would not be giving us all of these details about rules of engagement, exit strategies, and time limits—he would not have to.

Mr. President, administration officials in Washington seem to be the only people who think we can finish this operation in a year. Not one military or diplomatic person I spoke with on my trip, not a single U.S., NATO, or U.N. commander, thought that peace in Bosnia could be achieved in anything close to 12 months. Given the forbidding geography, harsh winter climate, and wholesale destruction in Bosnia, it will be months before even modest degree of stability could be restored, even if everyone cooperates fully. The UN commander in Tuzla, General Haukland of Norway, described a one-year presence as a hand in water—when you take it out, nothing has changed. In Balkan history, a year is no time at all.

The simple truth, Mr. President, is that the Republic of Bosnia and Herzegovina is about to become America's pet country. The United States of America is going to own Bosnia and all of her problems just as soon as the 1st Armored Division sets up in Tuzla. Does anyone really believe that we will leave Bosnia in a year if the threat to her stability remains? Does anyone really believe, after arming, training, and equipping the Bosnian Army for a year, that we will stand by and watch if our pet army is on the verge of defeat? Of course not; if Bosnia is as important as the Administration says it is, we will stay in Bosnia as long as we have to. We have already employed airstrikes against the Serbs; we will do so again if Bosnia is threatened again. I say to my colleagues—we are on the verge of what may be a very long commitment.

So Mr. President, I have said that I will resist this plan with all of my power, and I will do so down to the wire. I think the peace is false, the plan is naive, and the risk to our troops unrealistically high. There is only one way to express these conclusions: I urge my colleagues to oppose the Dole-McCain Resolution of conditional support, and to support the Hutchison-Inhofe Resolution opposing the deployment of ground troops to Bosnia.

Mr. President, I want to make a couple of observations about the debate that is taking place tonight. There seems to be a lot of people who are going to vote, perhaps, for the Hutchison-Inhofe resolution, then turn around and vote also for the Dole-McCain resolution. I suggest, Mr. President, that would be a little inconsistent.

After looking at a final copy—and we only received a copy of the Dole-McCain resolution a matter of a couple of hours ago in its final version—I cannot see that it narrows the mission at all. It starts off by saying, "Before acting, pursuant to the resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination. . ."—and then they cover a number of things that they want the President to certify. For example, the Dole-McCain resolution says: "The mission will be limited to the implementation of the military provisions of the Dayton agreement."

But the administration has already, in effect, certified this: Secretary Christopher said, on December 1: "Let me assure you that IFOR's mission is well-defined and limited. Our troops will enforce the military aspects of the

agreement. They will not be asked to guarantee the success of democracy or reconstruction."

Secretary Perry said the same thing: "The mission of IFOR is to oversee and enforce the implementation of the military aspects of the peace agreement." That is exactly the same as we find in the Dole-McCain amendment.

Second, Dole-McCain says: "An integral part of the successful accomplishment of the objective is the establishment of military balance." This is what the administration has been saying all along. For example, Secretary Christopher has said: "We are committed to achieve the stable military balance with Bosnia and among the states of the former Yugoslavia."

In another part of the Dole-McCain resolution, it says: "The United States will lead an immediate international effort to provide equipment, arms, training, and related logistics assistance of the highest possible quality to ensure that the Federation of Bosnia and Herzegovina can provide for its own defense."

Again, on December 1, Secretary Christopher said: "The Armed Forces in the Federation will need to obtain some equipment and training in order to establish an effective self-defense capability. As for our part, the United States will ensure that the Federation Armed Forces receive the necessary assistance."

What I am saying, Mr. President, is I think it is inconsistent for someone to vote for Hutchison-Inhofe and turn around and vote for Dole-McCain. Dole-McCain simply requires the President to say what he has been saying all along. Is that supposed to narrow the mission? Is that supposed to reassure us?

Second, Mr. President, I was listening very attentively to the very knowledgeable and scholarly Senator from West Virginia, Senator BYRD, talking about the constitutional rights of the President and the responsibilities of the President and also the constitutional rights of Congress. I thought, all the way through, that he was coming to the conclusion that the President cannot do what he has already done. At least that is what I was inferring from his remarks. But I gather he will support the President by voting for Dole-McCain.

I did hear several other valuable arguments during the course of the day. Senator FEINGOLD came out with some very strong constitutional arguments that would lead one to believe that the President has indeed overstepped his powers. He referred to an article by Louis Fisher, which I later made a part of this RECORD. He says: "The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to repel sudden attacks."

So that qualifies what the President is able to do within his constitutional rights. We made that a part of the RECORD. In sitting and listening to the debate today—and I stayed in the Chamber the entire day, as I feel this is the most critical vote we will have, probably, at least in the last year or 2, and I wanted to hear everyone's viewpoint. I think the distinguished Senator from Alabama, Senator HEFLIN, talked at some length about how this should be a European mission. I have said over and over again that maybe we have a responsibility—and I am not going to debate that because everybody is assuming that we have a responsibility to protect the integrity of NATO, to respond in some way to the atrocities that have taken place. I have suggested that there are atrocities taking place all over the world. Where do you draw the line? Do you draw it here? Or are we, in fact, doing this because the President, in February 1993, made a statement that he was going to send ground troops in?

But the Senator from Alabama, Senator HEFLIN, talked about the fact that this should be a European mission. Nobody will deny that it is more a responsibility of Europe than it is the United States. Yet, we talk about the contribution that our NATO partners are making to this.

Germany, who is in the backyard of the Balkans, is sending a total of 4,000 troops, and they debated it in their legislative body before agreeing to do that. We did not have time to debate it before we did it. Yet, we are talking about sending five times the troops that Germany is sending.

I listened very carefully while several people on the floor made points. I want to briefly respond to a couple of them. First of all, as far as our troops being supported, I think we all have made it abundantly clear that we in this body, as well as the other body, are supporting our troops, not just here, but all around the world. What greater support could there be for our troops than by not sending them into this hostile area to start with? That is real support of the troops.

That is what we are trying to do with the Hutchison-Inhofe resolution—make it abundantly clear that our troops should not have to be over there. When they are over there—if, in fact, they end up in a mass deployment—yes, we will support our troops all the way. I think that has been said over and over again. I do not think anybody is going to deny that.

The Senator from New Mexico, Senator DOMENICI, made a very good point. What we are trying to do is state our opposition to this before it gets started.

You see, the troops are not deployed yet. Yes, there are some there. We will support those. Those are the advance troops, logistic troops, but the mass deployment that the President has promised immediately after the signing of this agreement in Paris has not yet taken place. So this debate is taking place now, before the mass deployment has taken place.

The junior Senator from California commented in her remarks that this deployment was acceptable "as long as it remains a peacekeeping mission." I suggest to the junior Senator from California it is not a peacekeeping mission now. We keep hearing about peacekeeping as if there is currently peace to keep. There is a cease-fire in effect. But I have been in parts of Bosnia during this cease-fire when the gunfire was going off; in some parts of the northeast sector, near Tuzla, they do not even know there is a cease-fire. The title that we are giving ourselves now, giving to I-FoR, is "peace implementation." There is a big difference between peacekeeping and peace implementation. Peace implementation means we do not have peace now but we will implement it. That is a totally different mission.

Mission creep has already crept into this, Mr. President. The exit strategy seems to be to keep peace for a year, and then leave. As the junior Senator from California said, all we have to do is keep peace for a year and we are out of there. She is saying exactly what Secretary Christopher said, exactly what General Shalikashvili said as recently as last week before the Senate Armed Services Committee, saying it is inconceivable we will not be out of there in a year.

During my visit with the Norwegian general who commands the U.N.'s northeast sector, in the Tuzla area, I mentioned "12 months," he smiled and said, "You mean 12 years." And when we talked about 12 months he said, "Apparently the American people do not understand the way the people in that region think, the Serbs, the Croats, and the Moslems. Their conception of time is totally different." He used an analogy I have used on the floor. It is like putting your hand in water for 12 months, you look and take your hand out and nothing has happened. When we leave the war will start again. If they know we will be gone in a year, which we have said we will be—the President has reaffirmed that as recently as last week, and it was reaffirmed a week ago by Secretary of Defense Perry—what will they do? Lay low for a year and then come back out swinging. By the way, Mr. President, the combatants in this conflict have a habit of laying low every winter.

I do not think I have ever in my life—and I did serve in the Armed Forces—I do not ever remember a time in our Nation's history or in the history of warfare where we went into a

hostile area and then our exit strategy was geared to time, instead of being geared to events. But that is exactly what we are proposing to do here.

The senior Senator from California was talking about "A far greater risk in doing nothing than in sending our troops." I suggest that it is not quite that easy. It would be easy if we were able to pass the Hutchison–Inhofe resolution and the President would look at this and say clearly we do not have Congress behind sending ground troops in but we have a responsibility to NATO, we have a responsibility to Bosnia. If he felt that way he could do it and we could do it through air power. We have already been there with airstrikes. We know that works. We could lift the arms embargo.

Sure, our European partners do not want us to do that. They want us on the ground there. People talk about how well received our President was over in Europe. I think if I lived in Europe I would be receiving him well, too. He is coming over and proposing that we fight their battle for them. I suggest that there are other alternatives.

Senator ASHCROFT from Missouri was talking about the speech that the President made in 1993 and suggested something I had not thought about. Maybe the President made the commitment of United States ground troops back in February 1993 without having been really apprised of the situation in Bosnia, the deep hostility, the history of that area, the history of World War I, World War II, the 500-year-old civil war, and what has been going on over there for many years.

The Senator from Delaware, Senator BIDEN, was articulate and outspoken when he talked about the different parties there. I think he referred to Milosevic as someone who was perhaps a war criminal, and certainly he talked about the others who had actually been indicted for war crimes. Lastly, it was Senator KOHL who said that we either support peace or we do not. I think there are many ways where we can offer our support without doing it on the ground. I will mention one other thing that the Senator from North Carolina mentioned when he talked about the fact that the bridges and the roads in that sector—from Hungary down south through Tuzla, down toward Sarajevo, in the area that goes from the Posavina corridor down to Tuzla—that the roads would not accommodate an M–1 tank. We found out when we were over there that there is only one bridge in that entire area that they say can handle it structurally. The Americans will have to come in and rebuild the bridges, rebuild the roads, and if they do not they will start a civil war because the people are upset for us coming in and messing up the existing roads with our tanks. This came from the people now in command, the U.N. people in the northeast sector.

The most profound thing I have heard on the floor of the Senate today came from the very distinguished Senator from Indiana, Senator COATS. He asked the question, "Have we so squandered American leadership that we must buy it back with American lives?" I think this puts it in perspective. If we are wanting to prove to someone that we have this leadership, that we must lead and whatever NATO decides to do is in the best interest of the allies and that we must blindly go along with them, do we do this at the risk of lives?

On October 17 we asked the question of Secretary Christopher and Secretary Perry. This was after Gen. Michael Rose made the statement if the Americans get into this war they will sustain more losses than they did during the Persian Gulf war, where we lost a total of 390 lives.

I asked the question, is your mission here worth 400 or more lives? Secretary Christopher said yes; Secretary Perry said yes; General Shalikashvili said yes. I think that is a defining difference between the administration's view and my own.

I think that we need to at least acknowledge this body is already on record opposing what President Clinton is about to do. So it is not a matter of waiting until the last minute, until the last hour. Over a month ago we passed a sense-of-the-Congress amendment in both the House and Senate, attached to the Defense appropriations bill by Senator GREGG: "It is the sense of Congress that none of the funds available for the Department of Defense should be obligated or exploited for the deployment or participation of the United States Armed Forces in any peacekeeping operation in Bosnia-Herzegovina * * *."

This opposition is not something we are coming up with today for the first time. The Senate is already on record.

Lastly, let me go over some of the things that were talked about on the floor today in terms of danger. I think we are kind of trying to soften this thing, trying to gloss over the dangers. Some say we will go over and everyone will be kissing the American flag and everyone will love us because we brought peace into the Balkans. If you stop and look, and this came out of the Defense News, of the various elements over there, the Croats have 80,000 soldiers; the Croatian Serbs 50,000; Serbia, 125,000; Bosnia, 110,000; Bosnian Serbs, 80,000; Bosnian Croats, 50,000. That is not even talking about the rogue elements, and there are some nine rogue elements that are over there.

It is so convoluted it reminds me of the letter that came back from one of our warriors who lost his life in Somalia. It was the son of Captain James Smith, who read me the letter of his son. His son was Cpl. Jim Smith who lost his life. Capt. Jim Smith lost his leg in Vietnam and his son lost his life in Somalia. His was one of those corpses dragged through the street in Mogadishu. His last letter said: Dad, we cannot tell who our friends are and who they are not. We cannot tell the difference.

I suggest that is exactly the situation that we have here. Many people have talked about the fact that we are going to have just 20,000 or 25,000 troops over there. I hope no one is kidding themselves, deluding themselves thinking that is all we are going to have.

There was an article in the Defense News that gave a very persuasive argument that we would end up with a total NATO force of 240,000 troops. Keeping our ratio, that would be 80,000 Americans who will be involved over there.

Go back and read your history. British Prime Minister Disraeli, over 100 years ago, who had been observing the battles over there, said, "It will take a half-million troops to bring peace to the Balkans."

I think, when we look at the timeframe of 12 months—that is fictitious. It is not going to happen. The 20,000 troops, that is not going to happen. The mission is peacekeeping—that already is not happening, it is now peace implementation. We are kidding ourselves.

We have already had a vote on H.R. 2606. That was a very strong vote, even though there were just 22 who voted in favor of it. Those are the people who really feel the strongest about not sending troops into that area. But we are going to have another record vote. That record vote is going to take place this evening.

We are going to have two record votes. When you have the first vote on the Hutchison–Inhofe resolution, think very carefully. Because if you vote for that, as I said when I opened these remarks, you cannot turn around and vote for the Dole-McCain resolution because they are inconsistent with each other. This is the last opportunity that the Senators who are here and will be voting tonight will have to get on record. This is their last shot, the last chance they have to say no, we should not send ground troops into Bosnia.

I do not think it is possible for anyone to understand the hostility of the area if he or she has not been up there to Tuzla where our troops will go. To the best of my knowledge, only two Members of Congress have been up there, Senator HANK BROWN from Colorado and myself. When we had a meeting the other day in the Senate Armed Services Committee, I discovered that even Secretary Perry had not been up there, Secretary Christopher had not been up there, General Shalikashvili had not been up there, and certainly President Clinton has not been up there.

I cannot imagine that they would be willing to take chances in a hostile

area without going up and looking at it. I can tell you firsthand, and I went over much of that area in a helicopter not more than 100 feet off the treetops with Gen. Rupert Smith, a British general. We looked down and for the first time we could realize how Marshal Tito was able to hold off the very best that Hitler had on a ratio of 1 to 8, because of the unique environment, the very hostile and forbidding environment.

Mr. President, this is going to be probably the most significant vote that many Members of this body will cast. It is going to be tonight. I would like to have them think long and hard. Because if you vote for—if you vote against the Hutchison-Inhofe resolution and vote for the Dole-McCain resolution, you are saying we agree with the basic policy of sending ground troops.

You see, I think everybody knows now, we can support our troops and not support the policy. That is an easy thing to do. We all support our troops. The greatest support we could give our troops is to not to deploy them into that warring area.

I yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Minnesota is recognized for 7 minutes.

Mr. WELLSTONE. Mr. President, 4 years of mass executions, mass rape, mass murders, brutal ethnic cleansing, sieges against civilians, terror campaigns, atrocities, and genocide not seen in Europe since the end of World War II—¼-million people dead, 3 million people in the region refugees, and if we were to think about this in terms of our population, that would be the equivalent of 170 million American refugees.

The people of Bosnia deserve relief from years of armed conflict, relief from displacement, relief from malnutrition and hunger, relief from winters without heat or electricity, relief from war crimes and, yes, relief from the indifference of the rest of the world.

I traveled to the former Yugoslavia by myself 2 years ago. I went with my legislative assistant, Colin McGinnis. I visited with people in the refugee camps, and I saw enough pain and enough misery to last me for a lifetime. The Dayton agreement is the best and perhaps it is the last chance for peace in the region. That is why I intend to support it.

While I am speaking on the floor, I would like to express my thanks and my love to the family of three American diplomats killed in Bosnia while serving the cause of peace.

Our proper constitutional role as Senators and Representatives is to not give broad grants of authority to any President. I have talked to experts outside the Congress, had many briefings from people in the administration, met with people in the former Yugoslavia, and I have tried to the best of my ability to make the best decision for my country and for the world that I live in. I believe it is our responsibility to make sure the objectives are limited. I believe it is our responsibility to insist on as much clarity as possible.

There are several reserve units going from Minnesota, and, as a Senator, I owe those families. It is my responsibility to make sure that everything is done that can be done to preserve their safety and the safety of all of our soldiers who are there—not to go to war, as I listen to the Senator from Oklahoma, but are there to secure a peace.

Do I have concerns? You bet I have concerns. I do not think the arms control provisions of this agreement are very strong. I worry about the international police provisions; I think they are weak. I believe that there should have been, in the Dayton agreement, really a clear understanding—we keep talking about this 1-year time agreement—that the Europeans are a part of the transition and that they assume the responsibility for peacekeeping so that when we leave after a year or thereabouts, in fact the presence of NATO is there. Because it is not clear to me that we will be able to accomplish our objectives in that period of time.

Do I worry? You bet I worry. I have been up at night trying to decide what the right decision would be. I worry about the landmines. I have had briefings from our military, and there are reasons for all of us to worry. Our soldiers are trained, they have been doing the training in Germany, but I worry about that. I worry about depending on Milosevic. I think Milosevic is a war criminal. And when I hear Milosevic has made this commitment and that commitment, it makes me nervous.

I wonder what the meaning is when General Mladic says he has not agreed to this agreement. Does he go to the hills with his soldiers? I worry about that as well.

This has been a difficult decision for me, but in the end I really believe that we are doing the right thing as a nation. In the end, I think the alternative to no peacekeeping force there—and there will be no peacekeeping force and there will be no agreement if we are not a part of that force—will be a living hell. The alternative, I say to my colleagues, will be a living hell: More genocide, more rape, more murder, more mass executions in Bosnia. And it could be a war that spreads to Central Europe.

We are there to do the right thing. I believe that. I believe that for our children. I believe that for my children.

In the end, I stand on the side of hope, hope for an end to this conflict, hope for an end to its attendant horrors, hope for a better world that we live in, hope for the peoples of that region, hope for an end to the bitter ethnic divisions, hope for an end to the religious hatred.

I believe that we, therefore, in casting this vote in supporting our soldiers and in supporting this peacekeeping mission—I believe we cast the right vote. That is why I will vote for the Dole-McCain resolution, and that is why I am in opposition to the Inhofe-Hutchison resolution.

Mr. President, on the day before the formal signing of the Paris Peace Agreement on Bosnia, we are gathered here for a historic debate. I want to share with my colleagues my views on the deployment of United States peacekeepers to Bosnia to participate in the NATO peacekeeping mission there.

Designed to help put an end to the violence that has cost so many lives and so much suffering over the last 4 years, it offers real hope for peace. After much thought, I have come to a simple conclusion. With U.S. participation in the NATO peace effort, there is a real chance for a durable peace that could break the brutal cycle of violence there. Without our participation, we face an almost certain resumption of the fighting, and possibly a wider Balkan war.

This war has taken a horrible toll, not only on the people of the region, but also on the conscience of people everywhere who have watched it unfold in all its horror on their TV screens, and struggled to figure out a way to help end it.

For 4 years the people of Bosnia have suffered some of the worst atrocities in Europe: mass executions, mass rapes, brutal ethnic cleansing, sieges against innocent civilian populations, and terror campaigns. Atrocities we have not seen since the end of WW II.

So far, the war there has left a quarter of a million dead, and nearly 3 million people from the region refugees, expelled from their homes and villages in brutal campaigns of ethnic cleansing. Three million refugees. Think of that. If such a war were fought here in the United States, by population share that would be equal to about 170 million American refugees.

The people of Bosnia deserve immediate relief from the years of armed conflict, displacement, malnutrition and hunger, winters without heat or electricity, war crimes, and at times indifference by the rest of the world. The Dayton agreement offers a promise of such relief. I visited the Balkans 2 years ago. I met many people there, including many refugees who had been expelled from their homes, and who had lost loved ones and friends. I know the trials and horror they have experienced.

Even in the face of these horrors, the President's decision to send United States troops to Bosnia is one of the most difficult foreign policy choices our country has confronted since the

end of the cold war. The risks of the deployment, though I think they have been greatly reduced by the administration's careful planning, are real. From the millions of landmines left over from the war, to irregular forces, to weather, to other hazards, this mission is not without its dangers.

But while many of us have had differing views about the proper United States role in Bosnia over the past 4 years, and some of us had pressed for tougher action against the Serbs for many months, there is one thing that is becoming more and more clear. The Dayton agreement is the best, and perhaps the last, chance for peace in the region. That's why I intend to support it.

Full and effective implementation of this agreement offers the best hope to stop this brutal war, and to give the parties a chance to recover, and to rebuild their cities, to rebuild their nations. After months of fruitful negotiations led by the United States, and with the Europeans providing the bulk of peacekeeping forces to help monitor the agreement, I believe it would be a mistake for the U.S. Congress to sound an uncertain, quavering trumpet now regarding our commitment to peace in the region.

Through tough-minded, tenacious diplomacy, President Clinton's envoy Richard Holbrooke worked for many months to help the warring parties craft an agreement that could bring an end to the bloodshed. He deserves our praise, and our thanks—as do those three American diplomats killed in Bosnia while serving the cause of peace.

President Clinton observed in his recent speech that the United States can't be the world's policeman, but we can become involved in circumstances such as this, where we have a compelling national interest in maintaining the peace, where we have a chance to be effective, and where we have a clear duty to help.

Over the course of the last few weeks, I have talked with the President and with his chief foreign policy advisors, including Secretary of State Christopher and Secretary of Defense Perry, and pressed them to ensure our mission was clear, limited, and governed by strict rule of engagement that would allow our troops to protect themselves in any circumstances. The Dayton Agreement provides for sweeping NATO rules of engagement that will allow U.S. forces to use all appropriate force to protect themselves. In the last 2 weeks, I have been urging administration officials to clarify the limited, narrow goals of the mission; how they intend to measure progress toward those goals, and the limits they will impose on U.S. troop activity in the region. I believe they have made real progress in clarifying each of these areas.

This is our proper role in Congress: to press administration officials to clarify key points of their plan, ensure that objectives are limited and attainable, that an exit strategy is clearly laid out, and that planning for a post-U.S. presence upon withdrawal, composed presumably of Europeans, is moving forward. I believe that we have done that, pressing those responsible in the administration to close some gaps in their thinking that will serve our troops well in the long run.

I have thought long and hard about this deployment and, in addition to my discussions with the President and his senior advisors, have consulted extensively with those whom I represent in Minnesota, administration officials at the working level in the Pentagon, the State Department, and elsewhere. I have talked with outside regional experts, and others. I've talked with Minnesota military personnel who are being deployed to Europe. There are several reserve units from Minnesota whose members are being deployed to Europe, and I am aware of my direct and profound responsibilities to them and to their families—and to the families of all our troops—to ensure that everything possible is done to preserve their safety.

The Dayton Agreement, especially its key military annexes, were clearly designed with these concerns in mind. And it has garnered broad support. It has the support of the Russians, of the U.N. Security Council, NATO, the European Union, and the Organization for Security and Cooperation in Europe, each of whom will play a key role in its implementation. It is truly a multilateral effort, of which the administration should be proud.

But even though we played a key role in the development of this agreement among the parties, let us not forget one critical thing; this is their agreement, not ours. It was developed by the parties, not imposed by outsiders. They have asked other nations, including the United States, to help secure the future of that agreement.

And they have assured us, NATO, and the U.N. Security Council that they will respect its terms, and take steps to protect our peacekeeping forces. Over 25 nations have responded to the call to help secure this peace. As the last remaining superpower, we have an obligation to join them. If the current ceasefire holds, and the peace agreement is signed tomorrow in Paris and begins to be implemented on schedule in the next few weeks, we have a duty, I believe, to help.

I think it would be irresponsible to sit aside and allow the horrors that have taken place in Bosnia to continue. Our great hope is that this peace agreement might finally secure a lasting peace; we must not abandon that hope now by cutting off funds for our troops, or by refusing to grant at least conditional support for the mission.

I have decided to support this peacekeeping deployment, even though I am fully aware of the potential risks and problems with it. For example, I believe the arms control and international police provisions of the Dayton Agreement are weak, and must be strengthened. And they are being strengthened and fleshed out, by NATO planners and through proposals offered last weekend at the London Implementing Conference. In the end, how they are implemented will make the big difference, and we in Congress must monitor this carefully. The reporting requirements of the Dole-McCain resolution will help ensure that Congress is kept informed on a formal, timely basis of developments in key areas of the accord's implementation, in both its military and civilian aspects.

Likewise, I remain somewhat concerned that the very broad NATO rules of engagement leave considerable room for interpretation on the part of NATO field commanders there about how to react when faced with violent civil disturbances, hostage situations, harassment by irregular forces, or other similar situations. I know they do so to provide flexibility to our commanders in the field, but this is another area which must be monitored carefully. Supervising the separation of forces, maintained by the parties, is one thing. But serving as local police forces is quite another. While I know the Dayton Agreement prohibits the latter, we must be careful to ensure that the potential for any mission creep is strictly limited.

We have heard a lot of heartfelt debate today, and expressions of concern about the potential for an extended, open-ended deployment. To those who are worried that Bosnia could turn out to be a quagmire, I can only say I have consulted as broadly as I could, weighted the risks as responsibly as I could, and I do not believe that is going to happen. I believe the administration has built into its implementation plans sufficient safeguards to avoid this problem, including strict limits on the areas where our troops will be, and on their mission. If I did believe this was a real risk, I would fiercely oppose this deployment. Let there be no mistake. This will be a NATO operation, with clear lines of command and rules of engagement, run by an American general. The mission is not open-ended. Our troops will be heavily armed, with the power and authority to respond to any potential threats as forcefully as necessary.

Of course, there are some concerns that can never be fully met. For example, I have doubts about the sincerity of Serb President Milosevic, and about his ability to deliver on his promises. I have even less confidence in the Bosnian Serbs. I am frankly alarmed that General Mladic has not been willing to support the agreement, that

Serb civilians in the Sarajevo suburbs have been so vocal in opposing it, and that the Bosnians have resisted cutting their ties with radical states like Iran. But those doubts should not deter us from at least supporting this attempt at peace; they simply offer reasons for caution.

I have raised some of these concerns explicitly with the President and his advisors. I have asked tough questions of administration officials about how they intend to make good on United States commitments to lead an effort to provide arms and training to the Bosnian Government while serving as neutral peacekeepers. While I have in the past supported lifting the arms embargo against the Bosnians, I believe that with this agreement there is a real chance to stablize the situation through arms control, rather than primarily through building up the opposing armies.

That's where our emphasis should be now. Demilitarization on all sides, not remilitarization, is the appropriate course to follow to estalish a military balance between the Serbs and the Moslem-Croat Federation. Once a full NATO balance-of-forces assessment is complete, the report required by the Dole resolution is submitted to Congress, and the arms build-down begins in earnest, I am hopeful that full compliance with the arms control provisions of the peace agreement will go a long way toward equalizing the forces. And if it does not complete the task, there will be plenty of moderate Moslem nations willing to help arm, equip, and train the Bosnians to better defend themselves, as necessary.

I have also raised questions about the criteria that will be applied by NATO to measure progress toward its goals, and about the timetable for the eventual withdrawal of U.S. forces. Administration officials have provided me with all the information they could on these questions. While many of us would like to know that our troops will come home by next Christmas, I do not think the administration can realistically provide firm assurances that that will happen, and I think that it would be foolish to demand them as a condition for our support, since it could place our troops in great jeopardy if they are pulled our prematurely.

I do know the President intends to have us get in, complete our mission, and get out, as swiftly as possible, and that General Shalikashvili has indicated that 1 year is more than sufficient time to accomplish the limited military goals of the mission. Completing our mission should be our primary goal, not meeting some arbitrary timetable that may by driven more by domestic politics than by the situation on the ground in Bosnia.

Whether 1 year is also sufficient time to secure other, broader goals, including return of refugees, free and fair elections, and rebuilding of war-torn Bosnia, is unlikely. I know of almost no one who believes it is possible in that timeframe. But at least this year-long respite can end the violence, and start them on the road toward peace. I hope that we will be able to work out an agreement with out allies that will provide for a much smaller, residual force that could stay there longer, if needed, to monitor compliance with the accord. Composed largely of NATO troops from Europe, this force could begin to shoulder primary responsibility for the mission after 9 to 10 months. I have urged the administration to explore this more vigorously, because I think it is key to our exit strategy in the region. I would have preferred that it be built into this resolution. But I am satisfied that the administration has taken seriously this concern, and will take steps to explore it with our allies.

On these and many other questions, administration officials have been very forthcoming. Where they were unable to provide clear answers, for example on the planned composition of a follow-on force if such a force were necessary after U.S. withdrawal, they outlined for me the state of their current thinking. Frankly, there is still much work to be done by NATO, the U.N. Security Council, and others over the course of the next few weeks and months to nail down answers to some of these key questions. But overall, I am satisfied that this deployment has been carefully planned and will be executed ably by our military forces. It is the responsible thing to do, the right thing to do. And that's why I intend to support it.

Many Americans remain skeptical of U.S. participation in this peacekeeping effort. I continue to believe it is critical that the President have the support of the American people and their representatives in Congress before moving forward. And I think that as this process has moved forward, and the President and his advisors have made clear the limited, narrow nature of the NATO mission, more Americans are being persuaded that this peacekeeping effort is the right thing to do.

Whatever we decide today, the President has already started sending U.S. troops to serve as advance support for the U.S. mission there. We must support the troops, and their families here in the United States, in every way we can. This resolution expresses clearly our support for their efforts.

Mr. President, this has been a difficult decision for me. But in the end I stand on the side of hope—hope for an end to the conflict and its attendant horrors, hope for a better future for the peoples of that region, hope for an end to the bitter ethnic and religious hatreds that have engulfed the region. It is a hope tempered by realism, though, about the road that lies ahead, and the potential pitfalls of this agreement.

Finally, let me say this. Over the last few weeks, some have asked me why I would be willing to consider supporting this peacekeeping deployment, when I opposed our going to war in the Persian Gulf. There a host of major differences between the two situations, not least of which is that our troops were being sent to the Persian Gulf to go to war; in Bosnia, they are going to secure a peace. The have been invited by the parties in Bosnia to secure a peace agreement, under firm security assurances provided by the parties. I opposed the war in the gulf, among other reasons, because—like Chairman of the Joint Chiefs of Staff Colin Powell—I believed the tough U.N.-imposed sanctions ought to have been given more time to bite. In Bosnia, I do not believe that are realistic alternatives to this peacekeeping deployment that have gone untried.

This may be the opportunity that is needed, Mr. President, to break the cycle of violence in the lands of the former Yugoslavia by helping to keep the sides apart for a year in order to give them some time to begin putting their lives back together. Hopefully a year of peace will bring about something more lasting. It is my hope for the future of the peoples of that region that has led to me to conclude that we should support the President's action. I urge my colleagues to join me in support of this resolution.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, as a cosponsor of the Hutchison–Inhofe resolution opposing President Clinton sending American troops to Bosnia, I am obliged to note that the administration's problem is that it lacks a coherent policy for resolving the war in the former Yugoslavia. That is it, pure and simple.

A coherent policy must be based upon a clear-eyed assessment of the United States national interest in the Balkans. It must employ a means to address our national interest, calculated in direct proportion to the threat posed to the United States. Most of all, a coherent policy must have an end, a goal, a point at which we can define when the mission is accomplished.

The administration's plan has none of these elements.

The foundation of President Clinton's policy in Bosnia is not the national interest—it is desperation. This desperation to fill the vacuum of American leadership in Bosnia has led the President to make a disastrous decision. In a last, desperate act he is demanding that the U.S. military rescue his foreign policy.

The American people should be prepared for the possibility that American lives will be lost any time our national

interest is at stake. I am certain that if asked to go to war our brave men and women in uniform would, without hesitation, heed the President's call. I salute those who would serve the Nation so readily, but I cannot and will not support the President's decision to ask them to make this sacrifice. The risk to the lives of our troops far exceeds any national interest the United States could possibly have—particularly as defined by President Clinton—any national interest we could possibly have in the Balkans.

The question will not go away: "Mr. President, what precisely is your goal? What is your objective in Bosnia? Is it the creation of an inviolable Bosnian nation?" If so, the Dayton Agreement assuredly does not accomplish that goal. The agreement—pure and simple—is the partitioning of a sovereign nation on ethnic lines.

Is Mr. Clinton's goal to provide the people of Bosnia the means of defending themselves? If so, the President has so far shown no inclination to do so. Is it to save his own foreign policy and salvage his administration's standing on the world stage? If so, it is too late, and a disastrous military campaign in the Balkans can only do harm to the reputation and prestige of the United States far beyond what the 3 years of inaction by the administration already have.

The Bosnian people do not deserve war. Americans do not deserve to die in support of a policy that will not bring peace to the Bosnians. What we can and must do is help the people of that nation help themselves. If we truly want to guarantee lasting peace in the Balkans, we need to give the Bosnian people the tools of peace: the means to defend themselves from renewed Serb aggression.

Mr. President, more than 3 months ago I introduced legislation to provide the Bosnian people with American arms and training that they need to defend themselves. That legislation calls upon the administration to lead an international effort to coordinate contributions from those countries who wish to join in helping the Bosnians acquire the means of self-defense.

I will do everything in my power to help the Bosnians acquire the means to defend themselves. But I cannot, I do not, and I will not support sending American soldiers to fight, and to die, in Bosnia for the sake of an agreement that offers no more than a brief pause while all sides prepare for the next round of Balkan wars.

Mr. President, I thank you. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 9 minutes.

Mrs. MURRAY. Mr. President, I rise to express my qualified support for the deployment of United States military personnel as part of the NATO force to implement the Bosnia peace plan.

The President has made a compelling case to the American people in support of U.S. participation in the NATO peacekeeping force. He has said that the NATO military mission will be clear, limited, and achievable; and that the risks to our troops will be minimized.

Congress has had the opportunity to go over this plan carefully, through a series of extensive briefings and hearings, which have been held over the last few weeks by at least four committees. Through this process, we have gotten answers to many of our questions, but certainly not all of them.

As the polls and phone calls reveal, the public is extremely wary about this operation. They know this is a mission with an uncertain outcome, where American sons and daughters may lose their lives. They are worried that our troops will be dragged into a civil conflict, despite our intentions to the contrary.

I have set aside extra time over the last several weeks to meet with and hear from constituents on this issue, many of whom have sons, daughters, husbands and wives likely to be deployed in Bosnia. I have listened to their fears and reservations. They are understandably worried—about landmines, snipers, civil disorder, undisciplined local factions, hostage taking, and other risks inherent in this mission.

And like most Americans, my constituents wonder aloud why the nations of Europe have not been able to solve this crisis on their own. Knowing how pressing the needs are here at home, they are weary of the constant need for American leadership abroad. Many resent the U.S. in the role of global policeman—again.

I have also met with relief workers who have been working on the ground in Bosnia, to learn from their perspective how much rebuilding lies ahead for the people of this war-torn nation. This is an extremely important issue, because the success of NATO's military mission will be measured against the gains made in the civilian sector to reestablish a viable economic and political life throughout Bosnia.

While it is important to point out that NATO's implementation force, or IFOR, will not be responsible for the conduct of humanitarian operations, the two operations will work to complement one another. But the IFOR will not be a police force, and it will not conduct nation-building. Nor will the IFOR address the numerous issues surrounding the return of refugees. Rather, IFOR's mission is simple and straightforward —to keep the peace so that civilian and political leaders have an opportunity to rebuild Bosnian society.

Our military leadership has repeatedly reassured Congress that the limited nature of this mission can be accomplished in 1 year's time, with most of the military tasks contained in the agreement accomplished in the first 6 months. After that, IFOR's role will be to maintain a climate of stability so that the civil tasks outlined in the peace agreement can take root.

In the words of Secretary Perry, the goal is to "break the cycle of violence" so that the civilian efforts—economic development, free elections, and the return of refugees—can have an opportunity to take hold. But regardless of what the situation looks like 1 year from now, the Secretary has said that "we must not be drawn into a posture of indefinite garrison."

Mr. President, it is this very limited mission that I am agreeing to with my vote today. I want to be clear—my support for this mission is qualified. I will be following developments closely in the weeks and months ahead. While I believe it is in our national interests to participate in a limited way in this operation, I feel very strongly that once we have paved the way for the Bosnian people to make peace, our role will be over and we should leave.

Yes, we can provide the opportunity for peace. But if, after a year's time, the Bosnian people themselves have not seized this chance, we should and must leave.

Having said that, I do believe that what we are about to do is incredibly important. Certainly this deployment carries risks. But I believe those risks must be measured against the promise for peace this agreement contains. The conditions are right for peace in Bosnia. And like Secretary Perry, I have concluded that the risks to the United States of allowing the war to continue are greater than the risks of enforcing the peace.

I agree with the President, our Secretaries of Defense and State, and our Nation's top military leaders. The United States has critical political, economic and security interests in Europe, and the war in Bosnia threatens those interests. The Dayton peace plan is the first opportunity we have had to end the war, and I believe we have to give it a chance.

In implementing the peace agreement, NATO will be embarking on its first land operation in history. Every NATO country with the exception of Iceland will be committing troops to this operation. The United States will contribute one-third of the necessary troops for IFOR. The British will provide 13,000 troops, the French 8,000. In addition, more than a dozen non-NATO nations have indicated a willingness to participate.

Our troops will be headquartered in Tuzla, where they will also have with them a Nordic brigade of close to 4,500 troops. 1,000 of those Nordic troops have been stationed in the Tuzla area

for over a year, and will be able to provide our troops with important information on the region and its risks. Perhaps most astonishingly, there will be a Russian brigade that will be a part of the American division, numbering several thousand troops.

The NATO mission, while carefully planned and trained for by our Nation's best military leaders, faces many uncertainties. We owe our troops no less than the finest training and equipment possible, and in this regard we can take great reassurance. We know that the troops we are sending to Bosnia are strong, capable and ready. They have undergone thorough and intensive training over the past several months. They have endured very rigorous and specific exercises, unique to the situation they will face in Bosnia, including mine training and basic combat proficiencies.

American troops will be heavily armed, and will have the authority to respond with decisive force to any threat to their own safety. Our troops will take their orders from the American General who commands NATO, General George Joulwan. For his part, General Joulwan has insisted that the daily training scenarios that our troops are subjected to be increasingly demanding, so that, in his words, "the scrimmage should be harder than the game".

Mr. President, one thing we do know for certain is that the nations of Europe have not been able to solve this crisis over the last 4 years. In absence of any clear leadership, day after day the war deepened, becoming a festering wound in the center of Europe. A quarter of a million lives have been lost to war, ethnic cleansing, and genocide. A generation of children has been terrorized and traumatized. Thousands of elderly have been cast from their homes and turned into refugees with no place to go.

It has been American leadership that finally made a difference. American leadership generated a cease fire. American leadership brought the parties to the peace table. And now it will take American leadership to ensure that NATO remains strong enough to prevent the peace from collapsing.

Many Americans—including my own constituents—question the need for NATO as we approach the next century. The Soviet Union has collapsed. Why, they ask, should America pay the money and put our troops on the line in support of an alliance whose time—in the eyes of some—has passed.

I believe we have a very direct national interest in ensuring that NATO remains an effective and credible security arrangement for the United States and our European allies. Ours is an alliance in support of democracy and freedom, and we are the leader of that alliance.

Now is not the time in history for America to question our leadership role in the world. Continued American global leadership is in our national interest, not only in the matter before us regarding Bosnia, but more generally in this post-cold war era. Nations around the world are watching. If the aggression that has taken place in the Balkans over the past 4 years were to go without challenge, other nations will take a lesson.

Congress gathered just yesterday to hear the moving speech of Israeli Prime Minister Shimon Peres, who faces the daunting task of keeping his Nation on the path toward peace in the wake of former Prime Minister Rabin's assassination.

Mr. Peres reminded us gently of the role America has played in this century, and the responsibilities we carry into the next. He urged us to accept what history has laid on our national shoulders. He reminded us that there are some things that only America can do. America alone, he reminded us, can keep the world free.

We do not know who will be in charge in Russia, China, or Iran 10 years from now. Those nations may be moving closer to democracy, or they may be led by repressive regimes with nuclear capabilities. We simply do not know today.

Because of the uncertainties we face in the world, we in the United States can not afford to fall back to the approach we took after World War I, when a weary nation said "enough". The vacuum was filled promptly, in that case with the most horrendous outcome.

Mindful of such history, I would echo the sentiments of President Clinton when he says, "My fellow Americans, in this new era there are still times when America and America alone can and should make the difference for peace."

To my own constituents, and to Americans across this great Nation of ours, I want to say: I know you are weary. But in my view, we do not have the luxury of wishing away the world and tending our own garden as if events around the world have no effect on us. We must continue to lead, and in doing so, we are most certainly serving our own national interests.

But you are right. This will be a difficult mission to undertake. The climate in Bosnia at this time of year is brutal, the terrain difficult, and the risks many. Even if all goes extremely well, we must be prepared for casualties. This is an inevitable fact of life that accompanies every deployment. We should remember, for example, that during Desert Shield, the staging phase before the Persian Gulf war began, we lost 84 American troops before even a single shot was fired. And although the situation we are entering in Bosnia is vastly different, it is tragically unavoidable that accidents and mishaps will claim the lives of some of those deployed. And so we must prepare ourselves as a Nation for this consequence.

But we must remember that throughout this "American century", as it has been called by some, the United States alone has set the standard to which so many nations now aspire. And in keeping with our vision as a people, since the end of the cold war we have led the international community in breaking new ground on behalf of democracy and the rule of law. In situations ranging from Cambodia to Haiti to Bosnia, we have helped to secure peace and freedom.

I think we have to acknowledge up front that as we undertake these endeavors, we do not fully know yet what model works, and under what circumstances. And that is what makes votes like today's so difficult. But this is no excuse for this Nation or any other major world power to throw up our hands and walk away from the difficult problems and challenges we face in this post-cold war era.

On this point, I think the observations of Lakhdar Brahimi, who heads the U.N. operation in Haiti, are relevant. When asked what we have learned in Haiti that may be relevant to Bosnia, he said:

> . . . With operations like these (in Bosnia and Haiti), he said, the international community is embarking on something completely new for itself, and for which it does not yet have all the skills. It isn't even sure what it wants and certainly doesn't have all the money it needs to do it. So we take a country by the hand and accompany it a little bit, while it tries to stand on its own two feet. We don't do it perfectly, but it's still useful, even if it doesn't create paradise. But no one should kid themselves. It's a constant uphill struggle.

And so we should sober our expectations, but not dampen our resolve. For the sake of our own national interests and those of our allies, we have to move forward—with prayer and conviction.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. I thank you, Mr. President.

Mr. President, this body now debates again whether we support the deployment of U.S. military forces into a European theater of war. We have debated this proposition twice before in this century.

In World War I, we sent our troops to engage in "the war to end all wars." After the slaughter, after the victory, America withdrew from the European stage; and, before the century reached mid-point, we found ourselves again debating whether it was the U.S. role to engage in European wars.

The world was transformed by our historic decision to enter that war. The world was transformed by our decision after the victory to remain engaged;

and, for most of the rest of the century, this country stood for the expansion of freedom and the containment of tyranny.

Perhaps some of us forgot that one of the reasons we were so motivated after World War II was because this nation had been horrified by the scenes of depravity under the Third Reich and the Japanese empire. When we saw the horrors of the concentration camps, we declared, with commitment, "never again."

Generations of Americans raised after that great allied victory truly believed that never again would we tolerate genocide in Europe. The very notion of civilization was redefined to include this idea—until the war broke out in Bosnia.

For almost 4 years, we have witnessed the horrors of "ethnic cleansing" in central Europe. Up until a few months ago, we regularly saw massacres of innocents, most often Muslims. "Never again," came back to haunt us. "Never again," became the hollow cry at the end of a century, taunting us that we could never assume progress from barbarity.

Many of us in this body believed we had to act. While we accepted that we could not make a persuasive case that U.S. troops needed to enforce or protect a vital interest, we believed that the world's remaining superpower had the power, the means, and the moral responsibility, to act.

We voted, again and again, to lift the immoral arms embargo on the young Bosnian state, which was largely unarmed, and was the target of the barbarians of "ethnic cleansing."

This summer, we passed legislation, with a strong bipartisan 69 votes, to lift the embargo.

The Administration, proclaiming concern for the Bosnians, argued that lifting the arms embargo would cause the Serbs to attack the eastern enclaves of Zepa and Srebrenica. For this grotesquely false reason—a reason bloodily refuted by the massacres in Srebrenica that occurred anyway—the Administration argued that we could not let the victims defend themselves. The Administration argued—again and again—that lifting the embargo would spread the war and would require the use of thousands of U.S. forces to extract the U.N. and allied forces. And so, the Administration argued that lifting the embargo was not an acceptable course of action.

Now, less than a month after the signing of the Dayton Accord, the Administration is deploying United States troops to Bosnia to implement the military annex of that accord.

There is a temporary truce in Bosnia. The killing has mostly stopped. The ethnic cleansing has not. And, the administration believes, most sincerely, that the deployment of the NATO Implementation Force, now known as I-For, will, in the words of President Clinton, "help create a secure environment so that the people of Bosnia can return to their homes, vote in free elections, and begin to rebuild their lives." The administration expects this to take approximately 1 year.

Mr. President, I respect the President's prerogative in foreign policy. I believe this is a principle we must respect if we are to convey the proper influence and power of this great Nation overseas. I supported this principle under previous Presidents, and I strongly objected when the Members of the opposing party in this body sought to frustrate Presidents Reagan and Bush.

I was disappointed when this body passed the resolution supporting President Bush's decision to deploy to Iraq by merely 52 votes. We had a clear vital interest at stake then. And, had we waited, we now know that our troops would have been subject to the weapons of mass destruction Saddam Hussein was on the verge of using.

Mr. President, I respect the principle of the President's prerogative in making foreign policy, but I have grave reservations—grave reservations—about the Bosnia policy on which the President is embarking.

But, I wish to make one point exceedingly clear: I believe that the Congress must show our support for the U.S. military. This Senator will always support American troops abroad.

I have recently learned that a Utah reserve unit will be among those troops deployed to this region, and several other Utah reservists have been put on alert. There is no way that this Senator will not do anything and everything to make sure that those troops have the backing they need in terms of equipment and materiel and moral support for what they do to serve our country's objectives.

But, appreciation and support for how well our troops carry out our policy does not mean we cannot question the policy itself as well as engage in some retrospective about U.S. policy.

I wish the President had taken a different approach on Bosnia 3 years ago. Candidate Clinton said he would lift the arms embargo. As I have said, I believe it was immoral to maintain an arms embargo against Bosnia while it was subjected to slaughter by a heavily armed Yugoslavia. I must say that, with his record, there is a credibility question when the President asserts it is the "right" thing to now send troops to Bosnia.

I believe that the Atlantic alliance is the most successful military alliance in the history of the world. The major democracies of the world held together throughout the cold war, and Europe remained secure. The world is still a dangerous place after the cold war, and I believe that NATO must remain relevant. I support the enlargement of the alliance, because I believe the alliance promotes political values as well as enforces security, and I wish to support the democracies of central Europe.

But NATO's credibility has suffered greatly during the Bosnia debacle. Tied by the dual key with the United Nations, the greatest military alliance was ineffective while genocide occurred. NATO stood by while cities and towns were shelled, while humanitarian convoys were turned back, while helicopters violated a no-fly zone. A NATO F-16 was shot out of the sky this summer by Serbs using Russian military hardware.

The administration argues that NATO credibility is at stake. But I must ask: What happens if the I-For goes to Bosnia, and, after 1 year and the departure of I-For, the parties return to war? Will NATO be more credible for having gone to Bosnia with great fanfare, but having returned without success, or worse, with casualties we cannot justify?

This administration proclaims that this is a chance for peace in Bosnia. I do not doubt the President's sincerity. And I do not doubt that the administration is motivated by noble notions. I fear, however, that its ideals are immature.

Peace is not the absence of conflict, Mr. President. We will always have conflict. Peace, I believe, is the management of conflict, the management of conflict so that it does not escalate into violence and war.

And, when I look at the Dayton Accord, Mr. President, and the record of this administration, I fear that many issues about managing the conflict remain unaddressed.

The administration has spoken about a clear exit strategy, partly because we in the Congress have demanded it. But if we do not have a vision of how to manage the conflict after our mission expires, I see very little reason to go in at all. We need a post-exit strategy, Mr. President, and I've heard very little of one.

A post-exit strategy—and the success of the I-For mission—depends on a number of factors. I believe these include, but are not limited to: First, ensuring that the Bosnian Serbs do not pursue territorial gains beyond those they have won in this ignominious partition known as the Dayton Accord; second, completing the agreement between Croatia and Serbia over Eastern Slavonia; third, building and maintaining a cooperative relationship between the Bosnians and the Croatians; and, most importantly, fourth, maintaining the political and military viability of the Bosnian state.

Elements within the Bosnian Serbs have been proclaiming against the Dayton Accord since the day they were signed. Demonstrations have been staged almost every day. Are we to proceed while these rogue elements

threaten, with arms, to ignore the accord?

The administration tells us that it will rely on President Milosevic of Serbia to control these elements. President Milosevic has been very cooperative and effective, we are told.

President Milosevic, I recall, was the instigator of the war against Bosnia and has reneged on his promises on numerous occasions over the past 4 years. Perhaps Milosevic has converted—and I believe in conversion—but I have doubts about the sincerity of those who convert after a mild NATO bombing campaign.

Mr. President, I still do not know what the administration intends to do if our U.S. forces are subject to mortar attacks from rogue elements.

For example, if we're attacked from a populated area by rogue elements that move freely within it, how will we respond? With a phone call to Belgrade? How does President Clinton plan to hold President Milosevic accountable for keeping the Bosnian Serbs in line with the accord?

I am also greatly concerned about the agreement between Croatia and Serbia over eastern Slavonia. We should recall the brutal occupation of that Croatian territory. We should recall the pictures of the city of Vukovar, left a smoking rubble by the Serbs, complete with mass graves.

Since then the Serbian Army has occupied the area, cleansed it, and extracted its natural resources. The Croats and Serbs signed an agreement just before the Dayton Accord to return eastern Slavonia to Croatia. The agreement allows for 1 year to revert the territory to Croatia, but it has a 1 year extension clause, to be exercised by either party.

The implementation of the international force to monitor the territory is already stalling. I predict here that the Serbs will ask for that 1 year extension; and, 1 year from now, Eastern Slavonia will still be occupied by the forces of Belgrade.

It is a powder keg. If we do not ensure the peaceful transfer of that occupied territory, there will be a war within 2 years, and that war will spread to Bosnia, and the I-For mission, with its casualties, will have been for naught.

Mr. President, I am deeply concerned that the administration has not focused on this issue.

Mr. President, we need to do more to strengthen the ties begun with the Washington Agreement last year to build the Croat-Muslim relationship.

I have little expectation that the Serbian entity will ever participate in the unitary government of Bosnia-Hercegovina. But without the Croats and Muslims cooperating, Mr. President, we may end up participating in a three-way partition conducted by ethnic cleansing.

Since the beginning of this war, I have argued for a policy of lift-and-strike. Lift the arms embargo on Bosnia and Croatia, and allow them to defend themselves against Serbian aggression. Use air power to dissuade the aggressors while the victims arm themselves.

We saw a version of lift-and-strike this summer, when the Croatian Army, strong again, recaptured the Krajina and coordinated with the Bosnians to deliver military defeats to the Serbs. Our NATO forces went into the skies in August and September to force the Serbs to accept a choice: more military defeats or a negotiated settlement. Lift-and-strike worked, Mr. President, as we said it would.

Lift-and-strike was posited on the premise that a balance of power on the ground would effect a real peace, a peace based on the cessation of violence through deterrence.

Now that the President has decided to deploy the I-For, I believe that it is essential that we ensure that Bosnia is able to defend itself. That, Mr. President, is the only way that we can guarantee that the Bosnians shall not be subject to more ethnic cleansing, to more deadly attacks—unless we plan to keep I-For there forever.

Mr. President, if we are not absolutely dedicated to arming the Bosnian Government, we should be realistic enough to know that the war will reignite shortly after IFOR departs. And then, Mr. President, we'll ask, what was the point? For what did NATO expend its credibility? For what did America risk its sons and daughters? A decent interval to another war is not an acceptable answer, Mr. President.

So 5 years before the end of this bloody century, we debate again sending our troops to Europe. We didn't need to come to this point. The Dayton Accord is abstract, the realities on the ground brutal and complicated. We didn't need to come to this point.

But America has given its word, and credibility of that word, we are told, is at stake. Let me preface my final comments by saying that I am equally concerned about America's standing abroad and about maintaining our leadership in NATO.

But, our credibility is more threatened, I believe, by pursuing a mission with guaranteed casualties and uncertain goals, than it is by telling our allies now that we do not support this policy, this deployment, and that we will arm the Bosnians until they can defend themselves.

But if this policy will be implemented—and already our troops are arriving in Bosnia—we must try to improve it. If we are to effect any positive influence here, Mr. President, we must insist that we arm the Bosnian government so that when we leave, we are not a few steps ahead of the next conflagration.

Therefore, Mr. President, I support the Hutchison-Inhofe resolution opposing the President's decision to deploy, but strongly support the Dole-McCain resolution commending U.S. troops and setting conditions for the deployment which, I hope, will increase the possibility that this mission will not have been a waste of blood, treasure, and, yes, credibility.

Mr. President, I commend the majority leader for his statesmanship in recognizing that President Clinton is our President, that he does have a right to put these troops there, a constitutional right, and once they are there, we have an obligation, as patriots, to stand with them and to help them.

So I will support the Dole-McCain resolution, but I also support the Hutchison-Inhofe resolution as well.

Mr. President, this is a serious thing. I have been over that land. I have been over that territory. I have met with people on all sides of these issues. I have read the histories of the last 600 years of that area. And I have to tell you, I think putting our young people there is a tragic mistake. But once they are there, I am going to do everything in my power to support them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized for 7 minutes.

Mr. LEAHY. Mr. President, the debate over whether the United States should contribute its troops to a NATO peacekeeping force in Bosnia will be the focus of many speeches on this floor in the coming days. It is a subject all of us have anticipated and pondered and wrestled with for some months now, and it is one of those decisions that no one likes to make. It is fraught with uncertainties and the undeniable likelihood that Americans will be injured or killed.

There will be many chances to speak on this, but having thought about it for some time and discussed it with the President and Secretary of Defense and others over the past weeks, and after listening to the President's speech last night and the responses of some of those who oppose sending troops, I want to say a few words as the debate begins.

Mr. President, even before the peace agreement was signed at Dayton the House of Representatives passed legislation to prevent the President from deploying United States troops to enforce a peace agreement without the consent of Congress. I believe the President should seek the approval of Congress before sending troops to Bosnia, although I do not believe the Constitution requires it in this instance where the parties have signed a peace agreement. I felt it was both unhelpful and unnecessary for the House to pass legislation in the midst of the negotiations and before a peace agreement was signed.

But just as President Bush sought congressional approval for sending

United States troops to the Persian Gulf—although half a million were there before approval was given—President Clinton has sought congressional approval, and there will be ample time to debate it before the formal signing of the agreement.

The decision to send Americans into harms way is the most difficult and dangerous that any President has to make. It should be done only when a compelling national interest is at stake, and when there is no other alternative.

Like many or perhaps even most Senators, the majority of my constituents, at least of those Vermonters who have contacted me, do not believe that it is in our national interest to send Americans to Bosnia. They genuinely fear another costly, drawn out quagmire like Vietnam. Some of them fought in that war, or had family members who died there. Others fear a debacle like Somalia, where in a matter of days a well-intentioned humanitarian mission became a poorly-thought out, ill-prepared peacemaking mission that ended in tragedy.

It is the President's job to convince the American people that Bosnia is not Vietnam, it is not Somalia, and that our national interests compel us to take part. He made a good start last night. There are still important questions that need answers—the President said as much himself—but I am convinced that the case for sending Americans to Bosnia can be made, and I intend to help the President make it.

Mr. President, in the past 4 years, a quarter of a million people, the vast majority defenseless civilians, have lost their lives in the former Yugoslavia. We have all read the blood curdling reports of hundreds and even thousands of people being rounded up at gun point and systematically executed or even buried alive.

Countless others have had their throats cut after being horribly tortured. Some have been made to eat the flesh and drink the blood of their countrymen. Thousands of women have been raped. Men have been forced to watch their wives and daughters raped and killed before their eyes. All simply because of their ethnicity, or because they lived on land others wanted for themselves.

The war has produced two million refugees, victims of ethnic cleansing. Hundreds of thousands more have lived in squalor for years in the rubble of what remains of their homes, without electricity, heat or running water.

There are many, including myself, who believe that NATO should have acted much earlier and with far greater force to stop the genocide in Bosnia. I opposed the use of American ground troops to try to win the war, but we gave too much deference to those who said that airpower would never compel the Serbs to negotiate peace. NATO should have been given the authority to use unrelenting force when UN resolutions were violated time and again with impunity.

Our greatest collective failure was to put the United Nations in charge of a peacekeeping mission where there was no peace to keep, and when it was unwilling or unable to back up its own threats. These failures, which caused grievous damage to NATO's credibility, will haunt us for years to come.

But the situation has changed dramatically since then. Sustained NATO bombing, coupled with gains by the Moslem and Croat forces on the battlefield, have shown the Serbs that they cannot win what they set out to achieve. The exhaustion of the warring factions, coupled with a period of extraordinarily forceful American diplomacy, has created an unprecedented opportunity to end one of the most brutal wars the world has seen in half a century.

There should be no mistake. The credibility of the United States Government is deeply invested in the success of the peace agreement, and success of the agreement depends absolutely on NATO's enforcement of it. The parties signed with that understanding. At the same time, NATO's own credibility and effectiveness depend on US leadership. Indeed, without US participation, there will be no NATO force, and the peace agreement will almost certainly collapse.

Mr. President, since the breakup of the Soviet Union and the end of the cold war, NATO's future has been uncertain. Some have suggested that NATO has outlived its usefulness. Others say that since the rationale for NATO—deterring a Soviet invasion of Europe—is gone, NATO should become a political alliance. Still others want to quickly expand NATO to include all or most of Eastern Europe, and perhaps even some of the former Soviet republics.

I mention this because NATO's future is one of the most compelling reasons why it is essential for the United States to participate in a NATO peacekeeping force in Bosnia.

I have been among the strongest supporters of assistance to Russia and the other former Soviet States. A democratic Russia is obviously a major foreign policy priority for the United States. Despite many setbacks, there has been remarkable progress in Russia, Ukraine and elsewhere in the former Soviet Union. But who can predict the next decade? Who can say that the fervent nationalism that remains strong there will not increase to a point when it becomes threatening? It is simply too soon to say what lies beyond this transitional period. I have been reluctant to support the rapid expansion of NATO without a thorough discussion of the implications, for fear that it could fuel the very nationalism in Russia that we seek to discourage.

But neither am I among those who see no role for NATO today. On the contrary, the United States has an enormous stake in preserving NATO's strength. While NATO's focus will undoubtedly shift over time, the future holds too many uncertainties, and there are too many areas of potential conflict around the world where important interests of the United States and our allies are at stake, to allow NATO's strength to erode.

There is no other alliance that comes close to NATO, in power, in readiness, and in importance to the United States. NATO may not have sought the role of peacekeeper in Bosnia, but neither can it avoid it.

Mr. President, I cannot say whether this peace agreement will survive the test of time. Perhaps no one can. There is ample reason to be pessimistic, given the history of broken promises and ethnic hatred in the former Yugoslavia. Since the agreement was signed, it has become clear than no party is completely satisfied, and some have expressed grave misgivings with some aspects of it. If the agreement unravels, NATO Forces may be forced to withdraw, rather than be drawn into the fighting. Even withdrawal would be risky.

But virtually everyone knowledgeable about the situation there agrees that this is by far the best chance for peace since the war began 4 years ago. We and our European allies have an immense interest in preventing the continuation of a destabilizing war in Europe, and I believe we must take this chance.

The President has taken a courageous step, a step that reflects the best of this country. Every American should consider the alternative. More mass murder. More towns shelled and burned. More starving children. More orphans. More horrifying atrocities that are reminiscent of the dark ages. If this does not compel us to help enforce an agreement we brokered to end this calamity, what further amount of inhuman brutality would it take? Should we wait for the slaughter of another hundred thousand, or two hundred thousand?

The President is right. We have a moral responsibility to take part. The Europeans were unable to end the war themselves. United States leadership was not the only factor, but without it there would be no peace agreement, and the war would go on indefinitely. We should be proud of it, and stand behind it.

Some have suggested that we can lead without sending troops. I disagree. We cannot maintain our credibility as the leader of NATO if we are not prepared to assume some of the risk. We should remember that two thirds of the NATO Force will be troops from our NATO allies and others.

Mr. President, our troops are the best trained in the world, but we cannot

eliminate the risks. There are 2 million landmines in Bosnia alone, hidden under mud and snow. Each one cost only a few dollars, but one false step could mean the loss of any American soldier's legs or life. The Pentagon says that landmines are among the most serious threats our troops will face there.

This is ironic, since the Pentagon has been actively lobbying against my efforts to show leadership by halting the use of antipersonnel landmines, which claim hundreds of innocent lives each week. Two-thirds of the Senate voted for it, but the Pentagon refuses. In the past few months, several of our European allies have stopped their use and production of these indiscriminate weapons, but the Pentagon refuses.

A quarter of the Americans killed in the Persian Gulf died from landmines. A quarter of American casualties in Vietnam were from mines. I can only wonder how many more Americans will needlessly lose their legs or their lives from landmines before the Pentagon gets the message.

We cannot eliminate the risks, but President Clinton has established the right conditions before U.S. troops can be deployed. If the mission is limited in time, clear in scope and achievable, as the President has insisted, we should support it. Our troops must be backed by broad rules of engagement that enable them to defend themselves with whatever amount of preemptive force is needed in any circumstance. That does not mean waiting to shoot until they are shot at.

Mr. President, I expect to speak again as the debate on this unfolds. I intend to support the President, and I expect there will be Senators I deeply respect who are on the other side. But at the end of the day, if Americans are sent to Bosnia as I believe they will be, I have no doubt that we all will support them, and we will all be proud of them.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. MCCONNELL). The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, there have been many eloquent speeches given today and last night. I am not sure that much new can be said. Over the last several years, we have debated the pros and cons of what to do about Bosnia, and I have begun to feel like Hamlet. If I could just review some of my thinking at this point, I would like to.

The tragedy in former Yugoslavia is truly momentous. Nobody will deny that who has watched this occur over the last several years. We have witnessed, in the past several years, atrocities in Europe that we vowed would never again be allowed. We have stood by while our most important and fundamental military alliance, the North Atlantic Treaty Organization, that is a fundamental part of our Nation's security, tottered on the brink of disaster, its members squabbling and indecisive while war waged on Europe's doorstep. And we have struggled to understand the nuances of a conflict fueled by both ancient animosities and a contemporary hunger for power, by both the collapse of communism and the friction of ethnic and religious hatred.

For most Americans, this is a distant war in an obscure land about issues that do not directly affect our interests. All that may be true. And, yet, we could not ignore it. For the past 4 years, we have feared, above all, that it would spread and embroil the great powers, particularly the United States and Russia, on opposite sides of a war neither of us wanted. We have felt deep compassion and remorse as this war, like all wars, took its greatest toll on the innocents: in refugees driven from their lands, in homes and towns and villages destroyed, in a generation of children, Mr. President, whose lives have been shattered.

We have tried to avoid involvement because our direct national interests were not at stake. This, we said, was a European problem. And, yet, because we understood that important national interests could be put at risk if the fighting continued, we could not simply wash our hands of the matter.

So America and our European allies took a series of halting steps and tentative measures that over 4 years tarnished our image and called into question our resolve. We imposed an arms embargo on Yugoslavia and later came to regret it. We established safe havens and then failed to protect them against assault. We promised to deliver food and humanitarian supplies to refugees and displaced persons but then failed to use the force necessary to deliver.

Those efforts all failed. As a consequence of those failures, we had become involved in Bosnia. American credibility, prestige, and leadership, the intangibles that are so important to our national security around the world, all were damaged. We found ourselves in the worst of situations. America put itself on the line in Bosnia, but we had made no commitment to shaping the outcome.

Now we are at a crossroads. The issue before us is whether America should help bring this war to a close. We should, and through our good offices and diplomatic leadership we have done so. I share President Clinton's view that the United States should be a leader for peace. However, I also share the deep reservations of many and that have been spoken of many times today about sending American forces into the Balkans. In my mind, the key to the success of the NATO operation is not the achievement of a military objective, but rather the commitment of the Bosnian, Croatian, and Serbian leaders and their people to peace. Absent that strong commitment by the parties to make the Dayton accord work over the long term, no number of international troops will achieve peace. Mr. President, I am not convinced that the three parties to the Dayton accord will stand by their commitments and sustain the peace. We certainly would all pray for that result.

All three parties have incentives to sign now, but they do not have the same incentive to keep the peace come spring or after our troops depart. By setting an arbitrary 1-year timetable for the departure of our forces, we invite the parties to wait us out. The Dayton accord is full of ambiguities with empty guarantees of peace, and that probably would not have been possible.

Yet the reality is that our troops are going. They are already, many of them, there. Thousands more will follow in the coming days. Whether we like it or not, the President's decision to deploy is behind us. The United States has made a commitment to this operation. Having made that commitment, America must not cut and run. To do so would send a message of weakness around the world that would damage our national interests in a way that the Yugoslavian war itself never could. The reality is that we are involved in Bosnia, and all Americans must do what we can to see this operation through to a successful conclusion.

The decision now before us, to my mind, should involve how best to build the prospects for success. I believe Congress has little choice but to support our forces and the operation, because to do otherwise would be to diminish our chances for success, and success is the task at hand. Today we are considering three approaches to the matter. Each is troubling, I suggest. One has already been rejected. I do not believe we should cut off funding with our troops already on the ground. Provoking a constitutional crisis at this point would not serve either our troops or our national interests. I also do not believe expressing support for our troops but opposing the President's decision to send them enhances the mission's prospect for success. That would send an unequivocal message that America's support for this operation is shallow; a message that would be heard, I think, loud and clear by the parties in former Yugoslavia.

That leaves us with the approach of the Dole-McCain resolution. I commend the authors of that resolution, who have struggled with the very basic but difficult question left unanswered by the Dayton accords: How will we know when our mission is completed? Or put another way, how did we plan to accomplish a lasting peace in the region after our troops have gone?

I have serious reservations about the dual policy the Dole-McCain resolution advocates as a solution to this difficult

question. On the one hand, American troops would participate in ostensibly neutral peacekeeping operation to separate the warring parties. On the other hand, America would lead an effort to arm and train one of the parties, the Bosnian Moslems. I have had reservations about this policy articulated by the administration, and I have deeper reservations about endorsing or even expanding that commitment in a congressional resolution. An American-led effort to arm and train, to put our troops in Bosnia at greater risk, could undermine provisions of the Dayton accord that obligate all parties to reduce their armed forces and could lay the foundation for an arms race in the Balkans. Any American effort to arm and train the Bosnian Federation also must recognize and deal with the delicate and contradictory nature of the new Moslem-Croat alliance.

Finally, our European allies have serious reservations about a United States-led effort to arm the Bosnian Federation. While many of my colleagues have decried European leadership on Bosnia, I believe that as a member of NATO we have an obligation to coordinate our policies closely with our allies. But despite these concerns, the Dole-McCain resolution is, to my mind, the only real option now before the Senate. I do support it because I firmly believe that Congress must go on record in support of this operation which already is underway.

The President has made clear that the operation will proceed with or without congressional support, but I am not sure it can succeed without congressional support. With our troops at risk I believe success must be our highest priority. I yield the floor.

Mr. BRADLEY. Mr. President, I rise today to discuss the very important question of whether or not to authorize the deployment of United States ground troops to Bosnia. Let me start with where I have been on this issue and continue with where I am today.

Mr. President, I have long believed that Bosnia itself is not a strategic interest of the United States. I have agreed more with Bismarck who said that the Balkans were "not worth the loss of one Pomeranian grenadier" than I have with those European politicians who have seen it as the contested terrain necessary to extend their countries' reach to the middle East. In essence, the Bosnian conflict represents the conflict of Western Christendom, Orthodox Christendom and Islam and it flows from grievances passed on from grandparent to grandchild over centuries.

While the United States has long had a vital interest in the security of Europe in general, there has been no indication over the past 4 years that the conflict in Bosnia would spread in any significant destablilizing way, notwithstanding the legitimate worries about Kosovo, Macedonia, Greece, and Turkey. Further, while the United States has humanitarian interests related to countering ethnic cleansing and other barbaric conduct, I do not think that it is possible for the United States to intervene and to stop every ethnic conflict in the world. Why Bosnia and not Rwanda has never been answered by the architects of our current policy.

The most striking thing about the Bosnian war is that virtually no one, from the beginning, championed pluralism. Instead, we accepted the premises of the warring parties and lost the high ground.

I also believe that three have been a lot of missed opportunities to curtail the horrors during the four years of this conflict. Because we did not seize them, we have been left with a much more difficult situation. For example, in the Bush administration, the United States, fresh from the triumph in the Gulf, could have threatened massive air power to deter the Serbian President Milosevic from pursuing by force his ambition to create a greater Serbia. We failed to do so and the conflict expanded exponentially into war.

Similarly, in the first 6 to 12 months of the Clinton administration, I believe that there was another opportunity for the United States to warn Milosevic and then to act directly against him if he persisted. The United States could have sent a high level emissary to apply diplomatic pressure and to threaten air attacks to deter Serb aggression. But the United States failed to act in any meaningful way and the war has continued for a period longer than the Korean war.

In the absence of U.S. action, I have supported equalizing the military imbalance in the region. While certainly not a solution to the underlying conflict, military parity is crucial to any lasting peace between the Bosnian Moslems, the Croats, and the Serbs. As a result, I voted repeatedly for lifting the arms embargo. But once again, we missed an opportunity and the embargo and military imbalance have persisted.

That is where I have been on this issue.

Mr. President, I recognize that some things have changed. We have a peace agreement initialed by Moslems, Croats, and Serbs. We have the commitment of NATO to secure the military aspects of this agreement and we have the commitment of President Clinton to deploy 20,000 United States ground troops to Bosnia and another 5,000 troops to Croatia, as part of this agreement. Where Europe failed to get agreement, America succeeded but the results put us in the middle of Europe's most volatile region as not only a coguarantor, but the broker of the agreement.

Mr. President, I recognize also that several things have not changed. The ethnic enmity between the parties continues. The Moslem-Croat Federation remains fragile and divisions persist among the leadership of the various parties to the agreement.

As importantly, I still do not believe that Bosnia itself is a strategic interest of the United States. Indeed, if there were no counterbalancing factors, it would be my position that the United States should not deploy United States ground forces to Bosnia.

One of the primary problems that we are facing is that we are left to make this decision in a conceptual vacuum. Although the cold war has ended, no one has provided a coherent vision of the post-cold war world. Rather, ad hocism tends to rule the day.

This void is particularly pertinent for the United States. The United States is the most powerful country in the world. With that power, however, comes certain responsibilities. There comes the leadership responsibility to formulate a coherent vision of the world. Yet, no one, including the administration and its predecessor, has defined the role of the United States or NATO or their respective strategic interests since the days of the cold war. But those days have ended. Time after time since 1990, we have looked in the rearview mirror instead of ahead to the horizon of a new world. The retreat to a strategy of "cold war lite" is reflected in bloated defense budgets, confused priorities and a gradual erosion of American influence abroad.

I believe an administration's highest foreign policy priority is to develop a new conceptual framework and I believe a President's role is to first see that it is done and second, to articulate it often enough and persuasively enough so that the American people and the rest of the world know where we are going in foreign policy and why.

The administration's proposal for United States troop deployment in Bosnia is a prime example of the reigning ad hocism. And it brings with it, several grave problems:

To begin, how do we define success? The administration has not clearly stated how it will evaluate the success of the mission. Focusing only on the military mission, the administration has left great ambiguity, if not confusion, regarding the issues of refugees and disarmament. The result is very dangerous because you cannot really have an exit strategy unless you know what it is you are supposed to achieve. For an exit strategy is not a deadline, it is a process for continuously evaluation means against goals.

By stating that the mission will not extend beyond a year, the administration also invites delayed violations. As a mechanism of control, a time limit leads to loss of control. A stated 1 year termination of our involvement is a temptation for the contending parties simply to delay a showdown for a year.

In hoping for a limited mission that could simultaneously solve the deeper conflicts, there has been an incomplete disclosure of where this action will lead. In a year from now, will United States troops be withdrawn only to allow the Croats and Serbs to carve up Moslem Bosnia? Will we feel any better just because our military objectives have been ostensibly achieved? Will the United States' leadership role be maintained and NATO's role restored if Bosnia falls into renewed conflict upon the withdrawal of NATO? Unfortunately, I think the answer is no. Do the Croats yearn so much for economic ties to Europe and the Serbs fear so much the resumption of sanctions that they will restrain themselves from conquering the Moslem enclaves once United States troops leave? Again, I fear the answer is no. Once we are down the road and involved, the most likely outcome is for this mission to continue—for NATO, with United States troops, to engage in the protection of Bosnia enclaves for the indefinite future.

A related, but distinct problem is the disconnect between the defined mission and our objectives. If the administration is to be believed, our mission is only military and can be completed in 1 year. Nevertheless, to justify the deployment of U.S. troops in this case, the administration has defined certain humanitarian interests—to prevent ethic cleansing, to prevent a renewed conflict between the parties, and to create one federated Bosnian state. Neither the limited military mission that the administration has laid out, nor the hoped for year of "breathing space" will be able to accomplish those objectives. The administration is taking the rhetorical high ground, but its plan falls far short of delivering on the rhetoric.

No one is saying now that the Moslem enclaves are going to be the Berlins of the last years of the twentieth century with NATO forces placing a tripwire around them and protecting them in a dangerous world. Instead, the administration trumpets the brevity of the mission as if American forces 6 months on the ground is an inoculation against the deep hatreds that caused the ethic cleansing in the first place. Such an attitude, from my perspective, is naive and wrong. I think the time has come for the administration to level with the American people about the logical end result of this mission. Only a lasting peace will avert us from being faced by Christmas 1996 with the choice of a longer commitment or failure.

In addition, there has yet to be any sufficiently comprehensive definition of either the rules of engagement or contingency plans. What will U.S. troops do in the case of cross-border conflicts, if the Serbs attack the Croats or the Croats attack the Serbs? What will United States troops do if the French troops in Saragevo are directly attacked with the resulting loss of many French lives? Under what if any circumstances will U.S. forces be withdrawn prior to the completion of the military mission. These are very important issues, but there still are no precise answers as there were not when the Bosnian Serbs took UNPROFOR hostage following NATO bombing.

Lacking a coherent vision, there also appears to be little recognition of the implications of this 1 year decision and its potential outcome for our strategic interests throughout the world. If we withdraw our troops and Serbs or Croats subjugate the Moslem enclaves, there will be, for example, significant repercussions in the Islamic world, in the Persian Gulf, and elsewhere. Again the 1 year time horizon could put our withdrawal at a time of maximum uncertainty or danger in the Islamic world—a time when the old, well-known voices could be replaced by more strident fundamentalists—who regard renewed Bosnian horrors as a rallying cry and the United States as the villain who promised and then reneged. Whether such repercussions are worth the interests we are ostensibly saving have not, as far as I know, been addressed.

It is worth remembering the example of Ronald Reagan's Lebanon intervention. The Marines arrived, departed, returned after the Sabra and Shatila massacres and then spent over a year just hunkering down with tragic results.

Finally, those who say that there is no alternative are posing a false choice and ignoring the last 4 years. One might choose deployment as the best of two bad choices. But that does not mean that there were no more choices. A policy of strength that proceeded from a new strategic framework and was pursued from the beginning of the breakup of Yugoslavia was the alternative that no one talks about because it was not developed.

Despite these and other problems with this ad hoc approach, I recognize that there are counterbalancing concerns. Most notably, the President has pledged U.S. participation and the deployment of U.S. ground troops. I have said twice that the United States has not strategic interest in Bosnia itself. Paradoxically, because the deployment decision proceeded ad hoc, it places more emphasis on the downside of undercutting the solemn commitment of our President and of undermining the United States role in Europe where we do have strategic interests. As a result, we in Congress have a new level of responsibility. With all said, I believe that the word of the United States and the ability of the President to lead and to make decisions as leader and Commander-in-Chief, are important elements of the United States' world position. The decision to deploy, however poorly thought out, if carried through and maintained over time, will send a strong message worldwide. It will, for example, show the Chinese that the American concern for human rights does not single them out, but is part of our worldview. It will say to the Japanese and other parties in Northeast Asia that an American President can deliver on his word. It will say to the Islamic world that, as with the gulf war, a non-treaty commitment made by the United States can extend to Islamic territory as well as to Israel, and it will say to all of Europe that the United States remains a European power.

Further, while not of major significance, there are benefits from United States and Russian forces working together in the same field. By engaging in a joint military mission that has very limited objective, I believe that we will be helping Russia to take positive steps in its post-cold war development and once again, it will have geopolitical value in Asia by showing that the United States and Russia are building a new spirit of cooperation and friendship.

There are also potential benefits for NATO, although as I noted before, potential dangers as well. NATO has been searching for a defining role since the fall of the Berlin Wall. This, the first actual NATO deployment, not just a patrol or reconnaissance mission, marks NATO's departure into peacekeeping. This mission will include troops from the new European democracies, thereby providing a more useful bridge into the West than the ill-conceived drive for immediate NATO expansion. In addition, this mission has brought the French back into the NATO command structure, making NATO a more complete European force. One hopes, however, that the ambiguities in the agreement will not lead to alliance bickering and disagreements, even though the seeds have already been planted—with disagreements already arising over refugees, disarmament and the arming and training of the Bosnian Moslems.

Having weighed all of these considerations, I have reluctantly decided that it is in the best interests of the United States to support the deployment of U.S. troops at this time. I believe, however, that, contrary to administration rhetoric, this will be a very difficult and long mission. I urge the administration to level with the American people now and to do all within its power to improve the circumstances under which U.S. troops are deployed.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Under the unanimous-consent agreement, I would recognize a Republican.

Mrs. HUTCHISON. Mr. President, the Senator from Illinois has been waiting. We will yield him time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank you and I thank my colleague from Texas for her courtesy.

There are some basic questions. Why have an Armed Forces for the United States? Why have a Chicago Police Department? Or a Louisville Police Department? One reason is to have stability, in a community and in the world community. And here, let me add that the great threat to the world today, unlike 10 years ago, is instability. Ten years ago it was nuclear annihilation.

The second reason for having an armed force and for having a police department is to save lives. Are there risks? Yes. If there is a problem in one part of the city of Chicago you may send in the police department. And, if there are problems around the world, the United States, along with the community of nations, may have to use the armed force that we had. There are, however, for the Chicago Police Department and the U.S. Armed Forces, greater risks in not maintaining stability here.

Let me add, while I support the President in this endeavor, the one thing that does concern me is the talk about getting out in 1 year. I hope that can happen. I hope we can be out in 6 months. I think the probability is, if our mission is to succeed—and it is important that it succeed—that we are likely to have to be there 2 or 3 years; maybe not with 20,000 soldiers, but with a substantial armed force.

I was critical of George Bush for not moving early, when problems erupted. And I cheered, in August 1992, when Bill Clinton made a campaign speech criticizing George Bush for not acting.

Then when Bill Clinton came in, I was critical of him for not acting. But I think what he is doing now is right. It is right for stability because of the danger of the spread of war.

If we do not follow through on this peace—and it is a peace, tenuous as it is—if we do not follow through, this is inevitably going to spread to Macedonia and Albania. Macedonia has more ethnic Turks than any other country, and Turkey has made clear, if there are problems in Macedonia, Turkey is going to move in. Our friends in Greece have made clear, if Turkey moves in, they are going to move if—and this thing will escalate very, very quickly. You will have hundreds of thousands of Americans—Armed Forces people—involved in a war, not 20,000 maintaining a peace.

The second thing we should remember, there are not too many clear lessons in history, but one of the clear lessons of history is religious wars spread very easily. What we have in Bosnia—nothing is completely clean there—but you have primarily a Moslem force, a Roman Catholic force, and an Orthodox Christian force. If anyone thinks that when Moslem forces in Bosnia are under attack that Moslems in Pakistan, Saudi Arabia, and Indonesia, and elsewhere are going to pay no attention to that, you are dreaming. Religious wars spread very, very easily.

In terms of saving lives, it is very clear we should act. We have the agreement reached in Dayton, to the credit of this administration, the State Department, and others who were participants. Bosnia is half the size of Ohio. Bosnia has seen 250,000 people killed, 2 million people displaced.

We went into Desert Storm, invaded a country after a short time, and I do not know whether history is going to judge my vote against acting that quickly, though I said I was for using economic sanctions first and then acting. But I feared, if we acted, we would simply perpetuate Saddam Hussein in power. But make no mistake about it: One of the reasons we acted was oil.

Are we willing to act to save oil but not save lives? I do not think that is what America stands for.

I have heard on this floor reference to Somalia as a great disaster. Let me tell you. Somalia was George Bush's finest hour. Hundreds of thousands of lives were saved. The mistake was made, and I was at the White House when we worked out the compromise that we would have to leave before too long. And I see I am being signaled for time. I ask unanimous consent for 1 additional minute.

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

Mr. SIMON. Mr. President, Somalia saved lives. The mistake was in pulling out precipitously. I fear we may make the same mistake in Bosnia.

Finally, we have made a commitment to NATO. We have to live up—or we should live up—to that commitment.

Then I would add one other point. That is a word of gratitude to Senator BOB DOLE for being a statesman on this issue. He is not gaining any votes in Republican primaries in terms of the Republican nomination, but he is doing what a U.S. Senator ought to do, and that is look toward what is best for our country. What is best for our country right now is to back President Clinton.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask for 5 minutes. If I could be notified after 4 minutes.

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

Mr. DEWINE. Mr. President, others have recounted mistakes and missed opportunities that have led us to this moment, a moment when 20,000 U.S. troops are either on their way or will shortly be on their way to Bosnia.

I will not take the time of the Senate this evening to recount these facts. They have been talked about in great detail already today.

The fact is, Mr. President, we are where we are. As we debate, and we have debated three different resolutions today, the essential facts are as follows:

Fact No. 1: In 1993, the President made a commitment to deploy ground troops in support of a Bosnia peacekeeping mission.

Fact 2: This guarantee was a condition or underlying understanding of the entire Dayton peace agreement.

Fact 3: The President has now ordered these troops to Bosnia. Some have already arrived.

Mr. President, the troops are going to Bosnia. They are going to Bosnia no matter what this Congress does. They are going to Bosnia no matter which resolution is approved or not approved. That is a fact.

Fact 4: There are clearly not sufficient votes in Congress to override the President's veto of a bill that would prohibit funding of the troops. In fact, earlier today, there were only 22 votes on this floor—22 votes—to in fact cut off these funds.

Mr. President, with these facts in mind, what then should our objectives be today as we debate these resolutions? What do we want to accomplish? What can we reasonably expect to accomplish?

Mr. President, the question before us today is I believe a rather narrow one. Which resolution will be the most valuable in achieving our objectives? What can Congress try to accomplish this evening?

Mr. President, I would suggest that we have three goals.

First, the most important, unconditionally support our troops.

Second, to enhance the odds of them leaving as scheduled within 1 year.

And, third, to increase the chances of this mission being successful.

I believe the Dole resolution—Dole-McCain resolution—can help shape and help influence our Bosnia policy and can improve it. It does this in part by ensuring the training and arming of the Federation of Bosnia, so that they can provide for their own defense after the NATO troops leave.

Mr. President, the Dole resolution gives more support than any of other resolutions to our troops. The Dole resolution supports their mission and does so in clear terms. It ensures that America speaks with a clearer voice.

Mr. President, for the above reasons, it is my intention this evening to vote in favor of the Dole-McCain resolution.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, just 3 weeks ago, the warring parties in Bosnia initialed a peace agreement in Dayton, OH. That announcement marked the first real hope for an end to the tragic conflict in the Balkans

which has left hundreds of thousands dead or injured and produced over a million refugees. It was only with the dedication and persistence of U.S. negotiators present in Dayton that this accord was brought to fruition.

While everyone seems to agree that the administration deserves a great deal of credit for the success at the bargaining table, some question whether the United States should send troops to monitor and implement the agreement. This is obviously a very serious question, and we have an obligation in this Chamber to think through the implications of that decision.

The question arises, what are the United States national interests that are at stake in Bosnia? The President addressed that issue in his speech to the Nation on November 27. At that time, he made the case as to why this agreement serves America's interests, reflects American values, and requires American leadership.

There are many arguments that can be made about the ways that this agreement serves U.S. interests. For instance, that it will prevent the war from spreading in a way that might lead to a much more costly and dangerous American involvement; that it will return peace and stability to a continent that is key to our economic and military security; and that it reflects the United States moral and humanitarian interest in seeing an end to the bloodshed and violence.

All of these are very important considerations which should be weighed heavily.

Furthermore, choices are not always a matter of what is the best theoretical option but what are the courses of action available to us at any particular moment in time. Right now, we have to decide between backing the peace agreement, which we were instrumental in developing with the undertaking of a U.S. military presence, or not taking part in the NATO endeavor, which would mean no NATO endeavor and the breakdown of the peace agreement.

Viewing it from that perspective, I come to the conclusion that the risks of missing this opportunity for peace are greater, significantly greater than the risks of implementing it, although that course certainly has its dangers. Let me discuss briefly the potential consequences of not carrying through on the peace agreement.

First, I think the administration is correct in the view that without a commitment of American troops as part of a NATO force, the peace agreement will not stand. Having helped the parties to reach this point, the United States would completely undermine their confidence in the agreement and their commitment to implement it if we do not participate. Should this happen, United States troops might well be called upon to evacuate United Nations protection forces in Bosnia, under much more dangerous circumstances than our troops will face under this agreement.

Second, it could seriously erode America's diplomatic strength. Our success at conflict resolution is due not just to the skill and determination of our negotiators but also to the perception that the United States has the ability and the will to back up the agreements it makes. This is not to say that the U.S. must contribute forces to every peace agreement it helps to negotiate. But in this instance, the U.S. undertaking was a major reason the agreement was reached.

Our decision on Bosnia, therefore, could have long-lasting implications for the future of American leadership. It would be a major blow to U.S. world leadership if our failure to participate in this instance undermined our ability to move the world in a peaceful direction in other crises that might arise.

Third, it is imperative that a very clear distinction be made between this operation and Operation Desert Storm, to which analogies have been drawn. Let us remember that in the Iraqi situation the question was whether to go to war—whether to undertake a military operation to drive the Iraqi Army out of Kuwait. Here we are talking about helping to implement a peace at the invitation of all the parties to the conflict. That is not to say there are no dangers involved, nor that the mission will be easy. But there is a major difference between going in to fight a war and going in to implement a peace.

Finally, Mr. President, the choices before us are difficult ones. We have no assurances that, even with the participation of U.S. troops, the peace in Bosnia will be successful in the long run. But it is clear now that without our participation there will be no peace. The parties to the peace accord have made it plain that their confidence in a fair and evenhanded implementation of the agreement depends largely on American leadership and on American participation in the peacekeeping force.

Mr. President, consistent with our values and interests, we should exercise our leadership by supporting this opportunity for peace.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have reached 6 minutes, if I reach that point.

Mr. President, I was not a Member of the Senate when the debate occurred on Desert Storm, but I was nevertheless glued to the television watching every single person, back and forth across the aisle, talking about their vote of conscience. I thought it was the Senate's finest hour. Now I find myself in the position of making a similar vote. Although we are not going to an actual war, we are nevertheless voting whether to send our troops into hostilities where the President says we can expect casualties.

I feel so strongly, Mr. President, that this is the wrong decision. I feel that it is the wrong decision and that the price that we might have to pay for the mistake is too high. The cost of an American life is too high a price to support an erroneous decision.

I do not like not supporting the President in a foreign policy matter. I think we should bend over backward to do that. But I look at two things. I look at my responsibility as a Member of Congress not to rubberstamp the President in the matter of going to war, and I cannot do what I think is wrong when I also believe that we could have a small loss of face now to save a bigger disaster in the future.

We may lose a little face because we do something different from the actual commitment the President made. The President committed to 20,000 troops on the ground for this peace agreement.

There were other things the President could have offered to help the people of Bosnia keep a peace agreement. Arming and training the Moslems is the right thing to do. Although I cannot support the Dole-McCain amendment, I do think they are right in insisting that the arming and training of the Moslems happen; that it is consistent with this Senate's vote time after time after time over the last 2 years to lift the arms embargo, because anyone who has been there, as I have been, believes that there will not be stability in that part of the world until the three warring parties have some parity. That is what will keep the factions from going after each other in the future.

So arming and training the Moslems could have been done without our having troops on the ground. That would have been a fair division with our allies, and it would have fulfilled the responsibilities of the United States. But that is not what the President did. The President said we will have troops on the ground. He raised the expectations, and now we are voting whether to support that decision.

I wish to refer to an article that was written last month by James Webb, a former Assistant Secretary of Defense in the former administration, the Bush administration. And he talks about the need for strategic thinking, to determine exactly what our treaty commitments are as we go into the post-cold-war era.

And he says: "It is time that the United States had a global strategy before it puts out any more fires."

That really sums it up. We are running around the world putting out fires at the cost of billions of defense dollars and possibly hurting our long-term readiness for the future.

What he said we should be doing is absolutely correct. We should have a set of principles from which we react to crises.

"President Nixon," he quotes, "was the last President that set out a military policy, and it was fairly simple: Honor all treaty commitments in responding to those who invade the lands of our allies."

We have a NATO Treaty. If one of the NATO countries is invaded, we would be obligated under that treaty to respond.

This mission has expanded far beyond the NATO Treaty into a civil war in a non-NATO country, and yet we are being told NATO will fall if we do not come through with troops on the ground. It does not hold water, and it does not adhere to that very good and sound principle.

The second principle: Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Mr. President, you know that we have debated theater missile defense on this very floor within the last month, and it has been a bone of contention. I strongly favor the theater missile defense.

The PRESIDING OFFICER. The Senator has used her 6 minutes.

Mrs. HUTCHISON. Mr. President, at the end of 4 minutes, I would like to be notified once again.

We must provide the theater missile defense that gives us the umbrella to defend ourselves from the 16 countries that now have ballistic missile capabilities. But sending troops into Bosnia is going to take $5 billion from our defense readiness and from the capability to provide that kind of technology in the future.

The third tenet set out is to provide weapons and technical assistance to other countries where warranted but do not commit American forces to local conflicts. And that is exactly what we are doing. These are principles of a superpower. These are principles that keep the United States strong and uses our force when it is really necessary to keep a threat to the security of our country from happening.

Sending troops into Bosnia does not meet any of the tests of good, sound principles for our country, and we must make this President understand that there are many of us in Congress who do not believe he is within his power to go without consulting and asking the authorization of Congress to commit 20,000 troops on the ground. That is why we must a adopt the resolution or get a good vote. I do not know that it will be adopted. But I hope that there is a strong vote that tells the President that we need to sit down and have a strategy and there is a difference between a U.S. security interest in which we would put American troops in harm's way.

We all want to help the Bosnian people, and we can do it in many ways. But troops on the ground, American lives at risk is not the right way.

Mr. President, finally, it has been said several times on the floor that somehow it would not be supporting the troops to adopt the Hutchison-Inhofe resolution. It is very clear. The resolution is simple. Section 1 says:

> The Congress opposes President Clinton's decision to deploy United States military ground forces into Bosnia.

The second section says:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the peace framework.

We are supporting the troops. I think every Member of the U.S. Senate intends to support the troops. We are going about it in different ways. I believe supporting the troops is narrowing the mission, is saying this is a mistake and, therefore, let us put a time limit on it, and if you would consider changing your mind, that would be the best of all worlds. This is a dangerous mission, and we hope the President will have every opportunity to reconsider this decision before it is too late.

That is why we believe this resolution should be adopted to support the troops by protecting them. Others may legitimately differ in passing the Dole resolution. Either way, we must support the troops, and I hope that we will adopt the resolution that opposes the President so that he will bring those troops home before the mass deployment occurs.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, once again, this body is discussing the difficult issue of U.S. policy toward Bosnia. I regret that we are still here wrestling with this issue. I regret that American troops are on their way to Bosnia. I regret that peace has yet to come to the former Yugoslavia.

Americans have watched while some of the greatest atrocities since World War II have been committed in Europe. We have watched in despair as brutal strife has sundered families, neighborhoods, towns and cities, and the peoples of an entire region. We have recoiled in horror at the summary executions of draft-age-men, the rape and murder of women and children, and discoveries of mass graves. An inhumanity which we thought long behind us has resurfaced with a shattering savagery.

It did not have to come to this. Ever since my first trip to the former Yugoslavia in August 1992, I have been convinced that the U.N. or NATO needed to take a more aggressive role in enforcing U.N. mandates, protecting U.N. personnel and at certain critical moments, reducing Serb military capabilities through selective aerial bombing. Yet, as we all know, international reluctance to take bold action, lack of consensus within NATO and the U.N. and political caution in Europe and the U.S. doomed any timely efforts to bring peace to the region.

I have also advocated lifting the arms embargo against Bosnia for several years. to me it is unconscionable that we would prevent Bosnia from defending itself against a vastly superior force, while at the same time refusing to step in, or allowing others to step in, and stop ethnic cleansing and the perpetuation of horrible atrocities against the Bosnian people. This proved to be a disastrous policy with tragic consequences. The only viable option seemed to me to be to lift the arms embargo on Bosnia.

Over the last year, we have watched the European community struggle once again to find a solution to this seemingly intractable problem. But, as with past efforts, they fell apart in spite of strong U.S. support. It became clear to all involved that the only hope of ending this tragedy was to have the U.S. take the lead in facilitating negotiations between the parties. A belated but herculean effort by the Clinton administration resulted in the Dayton discussions, and the personal commitment of both the President and Secretary Christopher helped bring the parties together at last. I applaud the administration's intense efforts and believe the Dayton agreement provides the proper framework for a viable peace if all parties to the agreement are committed to working for peace.

I continue to be reluctant to see U.S. ground troops sent to Bosnia. Just as we took the lead in Haiti, I believe the Europeans should take the lead in the implementation of the Dayton agreement, particularly in providing ground troops. The U.S. has been providing air cover and surveillance for the past few years. And we provided much of the firepower when the U.N. decided it would allow aggressive action against certain targets. I approved of these actions and believe we should continue to play that role in the Dayton agreement implementation force. I do not think that U.S. leadership at the bargaining table required us to assume responsibility for providing one-third of all ground troops.

But the President made this commitment, and the option now before Congress is to support him at this stage in the process or perhaps precipitate the collapse of the most promising chance for peace. Given circumstances that we now cannot change, I do not believe there is really a choice here. If we care about the moral principles on which this Nation is built, if we care about the stability of Europe, for which we gave so many lives in two world wars, and if we take seriously the full responsibility of world leadership, then we must act to support the President's commitment. He should have come to

Congress earlier in the process. But he didn't, and this is not the time to debate that issue further.

I am opposing the Hutchison resolution because I do not think anything productive comes from saying now that we oppose the commitment of U.S. troops. The time for such a statement has long passed. And stated in isolation from any constructive discussion about what our role should be, I feel this approach is not helpful to resolving the tragedy of Bosnia.

I will support the Dole resolution, because I believe it moves us in the right direction. I do this with reluctance on one point, however. This resolution calls on the United States to lead an immediate international effort to provide equipment, arms and training to the Bosnian Government Forces. I appreciate that this is seen as a way of addressing the military imbalance that now exists between the parties. Obviously, rough military parity is a critical requirement for a successful NATO troop withdrawal. But I believe that balance ought to be achieved by bringing down the level and sophistication of arms in the region—not by raising it. Part of the problem in achieving peace and now enforcing it is that there are too many weapons in the region.

I am very concerned that focusing our efforts on arming the Bosnian Government instead of working to disarm and curtail arms flows into the area will merely stoke the fires for another explosion in Bosnia after we leave. What good is rough parity if all it does is set the stage for a resumption of the conflict after the withdrawal of the international force?

After speaking today with Strobe Talbott, Acting Secretary of State, and Admiral Owens, Vice Chairman of the Joint Chiefs of Staff, I am reassured that the administration is aware of the dangers of arming of the region and that every effort is being made to draw down the quantity of arms in the region, not to build them up. I also understand that General Shalikashvili is acutely aware of the potential danger to United States troops of direct United States involvement in arming, equipping, and training of the Bosnian Government Forces.

Tomorrow the President will witness the formal signing in Paris of the Dayton agreement. It is crucial to American credibility that the U.S. Senate go on record supporting his efforts prior to that time. I have received assurances that one area that will receive intense scrutiny in the coming weeks is this critical question of military balance. The Dole resolution requests a plan from the administration in 30 days. And it is critical to the safety of our troops that this issue be successfully resolved in that time frame. Therefore, I will cast my vote today to advance this process—to Paris and the signing of an accord—with the support of the U.S. Senate.

Finally, let me say that none of this would be possible without the professionalism, dedication, and commitment of the U.S. Armed Forces. The men and women who voluntarily serve under the Commander in Chief and who are now leaving their homes and families for a dangerous mission just before the holidays are the ones who make it possible to bring this hope of peace to Bosnia. We owe them a tremendous debt of gratitude and our hearts are with them. For it is they who put a face on what America stands for, and who are willing to take risks to see that others who want to live by these ideals are given a chance.

Mr. PRESSLER. Mr. President, I am a cosponsor of the Hutchison-Inhofe resolution in opposition to the Clinton administration's decision to send troops to Bosnia as part of the NATO Implementation Force, known as IFOR. I commend the Senators from Texas and Oklahoma and the other cosponsors of this resolution for their efforts in bringing it to the Senate floor. The resolution is brief, simple and to the point. It states: "Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes."

Further, the resolution also states: "Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes."

That is it. This resolution is the people's resolution, because it accurately reflects the views of the vast majority of the American people. Most Americans oppose sending our brave soldiers to Bosnia. And far more agree that, if the President insists on deployment, we must stand by our troops. Though we may disagree with our President, we must not do so in a way that would put the lives of American soldiers in Bosnia needlessly at risk.

Mr. President, debate on the use of United States troops should not be put in terms of whether we support a peace agreement in Bosnia. We all want peace. No one disagrees with that. Few deserve the chance for peace and stability more than the families in Bosnia and Herzegovina. What we have witnessed in the Balkans these past few years has been nothing less than tragic.

To his credit, the President has tried to achieve a negotiated peace framework. However, I am afraid that this peace agreement is fatally flawed in several respects. First, a large number of those responsible for the atrocities—a level of mass slaughter unequaled since Hitler and Stalin—likely will go unpunished.

Second, the agreement assumes continued cooperation between the Croatia and Bosnian Moslem leadership. That is a dangerous assumption. The fact is the Bosnian Moslems and the Croats often have been on opposing sides of this regional conflict. In fact, 2 years ago, Croat forces were launching attacks on Moslems in Mostar and the surrounding townships.

This peace agreement and the President's plan to enforce it fly in the face of history that dates back far longer than the last few years. The recent atrocities we have witnessed are an intensification of a conflict that dates back at least five centuries. This is a regional civil war. This is a civil war rooted in ethnic and religious differences. This is a civil war older than our own country. And at no time in our history has this civil war represented a national security threat to the United States. It was not a national security threat then. It is not one now.

Finally, Mr. President, this is a flawed agreement because it does not have the support of many in the affected regions. In the last few weeks, Bosnian Serbs in Sarajevo have made it very clear they will not support this agreement and allow for Moslem control of Sarajevo. The resolve of the rank and file in Sarajevo to stand their ground brings images and lessons to mind—of Beirut, Lebanon; Mogadishu, Somalia; and from my personal experience, of countless towns and villages in Vietnam.

Mr. President, our troops represent the finest, best trained military force on the planet. The fact is 20,000 of our finest soldiers cannot erase 500 years of hatred and bloodshed. Peace will not come from the resolve of American soldiers. Peace must come and must last from the resolve of the Bosnians, the Croats, and the Serbians to say and believe that more than five centuries of conflict is enough.

In fact, the injection of foreign troops into a civil war would only work to prolong the conflict in the long term. Our own Civil War would have lasted far longer and been far more devastating had Europe intervened. That was why President Lincoln worked tirelessly to prevent Europe's involvement. Though we will never know for certain, I believe Lincoln's efforts and Europe's decision not to intervene ultimately saved lives—American and European. Similarly, in the long run, I believe we could save more lives—American and European—by pursuing other means to achieve a lasting peace other than the limited deployment of IFOR.

Mr. President, I know what it is like to serve my country in a mission that did not have the clear support of the American people. I am a Vietnam veteran, a former second lieutenant in the

United States Army. I am proud to have served my country in Vietnam. However, it was my hope that this Nation learned a few lessons—lessons that would make clear that sending troops to Bosnia is a serious mistake.

It is my hope that the President will reconsider his decision to deploy United States troops to Bosnia. However, my fondest wishes and current reality are worlds apart. The President has demonstrated his resolve to defy the wishes of the American people and the clear history of the region and put our troops in harm's way. That being the case, and once the troops are deployed, it is my hope that we in Congress will not do anything to jeopardize the safety of our troops. However, that should not deter us from closely monitoring the situation in Bosnia, just as we did in Somalia, and just as we did in Haiti. I intend to do so. The people of South Dakota, especially the families of the soldiers who may be deployed there, deserve no less.

Finally, my thoughts and prayers are with the brave young men and women who have been called to serve in or in support of the Bosnia mission, as well as their families and friends. I know this is a very difficult time. I know what it is like to tell family members that I will be serving my country in a conflict half a world away. And now I know what it is like to learn that a member of my own family has been called to serve. My nephew Steve Pressler, son of my brother Dan and his wife Marcia, has been called to duty as part of an eight-member South Dakota National Guard unit that has been put on alert. It truly brings the matter home, both for my family and the other families with members who have been called to duty.

Again, Mr. President, I urge my colleagues to support the Hutchison resolution—the people's resolution. The President needs to understand that, as the people's representatives, we support the well-being of our troops, but we cannot support a policy that puts the lives of our troops on the line without a clear national security purpose. The policy is wrong. Our troops should not go.

Mr. BRYAN. Mr. President, I rise today to say to my colleagues that President Clinton's decision to send United States troops to monitor the peace in Bosnia should not be a partisan issue. The President has decided to send American troops on a NATO peacekeeping mission in Bosnia; as Commander in Chief, the Constitution empowers him to do so. President Reagan exercised this power to send troops to Lebanon and Grenada; President Bush used this power to send troops to Panama and the Persian Gulf. As a newly elected Member of the United States Senate, I supported President Bush in sending troops to Panama, and I was 1 of 11 Democrats to vote for a resolution in support of Operation Desert Storm. I intend to support President Clinton as well, notwithstanding any reservations I may have about sending troops to Bosnia.

I do have serious misgivings about the deployment of American ground troops in the Balkan region; I wish that the President had not committed them. This is a high-risk mission, and the American people need to understand, as the President has stated, that casualties are almost inevitable. Some months ago I supported lifting the arms embargo, an embargo which prevented the Bosnian Moslems from securing the weapons necessary to defend themselves. Unfortunately, that embargo was never lifted. If it has been lifted, the Bosnian Moslems would have had the weapons they needed and American forces may never have been deployed.

I have two primary apprehensions about the assignment of troops to Bosnia; I am concerned that the mission need to be adequately defined, and I am concerned about the details of the United States exit strategy. As a member of the Senate Armed Services Committee, I have had the opportunity to question closely Secretary of Defense Perry and Joint Chiefs of Staff Chairman General Shalikashvili when they appeared before the committee. They have assured me that the mission is narrowly defined and is confined to (a) the marking of the cease-fire line, inter-entity boundary line, and zones of separation, and (b) the monitoring and enforcement of the withdrawal of forces to their respective territories within the agreed period. With this mission so narrowly defined, I believe that we can avoid problems with mission creep we have faced in the past where troops have been committed without careful thought to what the goals of the mission were. Somalia is a case in point. Both Secretary Perry and General Shalikashvili are convinced that the Bosnia mission can be accomplished in 1 year. Furthermore, U.S. troops are not going to be responsible for nation-building, refugee relocation, or other humanitarian activities. They have also assured me that the decision to leave the region will be up to the United States and the United States alone, and other NATO countries have pledged to follow our lead.

I believe the United States has played a critical role in this peace process. Without U.S. diplomatic involvement, the peace talks in Dayton would never have come about. Without the United States, this bloody war may never have ended. We have brought the Balkan peace process along this far, it would be terribly disingenuous for us to bail out now. The President has encouraged our allies to support this mission and all NATO countries with troops have pledged their support. It would be a tragedy for the United States to let the NATO countries down now, especially since we have done so much to promote peace in Bosnia.

The Congress has taken responsibility in this process as well. We sought to define the mission and a bipartisan congressional coalition has worked to insure that the mission is strongly defined and the exit strategy is clarified. We have an obligation to insure that the mission can be successfully executed. We know that the U.S. uniformed services are the best in the world, and we should stand proudly behind them.

Mr. SHELBY. Mr. President, I rise today to oppose President Clinton's plan to send America's sons and daughters into Bosnia. On Monday evening, President Clinton asked Congress and the American people to support a policy that transforms the world's greatest fighting force into a band of peace enforcers and nation builders.

Unfortunately, this President is a poor student of history. He has quickly forgotten the tragic lessons of Somalia and Beirut. I can assure you, Mr. President, the families of those killed in those faraway places are reminded every day and will not soon forget the consequences of this type of ill-conceived foreign policy.

President Clinton wants us to support an undetermined scheme to enforce a precarious peace between factions that have been at war for almost 4 years and fighting each other for generations. He tells us it will take 20,000 American troops and less than a year. Mr. President, less than a year to bring peace to a place that has not known peace in recent memory?

President Clinton tells us that our troops will be peacekeepers and not war fighters. They will be neutral brokers of an agreed upon settlement between warring parties. The problem with this, Mr. President, is that we are not a neutral party in this conflict. President Clinton himself admits that we chose sides.

We imposed economic sanctions on Serbia and were an active participant in a sustained air assault on Bosnian Serb targets. To add insult to injury, the administration also proposes that we train the Bosnian Federation while we enforce the peace. Is there any doubt that the Serbs will view our presence as something less than neutral?

Mr. President, why is this any different than Beirut or Somalia and can we really expect a different result?

President Clinton said that we will send 20,000 of our troops. How did he determine that we would need 20,000 troops to enforce the peace?

Earlier this year President Clinton imprudently promised to commit up to 25,000 U.S. ground forces long before there was peace, before there was a plan, before there was a mission, and before we had any idea whether it

would be necessary to become involved at all. Recently, the President told us that he still has not seen the plan.

As yet, there is no clearly defined mission, no attainable military goals and no way to measure success. However, President Clinton knows that we will send 20,000 of our troops to implement this unknown plan. Mr. President, without well-defined and achievable military goals, I fear that the world's finest fighting forces are about to be used as global hall-monitors, sitting ducks for disgruntled belligerents.

Mr. President, I suggest that the administration has yet to establish any credible case for this deployment.

President Clinton also tells us that the United States must lead when NATO is involved. Of course the United States must lead, but the President has equated leadership with American ground troops.

American ground forces offer no tactical or operational advantage to a Bosnian peace force. They offer only political advantage for our reluctant European allies. The Balkans are historically a matter of concern to Western Europe. If they do not believe the problem is important enough to solve—then we certainly should not.

President Clinton apparently believes that the United States must deploy troops in Bosnia to preserve NATO and that NATO is the proper vehicle for peace in Bosnia. Mr. President, by any measure this would greatly expand the alliance's mandate to include missions never even remotely contemplated by NATO's founders.

NATO was intended to be a military alliance to deter a Soviet attack on Western Europe. There is no doubt that the United States has a vital interest in the continent's security. President Clinton proposes, however, that we transform the basic mission of NATO from an organization that guards Western Europe from attack, into an organization that intervenes in civil disputes and parochial conflicts of nonmember states.

Mr. President, we should never seek to preserve an alliance unless that alliance serves the purposes for which it was created. NATO was not created to be the arbiter of civil disputes nor should it seek to become one.

What did President Clinton not tell us? He did not tell us how our troops will get out. He told us that it should last only 1 year, but as former Assistant Secretary of Defense Richard Perle testified before the Armed Services Committee, "An exit date is not an exit strategy." To compound the problem, the administration will be under enormous pressure to succeed. Especially in an election year.

Without clearly defined military missions and goals, mission creep is inevitable. As President Clinton expands the mission he will be compelled to escalate American military efforts to meet the requirements of new missions. This sounds very familiar, Mr. President.

President Clinton also did not tell the American people how much this will cost them. Some estimates run as high as $2 billion and that is based on a best-case scenario. Mr. President, military planning must take into account the worst-case scenario. Our fighting forces must be prepared for any contingency.

Again, I fear that this administration has not prepared for unexpected events which are inevitable in any military operation. This could be critical not only to the financial cost of the operation, but to the incalculable human cost as well.

President Clinton asked the American people to choose peace. Mr. President, the American people do choose peace. We hope for a lasting end to the Bosnian civil war that has raged for so long. The American people and this body will support the President in his efforts to end the fighting, but we will not commit our fighting men and women when we have no vital national interest at stake. Just saying we have a vital interest, Mr. President, does not make it so. President Clinton has failed to make the case to the American people, and this body should not support a deployment of American troops to Bosnia.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I have serious concerns about the deployment of American troops in Bosnia. I certainly have concerns about the stability of the peace accord reached in Dayton. I have concerns about the potential disruption that Bosnian Serbs and other antipeace factions of the various affected parties may create. And I have no illusions about the vulnerability of Americans—our Nation's men and women who will be part of the Peace Implementation Force in Bosnia—to innumerable dangers as a result of this deployment. But leadership is not risk-free, Mr. President.

It is clear that even as we are debating this issue, United States troops are participating in the NATO effort to implement the Bosnia peace agreement. Every nation in Europe—in Western Europe and Eastern Europe, even Russia—is deploying troops as part of the peace accord. The achievements that were reached after painstaking negotiations between Bosnian President Alija Izetbegovic, Croatian President Franjo Tudjman, and Serbian President Slobodan Milosevic with support and facilitation by United States representatives, particularly Secretary of State Christopher and Assistant Secretary of State Richard Holbrooke, have generated the best chance yet of achieving a stable outcome for the Baltic region. It is clear that U.S. support of this NATO effort is essential if we are to maintain our leadership role in the world, and if the peace enforcement effort is to succeed.

The November 21 peace agreement calls for the creation of a 60,000 member implementation force [I-FOR], which will be comprised of 30 countries. I-FOR's mission is not to side with the combatants, but is rather to monitor and enforce compliance with the military aspects of the settlement. I have listened carefully to testimony from defense and foreign policy experts on the use of military forces to enforce a peace regime. None of them has identified this as an easy mission and all have concerns. While I feel there are many risks which may potentially disrupt NATO's efforts to secure peace in the region, I agree with former National Security Advisor Brent Scowcroft that "disaster is certain if the U.S. backs out of the situation now."

Mr. President, I do not support an open-ended time frame to maintaining peace indefinitely in the region. I think that the debates this Chamber has had, the testimony that has been provided to the Senate Armed Services Committee, and the dialog that many here have had with the President and Secretary Perry have underscored the critical significance of limiting the scope of our mission in Bosnia. I am confident that the President is committed to the 1-year time frame and is committed to the limited objectives he has presented—namely, separating the parties and maintaining the cease-fire. And I have been assured that those who attack our forces or impede this process will be dealt with swiftly and decisively.

Mr. President, our troops are on the ground today in Bosnia; we are there, and we need to support our men and women. Congress should not withhold funds that are needed to support our troops, and we should not tie the President's hands during this time when American leadership matters so very much. My vote is to approve of U.S. participation in the NATO initiative.

Mr. McCONNELL. Mr. President, what the Senate is faced with amounts to a shotgun wedding. The Congress and American troops find themselves confronting an unfortunate mistake, but one which we are now obliged to make the best of. Our decision—each Senator's choice—is whether we respond to the situation with a sense of honor and accountability or whether we abandon our principles and responsibility.

I am not happy with our choice. I don't think any one of us welcomes the prospect of sending American soldiers into Bosnia. I share the Majority Leader's view that we would not have been presented with this decision if the administration had worked as methodically to lift the embargo on Bosnia as it did to advance the deal in Dayton. But, at this stage it matters less how we got here—it is of far graver consequence how we proceed.

Why should we look forward and not back?

Because we do not have the option or choice to change the course of events. The agreement has been signed, now we must decide what kind of mission we will carry out and how we will assure it succeeds.

We are now presented with two unambiguous facts—the first being that the Dayton agreement would not have been reached without aggressive, rational U.S. leadership. This is not, after all the Tashkent Treaty. Leaders from many other nations have tried repeatedly to negotiate a settlement, but it was largely American diplomatic efforts which produced results.

And, just as the U.S. role meant the difference between a settlement and continued blood shed, so too, the immediate parties to the agreement and our allies in Europe believe we have a unique authority and capability to guarantee the accord's successful implementation.

But, the second fact is more important and that is that the President of the United States has made the commitment to deploy 20,000 Americans in support of a NATO Implementation Force to secure the accord. Whether we like it or not, those troops are going, indeed some are on the ground. To deny our support for Operation Joint Endeavor, flatly repudiates our long standing NATO security obligations and undermines our troops committed to the effort.

The credibility of American leadership and American treaty commitments are the interests which are very much at stake if we now fail to fulfill the President's decision. Just after the President's Oval Office address, Henry Kissinger observed, "if we do not honor the President's words, the threat to our security would be greater because nobody would believe we are capable of conducting serious foreign policy."

President Bush, who so capably led this country beyond deep anxieties about committing our Nation to war in the Persian Gulf echoed that sentiment. He pointed out, "If it is seen that the President does not have the support of the Congress—our standing as leader of the free world and the standing of NATO would be dramatically diminished. That must not happen."

Now, we must make certain that our troops have the means to succeed. We must guarantee they are assured every conceivable operational advantage and the unqualified support of both the public and Congress.

Mr. President, I do not believe this Nation is by nature indifferent to international concerns—there is no inherent isolationist point of view. But the public is clearly troubled by this decision—they now seem at best divided and at worst deeply opposed to the President's decision.

I attribute the confusion to 3 years of flip flops, reversals, and irrational foreign policy inconsistent with our national interests. The public has little reason to believe that this time the administration will stay on track with a limited mission that protects our Nation's interests and our soldiers lives.

That is why I think it is incumbent on Congress to assure absolute accountability regarding the scope of the mission, the costs and the strategy for withdrawing our forces. We have a clear and compelling responsibility to the troops we are deploying to guarantee they are well equipped and are carrying out limited, achievable goals.

Unfortunately, there are already contradictions and uncertainties emerging which will only plague the administration's desire to strengthen public support. Last week, Secretary Perry testified before the Defense Appropriations Subcommittee that our financial burden would be limited to support for our troops. Within a matter of days, the Defense Department submitted a letter notifying Congress of the possibility of transferring $300 million in defense articles and services to nations participating in I-For. Apparently, DOD anticipates reimbursement for this support, but those of us who monitor the United Nations have serious reservations about the reliability of these promissory notes.

The administration cannot afford to allow any ambiguity to creep into the public debate about the scope of our responsibilities. One of the reasons I support the resolution drafted by the leader is the requirement that the administration provide a full accounting of the mission, rules of engagement, command arrangements, goals, compliance with the agreements and all costs to all agencies involved in this endeavor. The leader's resolution is the best protection our troops have that their government will not fail them as they carry out their duties with skill and honor.

But, the real key to success and the heart of my support for the Leadership resolution is the requirement that the United States lead an immediate effort to provide equipment, arms, training and related logistics to enable Bosnia to provide for its own defense.

Mr. President, I do not think it is wise to establish an arbitrary date for the exit of American troops. That only guarantees a cooling off period before fighting resumes. We have seen the destructive consequences of just such an approach in Somalia. Knowing our departure was imminent, the warlords bided their time. Somalia today is indistinguishable from the chaos and anarchy which preceded our arrival.

That must not happen in the Balkans.

Our mission can only be deemed a success if we contribute to a durable solution, securing a lasting regional stability and peace. Stability and peace demand a military balance between the Serbs and the Bosnian-Croat Federation.

I realize that there are members with major misgivings about the possible consequences of lifting the embargo and arming and training the Bosnians. They want to allow the so called arms build down process to have time to take affect. Unfortunately, there are far too many unanswered questions about the arms reduction program to risk Bosnia's freedom and long term prospects for stability.

At this point it is entirely unclear who will assume the responsibility for enforcing arms control. As the Dayton agreement is constructed, the immediate reach of the disarmament regime is limited to the NATO patrolled ceasefire zones of separation. This makes obvious sense for the security of our soldiers, but offers no iron clad guarantees for the reduction of massive Serb stockpiles within the boundaries of Bosnia-Herzegovina.

Let me add one final historical observation on arming the Bosnians. I think a majority of members in this chamber would share the view that it was not SALT or START agreements which brought about the demise of the Soviet Union. Arms control initiatives may reduce risks, but any level headed assessment of the Cold War reaches the conclusion that it was the credibility of our military power which guaranteed our security and global stability. So too, in the Balkans—only a credible military balance will minimize the risk of the war reigniting.

Mr. President, in 1990 the American public was ambivalent about the notion of sending Americans to war in the gulf. We all know just how close the vote was in the Senate.

From a parochial perspective, 20,000 soldiers deployed from Kentucky—if my memory serves me it was the largest contingent from any State. George Bush faced formidable opposition from families in Kentucky, but he was able to overcome their concerns by exercising leadership. In the words of his Secretary of State, "The U.S. had in George Bush a leader who was consistent, principled, decisive and strong."

Those have not been the words most of the members of this chamber would use to describe the President's record in foreign policy so far. I think it is worth noting very few Kentuckians have been called up for deployment in Bosnia—a handful compared to the gulf. Yet, there is more pronounced, stronger opposition to the President's decision to deploy U.S. troops to secure peace than there was to Bush's decision to wage war.

President Clinton has made the decision to deploy American troops to end the suffering, stop the war from spreading, and to build a Europe at peace. He has argued that this can only be

achieved if the United States continues to lead. I take this pledge seriously.

Congress and American troops now stand at an altar—let us all hope and work to assure that it is not one which involves the unnecessary sacrifice of American lives. But as we proceed, let us share the understanding that there are crucial U.S. interests at stake. The lives of American soldiers and the credibility of American leadership and our security commitments to NATO now hang precariously in the balance. We must speak with one voice and honor the President's pledge.

Mr. MACK. Mr. President, the role of the United States in the world is unique. America has played a historic role in opposing tyranny, and giving hope to people denied their freedom. Similarly, our military has played a central and unparalleled role in the world. Only the U.S. Armed Forces combine the ability to achieve enormous and complicated military objectives with the commitment to use this force in pursuit of the values that made our Nation great—freedom, justice, democracy, and the protection of basic human rights.

Despite a great deal of theorizing about the so-called new world order, our role in the world should remain the same as it was throughout the cold war. Certainly, our interests remain the same. Even when not pitted against the Soviet Union and its Communist expansionism we can identify our interests clearly.

In Bosnia, they were deterrence of aggression, support for the right of self defense, abhorrence of ethnic cleansing, and support for multi-ethnic democracy. President Clinton's 1992 campaign emphasized all of these issues. His policy as President has reflected none of them.

Since early on in the conflict, I supported lifting the embargo on the Bosnian Government and helping the Bosnian people to defend themselves. In my view this was required on moral grounds. It was also the strategically and militarily sound course. But most of all, it was based on the right of individuals and nations to defend their freedom.

The embargo condemned the people of Bosnia to a slow death, carried out not only by military engagements but also by savage attacks on civilians.

Serbia came to the war with a massive advantage in arms and throughout the war was able to acquire the arms it needed from other sources. The Bosnian Government's forces were at an extreme disadvantage. Aligning the United States with the embargo and the denial of Bosnia's right of self-defense was a disgrace. If this administration had pursued a policy of lifting the arms embargo and allowing the Bosnians to defend themselves, negotiations would have been conducted from a position of strength and U.S. troops would not have been required.

Instead, this administration favored negotiation, compromise, and concession even when it was painfully obvious that only the threat of force and the willingness to use it by the Bosnians would allow any hope of democracy and freedom in Bosnia.

Ironically, the President now has found a use for force, not to promote freedom, but to try to enforce an unjust agreement. President Clinton has committed U.S. troops and credibility to implement an agreement which, as this resolution says, "ratifies the results of ethnic cleansing and territorial aggression."

This agreement is the inevitable result of the administration's policy of refusing to allow the Bosnian Government to defend itself and—let's be frank—its sentences the people of Bosnia to a peace of subservience and domination.

Peace has many forms. There is the so-called peace of the former Soviet bloc where the ever present threat of force subjugated the nations of Eastern and Central Europe. Bosnia and the countries of the former Yugoslavia were supposed to have escaped that domination. Instead, another venal and dangerous threat arose.

In the former Yugoslavia, the threat was complicated by historical rivalries and ethnic and religious differences. The administration seized on the complexity of the situation and used it as an excuse to do nothing. "There are no good guys," the administration said. Or "it's a civil war."

The peace being imposed on the people of Bosnia is the peace of domination and fear. Unless the Bosnian Government is given the means to defend itself now, we can expect that the war will continue.

We should not be in this position. It was avoidable. However, the decision to commit U.S. troops and prestige has been made by the President in his constitutionally prescribed role as Commander-in-Chief.

The Congressional role in providing funds for military operations is also set forth in the Constitution. Congress could exercise its constitutional power to deny the funds to carry out this or any other military mission. The President would certainly veto such a measure. Without the votes to override, ultimately, he would prevail.

Nothing would be served by undercutting the men and women of our Armed Forces at this late date. U.S. troops have already begun arriving and more are on the way. A strong vote against the deployment would demoralize our troops and embolden those who would like to see the Dayton settlement collapse.

Congress must back our troops unconditionally and work to make certain they have everything they need to carry out their mission. If we learned anything from Somalia, it is that no corners can be cut where our troops are concerned. Their rules of engagement, their equipment, their training, everything about their mission, must be designed to remove all unnecessary risk. We can and we must achieve this for the young men and women serving their country.

This resolution allows the President to fulfill his commitment to deploy U.S. forces to implement the General Framework Agreement so long as the mission of the United States forces in Bosnia and Herzegovina is limited to enforcement of the military provisions of the Dayton Agreement, that the exit strategy includes establishment of a military balance enabling the government of Bosnia to defend itself, and that the U.S. will lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to the Bosnian government.

These determinations are essential. In the last few weeks, the administration has made contradictory statements about U.S. intentions to help equip and train the Bosnian Government. On the one hand, the administration said it will help train and equip the Bosnian side. On the other hand, officials have said arming the Bosnian Government forces would not be necessary because provisions in the Dayton Agreement call for negotiated arms limitation agreements.

That sends exactly the wrong signal. This war was made possible by the inability of the Bosnian Government to defend itself. Late yesterday, the President made the commitment to lead the effort to arm and train the Bosnian Government forces. In light of the administration's recent ambivalence about arming and training the Bosnian Government forces, I expect that the administration will show, starting today, concrete steps toward fulfilling this commitment to the United States Congress and to the Bosnian Government, including getting a commitment of support from our allies. The Congress expects that commitment to be kept as a condition for passing the Dole-McCain resolution.

There is very little satisfying about the peace agreement reached at Dayton. As President Izetbegovic of Bosnia said, "this may not be a just agreement but it is more just than the continuation of war." That is little to go on for the people of Bosnia, but it will have to do.

Our role in brokering this settlement makes it incumbent upon us to help enforce it. Our role in the world, and the unique role our military has played as a force for freedom requires that we work to establish a military balance which will protect Bosnia from future aggression. Therefore I support our troops as they endeavor to carry out the United States military mission in Bosnia.

Mr. MURKOWSKI. Mr. President, as I rise to speak about American participation in enforcing the Bosnian peace agreement to be signed in Paris this week, I want to begin by making clear my firm belief that U.S. participation in this action is the wrong thing to do.

I would note here a few of the many reasons for taking this position:

The Serbs, Croats, Bosnians, and others in the region have been fighting for hundreds of years, creating generational hatreds which no "piece of paper" is going to stop.

There are many elements in the region, not least the Bosnian Serbs—the main belligerents—who are unhappy with this settlement and will do everything they can to upset it, including by attacking our forces.

There is no clear national interest in our involvement in this endeavor other than, to some, the preservation of our leadership in NATO.

However, the question then is: "is this the issue upon which the future of NATO should be decided?" I certainly hope not.

U.S. troops will be in the middle of a situation fraught with antagonism and hatred. They will have to be arbiters, for example, of who lives where, who gets trained, who is "right" in the inevitable thousands of disputes which will arise.

Inevitably, they'll become participants, and in that part of the world that means they'll be victims of the violence they are supposed to prevent.

The map to which the parties have agreed is a disaster and creates ungovernable nations which the parties will, long after this incident is over, inevitably begin to fight about again.

There is no realistic "exit strategy" because there is no likelihood that these incredibly difficult problems are going to be resolved in 1 year, 2 years, 5 years, or even 100 years.

Mr. President, there are countless other reasons why this is the wrong thing to do. My colleagues will be discussing them at great length, so there is no reason for me to note them here.

THE ISSUE OF CONGRESSIONAL AUTHORIZATION

Rather I would like to discuss another aspect of this issue.

Mr. President, eventually the constitutional issue of whether the President must have authorization from Congress to participate in such ventures will be decided in the Congress' favor.

However, in the meantime, we have a reality, a sad reality: the President can make this deployment even without congressional authorization or support.

He's going to do so without congressional authorization or even congressional support. In fact he's going to do it even if the Congress disapproves.

This is unfortunate, and I think the President will regret acting in this way at a time when the Congress and, I believe, the overwhelming majority of the American people, have serious doubts about this policy.

WE HAVE TO SUPPORT OUR TROOPS

Mr. President, that is the reality.

We in Congress have to deal as best we can with that reality—that our troops are going to Bosnia, to Croatia, to Hungary, and elsewhere in the Balkans—by doing everything in our power to support our military men and women.

In short, our forces are going into a situation with many risks, with many dangers, with the potential for many of them to be injured or killed during their tour of duty. As they do so, we have to do several things: Make sure they have rules of engagement which allow them to defend themselves and deal with threats to themselves, including by force; make sure they have sufficient back up, including support forces in the region and air support to deal with threat; and, most importantly, make sure they know that no matter what the political differences at home, they have the 100 percent support of all Americans.

In sum, Mr. President, no matter how much we oppose this policy, and no matter how the situation evolves in the Balkans, we have to be prepared to show our forces, in every way possible, that they have our full and unequivocal support.

THE FUTURE

Mr. President, let me conclude by saying that it is essential that the Congress, with its oversight responsibilities, watch very carefully how this situation evolves, how our forces are treated, and how this complex and convoluted peace agreement is implemented.

As we do so, we must be prepared to take appropriate action if what I firmly believe are the overly optimistic predictions of the administration do not come true.

That too is an absolutely essential part of our support for our troops as they face this risky, dangerous, unprecedented, and, in my view, unfortunate endeavor.

Mr. CONRAD. Mr. President, the decision on Bosnia is extremely difficult. But I believe our responsibility is clear.

The United States is being asked to participate in a peacekeeping mission by all the parties to the dispute in Bosnia. They say that without our participation, there will be no chance for peace.

It is important to remember that we are being asked to enforce an agreed upon peace. We are not being asked to wage war.

It is in our interest to help prevent the spread of this conflict to the rest of Europe. And it is morally right to help stop the slaughter and atrocities that have repeatedly occurred.

However, I have always thought that Bosnia was primarily the European's responsibility. This conflict is in their backyard. It most directly affects their interests.

I also have serious doubts whether peace can be secured in 1 year. The history of the region is one of strife and struggle. There has been conflict in the Balkans for hundreds of years. For 45 years after World War II, the differences were suppressed by Marshal Tito. But when he passed from the scene, the old enmities resumed as violently as before.

Despite these serious doubts, I am persuaded we ought to help give the parties a chance to build the peace they say they want. They have said they are tired of war, and asked us and 25 other nations to give them the opportunity they need to try to craft a lasting peace.

Most importantly, I believe we must send a strong message of support for our troops, who are helping to create an opportunity for peace in Bosnia. Anything less will add to the risks that the brave men and women of our Armed Forces will face.

I have therefore decided to support the Dole-McCain resolution supporting our troops and limiting the mission they are expected to fulfill.

I will continue to carefully monitor our involvement to ensure that this mission does not expand beyond the limited one being authorized tonight.

Mr. SIMPSON. Mr. President, I rise to express my support for the Dole-McCain resolution regarding the deployment of United States troops in Bosnia.

I would like to begin my remarks by commending the respected majority leader for his skill and leadership in this sensitive and vital area. I emphasize the word "leader," because true leadership has been required here and has been much evident.

There is, I believe it is fair to say, a great amount of shared rich feeling here in the Senate about this deployment. There is a palpable feeling of trepidation about this mission, on both sides of the aisle. Few in this body are certain that sending troops is the right thing to do, and for that reason, would not have voted to do it. At the same time, there is considerable sentiment here that we should do eveything possible to fully support our troops once they are there, and to avoid any appearance of undercutting our Commander in Chief. To undercut our command structure while American troops are in harm's way is something that most Senators earnestly wish to avoid.

I believe that the Senate has plaintively wished to give voice simultaneously to these two conflicting impulses. The majority leader's initiative has made it possible for us to do so.

Turning that shared feeling into a constructive statement of policy is a tremendously difficult task. It requires not only considerable political skill

and courage, but a detailed recognition of the factors confronting our forces in Bosnia, and confronting our President.

First, I do believe that there is broad agreement here about the President's constitutional authority, as Commander in Chief, to deploy U.S. forces to defend U.S. interests abroad. We in Congress do have the constitutional right and duty to be involved in fundamental decisions of war and peace. But the principal ways in which we do this are—first, to declare war ourselves, a congressional prerogative, and second, to use our power over the purse to limit the military operation pursued by the President. We do retain that power. But otherwise, we recognize that it is the President, not the Congress, who has the authority to command the Armed forces, within the limits of what Congress is willing to fund.

Earlier today, we voted as to whether to forbid the President to use DOD funds to support a deployment in Bosnia. Buy a 77 to 22 vote, we decided that we would not curtail such funding. Thus I believe that it is now incumbent upon the Congress to maximize the chances of success for the mission which the President has seen fit to initiate.

The President's decision to deploy U.S. forces is associated with his committing the United States to do its share in upholding a peace negotiated between the warring parties. I have my own grave doubts about whether this peace will hold. It may indeed hold, but I do not believe that it will hold simply because United States, British, French, or other NATO forces are present. If the warring parties in Bosnia are not satisfied with the terms of the peace, they will take out their hostilities on whichever forces are in this way. I believe that the historical record in that regard is so very clear.

It is possible that the peace will indeed hold, if an equilibrium has been reached there. If the various parties are satisfied with the territory over which they have been given jurisdiction, then there may indeed be peace. I would say, however, that there are troubling signs that this will not be the case in Bosnia. I am certain that my colleagues have read and heard about many instances of aggressive behavior in the last few days. One involved the touching of a town, by Bosnian Croats, which was slated to be turned over to the Serbs. Can we assume that these horrible actions will not meet with reprisals? Will the Serbs be satisfied that a town allotted to them under the terms of the peace agreement has been destroyed? Will vengeance not be sought at another time and place? I believe it would be highly naive to assume that these activities will cease the moment that United States troops take up their positions in Bosnia.

So it should be clear that I am most troubled by the President's decision to send troops to Bosnia. However, I would also say that we do not add to the safety of our troops by withdrawing support from our President at this time. We know from our own tragic experience that no good comes from public disunity between the President and the Congress at such a time as this. To tell the world that America's commitment is soft, that it will be undone once the Congress can prevail over the President in such a matter, is to invite attacks upon our troops, and thereby upon our resolve. Certainly, any potential enemies will seek to test American resolve in Bosnia. "We must not," I say to my colleagues, lay any of the groundwork for those detractors by making it harder for the President to stand by his decisions.

The majority leader's resolution, I believe, recognizes that our desire to support our President does not mandate that we simply offer him a blank check to proceed in Bosnia in any which way. This resolution incorporates the insights of our able Majority Leader and others as to the reality that our troops can only safely and profitably be withdrawn once Bosnia can stand on its own without resort to the presence of American support. This requires the training and equipping of aviable Bosnian army. Much of the negotiations between the Congress and the President as to the substance of this resolution have turned on this point. I am pleased to see that we have received a commitment from the White House that America will assume a leading role in training the Bosnian army there.

That is the factor which can make it possible for the President to claim this mission as a success upon its conclusion; otherwise we run the risk of simply delaying whatever bloodshed would otherwise occur until the United States withdraws. If we have simply a target date for the hostilities to resume, and we will have accomplished nothing. The work of the majority leader in this area could help to ensure that this mission is not in vain, and that a lasting peace in Bosnia is possible, without a sustained and indefinite American presence.

So I commend the resolution offered by Senator DOLE and the intrepid and courageous MCCAIN and I urge my colleagues to support it. I trust that my colleagues will agree with me that the task before us—once such a mission is undertaken—is to ensure that it has the greatest possible chance for success. I believe that in this instance, we accomplish this by defining and limiting the nature of the mission in Bosnia, and by providing a strategy leading toward the orderly withdrawal of United States troops from this part of the world. The Dole-McCain resolution surely accomplishes this, and I urge the Senate to adopt it.

Mr. ABRAHAM. Mr. President, before I begin my remarks on the resolutions related to Bosnia, I would like to express my unequivocal support for the men and women of the United States Armed Forces. I can think of no greater act of patriotism and devotion to this country than to enlist in the military and devote one's professional life to the defense of our Constitution. It is made even more profound by the realization that these brave men and women do not have a say in how, or where, they will be employed. They go where they are told to go, fight where they are told to fight, and do so better than any other military force in the world. Throughout their service they must spend months, sometimes even years, away from their home and family. Children are born and start growing up while their parent is away in the service of their country. Few of us in America today realize the tremendous sacrifice these men and women make so that we may enjoy the fruits of liberty. It is time we honor their sacrifice.

But such sacrifice is not limited to our active duty forces. I have been informed that four Michigan National Guard and Army Reserve units will be deployed in support of Operation Joint Endeavor. To the officers, men and women of the 1776th Military Police Company, the 210th Military Police Headquarters and Headquarters Detachment, both from Taylor, MI, the 415th Civil Affairs Battalion in Kalamazoo, MI, and the 415th Military Intelligence Detachment in Ann Arbor, MI, I wish you God speed and a safe deployment. I have also been informed that one of my own staff, a Naval Reservist, may be recalled to active duty to support these military operations. May you all return quickly and safely. I commend your patriotism, your bravery, and your devotion to duty. You exemplify all that is worthy and noble in Michigan, in our military, and in the United States. I'm sure all my colleagues here in the Senate join me in saluting your valor.

Now Mr. President, I would like to specifically address the issue of America's interest and involvement in Bosnia. This issue has implications for our foreign and defense policy that will reverberate long after this operation is completed.

America has always been viewed as a light to all nations, guiding them to peace, freedom, and self-determination. We are a nation dedicated to certain principles and ideals, and we take those principles and ideals seriously enough that we include their very preservation and advancement as part of our national interest. But we must never lose sight of the fact that a nation's first responsibility is to its own people.

We, in this body, must never develop a foreign policy that loses sight of that primary responsibility, and that the lives and safety of our troops, whether

they be volunteers or conscripts, are just as much a vital national security interest as are the lives of our civilian citizens. In practice then, we should commit our forces only when, where, and to the extent appropriate, to meet our stated national goals and to protect our national interests.

Therefore, Mr. President, the level of our commitment to a particular undertaking should be concomitant with the level of the threat to our national interests. Some situations threaten our very existence, while others only marginally affect us. Many will lie somewhere in the middle. Where such threats to our national security are significant and definite, like those we faced in World War II, we must respond decisively and with all available military force. But in those cases where our national interests lie somewhere between the extremes, as I believe is the case in the Balkans, it is not necessary to respond with the same level of absolute commitment and force that we would use against those definite threats to our vital national security interests.

Mr. President, we must also examine not only what our chances of success will be in a particular undertaking, but also what will be the potential costs—in the lives of America's soldiers and in our national prestige. Just as the level of our interests will lie somewhere along a broad scale, so too will the potential benefits and costs. Every effort must be made to assess and decide whether the potential benefits in advancing our national interests justify the costs.

Mr. President, in my view, the United States has an interest in long-term stability and peace in the Balkans. The war has consumed the interests of Europe for the past 4 years and has increasingly become an item of disagreement and discord between the United States and our NATO allies, an alliance where continued U.S. leadership is vital to our interests. Former adversaries in Eastern Europe and the Middle East, with whom we previously thought we were developing new and friendlier relations, are using this war as an opportunity to expand their influence and control. Our leadership in NATO, and with the emerging European democratic states, will be pivotal to what Europe will look like for generations to come. We must remain engaged with these states, and must accept that their problems, more or less are our problems too. Further, old divisions between East and West are exacerbated by this conflict because of the critical role the mixing of Eastern and Western religions play in the continued hatred and strife of the region. These conflicts undermine stability and therefore directly impact upon U.S. national interests.

Finally, and certainly not least, the United States has a very real interest in putting an end to the atrocities and carnage that has shattered this region. At the end of World War II, we said we would never again allow another Holocaust. Where we have an opportunity to end mass and indiscriminate killing, which will live in our memories for generations to come, we must seize such opportunities where we legitimately believe we can succeed.

Mr. President, while there is a definite U.S. interest to be advanced in this situation, it is only worth acting if we employ a strategy that both ensures the conditions for a genuine peace and which establishes a rational strategy for the eventual withdrawal of our troops. Therefore, I believe any strategy for peace and stability in the Balkans must, in part, be based upon addressing the fundamental military imbalance between the Serbs and the Muslim-Croatian Federation. If we had previously lifted the arms embargo, we would not be debating this deployment today. Yes, the conflict would have probably intensified at first, but I believe the Muslim-Croatian Federation would have then been able to develop a credible military deterrent, and there would be no need for 60,000 troops to implement the peace. Now, again, a balance must exist or peace will evaporate as soon as the Implementation Force withdraws. The current administration policy fails to set in motion a plan to achieve this balance.

It is also clear to me that any strategy based upon the deployment of United States ground troops to Bosnia must include a definition of what will be the conditions for declaring final success in this venture. A pitfall we must avoid in achieving that success is to utilize our troops in the inappropriate mission of nation-building. I understand suitable political structures must be in place to allow the ballot to replace the bullet as the agent of change, but the role of our troops must be strictly limited to establishing the necessary military stability so as to allow the civilians the opportunity to develop the necessary political institutions.

When we have defined our criteria for success, we must also have in place a definite withdrawal plan that clearly establishes the conditions and terms for the termination of this mission. In my view, the current administration plan is based upon the faulty assumptions that our mere presence in Bosnia is the goal, and that peace under any terms is preferable to battling for a just victory.

Mr. President, short of committing ground troops to Bosnia, I believe there are several roles which the United States can and should fill to advance the cause of a just and stable peace in the Balkans. Among those roles which I feel are appropriate for the United States include contributing significant air and naval forces to the NATO operation in the Balkans, providing a large part of the logistical and financial resources for this operation, and participating in efforts to provide military assistance and training to the Muslim-Croatian Federation.

However, the President's decision to deploy United States ground troops directly into Bosnia and Herzegovina is, in my view, a grievous mistake. As I stated earlier, I believe it is in America's interests to advance the cause of peace, justice, and stability in the Balkans. But it is not such an absolute or vital national interest that it justifies the extremely high risk of deploying ground troops to the region.

Mr. President, I believe U.S. troops are particularly ill-suited for peacekeeping missions of this type because they present such a ripe political target. Whether rightly or wrongly, a dead American soldier captured on TV cameras will be broadcast around the world. I doubt the same can be said for the soldiers from traditional peacekeeping contributors. And that is exactly what a belligerent wants; that intense media coverage and scrutiny that covers American troops. That is why our troops have rarely been used as peacekeepers. Look at what happened in Somalia. U.S. forces were specifically targeted, and subsequently drawn much further into the conflict than originally planned, because of the significant political position they occupy for no other reason than that they were American soldiers. Therefore, I believe peacekeeping is best conducted by smaller countries not perceived as having any vested interest in the outcome of a conflict, and therefore can undeniably claim to be neutral.

The question of U.S. leadership does not rest on the end of an infantryman's rifle barrel. The United States can maintain, even advance, its international credibility, its preeminence in the NATO alliance, and its role as the world's sole superpower, without having to contribute a disproportionate share of the troops on the ground. Indeed, I believe it is imprudent to claim that the sole measure of United States leadership and commitment to peace in the Balkans can only be measured by the number of troops we commit to the Implementation Force.

Were a more vital United States interest at stake in the Balkans, and were not it clear that the United States can still participate significantly in implementing this peace accord without using its ground troops, my views may be different. But given the extreme risk to which I believe they will be subjected, and the clear availability for other countries to provide these peacekeeping troops, I believe placing our forces on the ground in Bosnia and Herzegovina is unjustified.

In light of the foregoing analysis, I concluded that I could not support H.R.

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2606, which would prohibit the expenditure of funds for the deployment of United States troops to Bosnia absent a specific Congressional appropriation. Limiting the expenditure of funds at this stage of the operation will unduly jeopardize our troops in the field just at the exact time that they most need Congressional support. I would also refer to the arguments made by the Majority Leader, himself a distinguished veteran, who related the incredible damage done to the morale of our troops serving in Vietnam when this Congress debated cutting off the funds for our troops involved in that war. We should not, in my judgment, place our troops in that position.

Mr. President, as I stated earlier, our interests in the region are not so great that they warrant placing United States ground troops under the extraordinary risk they would face in Bosnia. Therefore, I wholeheartedly support the Hutchison-Inhofe-Craig-Nickles resolution opposing the deployment of U.S. ground troops. This Sense of the Senate Resolution expresses, on the record, our disagreement with the President's decision to deploy ground troops to Bosnia and Herzegovina.

Unfortunately the President is, in fact, deploying U.S. ground troops. Mr. President, this deployment is a fait àccompli, initiated unilaterally by the President over the strongest and repeated objections of both Houses of Congress, and one which the President will continue no matter how strongly we protest. Thus, even though many of us oppose this deployment, I believe we have an opportunity, and an obligation, to clearly define the limits under which the President can carry out this imprudent deployment.

It is in this light that I have decided to support the Dole-McCain resolution. I want to thank the sponsors for incorporating language that I had recommended making clear that the Congress is simply acquiescing to the fact that this deployment is a fait àccompli. With this language, the resolution clearly states our misgivings, and I quote: "Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina . . . The President may only fulfill his commitment [and I stress this is the President's commitment] to deploy United States Armed Forces . . . subject to the conditions" of this resolution.

Mr. President, I can't speak for others, but my vote for this resolution in no way constitutes an endorsement, authorization, or approval of the President's decision to send United States ground troops into Bosnia. In fact, the language I submitted distinctly helps separate this resolution from any endorsement of the President's actions by citing our reservations and placing the origin of this deployment clearly with the President.

As I just quoted, this resolution further states that, in light of the President's decision to deploy U.S. troops, he may quote, "only fulfill his commitment," unquote if he meets the conditions established to safeguard our troops and further the success of the mission. Mr. President, I believe that point needs to be repeated. This is the President's decision, a commitment the President made over our repeated objections. Therefore, under the Dole-McCain resolution, he may only, and I stress only, fulfill quote "his" unquote commitment, if it meets the following conditions.

First, the resolution recognizes the extreme danger in which U.S. troops will be placed, and establishes rational conditions for their safe withdrawal and limited military employment. The Dole-McCain resolution establishes clear and unequivocal language that requires the President to take all possible measures to protect our forces, and to periodically report to Congress the success of those specific measures.

It also builds upon the recognition that the Muslim-Croatian Federation must be further armed, trained and strengthened if a credible and stable military balance is to be established in the region. We cannot simply accept the President's assurances that he will find some way to make this happen. If the United States forces withdraw only to see an out gunned Bosnian-Croatian Federation quickly overrun by a patient aggressor, our troops' sacrifice will be for naught. We have the power to give meaning to their sacrifice, and this resolution does just that.

Last, the Dole-McCain resolution will strictly limit the operations of our forces to legitimately military tasks. We have repeatedly seen the inefficacy of using U.S. military forces for nation-building exercises. The General Framework Agreement is, in my opinion, fraught with pitfalls that will draw the Implementation Force fully into the tasks more clearly the purview of the civilian High Representative's authority. This body has the opportunity to protect our troops from being needlessly employed in such dangerous non-military tasks, and this resolution does so.

This is, in my opinion, far from a perfect response to the situation the President has presented this Congress. I believe the President has acted hastily, and that his policy places our troops in the unnecessarily dangerous role of vulnerable peace implementors. However, when presented with the reality that our troops will go to Bosnia, regardless of our actions, I believe we must act where we can to constrain the imprudent strategy of the administration. The Dole-McCain resolution does not approve, endorse or authorize the President's policy. However, it clearly constrains the conduct of this operation so as to better protect our troops in Bosnia, and to better ensure mission's ultimate success.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of the Dole-McCain resolution.

As each of us decides whether or not to support U.S. involvement in this military operation, we must consider that we are sending young soldiers overseas and that their lives are possibly on the line.

As I evaluated our involvement in this effort, I reflected on my own situation during World War II. When I enlisted in the Army, my father was terminally ill and my mother was about to become a widow. I recall the letters that I wrote from Europe to my mother, who, like the parents of those soldiers being sent to Bosnia, prayed every day for my safe return. Those were not easy times. But I also recall the deep pride that I felt and the moral good that ultimately came from ending Hitler's fascist conquests.

Mr. President, like many Americans, I have been troubled by the prospective costs in human lives of the war in Bosnia. With America's diplomatic support, the warring parties have negotiated a truce and are prepared to sign a peace agreement and are requesting the assistance of America's military to help monitor and enforce it.

I do not agree with those who argue that our country has no national interest in helping to enforce a peace agreement. We must, if we possibly can, prevent the further spread of this tragic conflict, in part, because further conflict threatens the stability of, perhaps, the whole of Europe. If the war spreads, America runs the risk of being enveloped in a much larger conflict. By committing a small number of soldiers now, we may reduce the likelihood that more American troops could be required in Europe later on.

As the architect of the peace agreement, and as the leader of NATO, only the United States can lead this effort and put an end to this senseless bloodshed that has taken 250,000 lives, torn that country apart, and displaced 2 million refugees.

Mr. President, sending American troops seems to be the best option available to the United States to help guarantee peace in Europe. While the Dayton peace agreement is far from perfect, it is the only peace agreement that the parties in the conflict have

agreed to implement. If successfully implemented and coupled with the arming and training of the Bosnian Moslems before IFOR departs, the agreement holds a promise, in the long run, of ending the violence that has terrorized the people of Bosnia. The alternative is unacceptable—to let the war resume. If the international community does not step in now, it is obvious that more lives will be lost and more refugees will be displaced, and there will be more bloodshed and carnage, and America's credibility as an international leader is also on the line. Our leadership brought the parties to the negotiating table, and our leadership was requested by those parties to help enforce the agreement.

I understand the view that the Congress should have been consulted more closely before the decision to send troops was made. But forcing America to back away from the President's commitment is not the solution. To do so would undermine the morale of our fighting force. Even more, it would diminish our credibility in the international community and send a message to aggressors worldwide that they have nothing to fear from America.

I know that U.S. participation in this endeavor is not risk-free. Passions run high in an area where weapons are plentiful. Millions of landmines lay just below the Earth's surface, and weather conditions are likely to be unfriendly. I am persuaded, however, that General Shalikashvili and Secretary Perry have assiduously worked to minimize the risks, and they believe that the risk level has been reduced to its barest minimum level, and that the mission has clear objectives, a sufficiently potent force, an effective command and control structure under American leadership, no-nonsense rules of engagement, a clear time limit, and the cooperation of the various factions.

American troops will have well-defined rules of engagement. They will, as President Clinton said, fight fire with fire, and then some. Our troops will have a clearly defined military mission and will not participate in nation-building tasks. Once again, they will be under American command.

Our soldiers will have the firepower, training, explicit instructions, and authorization necessary to defend themselves and others. They have been trained to deal with every major threat, including landmines, civil disorder, and snipers. I have been assured by General Shalikashvili and Secretary Perry that our troops have the appropriate level of training and are prepared and ready for this peace enforcement mission.

Mr. President, though it is always painful to send American soldiers overseas, I believe the goals of this limited deployment are appropriate. While it is our solemn responsibility to make wise decisions about sending American troops abroad, I have been assured by our military leaders that the members of our All-Volunteer force are prepared for this mission.

America can make a difference in securing the peace in Bosnia. We ought to remain engaged in that endeavor. I hope, Mr. President, that my colleagues will support the Dole-McCain resolution and our troops. I wish them well on this peace mission.

Mr. President, I support America's troops as they head off to Bosnia to help enforce and implement the peace agreement.

As each of us decides about whether or not to support U.S. involvement in this military operation, we need to be mindful of the fact that we are sending young soldiers overseas and that their lives are possibly on the line.

As I evaluated America's involvement in the international effort to enforce a peace agreement in Bosnia, I have reflected on my own situation during the Second World War. When I enlisted in the Army, my father was terminally ill, and my mother was about to become a widow.

While she tended to my father's minute-to-minute needs and also to see that my 12-year-old sister met her school and personal commitments, I was in uniform.

As I considered America's involvement in this military operation in Bosnia, I recalled the letters I wrote from Europe to my mother in New Jersey, who like the parents of those soldiers being sent to Bosnia, prayed every day for my safe return.

I recalled the deep pride I felt serving my country, and have reflected on the values American soldiers fought for during that conflict and the moral good that came from bringing an end to Hitler's fascist conquests.

Like many Americans, I have been deeply troubled by the cost—in injury and human life—of the war that raged on in Bosnia for the last 3½ years. And I have been haunted by all-too-familiar photographs from the war in the Balkans.

Terrified children left orphaned after slaughter. Moslem women raped by their Bosnian Serb captors. Innocents lying dead in the street. U.N. soldiers chained to poles as human shields. Reports of mass executions and graves.

To their credit, the warring parties have agreed to end these atrocities and open a new chapter in their history.

With America's diplomatic support, they have negotiated a peace agreement which holds the promise of ending the brutality that has inflicted so much pain on their people for so many years. Now that a peace agreement has been negotiated, the parties to the conflict are requesting the assistance of America's military to help monitor and enforce it.

There are many reasons why I believe the Congress should support U.S. involvement in a NATO-led international peace enforcement operation.

I do not agree, Mr. President, with those who argue that the United States has no national interest in intervening to enforce a peace agreement to end this conflict.

The United States does have a national interest in supporting a peaceful end to the bloody conflict in Europe. We must prevent the further spread of this tragic conflict, not only because of its impact on the people of Bosnia, but because further conflict threatens the stability of Europe.

If the war spreads and more countries are drawn into the conflict, America runs the risk of being enveloped in a much larger conflict. By committing 20,000 American soldiers to this international peace enforcement operation now, we may reduce the likelihood that more American troops could be required in Europe later.

While I also understand the view of those who believe Bosnia is a European problem that the Europeans should enforce and monitor the peace agreement on their own, the reality is that without the leadership and direct participation of the United States in this international effort, the peace agreement would go nowhere. The Europeans, through NATO, will be engaged as our partner in this peace enforcement mission.

But as the architect of the peace agreement and as the leader of NATO, only the United States can lead the effort to enforce the peace agreement and put an end to the senseless bloodshed and loss of innocent lives. Only our Nation can lead the way in enforcing the peace agreement which will stop the carnage that has taken 250,000 lives, torn the country apart, and displaced 2 million refugees.

Sending American troops to help enforce and monitor this peace agreement is the best option available to the United States to help guarantee peace in Europe. While the Dayton peace agreement is far from perfect, it is the only peace agreement that the parties to the conflict have agreed to implement.

It will not reunite Bosnia and Herzegovina, but it will, if given a chance to succeed, restore peace, calm, and civility to the region. It will not bring back the lives of those senselessly slaughtered by perpetrators of war crimes, but it will guard future atrocities and ensure that such perpetrators are prohibited from serving in government.

If successfully implemented and coupled with the arming and training of the Bosnian Moslems before IFOR departs, it holds the promise, in the long run, of ending the bloodshed and violence that have terrorized the people of Bosnia for so long.

Mr. President, the alternative to sending U.S. troops to help implement

and enforce this peace agreement, is to let the war resume. If the international community does not step in now to enforce this peace agreement, more lives will be lost.

More refugees will be displaced. More children will be orphaned. There will be more bloodshed and carnage. There will be a greater likelihood that the United States will need to intervene at a later time.

America's credibility as an international leader is also on the line. Our leadership brought the parties to the negotiating table, and our leadership was requested by those parties to help enforce and monitor the peace agreement.

I understand the view of many that the Congress should have been more closely consulted before the decision to send troops was made. But I do not believe that forcing America to back away from the President's commitment is the solution in this case. To do so would invite attacks on our troops by those opponents of peace who hope to force the international community out of the Balkans. It would undermine the morale of our troops.

Even more, it would diminish our credibility in the International community. It would send a message to aggressors worldwide that they have little to fear from America. It could be perceived as a green light for the North Koreans to march south. It could be perceived as a green light for Sadaam Hussein to do the same.

To be sure, it would also undermine America's role as NATO's leader.

I know, Mr. President, that U.S. participation in this mission is not risk free.

The parties to the conflict have been fighting for years, and passions run high in an area where weapons are plentiful. Millions of landmines lay just below the Earth's surface, and adverse weather conditions will, no doubt, create difficulties for our soldiers.

But I do not believe these difficulties are insurmountable. Nor do I believe they should keep America from joining the international community in enforcing a peace agreement aimed at stopping the worst atrocities on European soil since the Second World War.

I am persuaded that General Shalikashvili and Secretary Perry have assiduously worked to minimize those risks. They believe the risk level has been minimized and that the mission has clear objectives, a sufficiently potent force, an effective command and control structure under American leadership, no-nonsense rules of engagement, a clear time limit, and the cooperation of the various factions.

American troops participating in this international peace enforcement operation will have well defined rules of engagement. Unlike the lightly armed U.N. peacekeepers previously stationed in Bosnia, American soldiers will be permitted to use force—including deadly force—in cases of self-defense or to protect against a hostile act or hostile intent. They will, as President Clinton said, "fight fire with fire, and then some."

Our troops will have a clearly defined military mission. They will monitor the cease-fire line, the zones of separation, and, when needed, enforce withdrawal from the zones of separation. They will not participate in nation-building tasks.

They will be under American command.

Our soldiers will have the firepower, training, explicit instructions, and authorization necessary to defend themselves and others. They have been trained to deal with every major threat, including landmine, civil disorder, and snipers.

I have been assured by General Shalikashvili and Secretary Perry that our troops are well trained, prepared, and ready for this peace enforcement mission.

Though it is never easy to send American soldiers overseas, I believe the goals of this limited deployment are meritorious. While it is our solemn responsibility to make wise decisions about sending American troops, I have been assured by our military leaders that the members of our all volunteer force are prepared for this mission.

America can make a difference in securing the peace in Bosnia, and we ought to remain engaged in that endeavor. I hope my colleagues will support the Dole-McCain resolution and our troops. I wish them well on this peace mission.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I wonder if the Chair could outline the current situation in terms of time allocation so that I might speak for a few minutes if it is available.

The PRESIDING OFFICER. The minority has 34 minutes remaining; the majority has 29 minutes. If there is no objection, the Senator is recognized for 3 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I know the occupant of the chair is a very thoughtful Senator and reviews each situation that comes before him very carefully. We shared a trip to Croatia a couple years ago and had the opportunity to see just on the periphery what happens when the hatred and the venom is unleashed to deal with problems, as those who are there saw fit. We were shocked to learn about the murder of neighbors by other farm neighbors, using farm implements to do the killing and the maiming, and the story about the women locked in a gymnasium after they had been raped by then-renegade rogue Serbian soldiers and made to stay in that facility so they could not dispose of those pregnancies in any way but to deliver a child not of their choice, one that the enemy, their enemy, decided would be an appropriate way of fathering another race.

It recalls for all of us a time just over 40 years ago when it was decided by another Fascist that there would be a super race put upon this Earth, and by artificial insemination, rape and coercion, women were made pregnant to carry members of that super race. It was intolerable. When we learned about it we were shocked and horrified. Now we saw similar things taking place. The world stood by—an unacceptable condition—in a world purportedly civilized, and thusly when we debate the issue here, Mr. President, about whether or not we have a national interest, we have a global interest, we have a human interest.

Yes, it is true that America cannot be the police force around the world, and the questions are raised, why did we do it in this place and why did we not do it in that place? One of the reasons is we were not welcomed by anybody. We saw what happened when our young people were sent to Somalia with an indefinite engagement in front of them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. I thank the Chair. I see my colleague from Florida is here.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank my colleague, Senator LAUTENBERG.

Mr. President, I recently received a letter from Catherine and Crosby Dawkins of Jacksonville, FL. The letter read in part:

> We cannot see any compelling reason for risking the lives of United States servicemen in a centuries old dispute, even though we grieve for the plight of the women and children. If European countries believe the conflict will spread, they should take action.

Mr. President, like many of us, I have received hundreds, possibly thousands of communiques similar to this—deep felt concerns about the risk of American soldiers in Bosnia. These thoughtful letters deserve a response. I take this opportunity to address not only my colleagues in the Senate but also my fellow citizens of Florida who have been so generous and so thoughtful in their letters.

Mr. President, this raises an issue of the United States military troops in Bosnia, a fundamental question of what are the options of the United

States in this post-cold-war era? For half a century, the United States knew with clarity and with national unity what its objectives were. Its objectives were to suppress the totalitarianism of Nazism. The goal was to restrain the imperial impulses of the Soviet Union.

Now the United States is charting a new course of action. We have essentially limited options. One of those options, Mr. President, in the post-cold-war era is to stand on the sideline, to essentially be an observer of the world, as we were for much of our Nation's history.

The second option is to be the world's defender, to be prepared to intervene in every conflict.

The third option is to carefully assess our interest and, when a situation begs our involvement, to work within our capabilities to build international coalitions to respond to the conflict. I strongly feel that that third option is the option which is most appropriate and most applicable to the situation that we face tonight in Bosnia.

In assessing the question as to whether our interests in Bosnia are sufficient to beg our involvement, I suggest that our interests do require our involvement. This is not a complete list, but I believe a compelling list of those reasons. The United States has a deep interest in human rights. One of the things that distinguishes our country from those nations which preceded it is that we believe that the purpose of government is to protect and advance the rights of individuals. We found that not only to be a guiding principle in our domestic policy but also in our foreign policy.

One of the great initial disputes in this Nation was over the question of whether the United States should become involved in the French Revolution. Many said that the United States should stand apart, that we were too small to be effective, and too distant to be effective.

Thomas Jefferson said we meant those words in the Declaration of Independence not just to stand for Americans, or for English colonialists, but they were universal principles of human rights, and that we had not only been given by God certain inalienable rights but also by God, responsibilities to defend those rights wherever they were in jeopardy.

That principle of America's special role in the world that from the very beginning of our Nation has so shaped our culture, is at risk tonight.

We also have some more immediate interests. We have an interest in preserving the international coalition which we know as NATO, a coalition which has served us well in terms of deterring the Soviet Union and which, in all likelihood, will serve us well in the unknown, uncharted future into which we move in the post-cold-war era. If we were to retreat from our commitments to NATO on this, the eve of the signing of the peace agreements in Paris, I think that institution would be forever shattered.

We also have the opportunity by acting tonight to avoid the potential of this horrendous strife, which has taken a quarter of a million lives, rendered 3 million people as refugees, from spreading—spreading first throughout the former Yugoslavia and then throughout the Balkans and then, as we have seen twice in this century, throughout Europe.

We have a deep stake in avoiding having to do what this country has done twice in this century, and that is send American men and women, not as peacekeepers, but as combatants in a war in Europe.

Finally, I think we have a strong interest in demonstrating to the people of the world that our concern for human rights is not limited to people who look like us, attend the same religious institutions as we do, have our same cultural background. There is today an emerging fundamentalism within the Islamic religion. That fundamentalism is receiving support and reassurance from what they see Western Europeans have done, including the United States of America, in Bosnia today.

I believe it is important that we, by our actions now, indicate that we are prepared to stand for the cause of human rights, and protect them wherever our interests indicate that it is appropriate to do so; that we, by so doing, will send a signal that we are prepared to support the responsible elements of the Islamic religion and Islamic nations.

Mr. President, I conclude by citing what we heard just a few hours ago in the House Chamber, the statement made by the Prime Minister of Israel, Shimon Peres.

Mr. President, less than 24 hours ago, Shimon Peres addressed the Congress and the American people on the need for American leadership in the 21st century. He said:

> Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it. . .
>
> America, in my judgment, cannot escape what history has laid on your shoulders . . . You cannot escape that which America alone can do. America alone can keep the world free and assist nations to assume the responsibility for their own fate.

Mr. President, that is what is at stake in the decision that we will make this evening.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, it is very difficult to make an important statement with a limited time, but I want to say that I support the President's peacemaking initiative and the Dayton accord and I support the NATO operation in Bosnia. I support the President because I believe that it is our patriotic duty and the right thing to do. I believe that we have an obligation to nurture the peace and to convince warring nations, whenever possible, that the United States will make an effort to help them resolve their conflicts.

This decision was not made easily.

I have, for a long time now, differed with the President on Bosnia policy. Specifically, I have favored the lifting of the arms embargo against the Bosnian Moslems—a policy change that would have assisted the Moslems in defending themselves.

My decision was made only after meeting with the President and his military advisers, carefully considering their views, and deliberating the pros and cons of a U.S. peacekeeping role.

It has been complicated by the fact that the State of Illinois has the largest number of reservists being called up to support our troop deployment to Bosnia. Moreover, I have an 18-year-old son whom I would not want to see put in harm's way should the situation in Bosnia take an untoward turn.

Like most Americans, I am concerned about the risks involved in sending United States ground troops to Bosnia. I want to be sure that the Administration has thought through and addressed all the important questions before United States forces are committed to Bosnia. These questions include the rules of engagement, command structure, the length of our commitment, our exit strategy, and our contingency plans should the peace plan start to unravel, or the warring factions fail to make good on their promises.

But the President has satisfactorily answered each of those concerns, and he has made a strong case on why Congress and the American people should support his decision to send United States peacekeeping forces to Bosnia.

First, the NATO mission is clearly defined, limited, and achievable. It is to implement the military aspects of the peace accord to monitor the cease-fire, to control the airspace, and to patrol the exclusionary zone separating the former combatants. It does not involve "nation building" or acting as a police force. Moreover, it is not the kind of vague undefined "presence" that led to the United States tragedy in Lebanon. Most important, there is no danger of the kind of "mission creep" that occurred in Somalia.

Second, U.S. troops will not be passive, lightly armed peacekeepers as the U.N. forces have been. They will be heavily armed and have the tanks, the artillery, and the air power necessary to respond forcefully to any threat or challenge.

Third, the rules of engagement are clear, aggressive and unambiguous. They are designed to maximize the

safety of our troops. Specifically, U.S. forces will have the authority to meet any threat or violation of the peace agreement with "immediate and decisive force."

Fourth, our commitment is not open-ended. It is planned that United States forces will be deployed in Bosnia for about a year. Military experts suggest it may be less than that.

Fifth, NATO peacekeepers will be under the command of Adm. Leighton W. Smith, Jr., and U.S. soldiers will only take orders from American commanders.

Finally, I have been informed that an effective exit strategy and a carefully constructed contingency plan have been developed, should the peace accord begin to unravel.

No one is underestimating, nor have we any illusions about the difficulties, dangers, and risks of this peacekeeping operation. Sending 20,000 of America's finest young men and women to Bosnia to implement the military provisions of the general framework for peace in Bosnia and Herzegovina is a risky proposition. The conflict there has been long-standing and brutal. The weather is inhospitable and the terrain is treacherous. There are more than 6 million land mines scattered throughout the country. Renegade bands have openly stated their opposition to provisions of the Dayton accord with which they disagree. Finally, all previous cease-fire agreements have ended in failure. Viewed separately, each of these factors imperils the safety of our soldiers; viewed as a whole, the possibility of American casualties is unfortunately very real.

However, we also have to consider the consequences of a failure of United States leadership in Bosnia. If we retreat now on the commitment the President has made, the Dayton agreement would collapse. The war would likely reignite. The slaughter of innocents would begin anew.

Even if there were no Dayton agreement to go back on, however, failure to act would have the most serious kinds of consequences for the United States. A failure by the United States to lead now could well represent a turning point for the entire NATO alliance, and NATO is the cornerstone of United States national security policy abroad. The United States is NATO's leader. If we fail to lead on an issue of such great importance to NATO, we must expect that kind of failure to have serious consequences for the United States, both in Europe and elsewhere around the world.

Moreover, a failure to act in Bosnia could well lead to broader conflict, one that could have far greater consequences for the United States down the road. If the current conflict is not at least contained, the losing side may well seek allies to redress its defeats on the battlefield. As more parties are drawn in, the conflict becomes ever more larger and ever more serious.

We have already seen that in Bosnia. We have already seen this dynamic at work, the conflict became much larger in the last year, with more parties, and more forces involved, than were engaged 4 years ago. Simply letting the parties fight it out, and watching the conflict continue to grow, is therefore not an acceptable option.

For all its weakness and risks—and the risks are substntial—the Dayton peace agreement still represents our best chance for a durable, lasting peace. It preserves Bosnia within its present borders, provides for free elections, and gives refugees a right to return to their homes.

The Dayton accord calls on NATO to implement the provisions of the agreement. As the unquestioned leader of NATO, U.S. participation in the proposed NATO peacekeeping operation is essential. Without a strong, visible American participation, the hard won negotiated peace in Dayton will unravel and be lost.

For these reasons I did not support H.R. 2206 and will not support the Hutchison-Inhofe resolutions. The Dole-McCain resolution at least acknowledges the leadership role of the United States in NATO and the necessity of our participation in the NATO peacekeeping operation. It also acknowledges many of the essential provisions of the Dayton accord. Finally, the Dole-McCain resolution unequivocally supports our men and women in the military. For these reasons, I will vote in favor of the Dole-McCain resolution and urge my colleagues to do the same.

Mr. President, problems in Europe have twice led to world wars this century. Problems in Europe caused the United States to fundamentally change its foreign policy posture. Since the end of World War II, the United States has made a conscious decision to stay politically, economically, and strategically engaged in Europe. During the cold war we spent trillions of dollars and based hundreds of thousands of American troops in Europe to protect these interests. Clearly the peace, security, stability, freedom, and prosperity of Europe are still vital national interests for the United States, and the vehicle for achieving those interests is NATO.

There is no more difficult—or unpopular—decision an American President can make than to put U.S. armed forces in harm's way. The President has exercised his constitutional prerogative as Commander in Chief, and American troops are being deployed to safeguard vital national interests. Our troops are well-trained for the challenges that await them, and they are prepared to do their duty. They are cognizant of the risks of their chosen profession and are more than willing to make the necessary sacrifices to bring peace and freedom to a war-torn land. All they ask is to know the parameters of their mission in advance, which the President has done, and that Congress and the American people stand behind them.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, none of us in the U.S. Senate, as is clear from the quality of this debate, takes lightly the responsibility of sending American troops into the potential of harm's way. But as each of us decides whether or not to support the President's decision to deploy American troops in Bosnia, I think we need to keep two essential points in mind.

The first is—and it must be reiterated again and again and again—the President is not sending American troops, nor are we ratifying the sending of American troops to Bosnia for the purpose of fighting a war. On the face of it, that may seem like an obvious point. But as I talk to citizens in my home State and listen to people across the country, many Americans do not yet understand what the mission is about or how it may be performed.

We are not sending—nor do I intend to send or want to send—American forces to Bosnia to fight a war. We are not sending American forces to Bosnia to crush enemy forces the way we did in World War II. We are not sending American soldiers to Bosnia to roll back communism the way we tried to in Vietnam, nor are we sending them there to repeal aggression as we did in the Persian Gulf.

The President is asking us to approve sending American troops to Bosnia at the request of parties to a peace agreement, at the request of parties to a conflict who are asking us and other nations to join together to help them to implement a peace that they have stated they want.

To be sure, war has raged in Bosnia for 4 years, but it is not raging now. A cease-fire has been in place since October, and the parties to the conflict have exhausted themselves. And, for the first time in 4 years, they have opted for peace over war.

This Senator contemplates only keeping troops in Bosnia for so long as the parties continue to opt for peace over war. It is their challenge now, not ours, to ensure that all of the elements under their control, under the control of each of them individually, are prepared to accept the peace.

Recent events, such as the destruction by Bosnia and Croat troops of towns to be turned over to the Bosnian Serbs and the stated opposition of Bosnian Serbs in Sarajevo to the peace accords, suggest that even after 4 years of fighting it will indeed take some time to convince those on the ground that this peace agreement is in their

interest and that the risks for doing that are real. But that is precisely why this NATO force is needed and is so critical. And it is precisely why we must participate in that force, only if we are to try to give them the chance to make the peace they say they want. In no way should we contemplate making that peace ourselves.

The second critical point we need to keep in mind, Mr. President, is, as I listen to the debate, some Members assert that there is no vital national interest in Bosnia, and I have heard throughout this debate sort of a standard of vital strategic interest, vital national interest. Mr. President, that is the wrong test to apply to Bosnia.

Our vital national interests are our territorial integrity, our political system and ideology, our economic security, and our way of life. We have gone to war four times in this century with the belief that we were protecting them. But let us say clearly up front, in this conflict, in this effort, in this mission, they are not at stake. That is not what is at issue here, and no one pretends that is why we should be involved. That is not what we are doing. We are not going to war to protect a vital national security interest. We are not even sending troops for a vital national security interest.

Whether vital national security interests are at stake is the right question to ask, Mr. President, if you are deciding whether or not to send troops to war, it is not the right question to ask when you are being asked to participate in a multilateral, internationally sanctioned effort to help keep a peace which parties have said they want. And we should remember that we are not being asked to do this alone. We are doing this in conjunction with perhaps 30 other countries.

In many ways, Mr. President, Bosnia is the prototype of the kind of conflict the international community will face in the years ahead as forces, once held in check by superpower politics, are unleashed and, with them, the potential for conflicts all across the globe.

I think it is vital for us to understand that the test is really whether or not there are interests, whether or not there are important interests, that outweigh the risks of our participation.

Mr. President, I have heard colleagues talk about the issue of credibility. Some are going to suggest that the only reason they are prepared to vote to send these troops is to uphold the credibility of the country or the credibility of the President.

Let me say, Mr. President, with searing memories of Vietnam, that is not a reason to send our young military people into harm's way. I remember the phrase, "I will not be the first President to lose a war," and we lost tens of thousands of young people over the issue of pride, over the issue of unwillingness to do anything except to sustain somebody's credibility as people saw it. Credibility has to have an underlying notion. It is not an abstract concept which merits the taking of the life of a young American or the giving of a life of a young American. Credibility has to be based on some underlying interest which puts your credibility at stake.

I believe, Mr. President, that that vote—the credibility—is a hedge against a willingness to commit to this President's vision of what credibility might be at stake here.

I believe there are legitimate interests for taking the risk of trying to uphold the peace—not to fight a war, but to try to uphold a peace.

First, how could we as a nation avoid the moral interest in ending the worst atrocities in Europe since World War II? Whoever thought that after World War II Europe would again be the site of human beings being raped as a policy of war, tortured, murdered, separated from families, or thrown out of their homes simply because of ethnic background?

Who will forget quickly the stories recently that drove us to feel compelled to simply leave them to fight for themselves—headlines such as "Bosnia's Orphans of Rape; Innocent Legacy of Hatred," "Mass Graves Probed in Northwest Bosnia," "Anybody Who Moved or Screamed Was Killed: Thousands Massacred on Bosnia Trek in July," "Srebrenica: The Days of Slaughter"?

Who can forget the imperative of the words that we memorialize in Washington and elsewhere in this country, "Never again"?

That is an interest, Mr. President.

Twice in this century Europe was engulfed by war, and the United States fought to save it. We have already invested our blood in the stability and in the prospect of democracy and the future of Europe.

That is an interest, Mr. President.

The conflict in Bosnia has the potential for spillover—and could become a wider war—to areas where ethnic tensions are high: Kosovo, Albania, Macedonia, Greece, and Turkey.

That is an interest, Mr. President.

So we have an interest in ensuring that those things do not happen. We also have an interest in the risks to American forces and to NATO, and the cost of ensuring a peace in Bosnia now will inevitably be less than if we would have to respond to a wider conflict in the future.

Finally, we do have an important interest in demonstrating leadership on an international community level that we have the capacity and the will to lead in the post-cold war world.

For far too long American policy toward Bosnia was vague, vacillating and ineffective. Now, to the credit of this administration, to our country, we have changed that. And now we are trying to join together with our European allies in an effort to provide the strong response that stopped the Bosnian Serb attacks, that did try to provide a humanitarian corridor, that upheld the notion of international law, and that was willing to try to enforce the concept of safe areas.

Having led the effort—an extraordinary effort by the President, Secretary Christopher, and Assistant Secretary Holbrooke—having led that effort, Mr. President, how do we not have an interest that goes beyond mere credibility in trying now to implement the settlement which we ourselves have instigated and helped put together?

As President Clinton has said, if we do not participate in this operation, there will be no NATO force and the war in Bosnia will begin again. Our moral and political interests in Bosnia and our sense of responsibility demand that we not let that happen—and that we not be ultimately dragged in.

So Mr. President, it is because credibility is based on real interests that I support the President's decision to send our forces to Bosnia but I believe just as firmly the President owes it to the American people and Congress to ensure that the operation is limited in terms of the mission, limited in terms of the goals we set for success, and limited in duration.

As defined by the Dayton peace agreement, the mission of our troops and others participating in IFOR, the Bosnia Peace Implementation Force, is to monitor and enforce compliance with the military aspects of the peace agreement—that is, enforcing the cease-fire, supervising the withdrawal of forces to agreed lines, establishing a zone of separation between them, and returning troops and weapons to cantonments. Recognizing that they may need some help in making the transition from war to peace, the parties asked for a strong, NATO-led force. That is what they are getting and that is what they agreed to in the Dayton peace agreement.

Our troops will take their orders only from the American general who commands NATO and they will have the authority to meet any threat to their safety or any violation of the peace agreement with immediate, decisive force.

When American peacekeepers in Somalia embarked upon what turned out to be an ill-fated mission to apprehend warlord Mohammed Aideed, they lacked the equipment and other elements necessary to ensure success.

From what our military officials have told us, this scenario will not be repeated in Bosnia. Our forces are going in well-trained, well-equipped, heavily armed, and with robust rules of engagement.

I still remain concerned about the potential for so-called mission creep.

Under the terms of the peace agreement, I-For has the authority to "help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;" to "assist the movement of organizations in the accomplishment of humanitarian missions;" "to assist the UNHCR and other international organizations in their humanitarian missions;" to "observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person;" and to "monitor the clearing of minefields and obstacles."

True, these are authorities not obligations as Secretary Christopher has pointed out. True, the mission is defined by the NATO plan and these elements are not in the NATO plan, as Secretary Perry told the Foreign Relations Committee.

Nevertheless, these authorities create the potential for expansion of the mission beyond the military tasks cited by administration officials and for increased risk to our troops and those of other nations participating in the operation.

They also create an expectation on the part of the local populations and civilian organizations on the ground that I-For will protect and assist them.

If refugees are being attacked, can our troops really stand by and watch? Would we want them to? If UNHCR ask I-For to help resettle refugees in a given area, will I-For feel compelled to assist? If Catholic Relief Services asks French troops in Sarajevo to protect a convoy of humanitarian aid going into the city, are they bound to assist?

The Organization for Security and Cooperation in Europe [OSCE] is responsible for organizing elections in Bosnia in the next year. What expectations does OSCE, or the parties for that matter, have about IFOR's role in this process?

I remain concerned that IFOR's role in assisting the civilian operations that are to occur in the next year is still somewhat ambiguous. I understand that NATO military planners wanted IFOR to have these authorities to avoid the situation U.N. peacekeepers often found themselves in in Bosnia—that is, standing by and watching as terrible atrocities were committed against innocent civilians.

I agree that our soldiers must act if civilians are under attack or directly threatened. However, the operative word in responding to any of these situations must be "limited."

IFOR commanders from General Joulwan on down must understand that the American people and Congress will not support a broadened definition of the mission that has American forces serving as the constant protectors of civilian populations. That is not our job; the parties to the agreement must do this by fulfilling the commitments made in the agreement.

Much concern has been expressed in this debate about the exit strategy for American troops. Any exit strategy must be composed of more than a date; it must include criteria to determine whether or not the mission has been successful. I believe that that criteria must be limited solely to the military tasks that IFOR has set out to accomplish.

The civilian tasks that must be undertaken in the next year such as refugee repatriation and resettlement, elections, establishing governmental structures, monitoring human rights, apprehending alleged war criminals, are daunting. They must not become the criteria by which we determine success of the IFOR mission.

The President has stated that the mission which we are asking our troops to undertake will be limited to a year. Undoubtedly during this year, there will be violations of the Dayton agreement.

However, if there is a pattern of violations which indicates that the parties are not truly committed to this agreement, then American forces should be withdrawn. Our soldiers are there to keep the peace, not to fight a war or to prevent a war if the parties want to return once again to being combatants. If it becomes clear as the end of the year approaches, that the duration of the IFOR mission needs to be extended because success is within reach but not yet achieved, the burden of that mission must be shifted away from the United States and more to our European allies.

We must make it clear that we do not intend to stay in Bosnia indefinitely. Bosnia is first and foremost a European problem. If the peace implementation operation must be extended beyond a year, the countries of Europe must be prepared to share more of the responsibility and to replace our forces with theirs as we transition out. In other words, our troops must be out within the limited timeframe the President has set out.

The peace agreement provides for a build-down of the parties' military forces with the goal of achieving military parity by the end of the year, when IFOR is to withdraw. Administration officials have indicated that build-down may not be enough to ensured stability and that the United States will ensure that the Armed Forces of Bosnia and Herzegovina are equipped and trained.

While I agree that military imbalance at the end of a year could be a serious threat to peace, I am concerned about the risk that this process could pose for American forces on the ground. Even though American participants in I-For will not be arming or training Federation forces, they could be targets for Bosnian Serbs who object to the lack of neutrality on the part of the United States.

Beyond the risk factor, it is not at all clear to me, at least, when and where build down ends and build up begins and who is going to do the building up.

Notwithstanding these concerns, I believe our overall interests in Bosnia warrant the sending of American troops to help keep the peace. Certainly there are risks associated with this operation, but every effort has been made to minimize those risks by ensuring that our forces are well-trained and well-equipped, and that the rules of engagement are robust in order that they may defend themselves against any life-threatening situation.

I recognize that many Americans and indeed some in this body do not believe that we should participate in this mission. As a Vietnam veteran, I know the pain and the difficulty of fighting without the political support of the American people and their representatives.

We are not sending our soldiers to Bosnia to fight a war, but we are asking them to undertake a military mission in the name of peace that is not without risk. No matter what concerns we may have about this endeavor, we owe them our full support. We should demonstrate that support by endorsing the President's decision to send them to Bosnia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, it is for these reasons that I believe we must support the President, but let me say that with caution. This must be limited, limited, limited. It must have a clear strategy that does exit us at the end of the year, and we must define success in the context not of the civilian political success but only in the military separation of the forces and the giving of them the opportunity to make a peace.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, what is the remaining order under the unanimous-consent agreement?

The PRESIDING OFFICER. The Senator has up to 26 minutes.

Mr. McCAIN. Followed by?

The PRESIDING OFFICER. The minority now has 7 minutes remaining.

Mr. McCAIN. And then the majority leader will speak after that. Is that the unanimous-consent agreement?

The PRESIDING OFFICER. There is no agreement to that effect, but that is the assumption.

Mr. McCAIN. I thank the Chair.

Mr. President, like all other Senators who have spoken today, I wish this debate were not necessary. I agree with those Senators who have said that they would not have undertaken the commitment made by the President of the

United States to deploy American ground forces to Bosnia to implement the tenuous peace that now exists there. But that is no longer the central question of our deliberations this evening. The President did so commit and our obligation now goes beyond expressing our disagreement with that decision.

Many of us did disagree, as is abundantly evident by the number of Senators who support the resolution offered by Senators HUTCHISON, INHOFE, NICKLES, and others, yet we all recognize that the President has the authority to make that decision.

The troops are going to Bosnia, and any prospect that Congress could prevent that deployment disappeared in the overwhelming vote in opposition to prohibiting funding for the deployment, the only constitutional means we have to reverse the President's decision.

Our troops are going to Bosnia. Congress should do everything in our power to ensure that our mission is truly clear, limited, and achievable; that it has the greatest for success with the least risk to the lives of our young men and women. That is our responsibility, as much as the President's.

The resolution that the majority leader and I have offered does not ask Senators to support the decision to deploy. It asks that you support the deployment after the decision had been made. It asks you further to condition your support on some important commitments by the President which I will discuss in a moment.

I intend to give that support, and I commend the majority leader for exercising extraordinary leadership in trying to influence both the nature and security of our mission to Bosnia as well as the outcome of the peace process there, to which we have made such a profound commitment. I believe Senator DOLE has significantly helped to improve both the security of our forces and the likelihood that the cause they have been asked to serve—peace in Bosnia—will endure beyond the year our forces will be stationed in that troubled country.

He has accomplished these important objectives by securing assurances from the administration that our soldiers will only be expected to perform those tasks for which they are trained, and will not be ill-used in nation-building exercises. Moreover, he has secured the strong commitment from the President that the United States will lead efforts to establish a stable, military balance in Bosnia which is the only undertaking that can be realistically expected to secure a lasting cease-fire there. Those commitments were well worth our efforts, and, again, I am grateful to the distinguished majority leader for his honorable and effective statesmanship in this effort.

Mr. President, what we should all strive to avoid is giving anyone—anyone—in Bosnia the idea that the American people and their elected representatives are so opposed to this deployment that the least provocation—violent provocation—will force the President to withdraw our forces. I do not want a single terrorist, a single Majahidin or Bosnian Serb sniper to think that by killing an American, they can incite a political uproar in America that will compel the President to bring our troops home.

That is my first reason for supporting this deployment. I want our enemies to know that America—not just the American force in Bosnia—but all Americans are in deadly earnest about this deployment. Attacks on the safety of those troops should, and I believe will, be met with a disproportionate response. That response will not include abandoning the mission. We must begin now to impress upon all parties in Bosnia that any assault on the security of our soldiers would amount to nothing more than an act of folly on the part of the assailant.

Mr. President, opponents of the President's decision often claim that there is no vital United States security interest in Bosnia that would justify the risk of American lives to defend. I have long agreed that there was no such interest. But there is now. There are the lives of 20,000 Americans to defend. And anyone who thinks they can achieve their own political ends by threatening our troops should be forcefully disabused of that notion, and should not be encouraged in their action by the misperception that the American people and the U.S. Congress are not united in steadfast support of our troops, their safety, and the mission they are now obligated to undertake.

There are other important American interests involved in this deployment. All the parties to the Dayton agreement have stated unequivocally that should the United States renege on its commitment, the peace will collapse and hostilities will resume. We will then watch Bosnians suffer again the mass murder and atrocities that have repulsed all people of decency and compassion.

Moreover, Mr. President, abjuring our commitment now would do considerable damage to NATO, the most successful defensive alliance in history. Many Americans may wonder why we need to be concerned about NATO in the wake of the Soviet Unions's collapse. But, Mr. President, the world still holds many dangers for our security, and our enemies are far less predictable than they once were. We will need our friends in the future, as much as they need us now.

Lastly, Mr. President, I want to talk about the relationship between the Nation's credibility and the credibility of its chief executive. In an earlier statement on this question, I asked my Republican colleagues to place as high a premium on this President's credibility abroad, as they would place on a Republican President's.

I asked this because the reliability of the President's word is of enormous strategic value to the American people. The President's voice is the voice of America. When the world loses faith in the commitments of our President, all Americans are less safe—and somewhere down the line American vital interests and American lives will be lost. The credibility and authority of the President of the United States, and the security of American soldiers, compel our support of their deployment. They are vital interests worth defending whatever our current political differences may be with the President.

Again, by supporting the deployment, I do not confer my approval of the decision to deploy. As I have already stated, I would not have committed American ground forces to this mission, had that decision been up to me. But the decision has been made, by the only American elected to make such decisions—the President of the United States. And I have construed my responsibility in these circumstances as requiring my support for efforts to maximize the prospects for success of the mission and minimize its obvious risks.

My support, and the support I urge my colleagues to give this deployment by voting for the resolution before us, has been characterized by the media as grudging. Fair enough. But let me be clear, I do not want to feed the cynicism of the public—or any members of our free press who might succumb to cynicism from time to time—should they conclude that by our resolution, and our votes preceding this one, that we are trying to avoid speaking clearly in support or opposition, and evade any responsibility for our own actions.

I know what I am doing. I know that by supporting this deployment, if not the decision, I must share in the blame if it ends disastrously. I will accept that responsibility—not happily, but honestly, just as Senators who supported the prohibition on funding for the deployment would have had to accept the blame for the problems that would have occurred if they had been successful in preventing the deployment.

The President will be accountable to the families of any American soldier who dies in service to his country in Bosnia. He will have to answer for their loss. But so will I. I fully accept that in my support of the deployment, and my efforts to influence its conduct and its termination, I incur this obligation.

Beyond offering expressions of sorrow and regret, we will have to tell those families that they bear their terrible

loss for the sake of the country. Nothing—absolutely nothing—is harder than that. Just contemplating such a responsibility makes me heartsick.

This may be the hardest vote I have cast as a Member of Congress. It may be the hardest vote I will ever cast. To send young men and women into such evident danger is an awful responsibility. I don't envy the President. Nor do I envy the Senate.

I was once on the other end of the relationship between the military and their civilian commanders. I served with brave men who were sent by our leaders into a calamity—a war we would not win. We were ill used by our political leaders then. We were ill used by many of our senior commanders. I saw good men lose their lives, lives that were just squandered for a lost cause that the dying believed in, but that many of the living did not. Their cause was honor, their own and their country's. And they found their honor in their answer, not their summons. I will never forget that. Never. Never.

If I have any private oath that I have tried to abide by in my public service it is that I would never ask Americans to serve in missions where success was not defined, the commitment to achieve it uncertain, and its object of less value than its price.

I pray today that I have kept my oath. I will pray so every night for as long as this mission lasts. I wish the people of Bosnia peace. I wish them peace because they deserve that blessing, but even more importantly because the lives of many fine young Americans have been ransomed to that peace. I know that these Americans will perform magnificently, under very difficult circumstances, to secure the objectives of their mission. They will reflect, as they always do, great credit on themselves and on the United States, as they seek again to secure the peace and security in which another people may secure their rights to life, liberty and the pursuit of happiness.

Mr. President, I learned about duty, its costs and its honor, from friends who did not come home with me to the country we loved so dearly, and from friends who overcame adversity with far more courage and grace than I possessed. I have tried to see my duty in this question as they would have me see it.

In the difficult decision—and it is difficult for reasons greater and more honorable than political advantage or disadvantage—our sense of duty may lead us to different conclusions. I respect all of my colleagues for seeking to discharge their solemn responsibilities in this matter after careful deliberation and with honest reasoning.

But I want to make one last point to those Americans—and I do not include any of my colleagues in this category—who oppose this deployment and this resolution because they resent the costs of America's leadership in the world. The burdens that are imposed on the United States are greater than the burdens borne by any other nation. There is no use bemoaning that fact or vainly trying to avoid its reality. This reality will be so for as long as we remain the greatest nation on earth. When we arrive at the moment when less is expected from our leadership by the rest of the world, then we will have arrived at the moment of our decline. We should accept that burden with courage. We cannot withdraw from the world into our prosperity and comfort and hope to keep those blessings. We cannot leave the world alone. For the world will not leave us alone.

So I will support this mission, with grave concern and more than a little sadness. I will support my President. I will, I believe, support my country and the men and women we have asked to defend us. I give my full support, whatever my concerns. And I accept, fully, the consequences of what I do her today. I ask my colleagues to do so as well.

I ask all Senators to support the Dole resolution, irrespective of their views over the policy that brought our soldiers to Bosnia. I ask for your vote as an expression of support for the American soldiers who, summoned to duty in Bosnia, will find their honor and ours in their answer. I ask for your vote to help reduce the threats to their welfare, and increase the chances that the cause for which they risk so much may succeed, and endure long after they have come home to a grateful nation.

And I ask God to bless the men and women of the U.S. Armed Forces who will render their Nation this great service; to bless the President; to bless the Congress; and to bless the United States. We are all in great need of His benevolence today.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The minority leader is recognized.

Mr. DASCHLE. Mr. President, this evening, President Clinton is traveling to Paris to sign the Bosnia peace agreement. The first of 20,000 American troops are on their way to Bosnia to help implement that agreement. And we in the Senate are being asked to make a choice. A choice with profound—even life-and-death—consequences.

Will we give our troops going to Bosnia our full and genuine support? Or will we burden them with the weight of conflicting messages?

In the more than 3½ years since war broke out in the former Yugoslavia, more than a quarter of a million people—including tens of thousands of innocent children—have been killed.

The Bosnian people are weary of war. They have negotiated a peace settlement. They are merely asking us to help them implement it.

Some may ask: Why us? Why must the United States become involved in this ancient conflict? I believe there are three answers.

First, it is in our national interest. Peace and stability in Europe are vital to the United States. Twice in this century, we have seen what horrors can occur when aggression in Europe is allowed to spread unchallenged and unchecked. Twice in this century, Americans have died to keep Europe free of such aggression. To turn our back on Bosnia now, especially after the President has committed American troops, would be to deny what we have learned, and what those earlier generations sacrificed. It would weaken American leadership in NATO. And it would undermine our credibility as a world leader.

Second, we have a moral obligation in Bosnia. For nearly 50 years, we believed that we would never again see concentration camps in Europe. We would never again see men and boys made to dig their own mass graves and then be machine-gunned into them. We were wrong. This is happening in Bosnia, and our national conscience demands that we take a strong stand against it.

In 1948, 3 years after the end of World War II, the French writer and philosopher Albert Camus appealed to the monks of a French monastery to help the children who had been injured and orphaned in that war. "Perhaps we cannot prevent this world from being a world in which children are tortured," Camus said. "But we can reduce the number of children who are tortured. And if you don't help us, who else in the world can help us do it?"

That brings me to the third reason we must help implement this agreement. The United States must help bring peace to Bosnia because no one else in the world can. The leaders of all three factions—Serbs, Croats, and Moslems—have made it clear that they will not participate in the peace process unless we are involved.

I commend President Clinton and all the members of the negotiating team who worked so hard in Dayton to get us to this point. They accomplished what many said was impossible, and their leadership is already saving lives. Without the commitment of this President to peace in the Balkans, there would be no debate tonight, for we could not be on the verge of peace.

I also want to commend the distinguished majority leader, Senator MCCAIN, Senator NUNN, and all the senators in our Bosnia working group for the leadership they have shown in negotiating a resolution that says unequivocally to our troops, "We support you."

That mission will give the Bosnian people an opportunity to build a democratic society. Bosnia-Herzegovina will

be preserved as a single State with a unified capital of Sarajevo. The Bosnian people will be allowed to hold free elections, and those who have been driven from their homes through fighting and other forms of terrorism will be free to return.

Our mission is clear, limited, and achievable. We are sending our troops to maintain a ceasefire. They will take their orders from an American general. And they will have full authority to respond to threats to their safety with immediate and overwhelming force.

Again, the critical question is, are we going to give our troops our genuine support as they seek to carry out their mission? Or are we going to burden them with conflicting messages?

Mr. President, I believe the Hutchison amendment is gravely misguided and even dangerous. It claims to support our troops, but, in fact, it undermines them. How can we support our troops if we condemn the mission for which they are risking their lives? Have we learned nothing from our own history?

Sending such a contradictory message would badly undermine the morale of our troops and jeopardize their safety.

It would also undermine U.S. credibility—our commitment to peace, and our commitment to our NATO allies.

Finally, sending such a conflicting and wrong-headed message would undermine the peace agreement itself, and efforts to implement it.

The responsible vote is a vote for the bipartisan resolution offered by the majority leader.

This resolution supports our troops unequivocally. It commends them for their professionalism and patriotism and bravery. It assures that they will have all the resources and authority they need to protect the peace—and protect themselves.

It recognizes the vital interests our Nation has in preventing the spread of the Bosnian conflict and ending the bloodshed. It preserves America's leadership within NATO, and it preserves our credibility with our allies.

And it requires the President to certify two important conditions. First, that the NATO implementation force is limited to implementation of the peace agreement and protection of NATO troops. And second, that the United States objectives in Bosnia are to maintain the peace and establish a military balance that will allow the Bosnian Moslems to defend themselves when NATO withdraws.

As the Senator from Oklahoma noted earlier tonight, the Hutchison/Inhofe and Dole/McCain resolutions are contradictory. The Hutchison resolution, although it is non-binding, sends a dangerous and conflicting message that will undermine and endanger American troops.

The Dole/McCain resolution is binding legislation that asserts Congressional authority and responsibility and sends a clear message that we support our troops and the cause for which they are risking their lives. It is the right thing to do.

To echo the words of Camus, the United States cannot prevent all wars, everywhere. But we can reduce the number of children and adults killed in Bosnia. Our national security, and our national conscience, demand that we try.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. WARNER). The majority leader is recognized.

DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, I send my resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 44) concerning the deployment of United States Armed Forces in Bosnia and Herzegovina.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DOLE. That resolution will be the second vote. The first vote will be on the Hutchison resolution.

Mr. President, let me indicate at 10:05 p.m. our time, and 4:05 in the morning in Bosnia, where many Americans are now and where hundreds and thousands more will be on the way, I think we have to understand what we are about to vote on here. We are not voting on a decision to send American troops to Bosnia. That decision has been made. It was made 2 years ago by the President of the United States. Without consulting Congress, the President of the United States made that decision.

So we say to those soldiers who may be on early duty there at 4 a.m. in the morning, in the bitter cold—from those of us in the warmth of the U.S. Senate, free from any danger—we are about to cast a vote. We are about to cast a vote, Sergeant Jones or Private Smith, whoever it is, to indicate that we support your efforts there. They may have some misgivings about why they are there, and we may have some doubts. I listened to the eloquent statement of Senator MCCAIN, and I listened last evening to the final speaker of the evening, Senator COHEN from Maine, but this is not about politics. This is not about a Democratic President and a Republican majority in the U.S. Senate. This is about a lot of frightened young Americans who are in Bosnia, or on their way to Bosnia. I assume they may not have thought of it directly, but I believe they will think of it one of these days; they are going to be looking back to see if they had the support of those who represented them in the Congress of the United States. They may not be thinking of that at 4:10 a.m.

So this is a very difficult debate for Members of Congress. It is a difficult debate because Congress was not part of the decisionmaking with respect to sending troops. Congress was not consulted. Congress was told of the President's commitment to send troops after the commitment was made. And then we were faced with the dilemma of undermining that commitment or acquiescing in a military mission with serious flaws. And make no mistake about it, the President has said he made this decision and he takes responsibility. It was his decision to send troops and his decision alone.

A lot of Members of Congress, some on both sides of the aisle—in fact, 69 of us voted the last time to lift the arms embargo to give the Bosnians an opportunity to defend themselves—which is precisely the reason we are here tonight—so that we would not be sending American troops or making that decision. But the President rejected that. That was bipartisan in the House and in the Senate. We opposed the arms embargo. As I said, we repeatedly voted to lift it. Some of my colleagues were concerned about that.

We have two resolutions before us tonight. I understand that a number of Senators support the resolution offered by the Senator from Texas; the Senators from Oklahoma, Senator INHOFE and Senator NICKLES; and a number of others. That resolution emphasizes very clearly that we oppose the decision to deploy troops. No doubt about it. We disagree, we oppose. It is his decision, and he said as much as recently as, I think, Sunday on "60 Minutes."

However, a vote on this resolution does not provide our troops, who are now in Bosnia at 4:08 in the morning, and the other thousands who will be there tomorrow, or next week, or next month—I think it makes a point, but it does not make a policy. It does not effect a policy. It does not make the job our forces have to do any safer or any easier, nor does it provide a plan to achieve a military balance in Bosnia or increase the chances for successful completion of our mission.

I assume most of our colleagues will vote for that resolution. If they do, I wish they would follow up their signal to President Clinton by voting "yes" on the Dole-McCain-Nunn resolution. I want to be clear about what that resolution does and does not do. This resolution does not endorse the President's decision. It does not endorse the agreement reached in Dayton. It does support our men and women in uniform.

It does limit the mission to military tasks only and requires a realistic exit strategy based on the goal of Bosnian

self-reliance. To put it simply, President Clinton has a plan to get us into Bosnia; this resolution shows us a way out.

It sets three conditions on the deployment of American forces: No. 1, it limits the mission to implementing military provisions of the accord. No Somalia-style nation building, for example. It insists on an exit strategy linked to military balance so Bosnia can defend itself. Somebody said that is bad policy because if they are armed and trained we may have to stay longer. I do not understand that argument. We have been debating on this floor for 2 years that we ought to arm and train the Bosnians and lift the arms embargo so they can defend themselves. That is precisely what we wish to do here. No. 3 also provides U.S. leadership on an immediate effort to provide Bosnia that means to defend itself. I think if these conditions are met they will help enhance the safety of our forces and assure that they can withdraw in a timely manner and without triggering a resumption of hostilities.

Let us be clear, setting a date is not an exit strategy. In fact, many will argue that if we set a date nothing will happen until that date expires, and then hostilities will recur.

I suggest that I think we have been able to perform a valuable service here for our colleagues regardless of their feelings about the decision. I did not agree with it. You do not agree with it—maybe some do agree with the decision. The decision has been made. The deployment started. Our goal should be a Bosnia that is self-reliant, able to defend itself without depending on the United States or any outside force.

I want to emphasize just a few points on this critical issue. First, the word "lead" is essential. Without U.S. leadership, this will not happen. Leading does not mean going it alone but it does mean acting like the sole remaining superpower. Second, our language makes it clear that the efforts to arm and train will take place separate and apart from NATO, IFOR; no United States military forces in NATO operation will be involved enabling Bosnia to defend itself. Finally, this resolution states that the Bosnians should be provided with assistance of the highest possible quality—American where necessary—and that of other countries when sufficient.

I also point out this resolution requires the President report extensively on his plan to enable Bosnia to provide for its own defense and on all aspects of the military and civilian aspects of the operation.

I want to say a few words about Senator MCCAIN and his leadership on national security issues. From his sacrifice during Vietnam—and I know I was not standing here; I was not in leadership, I was standing back there somewhere. I was wearing a JOHN MCCAIN bracelet, proudly—a POW bracelet—and arguing with my Democratic colleagues on the other side not to cut off funding in the Vietnam war. I led debate on this floor for 7 weeks in an effort to derail those who would cut off funding while JOHN MCCAIN was in a little box over there in prison and there were thousands like him and thousands and thousands of Americans.

The theory was just cut off funding. The war will end. That is not the way it works.

So JOHN MCCAIN came back, others came back, and others did not come back as Senator MCCAIN said earlier. Then he became a freshman Congressman and opposed the deployment in Lebanon in 1983. It seems to me, not that I have any more insight than anybody else in this body, but there is something about a relationship that you build up in the service and you understand one thing: How important support is from America—whether it is your family, whether it is your little hometown, whether it is your State, whether it is the Congress of the United States.

I say to Senator MCCAIN and many others who were prisoners of war in Vietnam, no one works any harder on the issues of war and peace. I did not agree with Senator MCCAIN on normalizing relations with Vietnam, but he was there and I was not. No one takes his responsibility more seriously. We could not have reached this agreement without his almost minute-by-minute involvement.

Let me say one other thing about leadership: It is not easy. The easiest vote is no, no, no. I recall being on the floor in this position in January 1991, the 10th, 11th, and 12th, when we had troops in the gulf. President Bush had decided to come to Congress and ask for support. I remember at the time we had a very good debate—3 days of it—Democrats and Republicans, and I do not question anybody's motives. The thing that struck me as I looked at it at the time and as I look back at it now, not a single member of the Democratic leadership in the House or the Senate would stand up on this floor or the House floor and support President Bush. They did not have to agree with President Bush. I do not agree with President Clinton. But the troops were there. I thought that was a tragic mistake. You pay a price for leadership. Some will have short-term political gain and some just truly feel we should not be doing anything and that the only vote is no.

I ask my colleagues, it is now 17 after 4 o'clock a.m. in Bosnia, and Americans are there, so if we cut off funding this morning, I do not know what would have happened. If we pass the Hutchison resolution, I do not know what will happen. I hope if we pass the Dole-McCain-Nunn, et al., resolution that we will have provided an exit strategy, a way to extricate Americans by arming and training Bosnians, so that they can be an independent force and so we can go home, so that those Americans who are there today at 18 after 4 o'clock a.m. in the morning will not be there next Christmas.

That is what this debate is all about. It is not easy. I have had a lot of mail, a lot of phone calls, from a lot of people, who I do not think understand the issue. The issue we are voting on tonight is not a decision to send American troops. Let me conclude with that. We can posture and complain about the President's decision. I do not like it. He knows I do not like it. I told him I do not like it. I said publicly I do not like it. If we had our way, we would have lifted the embargo and we would not be talking about sending troops. That is our argument. I think it would have been correct.

I guess our decision is whether we are going to send a message to all the families in America, to all the troops who are on the way to Bosnia, plus all the other American forces who someday may be engaged in some conflict, because we do have a responsibility from time to time. They will ask themselves, do we have the support of the American people, of our families and of our representatives? I think that is what this debate is all about. I hope that is how it is received by the people who watch or listen or read the RECORD or listen to each other.

I ask my colleagues to think very carefully. We are going to be debating this. I assume this is just the first debate. A month from now, 2 months from now, 3 months from now, 4 months from now, something happens, there will be other debates and other efforts made. But this is important, this is the first step. This is a signal to the American forces that we support you. We support you, as we should.

Finally, I ask unanimous consent to have printed in the RECORD an exchange I have had with the President on his assurances that the Bosnians will be provided with arms and the training they need. I think the letters are very important. It is part of the legislative history, because the President has given his word that that training will be provided and arms will be furnished. And, again, that is very important. It may be lost on someone now, but it is going to be very important not a year from now, as the Senator from Maine said last night, 9 months from now, 9 months from now is when it starts. If they are not trained, and if we have to wait 6 months, it may be lost.

So, it is up to us. If not now, when? This is the time to support American forces.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, December 10, 1995.

DEAR MR. LEADER: I want to set forth for you the Administration's policy with respect to military stabilization measures in Bosnia.

The Bosnian Serb advantage in heavy weapons relative to the defense capability of the Bosnian Federation has been a major reason for the fighting in Bosnia and remains a potential source of instability. We believe that establishing a stable military balance within Bosnia by the time IFOR leaves is important to preventing the war from resuming and to facilitate IFOR's departure.

The Dayton Agreement has strong arms control provisions which provide for a "build-down" of forces. We intend to pursue these vigorously. An arms restraint regime obviously can help contribute to a stable balance.

Even with arms control, we anticipate there will be a deficiency on the part of the Federation. Accordingly, we have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Because we want to assure the impartiality of IFOR, providing arms and training to Federation forces will not be done by either IFOR or U.S. military forces. The approach we intend to pursue is for the U.S. to coordinate the efforts of third countries.

Our efforts in this connection already have begun. An assessment team to evaluate the needs of the Federation has just returned from Bosnia. We will proceed with this effort in a manner that is consistent with the UN resolution lifting the arms embargo and the relevant Dayton Agreement provisions, which allow planning and training to proceed, but restrict actual transfers during the initial six months, in particular of all arms for 90 days, and heavy weapons for 180 days, after the Agreement enters into force.

Sincerely,

BILL CLINTON.

U.S. SENATE,
Washington, DC, December 12, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to seek clarification on several critical issues raised in your December 10 letter regarding your administration's policy on arming and training Bosnian Federation forces. In our view, it is essential to clarify these matters—which are integral to the U.S. exit strategy—prior to moving forward with Senate consideration of your administration's decision to send U.S. ground forces to implement the Dayton agreement.

You acknowledge the Bosnian Serb military advantage and the need to establish a stable military balance within Bosnia by the time the NATO Implementation Force (IFOR) leaves. In your address to the nation, you justified American participation in IFOR by stating the need for American leadership. However, your letter does not indicate that the United States will lead in the critical effort of ensuring the Bosnians can defend themselves. We are seeking your confirmation that the United States will lead in coordinating and providing the Bosnians with the means for self-defense. Without an American-led effort to rapidly provide the Bosnians with the best possible quality arms, equipment, and training, we believe that the Bosnians will not be able to adequately defend themselves within a year.

Also in this regard, while we understand that the arming and training program should be conducted separately from the IFOR peacekeeping operation, to state that no U.S. military forces will be involved—as your letter does—is a guarantee that such a program will be wholly ineffective and may not even occur. A strict prohibition on all U.S. military involvement outside the territory of Bosnia would severely cripple American efforts to ensure that the Bosnians are provided with the weapons and training they need. Military planning, coordination, information-sharing, or even Bosnian participation in the International Military Education and Training (IMET) could not occur under such a prohibition. It seems that so severely limiting our flexibility would not be in our national interest.

Finally, we urge you to focus on what the United States can do, rather than what we cannot do under the U.N. Security Council resolution lifting the arms embargo. For example, training can begin immediately—presumably outside of Bosnia. Also, an array of defensive weapons could be provided to Bosnian Federation forces on day 91 consistent with the U.N. resolution—as could any weapon not classified as "heavy" under the terms of the U.N. resolution.

We hope that you will clarify these matters as soon as possible so that we may proceed with consideration of the Dole-McCain resolution.

Sincerely,

BOB DOLE.

THE WHITE HOUSE,
Washington, DC, December 12, 1995.

DEAR MR. LEADER: I am writing in response to your December 12 letter on equip and train. You raise several questions to which I would like to respond.

First of all, the United States will take a leadership role in coordinating an international effort to ensure that the Bosnian Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves. As in all things related to our effort to bringing peace to the region, U.S. leadership has been critical.

As I stated in my December 10 letter to you, I want to assure the impartiality of IFOR. In the view of my military advisors, this requires minimizing the involvement of U.S. military personnel. But we expect that some individual military officers, for example, working in OSD, DSAA or other agencies, will be involved in planning this effort. We also will offer the Bosnians participation in U.S. programs such as IMET. I agree that maintaining flexibility is important to the success of the effort to achieve a stable military balance within Bosnia. But I will do nothing that I believe will endanger the safety of American troops on the ground in Bosnia. I am sure you will agree that is my primary responsibility.

I want to assure you that I am focusing on what the United States can do. That is why I sent an assessment team to the region to properly evaluate the needs of the Federation. Training programs and provisions of non-lethal assistance can begin immediately after the peace agreement enters into force; and provision of small arms can begin after three months. We intend to move expeditiously.

I have given you my word that we will make certain that the Bosnian Federation will receive the assistance necessary to achieve an adequate military balance when IFOR leaves. I intend to keep it.

Sincerely,

BILL CLINTON.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES IN BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question occurs on agreeing to Senate Concurrent Resolution 35.

The yeas and nays have not been ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 47, nays 52, as follows:

[Rollcall Vote No. 602 Leg.]

YEAS—47

Abraham	Feingold	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Pressler
Brown	Grams	Santorum
Burns	Grassley	Shelby
Campbell	Gregg	Simpson
Coats	Hatch	Smith
Cochran	Hatfield	Snowe
Cohen	Helms	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
D'Amato	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Mack	

NAYS—52

Akaka	Ford	Lugar
Baucus	Glenn	McCain
Biden	Graham	Mikulski
Bingaman	Harkin	Moseley-Braun
Boxer	Heflin	Moynihan
Bradley	Hollings	Murray
Breaux	Inouye	Nunn
Bryan	Jeffords	Pell
Bumpers	Johnston	Pryor
Byrd	Kassebaum	Reid
Chafee	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Roth
DeWine	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Wellstone
Exon	Levin	
Feinstein	Lieberman	

So the concurrent resolution (S. Con. Res. 35) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the joint resolution

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution, Senate Joint Resolution 44.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. BOND. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 603 Leg.]

YEAS—69

Abraham	Dorgan	Lieberman
Akaka	Exon	Lugar
Baucus	Feinstein	Mack
Bennett	Ford	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatch	Murkowski
Breaux	Heflin	Murray
Bryan	Hollings	Nunn
Bumpers	Inouye	Pell
Burns	Jeffords	Pryor
Byrd	Johnston	Reid
Campbell	Kassebaum	Robb
Chafee	Kempthorne	Rockefeller
Cochran	Kennedy	Roth
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Wellstone

NAYS—30

Ashcroft	Gramm	Nickles
Brown	Grams	Pressler
Coats	Grassley	Santorum
Coverdell	Gregg	Shelby
Craig	Hatfield	Smith
D'Amato	Helms	Snowe
Domenici	Hutchison	Thomas
Faircloth	Inhofe	Thompson
Feingold	Kyl	Thurmond
Frist	Lott	Warner

So the joint resolution (S.J. Res. 44) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 44

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American diplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest, the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and

Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestones for measuring progress in achieving the mission and objectives;

(4) command arrangements for United States Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1-A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a)(1) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, but may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me thank all of my colleagues, as I have indicated before.

On tomorrow, we will take up the Interior conference report, with 6 hours of debate. We will start that at 10:30 a.m. From 9:30 to 10:30, we will have a period for the transaction of morning business.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with members permitted to speak therein for up to 5 minutes each.

The VICE PRESIDENT. Without objection, it is so ordered.

SENIOR CITIZEN FREEDOM TO WORK ACT

Mr. DOLE. Mr. President, I am pleased to introduce the Senior Citizens' Freedom to Work Act with my colleagues, Senators MCCAIN and ROTH.

This bill would provide long overdue relief for our senior citizens. It would remove a significant impediment that deters seniors from continuing to work. Under the bill, seniors could earn up to $30,000 by the year 2002 without affecting their Social Security benefits.

I intend to work for enactment of the legislation this year to begin immediately lifting the unreasonably low earnings limit. We will phase in the increase over the next 7 years from the current level of $11,280 to $30,000.

This legislation is important for the economy. Continuation of the current policy, which does not utilize the experience and productivity of our seniors, is wasteful and short-sighted.

This legislation is also important for the protection of the Social Security and Medicare trust funds. The bill clarifies that the Secretary of the Treasury is not authorized to under invest and/or disinvest Social Security and Medicare trust fund monies in Federal securities or obligations in order to avoid the limitations on the public debt.

I urge my colleagues in the Senate to support this effort. Specifically, I urge my colleagues on the Finance Committee to join with me to report the bill out of committee tomorrow.

THE NEW READY OR NOT PROGRAM TO COMBAT UNDERAGE DRINKING

Mr. DASCHLE. Mr. President, every day in Congress, we tackle some of the most pressing problems facing our nation. But sometimes, the best solutions don't come from the Capitol. They come from homes and schools and community organizations that you find in every town and city, all across the country. That's what a new program called "Ready or Not: Talking with Kids About Alcohol," is all about.

If you have kids, you know that telling them to "just say no" to alcohol doesn't always work. Kids want to know why they should say no. "Ready or Not" is a new video educational program that's designed to help parents and other adult supervisors answer that question for kids between the ages of 10 and 14.

"Ready or Not" is a joint effort of the Boys & Girls Clubs of America and the Century Council, an organization funded by the alcohol industry. It was introduced just after Thanksgiving, and it's already making an impact. I want to congratulate the Boys and Girls Club and the Century Council for all the time and energy they've invested in this important program.

I also want to commend my 36 colleagues in the House and Senate who have joined me in officially endorsing this life-saving project.

A recent survey of America's pre-teens—pre-teens—shows that about four in 10 expect to have problems handling situations involving the use of alcohol. Another survey by the University of Michigan found that, in 1994, more than a quarter of America's eighth-graders reported drinking alcohol in the last month. And, more and more kids are becoming "binge drinkers."

We know from our experience in combating teen smoking that if you reach kids early and tell them the truth, they're far more likely to make good decisions about their health. "Ready or Not" will help us replicate that success, we hope, with teen drinking.

There are two reasons that "Ready or Not" targets kids between the ages of 10 and 14. First, that's when many "problem drinkers" first start experimenting with alcohol. Second, and more important, parents and other adults still have a lot of influence over kids at that age. With the help of "Ready or Not," we can reach kids who are in danger of abusing alcohol, and prevent problems before they start.

The last thing a developing mind and body needs is to be stunted with alcohol. "Ready or Not" will help parents and teachers and other adults make that case convincingly to America's young people. It fills a critical need, and I'm proud to lend my name to help support it.

SHOULD THERE BE FEDERAL FARM PROGRAMS?

Mr. LEAHY. Mr. President, for the past decade most of the debate on farm programs has centered around only one question:

"How much should we spend on farm programs?"

Four months ago, I took to the floor to address this issue and noted that the debate has shifted to whether there should be any programs that provide benefits to farmers.

Now, the Republican majority has reported a bill that again only answers the "how much" question. It will give $55 billion of the taxpayers funds to farmers over the next 7 years.

The fundamental question is not answered. Should there be farm programs at all?

Farm programs have never been welfare programs.

They have been a contract with the American people.

Here is a copy of the contract that the farmers sign each year with the American taxpayer.

No farmer is required to sign this contract. Each farmer signs voluntarily.

HISTORICAL RATIONALE FOR FARM PROGRAMS

Historically, the contract was a "price and production stabilization" contract—as it says here at the top of this document. The taxpayers paid farmers to set land aside in order to stabilize consumer prices as well as stabilizing farm income.

In 1985, the Republican Senate added a new term to that contract. Farmers were also paid to be stewards of the land. Again, no farmer was required to become a land steward—to be a good neighbor. Each farmer made that decision voluntarily.

Now, the Republican budget farm bill changes the terms of the farm contract. It no longer offers American farmers a "price and production stabilization" contract. Thus, for the $35 billion the taxpayers give farmers over the next 7 years, consumers get no price stability benefit.

Do I mourn the loss of a farmer-taxpayer contract based on a price stabilization rationale?

No, I do not. At one time regulations that required farmers to manage supplies also helped stabilize some food prices. By and large, there is no longer much, if any, consumer benefit from the supply management aspects of farm programs. Today, supply management programs function only to control the budgetary costs of the program.

This history brings us back to the basic question. Should there be any Federal farm programs?

UNIQUE NATURAL RESOURCE CHALLENGES

The answer is yes. For one overriding reason. It is this. Only farmers can give the American people what they want from private lands.

Let me put it very simply. Americans cannot get the environmental benefits they want unless farmers and ranchers are active willing land stewards.

Before we reviewed a little history—now a little—or should I say—a lot of geography. Farms and grazing lands make up 50 percent of the continental United States.

Let me say that again—Farmers and ranchers own or manage 50 percent of the continental United States.

It is impossible to successfully regulate such a vast area—even if one wanted to—which I do not. To successfully protect and enhance natural resource values on private lands, farmers must be a willing part of the solution.

The 1985 and the 1990 farm bills show that the taxpayers are willing to pay farmers to protect drinking water, cleanup lakes and rivers, and to be stewards of the soil.

As the executive director of the National Rifle Association states, "Congress has had the foresight to create these unique mechanisms which wed agricultural goals with conservation goals." For example, no longer were farmers paid to destroy wetlands. Instead, farm programs began to protect wetlands.

Today, some farm groups favor destroying his harmony. They even go so far as to say that farm conservation should only be funded if there is any money left after farm subsidies and exports subsidies are paid for.

It does not make sense to the public. There is no reason a farmer should be richer than a machine shop owner, even though there is a rationale for farmers being protected from unexpected market shifts.

So this is the time for testing.

It comes down to this question—Is this Republican package the beginning of the end of farm programs, the last 7 years of "market transition payments," or is it a new beginning for farm programs—which builds on the stewardship contract that the American farmer made with the American people beginning in 1985.

In 1990, as chairman, I confirmed and deepened the land stewardship contract between farmers and the American public. One of my proudest moments as chairman was when I stood in the White House while the President praised the 1990 farm bill as "one of the most important environmental legislative accomplishments of his Presidency."

But the Republican budget package leaves the basic question unanswered. The Republican proposal says that it will continue to make "adherence to existing conservation compliance and wetland protection regulations" a condition of receiving farm payments. It also launches a new program, the "Livestock Environmental Assistance Program" which provides the same kind of financial assistance to livestock farmers and ranchers that crop farmers have received. It is a great idea—of which I am the proud author. This press release seems to affirm and expand the stewardship contract of the 1985 and 1990 farm bills.

But, the Republican agricultural leaders have also called for dropping the wetlands protection contract term in the farmers contract with the American taxpayer.

So what is real?—the press release or their legislation?

The Republicans are not being straight with either the taxpayers or the farmers.

If the Republicans tear up the contract between the farmers and the American people—then the Freedom to Farm contract is a one way contract in which the taxpayers will pay $35 billion to farmers for the next 7 years and the taxpayers will get nothing in return.

It will be just a welfare payment—for a group of Americans whose income is seven times higher than a typical family on food stamps.

CONCLUSION

Wallace Stevens once wrote: "After the final 'no' there comes a 'yes,' and on that 'yes' the future of the world depends * * *."

Saying no to failed policies of the past makes all the sense in the world. Saying yes to a stewardship contract between the American taxpayer and the American farmer is the only future on which the farmer and the taxpayer can depend.

CHANGE OF VOTE

Mr. REID. Mr. President, on rollcall No. 598 I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent I be permitted to change my vote. This will in no way change the outcome of the vote.

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

SIOUX FALLS, SD: ENTREPRENEURIAL HOT SPOT

Mr. PRESSLER. Mr. President, I want to take a moment today to commend the hardworking people of South Dakota for making Sioux Falls—South Dakota's largest metropolitan area—the sixth most successful entrepreneurial spot in the country. I am proud to say the pioneer spirit still thrives in South Dakota.

Mr. President, it is not Fortune 500 companies alone that form our country's economic base. Rather, the hard work and dedication of self-employed entrepreneurs and small business owners are responsible for much of our Nation's economic activity. The business of South Dakota is small business, from the family farm to the corner drug store. I am proud to represent such an ambitious and successful constituency—people who are willing to work hard in order to get ahead.

Some South Dakota small businesses have grown to become regional and national success stories. A prime example of entrepreneurial spirit in action is Gateway 2000, a mail order personal computer (PC) corporation started 10 years ago in a farmhouse. Because of South Dakota's excellent business climate and a solid work ethic, Gateway 2000 has become the tri-state metropolitan area's second largest employer and the largest mail-order PC vendor in the United States. Gateway 2000 is a testimonial to what can be achieved with a vision and a strong work ethic.

When I travel home to South Dakota, I always marvel at the continued development my home State has undergone. Entrepreneurial South Dakotans have helped South Dakota evolve into a diverse industrial breadbasket. Now, with the designation of Sioux Falls, SD, as an international port-of-entry, the success of South Dakota will extend to new markets around the world. I ask unanimous consent to have printed in the RECORD a recent article from the Sioux Falls Argus Leader which details South Dakota's economic boom. I am sure all who read it will be impressed with South Dakota's recent surge of economic development.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENTREPRENEURIAL SPIRIT CITED IN CITY'S HIGH RATING

(By Brenda Wade Schmidt)

Sioux Falls' ranking as the sixth best hot spot for entrepreneurs shows that programs to help business people get started are working, two economic development experts said Wednesday.

The city moved up 26 spots among small metropolitan areas over last year's ranking done by Cognetics Inc. of Cambridge, Mass.

Las Vegas, Nev., was in the top spot of the 134 areas for the second year in a row.

"It could be an indication that the entrepreneurial-type programs are starting to take effect a little bit," said Dan Scott, president of the Sioux Falls Development Foundation. "That spirit still exists here."

There are so many entrepreneurs that agencies aren't able to help them all, Scott said. Many people come with business ideas but lack the planning and finances to implement their dream.

The Small Business Development Center, with offices across the state, assists many businesses.

"We see the entrepreneurial spirit as being alive and well because of the number of people that come to us for assistance," said Bob Ashley, state director. "Starting a business is hard work. Hard work is not a stranger to the people of South Dakota."

Scott said the increase probably is the result of two improvements.

"The entrepreneurs are getting more help, and financing has become more readily available," he said. "What keeps most entrepreneurs out of business is the inability to attract financing.

Among rural areas, South Dakota ranked 61st out of 89 places, up five spots from last year.

TRIBUTE TO REV. RICHARD C. HALVERSON

Mr. BIDEN. Mr. President, today the Senate is holding a memorial service to remember Rev. Richard C. Halverson, our friend and our Chaplain from 1981 to March of this year, who passed away two weeks ago after a long illness. To each of us, whatever our individual religious beliefs, Reverend Halverson was someone special. To some of us, he was a confidant; to others, a counselor; and to still others, a pastor in the more traditional sense of the word. To each of us, he was a friend.

The Senate is, in many ways, a small community with many of the same dynamics inherent in small communities across our Nation. We work in close quarters and all know each other very well. Each of us have forged great friendships here, and each of us has seen great rivalries develop among colleagues. We are all public figures whose lives are all too often an open book. We come from widely different backgrounds, and each of us brings to the Senate a different set of values we hold dearly and ideals to which we are firmly and determinedly committed. And out of all of that, out of all the differing backgrounds and competing philosophies, out of the individual strengths and weaknesses, and out of the personal friendships and political rivalries, this community of one hundred men and women must produce public policy that ensures the well-being of more than two hundred and fifty million of our fellow Americans. That is an awesome responsibility.

As much as any of us, Reverend Halverson understood both the sense of community and the awesome responsibility of the Senate. Each morning, in his opening prayer, he would try to remind us that the sense of community, collegiality, and comity that has always been the trademark of this body is vitally important to carrying out the tasks that are demanded of us. He would remind us that the Senator on the other side of a heated debate is just as committed a public servant as we are. That no political party has a monopoly on compassion, or patriotism, or integrity. That the American Dream is neither conservative nor liberal. And that at the end of the day that sense of community, as Senators and as Americans, must prevail if we are to meet the responsibilities that have been entrusted to us.

Reverend Halverson understood that as Senators, our lives—official and often personal—are open to more scrutiny than most Americans would tolerate. He understood that not only our votes and our speeches, but our families and our lifestyles are often open to public review. As public officials we have accepted that. Nonetheless, Reverend Halverson understood that that scrutiny does take a human toll, reminding us that as we would like to be treated with understanding, so we must be understanding ourselves. And reminding us that for all of the public scrutiny of our lives and our conduct, for all of the public criticism that we sometimes receive for our votes and our political and philosophical beliefs, for all of the questioning of our motives that we must sometimes endure, the work that we do is so important to so many people that we must persevere.

Reverend Halverson always understood that election to public office does not take away the pressures that face every other American man and woman; work-related stress, family concerns, health concerns, or the self-questioning that every individual faces from time to time throughout their lives. Similarly, he understood that election to public office does not bestow skills or talents that we did not possess before; nor does it eradicate any personal weaknesses we possessed before our election. But Reverend Halverson was always there to remind us that deep within each of us is the ability to meet every challenge that our careers and our lives present.

A few years ago, I was quite ill. I left here one February night with a headache and did not return until late in the summer. During those months, as he was during all of his 14 years here, Reverend Halverson was there for me. I have never forgotten that, and my family has never forgotten that.

Throughout his 14 years as the Senate Chaplain Rev. Richard C. Halverson was a committed public servant and a friend to each of us. We shall miss him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, almost 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

In that report (February 27, 1992) the federal debt stood at $3,825,891,293,066.80, as of close of business the previous day. The point is, the federal debt has increased by $1,162,547,561,447.99 since February 26, 1992.

As of the close of business Tuesday, December 12, the Federal debt stood at exactly $4,988,438,854,514.79. On a per capita basis, every man, woman, and child in America owes $18,936.20 as his or her share of the Federal debt.

THE PHOENIX PROPOSAL

Mr. DOLE. Mr. President, the Federal Communications Commission will soon rule on Sprint's partnership with Deutsche Telekom and France Telecom, or its more common name, the Phoenix Proposal. I ask unanimous consent that my letter to FCC Chairman Reed Hundt regarding this issue be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 12, 1995.

Hon. REED HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: I wrote you almost one year ago concerning the proposed Global Partnership between Sprint Corporation, Deutsche Telekom and France Telecom. At that time, I asked that you rule fairly and promptly on this matter.

It is my understanding the Commission may consider a proposal that appears to have little to do with traditional foreign ownership concerns having to do with the acquisition of undue leverage over domestic companies. Specifically, the FCC would artificially "freeze" Sprint's communications capacity between the United States and Germany and France, while placing no such restrictions on any of its major competitors.

Given that the Justice Department has already signed off on the partnership, many believe there is no legitimate foreign investment concern. Even if excessive leverage could be obtained under this partnership, an arbitrary limitation on communications capacity would not alleviate it. In short, it appears the Commission will answer the wrong question with an equally wrong solution. If this were to occur, Sprint would be at a competitive disadvantage with other international competitors.

I look forward to your reply.

Sincerely,

BOB DOLE.

LIMITED PROVISIONS IN THE CONTINUING RESOLUTION

Mr. KENNEDY. Mr. President, one of the most serious defects of the current stopgap funding for the Federal Government is its treatment of LIHEAP, the Low-Income Home Energy Assistance Program, that helps needy families pay their winter fuel bills. Under that program, States receive most of their full-year LIHEAP allocation in the 2 months of October and November so that they can prepare for the winter, set benefit levels, and deal with emergencies.

It is bad enough that the current stopgap bill cuts these needed funds by 25 percent from last year—25 percent from last year. Even worse, it pays out those funds on a basis that is prorated on a full year, so that the States are receiving far less than the usual share in October and November. By this time last year, Massachusetts had received $32 million of its $54 million allocation. This year, however, Massachusetts has only been allowed to draw down $9.5 million.

In fact, all States had received $800 million of last year's $1.3 billion LIHEAP appropriation by December of last year. Under the stopgap bill, there is a 71-percent cut, although the bill is only supposed to impose a 25 percent cut at most.

This chart demonstrates very clearly what the problem is. First of all, I think everyone across this country understands the extraordinary drops in the temperature in the most recent days. This is playing havoc in many families in Massachusetts, up in Boston, the North Shore, all over Massachusetts and the Berkshires and otherwise. By December 15 of 1994, some $800 million had been distributed. By December 15, 1995, only $230 million under the continuing resolution.

Mr. President, this has to be addressed in the continuing resolution. Unless it is, there will be hundreds of Americans whose very health and risk of freezing will be very, very real. This was a nonintended result of the fact of these continuing resolutions, and it is an emergency. It cries out for action.

We hope that the House of Representatives will take action. Otherwise, I know, under the leadership of Senator WELLSTONE and others, an amendment will be offered to try and reach this emergency situation.

Massachusetts energy agencies have said that they will respond only to cases where a utility terminates services, or where homes have less than one-eighth of a tank of fuel oil. The State has cut annual LIHEAP benefits from $430 to $150 per household to ensure that they have enough funds for emergencies throughout the winter.

In Gloucester, the agencies have been faced with a choice of spending nonauthorized LIHEAP funds or letting some families freeze to death.

In Salem, the local government has dipped into its own scarce funds to provide needed assistance.

In Springfield, Patricia Nelligan, the fuel assistance director for the New England Farm Workers' Council, said that unless more LIHEAP funds are made available soon, their program will have to shut down by the end of next week.

It may not officially be winter yet, but winter has already arrived with a vengeance in many parts of the country. For the 6 million recipients of LIHEAP assistance across the Nation, it will be a desperate Christmas unless more aid is available.

Some 95 percent of the households receiving LIHEAP assistance have annual incomes below $18,000. They spend an extremely burdensome 18 percent of their income on energy, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented the heat or eat effect, where higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

The study also found almost twice as many low-weight and undernourished children were admitted to Boston City Hospital's emergency room immediately following the coldest month of the winter. No family should have to choose between heating and eating.

But it is the poor elderly that will be at the greatest risk if more LIHEAP funds are not made available, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, the elderly are much more likely to live in homes built before 1940 which are less energy efficient and put them at greater risk.

Low-income elderly who have trouble paying their fuel bills are often driven to rely on room heaters, fireplaces, ovens, and wood-burning stoves to save money. Between 1986 and 1990, such heating sources were the second leading cause of fire deaths among the elderly. In fact, elderly citizens were up to 12 times more likely to die in heating-related fires than adults under 65.

Over 50 Senators have signed a letter urging the budget negotiators to allow States to draw down LIHEAP funds at the up-front rate if a further stop-gap funding bill is enacted. I urge the Senate to support this provision, so that families can receive the urgent assistance they need.

Christmas is approaching, and in many parts of the country, temperatures have dropped to levels close to those at the North Pole. But Santa Claus does not release LIHEAP funds to the States—Congress does, and we must act quickly to avoid tragedy.

THE DEATH OF THE FORMER CHAPLAIN OF THE SENATE, THE REVEREND DR. RICHARD C. HALVERSON

Mrs. HUTCHISON. Mr. President, with sadness, tempered by gratitude, I rise today to mourn the passing of the late Chaplain of the Senate, the Rev. Richard C. Halverson. Recently he left this Chamber and this world, but the impression he left is all around us.

Mr. President, we all know that national politics is often wracked by deep disagreement. The task of steering history's most civilized Nation on a wise course through democratic means arouses strong passions. Only spiritual guidance and divine grace could steady this Chamber during the tempests of every age, and we are fortunate to debate in soft tones, and to determine great questions as a civilized community. For the last 14 years, America herself was blessed to have Dr. Halverson, the Senate's Christian humanist, to keep our civilization decent.

Whenever a member of out little civilization lost a loved one—or gained one—the Chaplain's office was a proven source of consolation and hope.

I took the oath here not too long ago, and I remember, among a flood of invitations, one from the good Chaplain asked to come to the weekly Senate prayer breakfast. There are many bipartisan meetings in the Capitol, but the calm communion of Catholics,

Jews, and Protestants was tripartisan as well as profoundly contemplative. I treasure those Wednesday morning gatherings as occasions to make deep and abiding friendships with my colleagues.

Mr. President, John Stuart Mill wrote that "one person with a belief is a social power equal to ninety-nine who have only interests." Here in this Chamber, one Chaplain with unshakeable belief was a social power equal to all 100 of us, each with a host of interests and beliefs. He calmed our fears, he kept us together, and every morning he called us to prayer.

Now, as he taught us, I join my colleagues in praying for his soul.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE FARMINGTON WILD AND SCENIC RIVER STUDY—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Farmington River in the States of Massachusetts and Connecticut. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The Farmington River Study was authorized by Public Law 99-590.

The study was conducted by the National Park Service, with invaluable assistance from a congressionally mandated study committee. The National Park Service determined that the 11-mile study segment in Massachusetts and the 14-mile study segment in Connecticut were eligible for designation based upon their free-flowing character and recreational, fish, wildlife and historic values.

The 14-mile Connecticut segment of the river has already been designated as a Wild and Scenic River pursuant to Public Law 103-313, August 26, 1994. The purpose of this transmittal is to inform the Congress that, although eligible for designation, I do not recommend that the Massachusetts segment be designated at this time due to lack of support by the towns adjoining it. If at some future date the towns should change their position and the river has retained its present characteristics, the Congress could reconsider the issue. Also, for 3 years from the date of this transmittal, the Massachusetts segment will remain subject to section 7(b) of the Wild and Scenic Rivers Act. Section 7(b) prohibits licensing of projects by the Federal Energy Regulatory Commission and Federal or federally assisted water resource development projects that would have a direct and adverse effect on the values for which the river might be designated. Finally, the report includes the Upper Farmington River Management Plan that is referenced in Public Law 103-313 as the plan by which the designated river will be managed.

The plan demonstrated a true partnership effort of the type that we believe will be increasingly necessary if we are to have affordable protection of our environment in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 13, 1995.*

MESSAGES FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States.

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

H.R. 1295. An act to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks.

H.R. 1533. An act to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

H.R. 1574. An act to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

H.R. 1747. An act to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes.

H.R. 2418. An act to improve the capability of analyze deoxyribonucleic acid.

H.R. 2538. An act to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children.

The message also announced that the House recedes from its amendments to the amendments of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, and concurs therein with an amendment.

The message further announced that the Speaker appoints Mr. WISE as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, vice Mr. LIPINSKI, resigned.

At 4:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge, to the Committee on Environment and Public Works.

H.R. 1533. An act to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison, to the Committee on the Judiciary.

H.R. 1574. An act to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit, to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, to the Committee on Commerce, Science, and Transportation.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, to the Committee on Environment and Public Works.

H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, to the Committee on Veterans' Affairs.

H.R. 2418. An act to improve the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

H.R. 2538. An act to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1681. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1682. A communication from the Administrator of the Federal Highway Administration, the Department of Transportation, transmitting, pursuant to law, the report entitled, "Progress Made in Implementing Sections 6106 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)"; to the Committee on Environment and Public Works.

EC–1683. A communication from the Administrator the Environmental Protection Agency, transmitting, pursuant to law, the annual report entitled, "The Superfund Innovative Technology Evaluation Program" for fiscal year 1994; to the Committee on Environment and Public Works.

EC–1684. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on child support enforcement for fiscal year 1994; to the Committee on Finance.

EC–1685. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first annual report summarizing the evaluation activities relative to the Comprehensive Community Mental Health Services with Serious Emotional Disturbances program; to the Committee on Labor and Human Resources.

EC–1686. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation to make technical revisions to existing immigration law and to promote the efficiency and effectiveness of consular and immigration services and operations; to the Committee on the Judiciary.

EC–1687. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–1688. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing corporation and labor organization activity, express advocacy and coordination with candidates; to the Committee on Rules and Administration.

EC–1689. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1690. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1691. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1692. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1693. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1694. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, a report on accounts containing unvouchered expenditures potentially subject to audit by the Comptroller General; to the Committee on Governmental Affairs.

EC–1695. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1696. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1697. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–480. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION

"Whereas the federal government is considering legislation that would repeal the existing authority of the Interstate Commerce Commission to regulate water carriers transporting property between the 48 contiguous states and Alaska; and

"Whereas Alaska is uniquely dependent on water transportation in that virtually everything that Alaskans eat, drink, wear, or use comes into the state by ship or barge; and

"Whereas the deep water transport market serving the Alaska Railbelt is a classic duopoly situation in that two water carriers provide the vital service of transporting at least 75 percent of all goods shipped for 80 percent of the state's residents; and

"Whereas, in a duopoly situation, the service providers have an obligation to their customers to operate with the highest degree of fairness and disclosure; and

"Whereas the freight system by which Alaskans receive vital cargo should treat all customers fairly by guaranteeing equal access to competitive rates; and

"Whereas the citizens of Alaska, recognizing that their interests may best be served by allowing market forces to determine the cost of bringing vital goods to the state so far as possible, continue to have concerns about the cost of shipping goods to Alaska; and

"Whereas the citizens of Alaska have also expressed their desire to preserve the essential elements of the current system of regulating water carriers serving Alaska; and

"Whereas, if the Interstate Commerce Commission is abolished and if there is no other forum for shipper complaints, the citizens of the state may have no place to present and resolve complaints about water carriers serving Alaska other than in court; and

"Whereas the federal government has historically had a role in water transportation to Alaska through the Interstate Commerce Commission; and

"Whereas the federal government is considering whether to transfer some functions of the Interstate Commerce Commission to the United States Department of Transportation; and

"Whereas the Interstate Commerce Commission has recommended that the regulation of all domestic offshore water carriage be handled by the Federal Maritime Commission, which may also be abolished; and

"Whereas regulatory functions of the Interstate Commerce Commission relating to domestic offshore water carriage could be performed by other existing federal entities if the Interstate Commerce Commission is abolished in order to save federal taxpayer money; and

"Whereas three primary interests of Alaskans if such abolishment occurs are to ensure that rates for carriage to Alaska are fair and competitive, to ensure that carriage service to Alaska is dependable, and to ensure that an accessible forum exists in which Alaskans can present and resolve complaints; be it

"*Resolved*, That the Alaska State Legislature respectfully requests that the Governor and members of the Alaska delegation in the United States Congress support the preservation of the essential regulatory functions of

the Interstate Commerce Commission pertaining to domestic offshore water carriage that serve the best interests of Alaska's consumers while providing an acceptable rate of return to the carriers which serve the Alaska market by transferring such regulatory functions to the United States Department of Transportation, if and when necessary."

POM-481. A resolution adopted by the Commission of the City of Boynton, Florida relative to the Superfund Reform 95 principles; to the Committee on Environment and Public Works.

POM-482. A resolution adopted by the House of the Legislature of the State of Georgia; to the Committee on Finance.

"Whereas, the members of state legislatures are required to be away from their homes while performing the duties of their offices; and

"Whereas, members of state legislatures are reimbursed for their travel expenses and the other expenses incurred in performing their duties; and

"Whereas, under the provisions of 26 U.S.C., Section 162(h), state legislators are allowed to deduct such reasonable travel expenses for purposes of income taxation; and

"Whereas, the payment of such expenses is currently subject to withholding for purposes of the federal Social Security Act and for purposes of federal income taxation; and

"Whereas, it is only fitting and proper that such expenses should not be subjected to withholding for these purposes: Now, therefore, be it

"*Resolved by the House of Representatives*, That this body urges the Congress of the United States to enact legislation which would exclude the travel expenses and per diem of state legislators from income for purposes of contributions required under the federal Social Security Act and from withholding for purposes of federal income taxation, BE IT FURTHER

"*Resolved* That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Congress of the United States and to each member of Congress from the State of Georgia."

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104-184).

EXECUTIVE REPORT OF COMMITTEES

The following executive report of committees was submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs:

Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2000.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana; read the first time.

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mrs. FEINSTEIN, and Mr. EXON):

S.J. Res. 44. A joint resolution concerning the deployment of U.S. Armed Forces in Bosnia-Herzegovina; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND):

S. Con. Res. 35. A concurrent resolution expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia; submitted and read.

By Mr. LEVIN:

S. Con. Res. 36. A concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

MISSING CHILDREN LEGISLATION

• Ms. SNOWE. Mr. President, I introduce a small but important piece of legislation designed to assist parents in times of terrible crisis and need, times that every parent has nightmares about—when their children are missing.

Imagine the horror of discovering that your child is missing. Imagine the pain and emotion that overcomes a family at such a time. Imagine the strength and dedication that such families muster in order to do everything possible to locate that child. And imagine how this horror and devastation becomes compounded by senseless Government regulations which hinder their efforts to locate their children.

Consider the tragic experience of Claudine and Don Ryce, the parents of Jimmy Ryce, a 10-year-old Florida boy who disappeared on September 11 of this year. Jimmy disappeared somewhere in the three square blocks between his school bus stop and his home.

Tragically, Jimmy's body was found late last week. I extend my deepest sympathy, and my most sincere condolences, to his family.

I want Jimmy's parents to know that I heard about the frustration they encountered as they searched for their son. I want them to know that Congress will do something to rectify this. Today, I want to break down one barrier that they encountered in their vigilant efforts to locate their son.

Jimmy's parents tell the story of how simple tasks, such as posting notices in Federal buildings with Jimmy's picture on it, were frustrated by senseless Government regulation. They tell of how, with the assistance of the FBI, they would post these notices in one Federal agency building, only to have them removed by employees of another agency. Imagine how frustrating this must be to parents of missing children. How frustrating this must be, especially since photographs of missing children are the most effective tool we have for locating these children.

Unfortunately, far too many children are missing in this country. A 1990 study by the Department of Justice—the most recent study on this issue—found that in 1988 there were as many as:

114,600 attempted abductions of children by non-family members;

4,600 abductions by non-family members reported to the police;

300 abductions by non-family members where the children were gone for long periods of time or were murdered;

354,000 children abducted by family members;

450,700 children who ran away; and

438,200 children who were lost, injured or otherwise missing.

Moreover, the National Crime Information Center reports that approximately 60,000 children are missing at any given time.

The legislation that I introduce today is designed to help the parents of these missing children by eliminating one barrier that Jimmy's parents faced in their search for their son.

This legislation amends the Protection of Public Property Act, which empowers the General Services Administration [GSA] to set rules governing Federal property under its control. Currently, Federal regulations issued by the GSA prohibit the posting of materials on Federal property. My bill directs the GSA to make a very important exception to these rules, and requires the GSA to draft regulations allowing the posting of notices designed to locate missing children. It also ensures that Federal employees cannot needlessly remove these posters.

As Jimmy's father said, "There are things the Government can do, simple things, that would make it easier to publicize" that a child is missing. He also said that we need to "turn these agencies into our allies."

Well, Mr. Ryce, you are correct, and I believe that this legislation will do just that.●

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes.

PROBATION AND PRETRIAL SERVICES OFFICERS LEGISLATION

Mr. HATCH. Mr. President, today I introduce a bill that would grant Federal probation and pretrial services officers authority to carry firearms, when approved by the appropriate district court, under rules prescribed by the Administrative Office of the U.S. Courts.

To add that new authority, the bill amends 18 U.S.C. 3603, which sets out the duties of probation officers, and 18 U.S.C. 3154, which establishes the functions of pretrial services officers. The change will permit those officers to carry firearms as they perform their important and frequently dangerous duties.

State law currently governs whether Federal probation and pretrial services officers may carry weapons; that law is inconsistent from State to State. Research by the Administrative Office of the U.S. Courts shows that only three States give specific authority to Federal probation and pretrial services officers to carry weapons. Forty-four States authorize Federal probation officers to carry firearms based either on statutory authority given to State probation officers or peace officers, or on State attorney general opinions. Although some of those States similarly authorize Federal pretrial services officers to carry firearms, at least 14 of them have neglected to extend that authority to those officers.

More important, certain States prohibit Federal probation and pretrial services from carrying weapons even where the officer has court approval to do so. Officers in those jurisdictions are left vulnerable to serious harm or death. A 1993 study undertaken by the Federal Probation and Pretrial Officers Association revealed that, in the Federal and local systems, 1,818 serious assaults and 792 attempted assaults against probation and pretrial services officers occurred between 1980 and 1992. The study acknowledges that those numbers probably understate the actual figures since some jurisdictions did not respond the association's study.

In my view, the risks faced by Federal probation and pretrial services officers cannot be overemphasized. These officers risk their safety and their lives every day, often supervising violent offenders in situations that place them and others at risk of bodily harm. We should ensure that, wherever those officers are, they are authorized to carry a firearm.

Not only does this bill address problems faced by officers who work out of jurisdictions in which they are not permitted to carry a firearm, but it addresses difficulties faced by officers who must cross State lines in the performance of their duties. Under current law, even officers who are authorized under one State's laws to carry weapons may still run afoul of another State's laws when they cross State lines. Without a Federal statute authorizing officers to carry firearms, they may be acting illegally when they cross State lines to perform their duties. Many Federal officers supervise offenders near a State border and must travel interstate to carry out their duties. An offender may have a nearby job in an adjacent State, for example, and the officer may need to travel to the job site to verify the offender's employment.

Problems may also arise for officers who live in one State and work in another. For instance, officers who live in Wisconsin and work in Minnesota are not allowed to obtain a gun permit from Minnesota. Similar situations arise in other States. Officers may be unable to obtain licenses from the State in which they reside even though they may work in a neighboring State that permits some of it residents to carry firearms.

These officers work in inherently dangerous environments. The Federal Probation and Pretrail Officers Association wrote to me on September 15, 1995:

> Under enhanced supervision practices, we supervise in the field, in the most crime-infested areas of urban environments as well as in the most remote rural areas of urban environments as well as in the most remote rural areas. [I]f enacted, [the bill] would give all officers a significant measure of support and protection which they certainly deserve.

I wholeheartedly agree.

This bill will correct the current intolerable situation. The security of Federal probation and pretrial services officers should not be left to the vagaries of State law.

Of course, these Federal officers will be fully trained and closely supervised in their use of firearms. Under the bill, probation and pretrial services officers will be permitted to carry firearms only pursuant to regulations promulgated by the Director of the Administrative Office of the U.S. courts. The Administrative Office has informed me that these regulations would include extensive training and safety requirements, and that most of them are already in effect for those officers authorized to carry firearms.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRAIL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) As approved by the district court, carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

THE FISHING INDUSTRY BARGAINING ACT

● Mr. STEVENS. Mr. President, today I am introducing the Fishing Industry Bargaining Act, a bill to provide antitrust immunity to fishermen and fish processors which would allow them to collectively agree on the prices paid to

fishermen and on the minimum price fish processors will accept for the sale of processed fish products.

Senator MURKOWSKI joins me as a cosponsor of this legislation.

We are introducing the bill because the Alaska State Legislature enacted a State law to confer identical antitrust immunity on Alaska fishermen and processors.

The changes to Alaska law will only have effect if the changes we are proposing to Federal law are enacted.

Our bill would add a new section to the act approved on June 25, 1934, which authorizes producers of aquatic products to form associations, to allow fishermen and fish processors to collectively agree on prices.

The bill would prevent fish processors from agreeing on prices unless fishermen participated in the agreement and are party to the agreement.

This antitrust exemption would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to hearing from the Alaska fishing industry and from the fishing industry in other parts of the country about the legislation.

If there is support, we would hope to enact the bill sometime next year.

I ask for unimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fishing Industry Bargaining Act".

(b) AMENDMENT TO ACT OF 1934.—The Act approved June 25, 1934, authorizing associations of producers of aquatic products (15 U.S.C. 1521 et seq.) is amended by inserting after section 2 the following new section:

"SEC. 3. Persons engaged in the fishing industry as fishermen, including fishermen acting through associations allowed under section 1, may collectively agree with fish processors, including fish processors acting through associations of processors, on (1) the price paid to the fishermen for aquatic products, and (2) the minimum price that fish processors will accept for the sale of processed aquatic products. Nothing in this section shall be construed to allow fish processors to agree among themselves on the price paid to fishermen or the minimum price that fish processors will accept for the sale of processed aquatic products if fishermen did not participate in the making of the agreement and are not a party to the agreement.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA LEGISLATION

Mr. KERRY. Mr. President, today, I am pleased to join with Senator KENNEDY in introducing legislation to establish the Boston Harbor Islands National Recreation Area. Our bill is the companion legislation to H.R. 2763, introduced yesterday by Congressman GERRY STUDDS and PETER TORKILDSEN. I especially want to acknowledge the enormous leadership efforts of Congressman STUDDS in preparing this initiative and I look forward to working with him and others in the months ahead to enact this legislation.

Thirty-one islands sprinkled throughout Boston Harbor and the surrounding waterway would comprise the national recreational area. Our legislation is based upon a special resource study completed by the National Park Service in 1994 which found that the Boston Harbor Islands and surrounding area meet the Service's criteria for inclusion in the National Park System. However, trying to balance the need for fiscal restraint with the importance of protecting our national heritage, our bill is a much-scaled-down version of the one envisioned in the study. Our bill would fully utilize a unique partnership among the Federal, State, and local governments and the private sector and would require that at least 75 percent of the operational expenses for the park will come from non-Federal funding.

Boston has a rich and diverse history and has been and remains the economic and cultural center of New England. Today, Boston is nationally and internationally renowned in fields such as higher education, health care, technology, transportation, and trade. Beginning centuries ago, Boston Harbor has played a significant role in shaping the city's and the region's direction and growth, and the harbor area contains some of the oldest and most significant historic sites in the Nation, dating from precolonial times.

The islands themselves are rich in historical diversity, containing numerous military and maritime sites. In addition, there are important archaeological sites which chronicle the use and settlement of the harbor by native Americans from at least 9,000 years ago through the 17th century. With its proximity to the city, the park would provide an excellent opportunity to thousands of people to enjoy its outstanding natural, historic, scenic, recreational, and educational values.

As a National Recreation Area, the Boston Harbor Island and surrounding area would enhance the National Park System by promoting this nationally significant history while providing leisure attractions to the public. The park is projected to attract to the area an additional 500,000 visitors annually, create 700 new jobs, and bring an additional $200 million into the region's economy.

In 1970, the Commonwealth of Massachusetts began to acquire the islands of Boston Harbor for the benefit of the public. Since that time, a significant effort has been made to clean up the waters of Boston Bay to again make it attractive to boating, fishing, and other recreational and commercial activities. During the 1980's, the citizens of the Greater Boston area have undertaken what may prove to be the largest water infrastructure project in North America which is intended to guarantee that the Boston Bay's ecological health will be good for the foreseeable future.

The bill we are introducing would establish the Boston Harbor Islands partnership to coordinate the activities of Federal, State, and local authorities and the private sector in developing and implementing an integrated management plan for the islands. In addition, an advisory council would be established to provide representation for interested groups and organizations. This council would make recommendations to the partnership on issues including tourism, transportation, natural resources, cultural and historic resources, and fundraising.

Finally, our legislation would require a ratio of at least three non-Federal dollars for every Federal dollar spent on the park. Using limited Federal resources to leverage a significant local effort is a concept that merits support. By creating a national recreation area, we will preserve an important piece of our American heritage, give it the prominence and honor it richly deserves, accomplish all this with the Federal Government covering only a fraction of its cost, and facilitate the efforts of the Boston area to preserve its history and enhance recreational opportunities for its citizens and visitors.

I am sure Senator KENNEDY and I will be joined by the Massachusetts delegation and others as we work for passage of this important legislation. I am hopeful that the Congress will look favorably upon this initiative which would bring an important, historically significant addition to our National Park System without imposing great new financial burdens on it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Boston is the economic and cultural center of New England and a city of national and international significance;

(2) the Boston metropolitan region plays a leadership role in the areas of higher education, technology, health care, transportation, and national and international trade;

(3) Boston and the immediate region contain some of the oldest, most valuable, and

most visited historic sites in the Nation, dating from precolonial times;

(4) factors such as open space, parks, recreational opportunities, and natural and cultural resource preservation will help determine the region's success and long-term economic and social viability into the 21st century;

(5) Boston Harbor has been a major factor in shaping Boston's growth, development, and sustained influence and significance in New England and the Nation;

(6) years of neglect and overuse of Boston Harbor resulted in a serious decline in its water quality, but a major cleanup effort is fostering the Harbor's renewal and revitalization, making the Harbor once again a focal point for the city and region;

(7) the Boston Harbor Islands support invaluable natural resources, rare in urban settings, that include fresh and salt water marshes, dunes, woodlands, ledges and cliffs, and habitat for wildlife and numerous bird species;

(8) Boston Harbor and its islands, containing many fortifications and other sites related to coastal defense, played an important role in United States military and maritime history from the colonial era to the Cold War;

(9) Boston Harbor and its islands contain important archaeological sites and underwater archaeological resources that chronicle the use and settlement of the Harbor by Native Americans from at least 9,000 years ago until the 17th century;

(10) the Boston Harbor Islands offer abundant opportunities for public education on the attempts of society to deal with urban problems and to protect the ecological health of the Harbor;

(11) the Boston Harbor Islands offer opportunities for recreation, education, and public use and enjoyment in a maritime setting that is in close proximity to a large urban population;

(12) the Boston Harbor Islands are located in a mixed use area, including an active commercial seaport and the region's busiest airport, the present and future operation of which are essential for the economic stability of the region;

(13) the Boston Harbor Islands possess outstanding natural, historical, scenic, recreational, and educational values, and there is a national interest in protecting and preserving those values for residents and visitors of the area; and

(14) a partnership among Federal, State, and local governments and nonprofit organizations offers the best opportunity for the enhancement and management of the Boston Harbor Islands.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts Bay and Cape Cod Bay, the Thompson Island Outward Bound Education Center, and The Trustees of Reservations and with historical, business, cultural, civic, recreational, and tourism organizations; and

(3) to improve access to the Boston Harbor Islands through the use of public water transportation.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "advisory council" means the Boston Harbor Islands Advisory Council established under section 8.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the recreation area approved under section 7.

(3) PARTNERSHIP.—The term "Partnership" means the Boston Harbor Islands Partnership established by section 5.

(4) RECREATION AREA.—The term "recreation area" means the Boston Harbor Islands National Recreation Area established by section 3.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The recreation area shall—

(A) be comprised of the lands, waters, and submerged lands generally depicted on the map entitled "Proposed Boston Harbor Islands NRA", numbered BOHA 80001, and dated August 1995; and

(B) include landside points required for access, visitor services, and administration—

(i) in the city of Boston along the Harborwalk and at Long Wharf, Castle Island, Fan Pier, the John F. Kennedy Library, and the Custom House;

(ii) at Charlestown Navy Yard;

(iii) at the old Northern Avenue Bridge;

(iv) in the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River;

(v) in the town of Hingham at Hewitt's Cove;

(vi) in the town of Hull;

(vii) in the city of Salem at Salem National Historic Site; and

(viii) in the city of Lynn at Heritage State Park.

(2) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) MINOR REVISIONS.—After advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 4. ADMINISTRATION OF RECREATION AREA.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act.

(b) FEDERAL LAND.—The land in the recreation area that is owned by the United States, acting through the Secretary, shall be administered in accordance with the law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(c) STATE AND LOCAL JURISDICTION.—Nothing in this Act diminishes, enlarges, or modifies any right of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth to exercise civil and criminal jurisdiction or to carry out State laws in the recreation area, including laws relating to fish and wildlife and laws relating to the taxation of persons or property in the recreation area.

(d) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation, management, and provision of educational and recreational uses for the properties in the recreation area.

(e) ACQUISITION OF REAL AND PERSONAL PROPERTY AND SERVICES.—

(1) IN GENERAL.—The Secretary may acquire for purposes of the recreation area, by donation, exchange, or lease or purchase with donated or appropriated funds, personal property and lands and improvements in the recreation area.

(2) LIMITATION.—The Secretary may not acquire an interest in real property in the recreation area without the consent of the owner.

(f) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this Act.

(g) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.—With respect to the recreation area, the maintenance, operation, improvement, and use of Logan International Airport and associated flight patterns from time to time in effect shall not be considered to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, or to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

SEC. 5. BOSTON HARBOR ISLANDS PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the executive branch the Boston Harbor Islands Partnership, the purpose of which shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(b) MEMBERSHIP.—The Partnership shall be composed of 13 members, including—

(1) 1 individual appointed by the Secretary to represent the National Park Service;

(2) 1 individual appointed by the Secretary of Transportation to represent the United States Coast Guard;

(3) 2 individuals appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission;

(4) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Port Authority, to represent the Massachusetts Port Authority;

(5) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Water Resources Authority, to represent the Massachusetts Water Resources Authority;

(6) 1 individual appointed by the Secretary, after consideration of recommendations by the mayor of Boston, to represent the Office of Environmental Services of the city of Boston;

(7) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Boston Redevelopment Authority, to represent the Boston Redevelopment Authority;

(8) 1 individual appointed by the Secretary, after consideration of recommendations by the president of the Thompson Island Outward Bound Education Center, to represent the Center Thompson Island Outward Bound Education;

(9) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of The Trustees of Reservations, to represent The Trustees of Reservations;

(10) 1 individual appointed by the Secretary, after consideration of recommendations of the president of the Island Alliance, to represent the Island Alliance, a nonprofit organization the sole purpose of which is to provide financial support for the recreation area; and

(11) 2 individuals appointed by the Secretary to represent the advisory council.

(c) TERMS OF OFFICE; REAPPOINTMENT.—

(1) IN GENERAL.—Each member of the Partnership shall appointed for a term of 3 years.

(2) REAPPOINTMENT.—Any member may be reappointed for 1 additional 3-year term.

(3) INITIAL MEMBERS.—The Secretary shall appoint the first members of the Partnership not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment under paragraphs (3) through (10) of subsection (b).

(4) EXTENDED SERVICE.—A member of the Partnership may serve after the expiration of the member's term until a successor has been appointed.

(d) COMPENSATION.—A member of the Partnership shall serve without pay, but while away from the member's home or regular place of business in the performance of services for the Partnership, a member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service is allowed expenses under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICERS.—

(1) IN GENERAL.—The Partnership shall elect 1 of its members as Chairperson and 1 as Vice Chairperson.

(2) TERMS.—The term of office of the Chairperson and Vice Chairperson shall each be 1 year.

(3) ABSENCE OF CHAIRPERSON.—The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(f) VACANCY.—A vacancy in the Partnership shall be filled in the same manner in which the original appointment was made.

(g) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(h) QUORUM.—A majority of the Partnership shall constitute a quorum.

(i) STAFFING.—

(1) PROVISION BY THE SECRETARY.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties.

(2) PERSONNEL ON DETAIL.—To assist the Partnership, the Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or an entity represented in the Partnership.

(j) NATURE OF PARTNERSHIP.—The members of the Partnership and the entities represented in the Partnership shall not be treated as partners in a legal sense.

SEC. 6. POWERS OF THE PARTNERSHIP.

(a) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership considers appropriate.

(b) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this Act.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) MAILS.—The Partnership may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(e) ACQUISITION OF PROPERTY.—The Partnership may acquire by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(f) COOPERATIVE AGREEMENTS.—For purposes of carrying out the management plan, the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or a private person or organization.

SEC. 7. INTEGRATED RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Partnership shall develop and submit to the Secretary a management plan for the recreation area to be implemented by the Partnership.

(b) CONTENTS.—The management plan shall include—

(1) a program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including—

(A) a program to finance and support the public improvements and services recommended in the plan, including allocation of the non-Federal matching requirement in accordance with section 9 and a delineation of private sector roles and responsibilities; and

(B) a program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over lands and waters in the recreation area, including planning and regulatory responsibilities;

(2) policies and programs for—

(A) enhancing public outdoor recreational opportunities in the recreation area;

(B) conserving, protecting, and maintaining the scenic, historical, cultural, natural, and scientific values of the recreation area;

(C) developing educational opportunities in the recreation area;

(D) enhancing public access to the Boston Harbor Islands, including development of transportation networks; and

(E) identifying potential sources of revenue from programs or activities carried out within the recreation area; and

(3) a policy statement that recognizes economic activities in the recreation area being conducted on the date of enactment of this Act.

(c) DEVELOPMENT.—In developing the management plan, the Partnership shall—

(1) consult on a regular basis with appropriate officials of any local government or Federal or State agency that has jurisdiction over lands and waters in the recreation area;

(2) consult with interested conservation, business, professional, and citizen organizations; and

(3) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the management plan.

(d) APPROVAL.—

(1) SUBMISSION TO GOVERNOR.—The Partnership shall submit the management plan to the Governor of Massachusetts for review.

(2) CONSIDERATION BY GOVERNOR.—The Governor shall have 90 days in which to review and make recommendations regarding the management plan.

(3) SUBMISSION TO THE SECRETARY.—After considering the Governor's recommendations, the Partnership shall submit the management plan to the Secretary, who shall approve or disapprove the plan not later than 90 days after submission.

(4) CONSIDERATIONS.—In reviewing the management plan, the Secretary shall consider—

(A) the adequacy of public participation;

(B) assurances of plan implementation from State and local officials; and

(C) the adequacy of regulatory and financial tools that are in place to implement the plan.

(5) DISAPPROVAL.—

(A) NOTICE.—If the Secretary disapproves the management plan, the Secretary shall notify the Partnership in writing of the reasons for the disapproval and make recommendations for revision.

(B) RESUBMISSION.—Not later than 90 days after receipt of a notice of disapproval, the Partnership shall revise and resubmit the management plan to the Secretary, who shall approve or disapprove the revised management plan within 60 days after submission.

(e) INTERIM PROGRAM.—Prior to approval of the management plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters in the recreation area to ensure that existing programs, services, and activities that promote the purposes of this Act are supported.

SEC. 8. BOSTON HARBOR ISLANDS ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the "Boston Harbor Islands Advisory Council".

(b) PURPOSES.—The purposes of the advisory council shall be—

(1) to represent various groups with interests in the recreation area; and

(2) to make recommendations to the Partnership on issues related to the development and implementation of the management plan.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service.

(2) REPRESENTATION.—The Secretary shall appoint no fewer than 3 individuals to represent each of the following categories of entities:

(A) Municipalities.

(B) Educational and cultural institutions.

(C) Environmental organizations.

(D) Business and commercial entities, including those related to transportation, tourism, and the maritime industry.

(E) Boston Harbor-related advocacy organizations.

(d) COMMITTEES.—

(1) IN GENERAL.—The advisory council shall be encouraged to establish committees relating to specific recreation area management issues, including education, tourism, transportation, natural resources, cultural and historical resources, and revenue raising.

(2) PARTICIPATION.—Participation on a committee under paragraph (1) shall not be limited to members of the advisory council.

(e) MEETINGS.—Meetings of the advisory council and committees established by the advisory council shall be open to the public.

(f) FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory council.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act for any fiscal year may be expended only on a matching basis in a ratio of at least 3 non-Federal dollars to each Federal dollar.

(2) FORM.—The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KERRY today in sponsoring a bill to establish the Boston Harbor Islands National Recreation Area in Massachusetts. This legislation is part of a bipartisan effort with Congressmen GERRY STUDDS and PETER TORKILDSEN, who introduced an identical bill yesterday in the House of Representatives.

The legislation follows a comprehensive study by the National Park Service, authorized in 1992 and completed last year. That study reached the strong conclusion on the 31 islands clustered in Boston Harbor that "[t]heir proximity to a large urban population and their special geological, prehistoric, historic, and natural features qualify them collectively as an outstanding example of a nationally significant recreation area. Their configuration, their assemblage of significant natural and cultural features, and their proximity to a major metropolitan area create a resource that has no parallel in the United States."

The islands are just a short boat trip from downtown Boston. They offer abundant opportunities for visitors to enjoy surroundings of exceptional natural beauty. With rocky shores, sand beaches, and tidal pools full of marine life from horseshoe crabs to starfish and seals, visitors enjoy swimming, fishing, clam-digging, berry-picking, bird and whale watching, boating, camping and hiking on well-maintained trails. History lovers can explore national historic landmarks, such as the Revolutionary War-era fort that later housed Confederate prisoners in the Civil War, and the Nation's first lighthouse—the only lighthouse still operated by lighthouse keepers in the old tradition. They can hunt for pirate relics, and dig further back in time for archaeological artifacts from 10,000 years ago and rare geological formations dating to the glacial age. All of the islands offer spectacular views of the modern Boston skyline and the Atlantic Ocean.

But these assets have gone largely unnoticed until recently. The Park Service study has helped catalyze a growing recognition that the Harbor Islands deserve protection, as a unique resource that can greatly expand recreational opportunities for families in the Boston area and for visitors from across the country. Already, more than 25 million tourists visit Massachusetts each year, with 10 million visiting the Boston area annually. Fulfilling the potential of the Harbor Islands will strengthen tourism and significantly benefit the local economy, as well as enhance the experience of visitors to the area.

As recommended by the Park Service study, to fulfill that potential, we must improve public access to the islands and adopt a coordinated approach to their management. This legislation calls on the National Park Service to work closely with State and local governments and nonprofit organizations to preserve the natural and cultural resources of the islands and make them more accessible to the public through the use of a public water transportation system. The bill establishes a partnership among the various levels of government, and requires a commitment of non-Federal funds on at least a three-to-one matching basis with Federal funds. It does not involve any substantial purchase of land by the Federal Government; instead, it authorizes the Park Service to develop cooperative agreements with the State, local and private owners of the islands to ensure their protection and expanded public use.

The Boston Harbor Islands will be an exceptional addition to the National Park System. Their natural beauty and historical significance eminently merit this protection and preservation. The partnership approach will keep Federal costs to a minimum and assure the success of this effort for generations to come. I urge my colleagues to support this important legislation.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

THE FOOD AND DRUG ADMINISTRATION PERFORMANCE AND ACCOUNTABILITY ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I introduce the Food and Drug Administration Performance and Accountability Act of 1995. This comprehensive reform bill is designed to ensure that Americans continue to enjoy and our Nation continues to lead the world in the development of new, life-saving and life-enhancing pharmaceuticals and medical devices and wholesome, abundant, and affordable foods by reforming the role of the Food and Drug Administration in the testing and review of new products.

Over the years, the FDA's requirements for clinical testing and its premarket reviews of new products have grown increasingly complex, time-consuming, and expensive. From the 1960's to the 1990's, for example, the time required to complete clinical trials for new drugs has grown from 2½ years to nearly 6 years. From the beginning of the process to the end, it takes an average of 12 years and costs $359 million to bring a new drug to market. By law, the FDA is required to review and act on applications to market new drugs and devices within 180 days. Today, however, it takes the agency on average 649 days to complete its review of new devices and 570 days to complete its review of most new drugs.

These increasing FDA demands on new product development and delays in new product reviews are reducing incentives for research and development, encouraging American companies to locate abroad, delaying Americans' access to new pharmaceuticals and medical devices, and costing American jobs.

The legislation I am introducing today is designed to correct these problems. First, the bill makes clear that a prime mission of the FDA is facilitating the rapid and efficient development and availability of safe and effective products that will benefit the public. It puts the agency on notice that Congress and the American people expect it to allocate its time, energy, and resources accordingly.

Second, the bill puts teeth into statutory deadlines for agency action. The FDA commissioner is required, in consultation with patient advocacy groups and the regulated industries, to establish and meet yearly performance standards that will bring the agency into compliance and keep it in compliance with statutory deadlines for action on premarket approval applications. The commissioner will be required to report yearly on the agency's performance and, if the agency is out of compliance, to contract with outside experts for product reviews.

Third, to ensure that desperately ill and suffering patients have access to promising new therapies, the bill will expand access to investigational new pharmaceuticals and medical devices. To ensure that physicians are as fully informed as possible about these new therapies and about new uses for already approved therapies, the bill will ease the agency's current severe restrictions on the dissemination of information about them.

Fourth, the bill establishes a collaborative clinical testing and review process. It requires the agency to meet

with companies in the early stage of the clinical testing to establish the parameters for testing and avoid last-minute changes in protocol designs once testing is underway. Once testing has been completed and the agency receives an application for product approval, the agency would again be required to meet with companies to better ensure the smooth and timely review of the application.

Fifth, the bill provides the agency with the statutory flexibility it needs to make changes in its clinical testing policies and product review procedures. For example, it modifies current law, which appears now to require two or more clinical studies, to permit the agency to base its approval on one well-designed clinical study when appropriate. As further examples, the bill updates outmoded statutory requirements for the regulation of biological products, reduces the number of medical devices that the agency is required to review, and makes it easier for the agency to use national and internationally recognized performance standards in evaluating the safety and effectiveness of devices.

In these and in a number of other ways, the FDA Performance and Accountability Act of 1995 will transform the FDA from a growing barrier to innovation into an active partner in innovation.●

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 981

At the request of Mr. EXON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 981, a bill entitled "Truck Safety and Congressional Partnership Act".

S. 1030

At the request of Mr. REID, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1030, a bill entitled the "Federal Prohibition of Female Genital Mutilation Act of 1995.

S. 1212

At the request of Mr. COATS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1470

At the request of Mr. MCCAIN, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. SANTORUM, his name was added as a cosponsor of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

SENATE CONCURRENT RESOLUTION 35—RELATIVE TO BOSNIA

Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND) submitted the following concurrent resolution; which was considered and not agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. EXPRESSING OPPOSITION TO THE DEPLOYMENT DECISION.

The Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

SEC. 2 EXPRESSING SUPPORT FOR UNITED STATES MILITARY PERSONNEL WHO ARE DEPLOYED.

The Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 36—DIRECTING THE SECRETARY OF THE SENATE

Mr. LEVIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike "6" and insert "7".

(2) In section 9(7), insert "and" after the semicolon, in section 9(8), strike "; and" and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike "7" and insert "6".

(4) In section 15(a)(2), strike "8" and insert "7".

(5) In section 15(b)(1), strike ", 5(a)(2)," and in section 15(b)(2), strike "8" and insert "7".

(6) In section 24(b), strike "13, 14, 15, and 16" and insert "9, 10, 11, and 12".

(7) In section 12(b)(1), strike "7" and insert in lieu thereof "6".

AMENDMENTS SUBMITTED

TECHNICAL CORRECTIONS CONCURRENT RESOLUTION

SIMPSON (AND CRAIG) AMENDMENT NO. 3098

Mr. BROWN (for Mr. SIMPSON, for himself and Mr. CRAIG) proposed an amendment to the concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; as follows:

On page 2, after line 10 insert the following: (7) In section 18, strike "contract, loan, or any other form" and insert "or loan".

(8) In section 12(b)(1), strike "7" and insert "6".

THE AU PAIR PROGRAMS EXTENSION ACT

HELMS (AND DODD) AMENDMENT NO. 3099

Mr. BROWN (for Mr. HELMS, for himself and Mr. DODD) proposed an amendment to the bill (S. 1465) to extend au pair programs; as follows:

On line 9 strike "1999" and replace with "1997".

On line 10, strike "1998" and replace with "1996".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, December 13, 1995, at 10 a.m. in open session, to consider the nomination of Mr. H. Martin Lancaster for appointment as Assistant Secretary of the Army for Civil Works.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, December 13, at 9:30 a.m., Hearing Room (SD-406), with respect to the reauthorization of the Clean Water Act on municipal issues.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, December 13, 1995 at 2 p.m. to hold a closed hearing regarding intelligence matters.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 13, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to consider S. 901, the Water Recycling Projects; S. 1013, the Garrison Diversion Unit Project; S. 1154, the Fort Peck Rural County Water Supply System Act of 1995; S. 1169, the McCall Area Wastewater Reclamation and Reuse Project, and S. 1186, the Flathead Irrigation and Power Project.

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

ADDITIONAL STATEMENTS

ILLICIT DRUGS

• Mr. D'AMATO. Mr. President, I rise today to discuss a vital, bicameral effort to combat drugs in this country. The Task Force on National Drug Policy, of which I am a proud member, was announced today to work to solve a serious problem: narcotics.

Despite efforts by Congress to curtail the flow of drugs into this country and its use by Americans, it seems as though the results have been lost with this administration. The intent of this task force is to focus the White House on a problem that is far from being resolved, and where much attention needs to be paid.

This is particularly important in light of recent studies that have indicated a growing trend in illicit drug use among teenagers. Studies indicate that, despite a decline in drug use among teens during the 1980's, drug use has risen sharply in the past few years. Cocaine use by high school students increased 36 percent since 1991-92, which was the period of lowest use. Marijuana use increased as well. Between the 1990-92 school year and 1994, marijuana use among junior high school students rose 111 percent and rose 67 percent in high schools. Now, one in three high school students admit to smoking marijuana.

Even without being armed with these statistics, Americans see the rise of drug use in their communities. It is on their streets and in their schools. Understandably, citizens view narcotics as one of the most pressing problems facing our country. According to a Gallup poll released yesterday, 94 percent of Americans see drug use as a serious problem or a crisis.

These recent reports are a wake-up call to the administration to take action. It has served as the impetus for this Task Force on National Drug Policy to set a framework for policy and establish strategic plans to combat the drug epidemic. This, in turn, should move the White House to realize that this is a pressing issue that they can no longer neglect. Action must be taken now. Our children cannot afford to wait any longer.

Efforts must be stepped up to get at the drug suppliers, especially the drug kingpins. They are profiting while the rest of us suffer. There presence is being tolerated and should not be tolerated anymore.

In order to control the proliferation of illegal narcotics, law enforcement efforts must play a leading role in the Federal strategy. Law enforcement agencies, experts in this field, have been able to develop innovative techniques to respond to the spread of drugs in our communities. They are on the frontlines of this war against drugs and have the knowledge to fight its recent rise.

The members of this task force have the ability to establish policy and to take the initiative through legislative action. An example of this could be the implementation of a system such as the Automated Fingerprint Identification System [AFIS]. Using this biometric system, drug smugglers will not be able to repeatedly enter this country using fictitious identification with anonymity and impunity. Recidivistic drug felons could be immediately identified, detained, and prosecuted or deported before their heinous acts impact upon our children, families, and communities. This is at least one way to reduce the flow of drugs over our borders.

Another way to deter drug dealers is to raise sentencing guidelines and enact mandatory minimums to guarantee longer sentences. These will also act as a deterrent to potential offenders. We should be attacking their trade, not ignoring their presence.

It is evident that the illegal drug trade has profited with the focus shifted away from their activities. But this task force will change that. With the emphasis placed back on narcotics and the harm it spreads, this task force may be able to concentrate efforts to rekindle the decline of drug use that was noted prior to this administration.

I would also like to take this opportunity to commend my colleagues for their leadership and initiative in the effort to control illicit drugs in the United States.•

TO HELP THOSE LIVING ON THE EDGE

• Mr. SIMON. Mr. President, one of the most dynamic people I have had a chance to meet in my years in public life is a Roman Catholic priest by the name of Father George Clements.

He has stirred controversy from time to time by his championing of causes that sometimes are unpopular but always, in my opinion, reflect favorably on his faith and his humanitarianism.

Recently Parade magazine had a story concerning his program of "One Church-One-Addict" which I ask to be printed in full in the RECORD.

What a great thing for this Nation it would be if every church in the Nation were to follow this simple admonition.

Many churches would find that they have been unable to help people, a least not immediately. But many others would find they have been the difference in keeping people from going over the edge.

The article follows:

TO HELP THOSE LIVING ON THE EDGE

(By Marie Ragghianti)

The only major institution not dealing with substance abuse is the church," the Rev. George Clements told me. "Look at our prisons and universities—they're fighting drugs. We can do no less."

For many years, Father Clements has been inspiring others to action through both his words and his deeds. In 1980, from his parish in Chicago, he started a program called One Church-One Child. His idea—for every church to place one homeless child with a family—eventually grew into a national program, and it has helped find homes for more than 50,000 children. In a controversial move,

Clements himself adopted four youngsters. (The Vatican eventually supported him.) In 1987, a TV movie told his story.

Now, the 63-year-old priest has an even more ambitious mission: to help recovering addicts find support in their religious communities. Clements' new program is called One Church-One Addict, which he founded with the American Alliance for Rights and Responsibilities, a nonprofit organization based in Washington, D.C.

"If Jesus was walking around today, he'd be working in the area of substance abuse," Clements says when he speaks to religious groups around the country. "Jesus lived on the cutting edge and helped others. We must do the same."

One Church-One Addict is ecumenical: All faiths are asked to do something about drug addiction and/or alcoholism in their communities. Volunteers are trainged to give counseling and support. They meet with clients in one-on-one sessions, helping them learn how to live without drugs or alcohol. Clients usually enter the program upon leaving a rehabilitation center or clinic. They receive support for about nine months, although no time limit is set.

I asked Father Clements how he got involved in helping recovering addicts. It began, he said, with a child he once knew who lived near his church—the Holy Angels Catholic church, in the drug-plagued housing projects of Chicago's South Side.

"I wouldn't be in this work today if it wasn't for Tommy," Clements explained. "Tommy was valedictorian of his eighth-grade class. He was a great football player and had won an academic scholarship to attend an excellent high school. He wanted to be an obstetrician. One evening, he asked if I thought he could make it. 'Of course you can, Tommy,' I told him. 'I have no doubt.'

"That night, after I was in bed, the phone rang. It was the emergency room a local hospital. A kid was dying. He was unconscious and didn't have any identification, but they could make out the words 'Father Clements.' I raced to the hospital. When I arrived, I found Tommy lying on a slab, dead of a drug overdose.

"After the funeral, I sat at my desk and couldn't stop crying. How could I not have known? That day, it was as if a force grabbed me by the back of the neck, and I knew I had to do something."

Shortly after Tommy's death, Father Clements took a walk through his neighborhood. What he saw outraged him: Drug paraphernalia littered the streets and, to his astonishment, was being sold in the area's small liquor stores, pharmacies and candy shops—many of which were frequented by children. A few months later, Clements decided to organize protests. He went to a large wholesaler of drug paraphernalia and held a revival in the parking lot. The 1989 event was covered by regional media and prompted the Illinois Legislature to pass a law banning much of the paraphernalia.

For Clements, however, that victory was only the beginning: He decided that the church could no longer ignore the problem of drugs in the community. After five years of planning, One Church-One Addict was born in 1994, receiving funding through seed grants provided by nonprofit groups. Since then, 715 churches in 31 states have signed on; more than 2000 people have been helped by its network of support.

How does Father Clements compare the two programs he founded?

"I feel that One Church-One Addict is a natural outgrowth of One Church-One Child," he said. "People are much more sympathetic to kids than to addicts. But I tell people that I'm not excusing or defending addiction. We say, 'Love the addict, hate the addiction.'"•

PROTECTING THE FIRST AMENDMENT

• Mr. BINGAMAN. Mr. President, I did not support the effort yesterday to begin writing exceptions into the first amendment of our Constitution. The first amendment protects the right of free speech, no matter how unpopular or offensive that speech is. The Court interprets this to include the right of people to burn a flag if a person so chooses. Presumably, the Court would reach the same conclusion with regard to a person's right to burn the Constitution or even the Bill of Rights itself.

Modern technology has given us the ability to see political protest, including the burning of flags, as it occurs around the world—in Tiananmen Square, in the Soviet Union and Eastern Europe, and in South Africa. We are not only able to see the political protest, we are also able to see those governments step in to prevent that expression, to limit that speech, and to silence dissent and criticism aimed at those in power.

This proposed constitutional amendment would sanction that same type of repressive action by our own Government. And such repression would not be permitted only when people are disturbing the peace, but also when they are trying to dramatize their strongly held political views. Like most citizens, I might find many of those political views offensive. But I am not willing to amend the Constitution to permit States and the Federal Government to restrict the expression of those views.

It distresses me to see the symbol of our great Republic mocked and desecrated.

But I am not so foolish as to mutilate those values themselves. The strength of our country is in large part due to the fact that we tolerated the expression of unpopular views. It does not strengthen us as a nation to begin, by constitutional amendment, to restrict the right of political expression. It does not protect our Nation to diminish the very liberties which have made us the envy of all mankind.

Mr. President, it seems that this issue surfaces every 4 or 5 years usually before Presidential elections. We spoke about this issue before the last Presidential election and we debate the issue again now.

Mr. President, one point which has come home to me time and again since I have been in the Senate, is that the Framers of our Constitution did a marvelous thing when they wrote that document and when they added to it the Bill of Rights. Not only did they produce a document embodying our most precious values and a system of government to advance and protect those values, they also had the wisdom to anticipate the very type of effort to silence unpopular expression. They anticipated it, and they guarded against it by requiring changes in the Constitution to be accomplished only by a two-thirds vote of both the Senate and the House of Representatives, and then by the approval of three-quarters of the legislatures of our States.

Those requirements have served us well in the present debate. I am glad that the necessary two-thirds vote to approve this amendment was not achieved in this Senate. I am heartened to hear the strong statements of many of my colleagues against the amendment.

What about the public reaction to all of this? Recent polls show that a majority of Americans favor such a constitutional amendment and indicate that they would be inclined to vote against a Representative or Senator who opposed it.

I would like to believe that, given time for additional reflection, most Americans would have a different view. I would like to believe that those of us in public life have a responsibility and opportunity to persuade our fellow citizens on this issue.

Time will tell whether my beliefs are well-founded.

I cast my vote against this proposed amendment with the satisfaction of knowing that I have done what is clearly right.•

FROM POLITICS TO PARANOIA

Mr. SIMON. Mr. President, recently The Washington Post had an op-ed piece by one of the finest people I have met in my four decades of public service: Abner J. Mikva.

He served in the House, served in the federal judiciary and served as counsel to President Clinton. In all three areas he served with great distinction.

I believe we should reflect on his recent op-ed piece "From Politics to Paranoia," which I ask to be printed in full in the RECORD at the conclusion of my remarks.

Along with Senator JOHN GLENN and Senator JEFF BINGAMAN, I voted against the authorization of another million dollars for further Whitewater investigations by the Senate committee.

I believe it will turn out to be a waste of money. I have been appointed to that committee, perhaps because of that vote.

But much worse than the conduct of congressional committees have been the excesses of the independent counsels that have been appointed.

If I were to vote again today on that creation, I would vote against it.

I read recently that the Whitewater independent counsel is now investigating two contributions to Bill Clinton's 1990 gubernatorial race. And the independent counsel has now spent almost $25 million in pursuing every little remote lead.

Our laws should be enforced and we need independence.

My own feeling is that we should establish certain standards for the Office of Attorney General and then not have an independent counsel.

Janet Reno is independent. President Gerald Ford's appointment of Ed Levi as Attorney General was not an appointment of a close friend but rather someone genuinely independent.

Unfortunately, we have had examples of Attorneys General being appointed who are too close to the President.

But to have independent counsels that run amuck is not in our national interest.

The article follows:

[From the Washington Post, Nov. 26, 1995]

FROM POLITICS TO PARANOIA—MISGUIDED ETHICS LAWS HAVE GIVEN US MORE MISTRUST, NOT LESS

(By Abner J. Mikva)

It probably was inevitable that after a year as White House counsel some in the media and politics would speculate that I left my job because I "know something" I don't want to defend. That suspicion is dead wrong. I left because I am physically tired—but in good health and humor, and I intend to stay that way.

The long hours were draining, though worth it. But far more demoralizing was what I came to see as a profound loss of faith by the American people in the government they've created. I leave public life at a time when America has grown unusually distrustful of its government and its leaders. Too many of us expect and believe the worst about government, even when no evidence exists to justify our doubts. And I've come to think that some of our intended solutions to this over the years have become the cause of the problem. We need changes in the independent counsel law and others we've created with perhaps the best of intentions.

Healthy skepticism is necessary to the continuation of our democracy. When it turns to paranoia, it becomes destructive. American history has alternated between the two—from the Watergate reformers and the anti-Federalists who opposed the new Constitution of the 1780s to the paranoia of the "Know Nothings" of the mid-1800s to the "I hate Washington" crowd of today.

What seems paradoxical about today's lack of trust is that never have people in government been obliged to disclose more about themselves. Ethics laws, freedom of information laws, conflict of interest laws and others have made public officials live in the clearest goldfish bowl ever. Federal agencies have inspectors general and designated ethics officials whose job it is to ferret out any unethical behavior, whether it is by a Cabinet secretary or a mail clerk. The independent counsel laws provides a mechanism whereby the attorney general must refer out any evidence of criminal wrongdoing by high government officials.

Yet public confidence in government—the ostensible goal of ethics legislation—is at an all-time low. Indeed the accounting often seems to further the problem by allowing critics to magnify minor blemishes into major defects.

For instance, there has been a regrettable willingness by politicians and activists in both of our major political parties to use even a hint of ethical misconduct as a political weapon against the other side. Negative political advertising has become an art form for almost every political campaign. Add to this a tendency in the public arena to exaggerate claims of impropriety, and it sometimes becomes difficult for the public to distinguish between legitimate and illegitimate charges.

The media has added to the excesses. The desire of the electronic media to use sound bites rather than reportage lends itself to the name-calling and the sensationalism that exists. The desperate nature of competition for the print media had caused many newspapers to reach for scandals and follow the lead of the most yellow-journalism rivals.

Most of the investigations that I dealt with during my time as White House counsel—Whitewater, Waco, the Travel Office, the Mexican peso crisis—were a dismaying waste to time for Congress, for the administration and for the media who kept looking for a nonexistent smoking gun.

The investigations showed that some people in government made mistakes, used bad judgment, passed the buck and displayed other human fragilities that may be worthy of comment but hardly of an inquisition. In the Waco tragedy, for example, the Department of Justice and the Treasury Department each issued candid reports on the events, including an assessment of blame for the mistakes. The congressional investigations added nothing to the public awareness except to beat up on the agencies. The same is true of the congressional Whitewater investigations where an independent counsel operation has been spending a lot of time and resources to determine whether any governmental officials engaged in wrongdoing.

I am not an apologist for human shortcomings. Once a government official steps over the ethical line, he or she should be dealt with firmly. The public must know that we will not tolerate ethical lapses, whatever the personal consequences to the violator. But government cannot daily prove its rectitude to the cynic convinced of government's corruption. A nation where cynicism toward government prevails cannot function effectively.

Of course, a government that merely implores voters to "trust me" will not gain that trust, nor should it. But if our eternal rounds of inquisition and calumny tear down the public trust, and make government out to be a cesspool, if our remedies make public service so unattractive and distasteful as to lose the capacity to recruit new and good people to government—we lose the whole ballgame. We have spent so much time accusing, finger-pointing and exposing, that we have forgotten why we formed a government in the first place. We make it impossible to be governed.

And yet we are proposing additional ethics reforms, based not on what they can achieve, but rather on the political perception that something must be done. In an attempt to "out-ethic" the political opposition, we only make matters worse.

For example, we already require the filing of too many forms. Every year all of our senior officials spend countless hours preparing financial disclosure forms. Candidates file extensive reports on how they raise and spend their campaign money. The reports are so complicated that most reviewers can't understand what they are reviewing, but they do serve as wonderful traps to snare the unwary official.

We have lobbying laws on the books that do precious little to expose the difference between legitimate lobbying and improper use of money and favors to gain desired results. There are proposals to add further forms—ones that will do nothing to break the link between lobbying and money. We ought to concentrate our efforts on gift banning and campaign finance reform.

We ought to evoke the principle that applies to federal judges, who cannot accept anything of value from any party who has an interest in a case before that judge. The judge either refuses the gift or recuses himself from the case. It's a simple principle. Judges understand it; lawyers and their clients understand it; everyone obeys it. In the rare cases where judges violate the rule, they go to jail. What the principle does is break the link between the giving and the ruling. You can give but you cannot buy. Applied to Congress, which recently has banned gifts such as meals and trips, the principle would end the seamy business of members asking for contributions (and getting them) from person most likely to be affected by the member's actions. Obviously, such a plan would necessitate a whole new campaign finance structure, but that is long overdue anyway.

We ought to reconsider the independent counsel statute. Some may smirk that I of all people would suggest changing it, since I voted for it while in Congress and have had to live with its consequences during this past year. But fewer and fewer people in either political party now believe that it really works. The original purpose of preventing Richard Nixon and his friend and close adviser Attorney General John Mitchell from investigating themselves in the Watergate scandal has been achieved. Since then, 17 independent counsels have been appointed. Their mandates have ranged all the way from investigating whether a White House aide sniffed cocaine in a New York nightclub to whether a cabinet official understated how much money he paid to a woman with whom he had an affair. One investigation—the five-year-old probe of Department of Housing and Urban Development officials—has gone on for so long that the independent counsel announced that the main target had grown too old to pursue. One can question whether even the Iran-contra case or the Whitewater affair wouldn't have best been handled the normal way by Justice Department prosecutors.

We can do better. We need to amend the statute to provide for qualifications for the independent counsel that guarantee political independence. The counsel ought to be appointed on a full-time basis for a limited period of time. Extensions of the original period of appointment should be allowed only under very limited circumstances. The threshold for seeking an independent counsel should be raised further—to limit the appointment only to cases where it is clear that normal authority is insufficient. The selection process for the special court which appoints and supervises independent counsels should be changed to ensure both the reality and the perception of nonpolitical appointments.

From the outset, our founders recognized the tension between governing effectively and the elimination of all potential for abuse. George Washington wrote: "No man is

a warmer advocate for proper restraints and wholesome checks in every department than I am; but I have never yet been able to discover the propriety of placing it absolutely out of the power of men to render essential services, because a possibility remains of their doing ill."

If we have all these codes of ethics and all of these disclosure laws and all of these investigating institutions and less trust with each addition to the pile, we must be doing something wrong. We need some remedies that will restore the faith.•

TRIBUTE TO JULIE McGREGOR

• Mr. HATFIELD. Mr. President, frequent staff turnover is a fact of life in the Senate. In this regard, I have always considered myself exceedingly lucky. I have had many key staff members who stayed with me far beyond the average tenure and I, and the people of Oregon, have greatly benefited from their institutional knowledge and experience. But, inevitably, the day arrives when even those diehard staffers feel it is time to move on. For Julie McGregor, that day has arrived.

And so I rise to bid farewell to a longtime and valued staff member. I find it difficult to take so many years of loyalty, dedication, and friendship and wrap it into a neat one page package. Words alone simply seem inadequate to express what Julie has meant to me, to my family, and to my office.

Julie came to my office 13 years ago as an eager, bright, and intelligent intern. She departs today a wise and competent sage. In that time, Julie's role evolved from that of student to mentor. No matter how busy, she always took the time to encourage and guide less experienced colleagues. Members of the Appropriations Committee staff as well as my personal staff have relied on Julie's counsel and valued her perspective as much as I did.

One of Julie's greatest assets is her intuitive ability to cut to the heart of the matter. She thoughtfully and fairly examines all sides of an issue, but remains unerringly firm in her convictions. Even in the most emotional discussions or difficult issues, Julie is a calm voice of rationality and reason. In fact, those who don't know her well might be deceived by Julie's quiet manner or seemingly shy nature. They shouldn't be. She is extraordinarily tenacious. If you are staking a position or fighting a battle, you definitely want Julie on your side.

Julie grew up in small southern Oregon community, and those roots have served her well here. While adapting well to the rough and tumble political world in Washington, she has always kept clearly in mind the individual human beings whom we serve. She is both politically astute and compassionate, a combination of qualities that is so rare it is almost an oxymoron. Aware of the realities and limitations of the political process, Julie is unwavering in her belief that the Government can and should use its powers to improve the human condition. This is a belief that we share and one that has guided many of our legislative efforts.

While Julie, at one time or another, handled nearly every legislative issue in my office, her true calling was one that is closest to my own heart. First as a legislative assistant and later as my director of International Policy, she became an advocate for peace and a champion for humanitarian concerns. Julie's work on arms control, human rights, and nuclear proliferation issues, among others, leaves a lasting legacy in the Senate and has had an impact on us all.

Julie played a key role in one of the legislative accomplishments of which I am most proud. In 1992, we were successful in enacting legislation establishing a moratorium on nuclear testing by the United States. This nuclear test ban continues today and the United States' leadership on this issue has prompted much of the rest of the world to follow suit.

Julie has spent her entire professional career in public service, in service to the State of Oregon and to the U.S. Senate. I know that the people of Oregon, and my colleagues in the Senate, join me in expressing our gratitude for many years of exemplary work.

While we are sad to see Julie leave us, we are also excited for her as she begins a new phase in her life. This weekend she leaves Washington to join her financé, Michael Britti, in New Mexico. There will be many wonderful opportunities and adventures as Julie moves on with her career, and as she and Mike begin to build a life together.

Julie is, and always will be, a member of the Hatfield family. Antoinette and I send her off with our love and our best wishes for a future full of happiness and success.•

SCHOOL FACILITIES AND THE NEW GAO REPORT SCHOOL FACILITIES: STATES' FINANCIAL AND TECHNICAL SUPPORT VARIES

• Ms. MOSELEY-BRAUN. Mr. President, I would like to announce the results of a study conducted by the General Accounting Office on States' efforts to improve the condition of our public school facilities.

Infrastructure needs are not cosmetic—they go directly to the safety, the suitability, and environment for learning that directly affects American students' performance in the classroom.

The GAO found that many States are doing little to address the deterioration of our schools—and what is being done varies widely from State to State. Only thirteen States take a comprehensive approach to their school infrastructure needs—by providing ongoing funding for school improvement projects, offering technical assistance to local officials, and maintaining up-to-date information on the condition of their facilities.

The GAO has documented that our schools are falling apart.

They are not ready for the Information Age because of inadequate infrastructure. More than 60 percent lack sufficient phone lines. Thirty-five percent don't even have enough electrical power to operate computers.

Last week, the Washington Post ran an article that described the condition of the bathrooms in some of the District's schools. The Post reported that many of the restrooms are in violently foul condition—unhealthy and unusable.

One parent said she could not believe the bathroom in her children's school was in the United States. I have that article and would like to submit it for the RECORD.

We have seen these problems in school buildings all over the country—in Chicago, Baltimore, New York, and Los Angeles—in rural communities, as well as in urban centers.

America cannot compete if our students cannot learn, and our students cannot learn if our schools are falling down.

Earlier this year, the GAO released a report—entitled School Facilities: The Condition of America's Schools—that looked at the facilities that millions of our children walk into every morning. In that report, the GAO documented that 13 million students attend schools that need to be extensively repaired or replaced.

The GAO estimates that it will cost $112 billion to upgrade our school facilities to a good, overall condition. This cost is growing. The longer infrastructure needs are ignored or deferred, the greater the cost will be. The situation is like that facing the owner of a home. If the roof leaks, and you find the leak early, you can patch the roof. But if you wait a few years, you find you'll need to tear out the walls or rebuild the foundation. The message couldn't be clearer—delay equals additional cost.

In the report released by the GAO today, we find out that many States are not even bothering to assess the damage or call in the building inspector.

The GAO says State support is limited and varied. In fiscal year 1994, States provided a total of $3.5 billion in grants and loans for school facilities construction—only 3.1 percent of the total funding needed.

The sum of $3.5 billion may sound like a lot, and indeed, if your child goes to school in Alaska, it is. The State of Alaska spent almost $275 million—$2,254 per pupil—in fiscal year 1994 on school construction projects. On the

other end of the spectrum is my home State of Illinois. Illinois, along with 10 other States, provides no ongoing support for school facilities construction or improvement.

Today's report documents an alarming lack of knowledge about the conditions of our schools. More than half of the States have no recent information on the condition of school buildings in their States.

I mentioned a newspaper report on decaying children's bathrooms. Gerald Sigal, a major construction contractor, also read that article. He was so upset that he is forming a coalition of business leaders to fix the problem. Mr. Sigal responded to the public school bathroom crisis because he found out about it.

But most schools seldom have a major newspaper to do their reporting for them, and the only people that may know about the brown tap water and broken plumbing are the children.

Last year, Congress took a monumental step toward fixing our school facilities problem when it enacted and funded the Education Infrastructure Act. This year, however, Congress took away the money.

Mr. President, if our children do not have computers, or if they cannot see the blackboard because it has fallen off the wall, or if they cannot go to the bathroom because it stinks of sewage, or if they cannot keep warm because the heaters are broken, they cannot concentrate, and they cannot learn.

This new GAO report is essentially a report card that measures State support for education infrastructure. Very few States get a passing mark. But the schools are still falling apart. The time has come for us to step in and heal our Nation's schools.

The problem goes beyond what many local communities can handle. Many Districts cannot find more revenue because they have already been stretched to their local limits in bonding and other ways to raise money for education.

The GAO looked at whether technical assistance is available from the States to local school officials—whether local officials can count on States for help in advice and planning. Again, great disparities exist.

Florida has the equivalent of 72 people who provide guidance on planning, construction, and maintenance. New York gives workshops and publishes articles on facilities planning. But 34 States have less than 6 full time people available for this kind of assistance.

Repairing our schools is in the national interest. We must provide assistance to strapped local school districts in a way that directly benefits children. Federal support for education infrastructure allows us to help local school districts create a suitable environment for learning, without violating the tenet of local control over public education.

I urge all of my colleagues to take a close look at this new GAO study, and decide how much longer they want to leave the problem of our crumbling public school facilities to someone else.

The article follows:

[From the Washington Post, Dec. 8, 1995]

IN D.C. SCHOOLS, IT'S TOUGH GOING—STUDENTS FIND THEMSELVES WITHOUT SOAP, TOILET PAPER OR PRIVACY

(By Sari Horwitz)

Children in public schools across the District often use dirty bathrooms that lack private stalls, soap, paper towels and even toilet paper.

The restrooms in even some of the city's most highly regarded public schools are in such poor shape that parents fear they are unhealthy for children, and educators say they are interfering with learning.

One of those schools is Horace Mann Elementary in well-to-do upper Northwest Washington, a school that has won awards from the U.S. Department of Education. Many days, second-grader Peter Joyce and his schoolmate Joe Takesuye won't use the boys' bathroom because of the filth and overpowering stench of urine. They hold it until they get home.

"The bathrooms really smell," said Peter, 7. "They are dirty. There's paper towels all over the floor, spitballs on the walls and the water from the sink is like, brown. It looks gross."

Horace Mann Principal Sheila Ford said she doesn't have the money to improve the 64-year-old building's plumbing. But she's looking for resources because the bathroom problem is spilling into her classrooms as the odors creep into her halls.

"When I need to use the lavatory and I'm away from one, my concentration is eliminated." Ford said. "It is the same for children."

Dirty, dilapidated school bathrooms are a problem in urban schools across the nation and are worsening as buildings age and resources for maintenance diminish, according to officials. Almost one-third of the nation's school buildings were built before World War II.

In a world where educational dollars are getting stretched ridiculously thin, bathrooms stand at the end of the line," said Michael Casserly, executive director of the Council of Great City Schools, which represents the nations largest school districts. "They've really fallen off the radar screen in terms of priority."

The bathroom problem, however, does not appear to be as serious in other school systems in the Washington area as it is in the District, according to parent activists in Fairfax, Montgomery and Prince George's countries.

Open the door to the only bathroom for 140 little boys in 127-year-old Stevens Elementary in downtown Washington, and the stench of urine is overwhelming. The dank bathroom with rusting, corroded pipes is in the basement, and the windows remain shut for security reasons.

"It kind of holds the odors in," said the school's new principal, Gloria Henderson, who has been trying unsuccessfully to have a hole cut in the wall and an exhaust fan installed.

The bathroom problem in D.C. schools is not all old age.

Parents and educators said that in many schools, clean , fully stocked and functioning bathrooms are simply not a priority in a school system saddled with other problems and budget woes. Hundreds of D.C. students still do not even have textbooks.

This fall, parents at Watkins Elementary School, on Capitol Hill, were stunned to discover there were no working sinks in the girls' or boys' bathrooms on the first, second and third floors, in some cases since last January, according to parent Samuel Brylawski.

"Here you have a school full of kids who don't wash their hands after they go to the bathroom," Brylawski said. "It took parents nine months to be informed. Fundamental sanitary practices were not a high priority."

Some repairs were made after Brylawski wrote a letter to the superintendent and the public health commission, he said.

Mary Levy, counsel to Parents United, a parents advocacy group, said the low priority for maintaining bathrooms reflects officials' lack of concern of children. "Every door should be taken off the stalls of the buildings with elected officials until they fix the doors for children," she said.

Bathroom water is the issue at Langdon Elementary School, in Northeast Washington. PTA president Vivian Whitaker said only cold water comes out of the bathroom sinks, and it's dirty brown.

"I wouldn't recommend the children wash their hands," Whitaker said.

School officials said it's hard to maintain heavily used bathrooms, especially when students dirty them or break equipment. Parents said students are less likely to violate clean, working restrooms.

At schools where bathroom repairs have been made, such as Wilson High School and J.F. Cook Elementary, it has made all the difference, they said.

Three years ago, D.C. public schools hired a consulting firm to study its buildings. The firm found serious problems in bathroom piping and toilets, including old sewage pipes rusted beyond repair, poor lighting and missing or defective toilet stalls and urinals.

In seven schools, the plumbing was called "hazardous." The plumbing system at Francis Junior High, with "extensive leaking and clogged pipes" was called "unacceptable." At Browne Junior High, the report called for "immediate replacement" of all the plumbing. As of July, 75 D.C. schools needed repairs, including new or fixed sinks, according to a school document. An additional 13 schools needed toilet partitions so students could use them with privacy.

At one on that list, Duke Ellington School of the Arts in Georgetown, student Zavi Ball, 16, described the bathrooms last week as "disgusting, horrible."

"There's never any paper towels or soap," she said. "There's no warm water to wash your hands. There's hardly ever toilet paper. There's dirty feminine products on the floor and roaches. Whenever guests come, they clean the bathrooms up. But when it's just us, they don't care. When I come to school at 8 in the morning, the bathroom is already dirty."

Facilities and Management Director William McAfee did not return phone calls. But school spokeswoman Beverly Lofton said building repair funds were very tight.

With a more than half-billion-dollar budget, the District spends $7,673 a year for each of its students, one of the highest per-pupil operating costs in the country. But most of the capital funds for building upkeep and repairs have been used for repairing fire hazards, Lofton said.

"We don't want our kids going to schools that don't have functioning bathrooms," Lofton said. "We want them to have the best

of everything, including partitions and sinks that work. But there is a lack of capital money to repair everything that breaks when it happens.

"We do recognize we have problems with bathrooms in the school systems" she said. "Bathrooms are a priority for the coming year."

Principal Rosalie Huff of Anthony Bowen Elementary School, in Southwest, tired of waiting. When the school system hadn't replaced her broken toilets and missing partitions in 12 bathrooms by the beginning of this school year, she bought five new toilets and partitions herself.

"I had a situation that was really awful," Huff said. "It didn't allow any type of basic human dignity for the girls. You were just sitting out if you had to use the toilets."

Consumer advocate Ralph Nader wants the Appleseed Foundation, a public interest law center he helped create, to work to improve the District's school bathrooms. He got fired up about dirty, dysfunctional restrooms after listening to complaints from students at Alice Deal Junior High. "They said their bathrooms were filthy," Nader said. "There was no soap, no privacy and no toilet paper. And they said they held it. But the faculty restrooms were immaculate. It's so disgraceful."

A visit to Deal last week revealed boys' and girls' bathrooms missing doors on the stalls and partitions between toilets, sinks that don't work properly and boys' restrooms filled with an overwhelming stench. A school worker said the odor came from toilets that leak and sewage that sits in rusty, corroded pipes.

At Horace Mann, PTA president Jane Joyce said she was so fed up with the bathrooms that she raised the issue at the first parents meeting in September. About 30 parents volunteered to come in on a Saturday and scrub the floors, bring in toilet paper and make repairs.

That helped for a while. A few weeks ago, parent Joan Murray ventured into one of the school bathrooms to see if it really was as bad as her two children described.

"I wouldn't use it," Murray said. "It was more than horrendous. It was disgusting. There were paper towels everywhere, no flushed toilets and no soap. The water didn't come out of the spigots. And it smelled. I couldn't believe it was in the United States."•

AMBASSADOR JOSEPH VERNER REED'S ADDRESS TO INTERPARLIAMENTARY CONFERENCE

• Mr. PELL. Mr. President, in October, Ambassador Joseph Verner Reed represented U.N. Secretary General Boutros Boutros Ghali at the 94th Inter-Parliamentary Conference in Bucharest, Romania.

At the Conference, Ambassador Reed delivered an exceptional speech concerning the current financial crisis at the United Nations. As a longtime friend and supporter of the United Nations, I can think of no issue more important to the U.N.'s future. Moreover, the United Nation's fiscal health has critical implications for our own country's foreign and domestic agenda.

In his address, Ambassador Reed—formerly one of the United States' most accomplished diplomats and now a high-ranking U.N. official—made a compelling argument about the necessity for resolving this crisis. I commend the speech to my colleagues and ask that excerpts be printed in the RECORD.

The excerpts of the speech follows:

Mr. President, the fiftieth anniversary of the United Nations has arrived at one of the turning points in modern history.

The United Nations is the only machinery we have for collective cooperation among all Nations. It is the only global tool for promoting peace and security. It is the only worldwide institution for furthering development. It is the only universal mechanism for protecting human rights. It is the only shared framework for strengthening international law.

But today I feel compelled to share my distress with you on a subject which is unavoidable, the survival of the United Nations. For almost four years, we have tried to convince the governments of member states of the United Nations to pay their assessments on time. For four years we have warned of the financial consequences of the failure to pay assessments. We have argued, we have pleaded.

The organization has cut expenses. We have streamlined operations. We are working hard to reduce waste, duplication and overlap. Peace-keeping is expensive. The operation in the former Yugoslavia costs five million dollars per day.

In Every major statement and document of the Secretary-General, he has drawn attention to the financial crisis and proposed steps to remedy it. In meeting after meeting with foreign ministers and heads of state over these years, he has pleaded with them to address this deteriorating situation.

As of October 1995, 70 countries had not paid their regular budget assessment. Today, the United Nations is owed a total of $3.4 billion by its member states.

I appeal to you as parliamentarians to help me resolve this crisis. I ask you to try to convince your governments to pay their arrears, and to pay future contributions on time, and in full.

I make this appeal to you because the United Nations is your organization. I make this appeal here because without peace, and without the global efforts of peace, and without the global efforts of the United Nations, all your efforts for development will be to no avail.

The United Nations is not one of the luxuries of international life. The work of the United Nations is of vital, critical importance:

Saving children from starvation and disease.

Providing food, clothing and shelter for refugees.

Delivering humanitarian relief to devastated areas.

Working to stop the cycle of natural disasters in lands repeatedly afflicted by them.

Countering the new international threats of crimes, drugs, disease.

Defending human rights in individual cases as well as through international commitments.

Advising, training, monitoring and institution-building in countries seeking to democratize.

Maintaining ceasefires, preventing conflicts from erupting, peacemaking between adversaries and peace-building in devastated countries.

These activities are going on now. They are being conducted on the ground in locations all over the world. They are carried out by dedicated, hard-working national and international staff members.

The financial crisis is being felt on the frontlines of all these efforts. If emergency measures to restore the financial health are not taken quickly, human suffering will dramatically increase. People will die. The structural ability of the United Nations to continue this work will be damaged. It will not soon or easily be reconstructed, if ever.

Unless substantial assessment payments are received by the end of November 1995, the Secretary-General will have no choice but to request that an emergency special session of the United Nations General Assembly be convened immediately to consider the financial crisis—and future of the organization.

The financial crisis of the United Nations is now destroying its very foundations. We can no longer pretend otherwise. That is why we appeal today to you—the world's parliamentarians for assistance. You must be our voice. You must be our advocate. You must be the protectors of our common future.

Mr. President, this is an emergency—the Secretary-General and all of us in the secretariat believe that positive change can be achieved, and he is convinced that this change can be the vehicle for fulfilling the aims and aspirations of the charter. He is convinced that working together in partnership we can save succeeding generations from the scourge of war; we can enhance the dignity and worth of the human person; and we can promote social progress and better standards of life in larger freedom.•

POLLS GET IN THE WAY OF WASHINGTON'S WORK

Mr. SIMON. Mr. President, the Post and Courier, a Charleston South Carolina newspaper, recently had an op-ed piece by our colleague from South Carolina that is typical in its FRITZ HOLLINGS' bluntness, but also typical in its FRITZ HOLLINGS' wisdom.

Two points in his op-ed piece need to be stressed over and over again. One is that you cannot lead by taking polls.

You lead by studying the issues and having some conviction and doing something. Leadership that simply follows the polls is leadership in name only.

At all levels of government, we need much more leadership of conviction. If we believe we are going to satisfy the public and turn away their cynicism by some of the gimmicks that we use, we are only fooling ourselves. I agree with the limitations on lobbying and I favor a much improved system of financing political campaigns, but if these things happen but we continue to govern by polls rather than by looking at the national needs, we will get nowhere.

The second part of this statement is a recognition that we need to get additional revenue for the federal government.

He says accurately, "We have fiscal cancer and nobody wants to talk about it." He goes on and says bluntly, "To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases."

Our highways are deteriorating compared to those in Western Europe when not too many years ago it was the other way around.

We have a much higher percentage of our children living in poverty than any of the Western Europeans countries.

We are the only western industrialized country that doesn't protect all of our citizens with health care insurance.

These things take revenue, and people in this body and in the Administration ought to be talking much more candidly to the American public.

I commend our colleague, Senator HOLLINGS, for being blunt and telling us the truth in this article which I ask to be printed in full in the RECORD. The article follows:

[From the Post and Courier, Nov. 15, 1995]

POLLS GET IN THE WAY OF WASHINGTON'S WORK

(By Senator Ernest F. Hollings)

The silent scandal that permeates Washington is the pollster charade. As in Newsweek's Conventional Wisdom Watch, today's Washington is based on who's up and who's down in the polls. Everyone—the president, Congress and the media—participates. The result? Nothing gets done and no one really expects anything to get done. Meanwhile, the nation's real needs are ignored. There is no genuine plan to guide us. And plans to put us on a pay-as-you-go basis are simply pollster-driven budget schemes fashioned to get politicians past the next election.

John F. Kennedy started it all 35 years ago in West Virginia. Lou Harris' polls identified hot-button issues of concern and Jack Kennedy played them like a Stradivarius. Political polling immediately became the order of the day. Now even the media wittingly are the engines behind the oppressive reliance on polls. No longer do reporters bow to the who, what, where, when, how and why of fact and accuracy. Instead, they kowtow to pollsters to elicit pithy partisan responses that stem from polls.

The pollster begins each day with "divide and conquer." Voters immediately are divided into age, sex, race, education, working or retired, married or single, veteran or military, city, suburb or rural. No one is considered an American. They have to be Asian-American, African-American, Irish-American.

Division is the pollster mentality, but dissembling is the pollster's art. No pollster has served a day in office. But they'll tell you in a minute that you can't break the Sacred Code of the Pollster. If you want to get—and stay—in office:

Never take a firm position. If you do, you'll divide voters.

Favoring a proposition will put you at odds with those who oppose.

Opposing will separate you and those who favor.

To influence the most voters possible, firmly say that you're "concerned" about any issue so you appear understanding and appease both sides.

Aha! Now any way you slice it, you've identified with the voter. With this kind of soundbite mentality permeating the airwaves, it's easy to understand why there is no leadership in Washington.

Lee Atwater taught that negative politics is the positive path to political victory. As a result, one of the first "musts" for a candidate today is to order negative research on opponents—and himself. Why? To have a prepared answer for any past mistakes or inconsistencies and to be able to unload on an opponent at the end of the campaign when voters finally are interested and there's no time to respond.

Pollsters also teach both incumbents and challengers to preach change. That's why all candidates sound the same. Republicans and Democrats are all for cutting spending and against taxes; for prisons and against crime; for jobs and against welfare; for education and the environment. And, of course, everyone is for the family. With this emphasis on change and negative politics, the logic of the pollster paradigm is that government is the enemy and problem, not the solution. As such, everyone serving in government must be ousted. Thus, there's the cry for term limits.

The media's job is to expose this nonsense. But instead of living up to this responsibility, the media have joined the scam. They feast on polls and partisanship. Rather than reporting the news of the day, they make the news with their own polls. Questions by reporters don't delve into an issue but focus on the poll or partisan aspects of the issue. What they want is conflict.

These days, the pollster charade in the media continues with the ludicrous notion that spending cuts alone can eliminate the deficit. Or worse—that cutting taxes can eliminate the deficit. Nothing could be further from the truth. Since Ronald Reagan's "voodoo" that tax cuts could bring in more revenue and eliminate the deficit, the national debt quintupled from less that $1 trillion to almost $5 trillion. And instead of eliminating waste in government, we created the biggest waste of all—$348 billion a year in interest costs. Since we can't avoid paying interest costs, we borrow a billion dollars daily, which automatically increases spending a billion, increases the debt a billion and increases interest costs. Every day the cycle starts again.

Both President Clinton's and Speaker Gingrich's budget plans to get rid of this waste are mere ruses to get past next year's election. But Washington politicians figure—who cares? Who will be around seven years from now? And the media lets them get by with it. Our 1995 budget was $1.52 trillion. The 1996 Clinton budget is $1.63 trillion. The 1996 Gingrich congressional budget is $1.60 trillion. Both budgets increase spending. Neither keeps up with the $1 billion daily increase in the national debt. Over the seven years, spending exceeds revenues by more than $1 trillion. The media know this yet continue to report "a balanced budget by the year 2002."

Now comes the bogus proposal to balance the budget by reducing cost-of-living increases for Social Security and by raiding Medicare. By law, Social Security funds are in trust and are not to be used to offset the deficit. Similarly, the Medicare trust fund for hospital costs is in the black, but may go into the red by 2002. In other words, both Social Security and Medicare are paid for and in surplus. What is not paid for this minute is defense, education, farm subsidies, environmental protection, veterans' benefits, law enforcement—general government. We readily increase billions for defense and other programs but are unwilling to pay for it. Thus continues the borrowing, spending and downward spiral that increases the deficit. We have fiscal cancer and nobody wants to talk about it.

To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases. But proposals to do this go unreported. As such, the public believes spending cuts alone will do the job. And the media validate bogus plans to cut taxes as serious moves to balance the budget. That we really are broke is ignored.

Rather than being pollster pawns, the media should serve as an institutional memory to give up perspective. With the Cold War over, it's time to rebuild our economy. More than ever, a strong government is needed—for education, job training, research, housing, transportation, technical development and inner-city needs.

But the media treat government as the enemy.

In a silent conspiracy with pollsters and Washington politicians, the media masquerade opinion polls as fact and validate the politics that any tax increase is poison. All the time, the rebuilding of America goes wanting and neither the Clinton nor the Dole/Gingrich forces can talk sense. The train wreck is a media production.●

ORDER OF BUSINESS

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Colorado is recognized.

OUR TROOPS WILL SPEND CHRISTMAS IN BOSNIA

Mr. BROWN. Madam President, as I came over here tonight for the vote, I could feel the light snow and the chill of the wind. It made me think of the weather that the young men and women who we are sending to Bosnia will experience during their Christmas—the 19- and 20-year-old young men and women who love their country, and they will give their very lives if called upon to serve. They will spend this Christmas thousands of miles away from home, in the outskirts of Tuzla, Bosnia—and they will do it gladly.

In the idealism of youth, they will know that they are serving their country, and they will carry with it an enthusiasm that tells them they would do anything to serve this Nation and to preserve our freedom.

I cannot help but remember the words of a movie that perhaps some have forgotten, a movie that some of the critics laughed at. Sylvester Stallone played the part of a man trying to free POW's in Vietnam. When he came back from the mission that some of the leaders had tried to thwart, he was asked by his commanding colonel what in the world he wanted. The words he spoke in the movie were: "I want what every man who served in Vietnam wanted; I want my country to love me as much as I love my country."

Tonight we have decided to send young men and women into harm's way, and into a cause that is not clearly defined, and into a mission that is full of risk. But they will go, and they

will go gladly. They will make us proud.

Madam President, that love of country and that willingness to serve, to go anywhere and do anything for us, deserves more than a casual commitment from the leaders in this country; it deserves leaders that love those men and women as much as they love us. It deserves a commitment from us that is comparable to theirs. It is a commitment we should not take lightly. We should not send young men and women to their death without being fully resolved that what they might die for is worth the price.

I do not believe that the mission that has been outlined is worth that price, and I do not believe that our leaders have that commitment. But the decision has been made. Those young men and women go with our prayers, and I will think of them this Christmas, away from home and facing what may be the saddest part of anyone's life—the chance of giving their lives for a mission that their country may not care about. That surely is the toughest burden that any young man or any young woman may ever have to face. I only pray, now that the decision is made and the troops are on the way, that we will not forget them, that we will stand beside them, that we will not deny them the weapons they need, that we will not refuse to go after the people who shoot after them, and that we will spare no effort.

My heart was filled with joy when I heard the reaction of the French President when the French pilots, who had been taken prisoner, were not returned. He made it very clear that France would not accept their men not being returned in any way, or under any circumstances. Because he stood firm, those boys were returned. He stood up for his troops and he stood beside them.

I only pray that this Nation will have the courage to do as much for those young men and women whose lives we put on the line.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

SENDING TROOPS TO BOSNIA IS A MISTAKE

Mr. PRESSLER. Madam President, I would like to say that I feel very strongly that the basic decision to send troops to Bosnia, under the circumstances, is a mistake. I voted today for the Hutchison resolution, and I did so as a Vietnam veteran, as one who served in the Army in Vietnam. I feel strongly that we have made a mistake by sending troops to Bosnia.

Certainly, all of us want our troops to be well cared for and well equipped, but I oppose the basic decision to send troops there. Indeed, from my State, in the National Guard callup, 1 of 8 people who have been called up so far, probably to go to Bosnia, is a nephew of mine. And he will willingly serve his country, just as I did. But I disagree with the basic decision to send troops there and have so voted today.

Those were not easy votes, and I feel that the last vote was more or less papering over the whole decision, so I voted against that resolution. I feel very strongly, and my constituents feel, that we are engaging in an adventure from which we will not be able to get out of easy, and if we do get out of it, it will be with a large foreign aid bill.

There has been fighting in that country since the 15th century, and it has continued largely because foreign armies have come every time they have had a civil war, and it has never been resolved. That will probably be the case again.

So, Madam President, I wish to state that, certainly, we all care a great deal for our troops. One of them is going to be my nephew. I make my decision based on experience as a lieutenant in the Army in Vietnam. I just do not think this will work. That is the reason I voted as I did today.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1977

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 1977, the Interior appropriations bill, that it be considered under the following time limitation: There be 6 hours for debate on the conference report, with 3 hours under the control of Senator GORTON or his designee, and 3 hours under the control of Senators BUMPERS and BRADLEY or their designees with 20 minutes of Senator GORTON's time under the control of Senator BYRD; that when the time is used or yielded back, the Senate proceed to vote on adoption of the conference report with the above occurring without intervening action or debate.

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

CORRECTION OF ENROLLMENT OF S. 1060

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 116 that has just been received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060.

The PRESIDING OFFICER. Is there objection to proceeding to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3098

(Purpose: To add a technical correction)

Mr. BROWN. Madam President, I send an amendment to the desk on behalf of Senators SIMPSON and CRAIG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] for Mr. SIMPSON, for himself, and Mr. CRAIG, proposes an amendment numbered 3098.

Mr. BROWN. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, after line 10, insert the following:

(7) In section 18, strike "contract, loan, or any other form" and insert "or loan".

(8) In section 12(b)(1), strike "7" and insert "6".

Mr. SIMPSON. Madam President, I rise, along with Senator CRAIG, to offer an amendment to H.Con.Res. 116, the resolution to make technical corrections to the recently-passed lobbying reform legislation, S. 1060. We understand that our amendment is acceptable to the managers of the lobbying reform legislation, Senators LEVIN and COHEN, and we are grateful to each of them for their cooperation.

In explaining our technical amendment, we note that three versions of the Simpson-Craig lobbying reform amendment have passed the Senate. The first was our amendment to S. 1060, banning all forms of Federal fund transfers, including contracts, to organizations described in Internal Revenue Code section 501(c)(4) who also engage in lobbying activities. Part of the rationale for this amendment was that those organizations should not simultaneously enjoy the benefits of exemption from taxation, unlimited expenditures on lobbying, and Federal funding support.

However, learning of a quirk in the legislative history of 501(c)(4) organizations, we found that many insurance companies are still technically organized as 501(c)(4) organizations, even though they are now fully taxable. Many of these, along with other health care providers that are also 501(c)(4) organizations, handle Federal contracts under Medicare, the Federal employees health system, and CHAMPUS. We believe that our colleagues would concur that such groups lie outside the scope of the intended reach of a cutoff of grant money to organizations which enjoy the benefits of 501(c)(4) status.

It is for this reason that we redrafted our amendment, during consideration

of the Treasury-Postal appropriations bill, to correct for this and to exclude contracts from the prohibition on Federal funding assistance. That amendment passed the Senate by voice vote on July 24 of this year.

The third version of this provision to pass the Senate was included in a broader version of grants reform, which was the Simpson-Craig amendment to the provision authored by Representatives ISTOOK, MCINTOSH, and EHRLICH that the House had included in House Joint Resolution 115, the second FY 1996 continuing resolution. In the language in that amendment affecting 501(c)(4) organizations, we also took out the ban on contracts and other forms of funding, other than grants.

Mr. CRAIG. Senator SIMPSON has pointed out the important fact that versions of the Simpson-Craig lobbying reform amendment have been approved by the Senate three times this year. I commend Senator SIMPSON on his leadership in this area and am happy that the Simpson-Craig amendment, along with the rest of the lobbying reform bill, is on the verge of being signed into law.

The first version of our amendment, added to S. 1060, had a scope and impact on some insurance and health care providers, uniquely classified as 501(c)(4) organizations, that the authors and the Senate never intended. This problem was corrected in the second and third versions of the Simpson-Craig amendment. Therefore, the Senate twice approved the very change in our 501(c)(4) organizations language that we are proposing again today.

For reasons totally unrelated to this change, the House of Representatives struck the second and third, perfected, Simpson-Craig lobbying reform amendments from the Treasury-Postal bill and the continuing resolution. The House was seeking, instead, to promote its broader Istook-McIntosh-Ehrlich language. However, even in that House language, 501(c)(4) organizations were never barred from receiving contracts.

So, Madam President, the intent of the Senate is clear throughout the evolution of floor votes on three bills, and the intent of the House is clear in two floor votes on a related provision. Neither body intends that all 501(c)(4) organizations who lobby should be barred from receiving Federal contracts. But because the earliest version of either body's position on lobbying and grant reform was the one preserved in S. 1060 as cleared by the House, the clear intent of both bodies on 501(c)(4) organizations is not reflected in that bill.

That is all we are proposing in our technical amendment today, that this technical corrections resolution adjust S. 1060 to reflect the clear intent of both the Senate and the House, as expressed in the relevant votes taken in both bodies.

Mr. SIMPSON. The Senator from Idaho [Mr. CRAIG] is correct. While we are pleased that the House passed lobbying reform legislation with the original Simpson-Craig language intact, we also believe that Congress would want to take the opportunity, in the form of this technical corrections resolution, to acknowledge the unique status of certain 501(c)(4) organizations, as we did in our redrafted amendment to the Treasury-Postal appropriations bill and the second continuing resolution. We therefore submit our amendment to eliminate the terms "contracts" and "any other form" to the Senate, trusting that the correcting language will more closely conform to the intentions of the Congress in passing our original amendment.

Mr. CRAIG. There is one additional provision in our amendment, at the request of the bill's managers, to simplify and expedite the process of handling this resolution. This provision would correct, in section 12(b)(1) of the bill, a cross-reference to the definition for representation of a foreign entity. This same change was already made in section 12(c), and the change in section 12(b)(1) simply makes it consistent and correct, clerically.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3098) was agreed to.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be considered and agreed to, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution appear at the appropriate place in the RECORD.

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

So the concurrent resolution (H. Con. Res. 116), as amended, was agreed to.

CORRECTION OF ENROLLMENT OF S. 1060

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 36, a concurrent resolution introduced earlier today by Senator LEVIN; that the resolution be read and adopted; that the motion to reconsider be laid upon the table.

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

So the concurrent resolution (S. Con. Res. 36) was agreed to, as follows:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike "6" and insert "7".

(2) In section 9(7), insert "and" after the semicolon, in section 9(8), strike "; and" and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike "7" and insert "6".

(4) In section 15(a)(2), strike "8" and insert "7".

(5) In section 15(b)(1), strike ", 5(a)(2)," and in section 15(b)(2), strike "8" and insert "7".

(6) In section 24(b), strike "13, 14, 15, and 16" and insert "9, 10, 11, and 12".

(7) In section 12(b)(1), strike "7" and insert in lieu thereof "6".

AMENDING THE CLEAN AIR ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 325 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Madam President, H.R. 325 is a short, simple bill that seeks to maintain our clean air standards while giving States greater flexibility in how they achieve them. It does this by removing the requirement that the 14 cities in 11 States with severely polluted air devise a program to reduce work-related travel by employees. But the bill reaffirms that those cities must still meet the health-based air quality standards contained in the Clean Air Act. Thus, these cities can now develop alternative methods to achieve the goal of cleaner, healthier air.

This is a narrow bill that responds to a particular problem by granting States greater flexibility while, at the same time, maintaining progress toward improving our Nation's air quality. I support both those efforts. Over the years we have learned that clean air will not be ours without careful vigilance.

There are some in Congress who would turn back the clock on our efforts to protect air quality. Those same people say we have gone overboard. That the health-based standards contained in the Clean Air Act are too difficult to achieve. That the time has come when we must relax the laws and regulations that have been responsible for improving our air quality.

Well, I disagree. And the American people disagree. The Clean Air Act has successfully delivered on its promises. Let me cite some examples.

In the 5 years since passage of the Clean Air Act Amendments of 1990,

over half of the cities that did not then meet the air quality standard for urban smog now meet that standard.

Over three-quarters of the cities that did not meet the air quality standard for carbon monoxide in 1990 now meet that standard.

Emissions of toxic air pollutants have been reduced by 1.6 billion pounds per year, more than six times the reductions achieved in the first 20 years under the original Clean Air Act.

Sulphur dioxide emissions, the principal cause of acid rain, have been reduced by 2.6 million tons since 1990.

And U.S. production of chemicals that deplete the stratospheric ozone layer has been reduced by over 90 percent since 1990.

Despite these successes, we cannot rest on them. Nearly two-thirds of American sampled in a poll this past summer believed that our current air pollution control laws are not strict enough.

So we must not weaken our resolve to achieve clean air. Nor can we put the special interests of some ahead of the public interest. Where we can work together to develop better, more efficient and more effective ways of achieving our environmental goals, we should. That is what this bill does, and it is why I support it. But where there are efforts to roll back our standards, to weaken the protection of human health and the environment, then we must stand firm against such changes.

Mr. SANTORUM. Madam President, I rise to support the passage of H.R. 325, which was received from the House of Representatives this afternoon. As the original Senate sponsor of this bipartisan legislation, I commend the distinguished chairman of the Environment and Public Works Committee for his support and prompt assistance in obtaining unanimous consent to take up and pass this measure.

H.R. 325 repeals a costly and bureaucratic mandate, known as the Employee Trip Reduction Program [ETRP], which was imposed as part of the Clean Air Act Amendments of 1990. Under the law, States are responsible for establishing the program in regions considered to be in severe nonattainment for certain air pollutants. Individual employers in these areas must develop plans to show how their employees will curb automobile use. Although this program was initially viewed as a means of encouraging ridesharing and mass transportation in areas with severe air quality problems, it has proven very complicated and expensive to implement.

Some studies have set the cost of ETRP as high as $1,000 per employee annually, and the Environmental Protection Agency projected that it might cost employers $1.2 to $1.4 billion nationwide. When Congressional Research Service looked at this requirement, the report's authors estimated that ETRP would only reduce volatile organic compounds by 0.5 to 0.8 percent over current levels. Moreover, the failure to establish a plan and ensure employee compliance could expose businesses to fines as high as $25,000 per day.

Although I have serious questions about whether ETRP can be implemented successfully, I must stress that this legislation does not remove the trip reduction program from the Clean Air Act entirely. Instead, it replaces the law's one-size-fits-all mandate with language making this program voluntary. In crafting this legislation, it was our specific goal to leave the trip reduction program in place as a tool for States to use in meeting their overall air quality goals. In this way, it would leave States the option of electing a car-pooling program when, and where, it will have the greatest benefits.

The measure was further amended in the House Commerce Committee to make clear that states will still be responsible for achieving the pollution reductions allotted for the ETRP program, and I believe that this change will help to ensure that the environmental objectives of the Clean Air Act are not weakened.

The need for this measure is clear. In the Philadelphia metropolitan area, the looming threat of a forced car pooling program earlier this year sent hundreds of employers scrambling to establish ride-sharing programs. For some firms in the Center City area where mass transportation options are prevalent, such plans could be set up easily. Many companies in the surrounding counties or employers with irregular shifts, however, found that they could not meet the law's requirements without taking costly and extraordinary steps to restructure work schedules.

Thankfully, both the EPA and the Commonwealth of Pennsylvania shelved plans for implementing the ETRP before the law was to take effect. Nevertheless, the law itself has remained in place, exposing all involved to the possibility of legal action to enforce its requirements. Twice this year, Congress has passed legislation containing a prohibition on enforcement of the ETRP. By passing H.R. 325, we will achieve a small measure of common sense regulatory relief and finally close the books on this unnecessary mandate once and for all.

Again, I thank the chairman for his support of H.R. 325, and I look forward to seeing this measure signed into law quickly.

Mr. CHAFEE. Madam President, H.R. 325 makes amendments to the Clean Air Act to fix a provision that has not worked. The 1990 Amendments required each State with a severe ozone nonattainment problem to adopt measures that would increase vehicle occupancy rates during the rush hour. Businesses and other organizations employing more than 100 people in nine major metropolitan regions were expected to encourage carpooling and the use of mass transit to reduce the number of vehicles travleing to and from work each day.

This provision of the 1990 Amendments was modeled on a program that was being implemented in Los Angeles. As more and more employers have relocated to the deep suburbs where mass transit is impractical and have built large parking facilities for their workers, metropolitan areas have experienced a dramatic increase in the number of cars on the road and the distances that commuters travel to their jobs. This increase in trips and miles traveled has, to some extent, offset dramatic gains in emissions reduction that have been achieved through catalytic converters and other pollution control devices on automobiles. The employer trip reduction program was intended to address this troublesome side of the air quality problem.

But evidence accumulated since the 1990 Amendments were enacted indicates that ridesharing programs are not a cost-effective option in the short-term to control air pollution. The effort necessary to convince commuters to get out of their cars and into carpools or buses or trains is quite expensive compared to other steps that would achieve the same emissions reductions in the short-term. It may be that over a very long period, a requirement like this would convince major employers to make locational decisions that encourage the use of transit and other ridesharing options. But in the short-run, the emissions reductions achieved do not justify the great difficulties that would be experienced by the States and by employers to carry out the trip reduction program.

This requirement of the 1990 Clean Air Act Amendments has engendered much opposition in the legislatures of the several States that are subject to. EPA made it clear earlier this year that the Agency would not aggressively enforce the requirements. And even in Los Angeles, the program that served as a model for the 1990 federal program has been discontinued. All seem to agree that this is a measure that should not be mandated.

H.R. 325 does not entirely repeal the employer trip reduction program. It makes it voluntary with the States. It will remain as potential avenue for emissions reductions for the States that choose to use it. And the bill does not rollback the Clean Air Act in any sense. All States will continue to bear an obligation to achieve healthy air quality by the same deadlines that are currently in the law. The bill makes clear that States that choose not to carry out the trip reduction program must find equivalent emissions reductions from other sources.

Madam President, we have a responsibility to act quickly to fix Federal programs, such as this one, that have proved unworkable. So, I have urged that the Senate act on this bill immediately and send it to the President without further delay. I would note that the National Highway System bill that the President recently signed corrected problems with EPA regulations for the vehicle inspection and maintenance program under the Clean Air Act. Where legitimate problems with implementation of the Clean Air Act have been discovered, we are moving to correct them.

Mr. BROWN. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 325) was ordered to a third reading, was read the third time, and passed.

ROOSEVELT HISTORY MONTH

Mr. BROWN. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 75, a resolution proclaiming October 1996 as "Roosevelt History Month," and that the Senate proceed to its immediate consideration, that the resolution and preamble be agreed to en bloc, and that the motion to reconsider be laid on the table, that any statements relating thereto appear in the RECORD at the appropriate place.

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

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas January 30, 1995, is the 113th anniversary of the birth of President Franklin Delano Roosevelt in Hyde Park, New York;

Whereas almost a half-century after the death of President Roosevelt, his legacy remains central to the public life of the Nation;

Whereas before becoming President of the United States, Franklin Delano Roosevelt served in the New York State Senate and later was appointed Assistant Secretary of the Navy, and in 1928 became Governor of New York;

Whereas as President of the United States between 1933 and 1945, Franklin Delano Roosevelt guided the Nation through two of the greatest crises of the twentieth century, the Great Depression and the Second World War, and in so doing, changed the course of American politics;

Whereas a memorial in stone in the District of Columbia will soon be dedicated to his memory, as authorized by Congress in 1955; and

Whereas a month commemorating the history of Franklin Delano Roosevelt would complement the dedication of the memorial: Now, therefore, be it

Resolved, That October, 1996, should be designated "Roosevelt History Month". The President is requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

TITLE 18 UNIFORMITY ACT

Mr. BROWN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 242, S. 1331.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1331) to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title 18 Uniformity Act of 1995".

SEC. 2. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are amended by striking "$100" each place it appears and inserting "$1,000".

(b) Section 510 of title 18, United States Code, is amended by striking "$500" and inserting "$1,000".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to sentences imposed on or after the date of enactment of this Act.

Mr. BROWN. I ask unanimous consent the committee amendment be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE NEXT PANCHEN LAMA

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 266, S. J. Res. 43.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 43) expressing the sense of the Congress regarding Wei Jingsheng; Gudhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

The PRESIDING OFFICER. Is there objection, to the immediate consideration of the joint resolution?

There being no objection the Senate proceeded to consider the bill.

Mr. HELMS. Madam President, citizens all over the world are protesting—and after all major Western countries have complained to the Chinese Government—about the mistreatment of a courageous Chinese citizen named Wei Jingsheng because Wei has spent most of his life trying to bring democracy and decent human rights to his 1.2 billion fellow Chinese citizens.

In return, the Chinese Government has sentenced him to another 14 years in a jail after a trial that lasted 6 hours and to which no officials representing the United States Government were allowed to attend.

The Wei Jingsheng trial follows on the heels of last week's Communist Chinese Government's announcement that for the first time in Tibetan history, Red China has selected a successor to the Panchen Lama, the second highest-ranking official in Tibetan Buddhism, His Holiness the Dalai Lama being the No. 1, of course.

Madam President, these significant events deserve the attention of all Americans and other citizens around the world. Senate Joint Resolution 43 is a sense-of-the-Congress resolution objecting to the treatment of Wei Jingsheng, who, by the way, is known as the father of democracy in China. Senate Joint Resolution 43 expresses regret concerning the Chinese Government's decision to name its own Panchen Lama of Tibet for the first time in Tibetan history. The resolution calls upon the United States Government to sponsor, and aggressively push for, passage of a resolution at next spring's meeting of the U.N. Human Rights Commission condemning Red China's human rights record.

In drafting this resolution, I decided that it is important to highlight both the plight of Wei Jingsheng and the Chinese Government's invasion into the religious freedoms of the Tibetan people. Both issues—religious freedom and political freedom—are human rights issues and should therefore be linked.

This is not the first linkage of these two issues. In fact, when President Clinton and Jiang Zemin met in New York, it was emphasized to the Chinese leader that it is imperative for China to make progress on these two human rights issues. In fact, at that meeting,

the Chinese were requested to give special attention to the fate of Wei Jingsheng, and of other political prisoners.

Did the Chinese believe that charging Wei Jingsheng with attempting to overthrow the government and sentencing him to 14 years in jail was what was when the United States specified special attention? Of course not; the Chinese actions are mere examples of the in-your-face attitude of the Beijing government.

Madam President, Senate passage of this resolution is vital. If the Senate fails to make a clear definitive statement protesting these actions, the Chinese will decide that the American people don't care.

That, of course, is simply not the case. If the U.S. Congress does not act now on Wei Jingsheng's behalf, we will be forfeiting the opportunity to make a difference.

I further understand the Clinton administration is to decide in the near future, whether the United States should support a China human rights resolution at the next meeting of the U.N. Human Rights Commission in Geneva. We have supported a China/human rights resolution for the past 3 years.

This year should not be different. I encourage the President to think long and hard about that decision. President Clinton has said over and over that the best way to pressure the Chinese on human rights issues is to pursue them in international arenas. The U.N. Human Rights Commission is an opportunity that should not be missed.

Some Senators maintain that quiet diplomacy will work better than a congressional resolution. I differ. Since July, the United States Congress, and effectively the United States Government, have engaged in quiet diplomacy and has shied away from strong statements about events in China. Look where those efforts have gotten us on issues about which we care deeply.

That brave young man fighting for democracy in Communist China and that poor 6-year-old boy and his parents who have disappeared because he was chosen as the next Panchen Lama of Tibet need our help.

I encourage Senators to support this resolution and say a prayer for all Chinese citizens who one day could be mistreated just as these young men have been.

Mr. THOMAS. Madam President, on Monday the distinguished chairman of the Foreign Relations Committee introduced Senate Joint Resolution 43 relative to two recent moves by the central government in the People's Republic of China which are of great concern to me as the chairman of the Subcommittee on East Asian and Pacific Affairs: the formal charging and trial yesterday of Chinese human rights activist Wei Jingsheng, and the selection by the central authorities in Beijing of a new Panchen Lama. I am an original cosponsor of that legislation, and rise today to express my full support for it.

Wei Jingsheng is known as the father of the PRC's modern democracy movement, and has spent a good deal of his adult life in prison as a result of his beliefs. Wei was first arrested in the spring of 1979 for allegedly "providing foreigners with confidential military information and engaging in activities which pose a threat to state security and designed to overthrow state power;" the fact that the "secrets" had been previously published in a widely-circulated government journal was apparently seen as immaterial. His true offense was participating in the "Democracy Wall Movement" by penning a work entitled "Diwu Xiandaihua—The Fifth Modernization." That piece argued that the Communist Party's "Four Modernizations" program—to modernize industry, agriculture, science/technology, and the armed forces—would be incomplete without a "fifth modernization:" democracy. In addition, he had circulated an article warning that Deng Xiaoping was developing Mao-like dictatorial tendencies. For this, he was sentenced to a loss of political rights for 3 years and 15 years in prison of which he served 14½ years.

As part of its bid to host the 2000 Olympics, the PRC released a number of political prisoners in a quid pro quo attempt to influence the choice of the selection committee. As a result, Wei was paroled in September 1993 but was kept under constant surveillance since that time. Upon his release he resumed his prodemocracy activities, writing articles and speaking with foreign journalists and government officials in support of democracy in China.

On April 1, 1994, just a few weeks after he had met with Assistant Secretary of State John Shattuck to discuss human rights in the PRC, Wei vanished. While it was known at the time that he had been arrested, no warrant had been issued for his arrest; no formal charges were instituted against him; members of his family were never notified of his arrest or subsequent whereabouts, and the authorities would not even confirm he was being held. Inquires as to his status from organizations and leaders outside of China were rebuffed.

On November 21, of this year, 20 months after first being arrested and held without charge, the Xinhua News Agency announced that Wei was being formally charged with "activities to overthrow the government." Although the exact nature of his "crimes" was left nebulous, the charge carries the death penalty in the PRC. The PRC, which seems to have learned a thing or two about public relations over the years, conveniently timed the announcement to occur after the completion of the recent APEC meetings in Osaka, Japan, and after the announcement of the 1995 Nobel Peace Prize for which Wei had been nominated; both events would have provided an uncomfortable forum for international criticism of the charges. Instead, they have until the next meeting of the U.N. Human Rights Commission in Geneva next March to try and convict Wei and the hope that any international uproar will die down.

A Xinhua report this last Sunday noted that Wei's trial would begin today (late yesterday, Beijing time) in the Beijing Intermediate People's Court. As of 48 hours before the trial was scheduled to begin, Wei's attorney—Zhang Sishi—had still not received written notice of the charges against his client, nor had he been allowed to meet with him. Although it has been announced that the trial will be—somewhat uncharacteristically—"open," that means only that some of Wei's family members may be allowed to attend along with other individuals picked by the government. Late yesterday, after a 6-hour trial, Wei was sentenced to a 14 year term of imprisonment.

I am deeply concerned with the use of the Chinese criminal code to silence those who peacefully advocate democratization and who exercise their rights to free speech. I am equally worried by the response, or should I say lack of response, from the Clinton administration. Candidate Clinton was long on talk about Republicans "coddling dictators," and how he would make human rights the foundation of his foreign policy. But as we have seen with so many other issues, he apparently did not mean what he said; as far as I can tell, that foundation is cracked. The Clinton administration has been slowly ceding ground on this issue with the Chinese since he took office. Instead of high-level reactions to the Wei arrest and trial, I have seen only low-level, lukewarm, noncommittal expressions of concern from Foggy Bottom.

In 1986, in a speech urging his fellow party leaders to take a hard-line on domestic critics of the government, Deng Xiaoping used Wei as an example:

> Didn't we arrest Wei Jingsheng? We arrested him and have not let him go, yet China's image has not suffered.

Whether Wei's predicament is to be a bargaining tool for the March U.N. meeting, or signals a shift towards the conservatives in the party hierarchy, President Clinton's lack of response at this time can only embolden China, and place at risk the freedom of others in the democracy movement such as student leader Wang Dan, activist Li Guotao, trade unionist Liu Nianchun, academician Yuan Hongbing and religious activist Xiao Biguang. All have disappeared in the last 2 years.

Turning to the issue of the Panchen Lama, it is a central belief in Tibetan Buddhism that certain deities take

human form in the bodies of important lamas to lead believers toward enlightenment. It is believed that the souls of these lamas are reborn shortly after their deaths into the bodies of newborn infants in order to continue their task on earth. Known generically as tulku, the two most important of these lamas are the Dalai Lama, the temporal and spiritual head of Tibet, and the Panchen Lama. The Panchen Lama is believed to be a reincarnation of the Buddha Amitabha, the Buddha of Infinite Light. Because he wields the highest temporal as well as spiritual authority, the Dalai Lama is considered preeminent to the Panchen in the lamaist hierarchy.

Since the occupation of Tibet beginning in the late 1940's, the Chinese have sought to coopt the Panchen Lama in an attempt to counter the role and authority of the Dalai Lama. When the Chinese invaded Tibet and overthrew the legitimate government, the Dalai Lama fled to northern India where he established a Tibetan government-in-exile. The 10th Panchen Lama remained behind however, effectively becoming over the years the Vidkun Quisling of Tibet, assisting the Chinese in the "peaceful liberation" of Tibet. As reported in the November 11 edition of Xzang Ribao:

In March 1959, Tibet's upper-level reactionary clique launched a counter-revolutionary armed revolt in a vain attempt to undermine the motherland's unification. Great Master Panchen [the Panchen Lama] immediately cabled Chairman Mao and Premier Zhou [Enlai] to express his support for the State Council's order to dissolve the Tibetan local government and to quell the rebellion. At a rally held by people of all circles of Xigaze [Shigatse], he urged all monks, ordinary people, and patriotic people of Tibet to clearly distinguish right from wrong and good from evil, to draw a clear line between them and the reactionary clique, and, under the party's leadership, to unite in resolutely assisting the People's Liberation Army to quell the rebellion. Since September 1987, a small number of separatist elements have created disturbances and made troubles in Lhasa, but the Great Master Panchen always maintained a firm stand, held high the banner of patriotism, and unequivocally and resolutely upheld the motherland's unification and national unity.

He became a member of the Chinese-installed Communist government, and regularly called on Tibetans to submit to the new order. In frequent statements he praised the new Communist government, and over the years gave legitimacy to the Chinese occupation. Although he apparently had a change of heart at the beginning of the Cultural Revolution, for which he was jailed for nearly a decade, after his rehabilitation in 1978 he continued to refuse to back calls for Tibetan independence.

Since the death of the Panchen Lama in January 1989, observers have expected a clash between the Tibetans and the Chinese over the choice of the lama's reincarnation. The reason is simple: this conflict is not simply some arcane religious tussle, but is part of the ongoing collision of interests over who really rules Tibet. For the first time, the Chinese were presented with the opportunity of hand-picking and shaping in their own political image from his youth a traditional leader of the Tibetan people. With the prospect of grooming a credible and more compliant alternative leader for the Tibetan people, few believed that the Chinese would acquiesce to the rightful authority of the Dalai Lama and Tibetan Buddhist hierarchy in the choice.

Soon after the Panchen's death, negotiations took place between the central government and the group charged with searching for his reincarnation, the monks of Tashilhunpo—"Mass of Glory"—Monastery in Shigatse, the traditional seat of the Panchen Lama. The compromise reached provided that the monks would look for the reincarnate lama only in China and Tibet, thus precluding a candidate being found among the Dalai Lama's Tibetan supporters in exile in India. In return, the monks were promised that they could use traditional procedures to select the reborn lama.

A committee of monks from the Tashilhunpo began to search for the reincarnate lama by consulting religious oracles and searching for omens in the reflective waters of a lake high in the Himalayas. The committee then visited children in villages around the country who were reported to have certain physical and mental indications of being reincarnate. The committee spent more than 5 years examining various candidates. As they finalized their choice, to the chagrin of the authorities in Beijing word was leaked from the search committee to the Dalai Lama of the identity of the candidates. This allowed the Dalai Lama, who the Chinese for the first time had excluded from his traditional role in the process, to act preemptively and announce on May 14 that the search committee had found the reincarnation of the Panchen Lama in the person of 6-year-old Gedhum Chökyi Nyima in the Tibetan village of Nagchu, Lhari District, north of Lhasa.

Their loss of control over the process infuriated the Chinese, who denounced the proclamation in predictably Communist rhetoric. The government press labelled the Dalai Lama's action "splittist" and "illegal and invalid," and condemned him for "his vicious intention of disrupting Tibet's stability and undermining China's national unity through religious means."

Having been beaten to the punch by the Dalai Lama, the Chinese government attempted to regain the initiative. The Dalai Lama's candidate disappeared, and is said by authoritative sources to be held under house arrest in Beijing with his parents. Moreover, the Chinese launched an unprecedented media campaign to discredit the Dalai Lama and his choice, and to justify their brazen interference in the selection process. The complete irony of a secular atheist Communist government completely usurping such a purely religious issue as the choice of a reincarnated soul should be lost on no one. The Chinese have spent years attempting to destroy Tibetan Buddhism as a remnant of the "feudal, oppressive past," and as a competitor to Communism; it is, after all, a central tenant of Marxist-Leninist thought that religion is the opiate of the masses. Thousands of Buddhist monks and nuns have been arrested and imprisoned since the annexation of Tibet; thousands of monasteries and temples have been destroyed, and countless works of religious devotion such as statues have been melted down or shipped out of the country. Yet the government in Beijing has devoted a significant amount of press and other resources to the reincarnation question. The cover and many of the articles in a recent issue of the Beijing Review were devoted to it; countless articles have appeared in official party newspapers such as Rénmín Ríbáo. For example, for over a week the front page of the party daily in Tibet, Xźáng Ríbáo, carried a lengthy and detailed series called "Questions and Answers Regarding the Reincarnated Child of the 10th Panchen."

The attacks have extended to the Dalai Lama himself. For example, a four-part series on Lhasa Tibet People's Radio Network broadcast over a period of 4 days vilified His Holiness and exposed his so-called "crimes." He has suffered similar attacks from Gyatsen Norbu, the Chairman of the Tibet Autonomous Regional People's Government, the Communist-controlled Executive Council of the Buddhist Association of China, and Pagbalha Geleg Namgyai, Chairman of the Tibet Autonomous Region Chinese People's Political Consultative Conference. The official media have also done everything to slander and tarnish the Dalai Lama's choice for Panchen, including accusing the boy's parents of having bad reputations among their neighbors, and the boy of killing a dog by drowning it—an thoroughly un-Buddhist act.

The amount of coverage the issue has received in the communist media has reached the point of overkill, even for the Chinese press, and has risen to the level that it indicates that the government in Beijing believes that if they repeat something enough it will eventually become the truth. I am reminded of the line from Act III of Shakespeare's "Hamlet", which I paraphrase: "The government doth protest too much, methinks."

Coincident with the increase of official propaganda, the Chinese continued to try to regain control of the process.

In September the Chinese ousted Chadrel Rinpoche—the head abbot of the Tashilhunpo Monastery and head of the search committee—and replaced him with their own candidate, Sengchen Lobsang Gyatsen. Chadrel Rinpoche is believed to be in detention with several other noncompliant monks from the monastery. Three new names for finalists —Gyaltsen Norbu of Nagchu, Tsering Wangdu of Nagchu, and Ngawang Namdrol of Lhasa—were then identified by the Chinese government, which announced that the finalist would be chosen by drawing lots from a golden urn, a procedure used once in 1792 by a Qing dynasty emperor. Chinese television showed State President Jiang Zemin meeting with the monks remaining on the committee, urging them to complete their work as soon as possible in order to "ensure stable development in Tibet."

On November 6, the Chinese government convened a meeting of senior lamas at the Jingxi Guest House in Beijing to finalize the selection process. On November 10, Li Ruihuan, a member of the Standing Committee of the Central Political Bureau and Chairman of the National Committee of the Chinese People's Consultative Conference, addressed the meeting and gave it its marching orders. At the end of November, the Chinese chose 6-year-old Gyaltsen Norbu as the 11th Panchen Lama; he was enthroned in Lhasa on December 8. In its haste to put the official imprimatur on the child, the Chinese brushed aside the several years of monastic training usually afforded a candidate before his enthronement. Senior monks were required to attend the ceremony at Lhasa's Jokhang Cathedral, and those supportive of the Dalai Lama and feigning illness in order to avoid attendance were warned on the consequences of such action. State Councilor Li Tieying oversaw the ceremony, delivering a message from Jiang Zemin for the boy to "safeguard the motherland and work in the interests of the people." In reply, the boy reportedly responded by "express[ing] his gratitude to the central government, President Jiang Zemin, Premier Li Peng, and representatives of the State Council * * * and saying that he loves the motherland [China] and the Tibetan religion."

The blatant interference in a purely religious Tibetan affair is of great concern. Without getting bogged down in a detailed and somewhat esoteric discussion of the historical precedents, let me just outline some of the objections to the Chinese position. First, it completely ignores the Dalai Lama's centuries-old right to participate actively in the choice of the Panchen Lama. By eschewing the Dalai Lama's traditional role, the Chinese are completely flouting the historical precedent they claim they are upholding. The confirmation of either the Dalai or Panchen Lama is not complete until mutually recognized by the other. Chinese scholars, whom the government is so fond of quoting, have previously reiterated this requirement. For example, Ya Hanzhang, in his Biographies of the Tibetan Leaders Panchen Erdeni, wrote:

> By Tibetan tradition a reincarnation of the Panchen could not be religiously legal without the Dalai's recognition, and the same was the case with the Dalai.

Thus, the exclusion of the Dalai Lama renders the validity of Beijing's choice void ab initio.

Second, for the first time in history it puts the Chinese government in the place of the Dalai Lama. In the past, Beijing's role was one limited to nominal approval of the selection already made by the Tibetans. There existed a unique relationship between the high lamas of Tibet and the Chinese imperial court; it was called "priest-patron." The Chinese emperors looked to the lamas as spiritual advisers. In return for that advice, the Chinese offered gifts to the high lamas and military protection to the region. Therefore, any involvement by the Chinese in the choice of a Dalai or Panchen Lama during the Qing dynasty, under Emperors such as Kangxi and Qianlong, stemmed not from a desire to dictate the outcome from Beijing but because those Emperors were fervent followers of Tibetan Buddhism.

Mr. President, I can already predict with certainty the Chinese reaction to this joint resolution. The Foreign Ministry is sure to declare both issues solely within the purview of China's internal affairs which are, ipso facto, none of the rest of the world's business. In fact, in response to world criticism of the Wei arrest Shen Guofang, the Ministry spokesperson, has already stated:

> The case of Wei Jingsheng is not a human rights affair. On the contrary, it is those people and organizations who try to interfere in China's judicial procedures that have actually violated international standards by interfering in China's internal affairs.

Rather than rehash this old human rights/internal affairs song and dance, then, let me take a new approach an give the PRC another reason why these issues are important to us and should, consequently, be important to them. The Chinese have made a great deal of noise lately about being allowed to assume their rightful place among important powers on the world stage, and have complained vociferously that the West is unfairly trying to prevent them from that place.

I and several of my colleagues have tried to make it clear to Beijing that there is not some organized plot attempting to keep them from doing so. Rather, what we have emphasized to them is that a place at that particular table is not a right free for the taking, but a privilege which comes with it a panoply of responsibilities. Foremost among those is to adhere to international norms of conduct and to treaty and similar legal commitments.

If the PRC does not live up to its present commitments, then they can be sure that the rest of the world is going to be hesitant to enter into any others with it; and the problem is, they are not. Beijing says that it is fully living up to all its obligations. However, as the Chinese are fond of saying, words are fine but only if followed up by deeds. An examination of their deeds, unfortunately, shows that these do not match their words. In the case of Wei Jingsheng, the maximum amount of time a criminal suspect can be detained without charge is twelve months; yet he was held for over twenty. China is a signatory to the universal Declaration of Human Rights, yet the handling of Wei's case clearly violates Article III of that document. Finally, the language of the Xinhua announcement of the charges against Wei noted that his actions "were in violation of the criminal law and constituted crimes;" an article in the December 11 Beijing Review notes that his actions leading to this arrest "[were] in violation of the Criminal Law and constitute crimes." This, and the fact that his trial took only 6 hours, seems to me to indicate that his guilt had been determined long before his trial began. This presupposition of guilt also runs counter in international standards of justice.

As for the Panchen issue, the PRC's constitution guarantees freedom of religion and freedom from being discriminated against on the basis of religious belief. Yet thousands of Tibetans have been persecuted for their religious faith over the years. Moreover, Beijing's manipulation of the selection of the Panchen Lama is clear meddling in a purely religious issue for political gain, and violates the religious rights of believing Tibetans. Similarly, as Senator FEINSTEIN mentioned yesterday in a meeting of the full Foreign Relations Committee, she has been repeatedly assured over the years by officials in the highest levels of the Chinese Government that Tibet "is entitled to manage its own cultural and religious affairs." The actions regarding the Panchen Lama would seem to contradict that assertion.

Time and time again China calls into question its commitment to the rule of law and to international norms, whether it be in regards to agreements on intellectual property, the enforcement of international arbitration awards, or the proliferation of nuclear or other weapons. The cases of Wei Jingsheng and the Panchen Lama are just two more unfortunate examples. If as a result the rest of the world is a bit reticent to enter into other agreements with the PRC—for example, the WTO agreement—for fear that the Chinese will continue to say one thing but do another, then before it points the finger of accusation at us for denying it

its "rightful place" in the world, it should realize that it has no one to blame but itself.

I urge my colleagues to support Senate Joint Resolution 43, and thank the distinguished Chairman and ranking member of the Committee for their leadership on these important issues.

Mr. BROWN. I ask unanimous consent the joint resolution be deemed read a third time, passed, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and that the statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (S.J. Res. 43) was deemed read the third time and passed.

The preamble, as amended, was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 43

Whereas on November 21, 1995, the Government of the People's Republic of China formally arrested Wei Jingsheng, who is known internationally as the father of the democracy movement in China;

Whereas the Government of the People's Republic of China has held Wei Jingsheng incommunicado and without charge since April 1994 and has rebuffed international calls to release him;

Whereas Wei Jingsheng has spent all but 6 months of the last 16 years in detention because of this unwavering support for freedom of speech and the development of democracy in China;

Whereas at an October 1995 meeting in New York between President Clinton and President Jiang Zemin of China, the Administration urged the Government of the People's Republic of China to release political prisoners and specifically included Wei Jingsheng and others among such prisoners;

Whereas the treatment of Wei Jingsheng by the Government of the People's Republic of China raises concern over the future of other jailed dissidents in China, including Wang Dan, a student leader in the 1989 pro-democracy movement in China;

Whereas on May 14, 1995, His Holiness the Dalai Lama announced recognition of 6-year-old Gedhun Choekyi Nyima as the next Panchen Lama;

Whereas recognition of the successor to the Panchen Lama in Tibet has always been within the authority of the Dalai Lama;

Whereas for the first time in Tibetan history, the Government of the People's Republic of China has imposed on Tibet its own candidate for a new Panchen Lama and has rejected the new Panchen Lama selected by the Dalai Lama;

Whereas Gedhun Choekyi Nyima and his family have been missing for 6 months and are reported being held by authorities of the Government of the People's Republic of China;

Whereas Chatrel Rinpoche, who is the head of the original search committee for the new Panchen Lama and who refused to denounce the Dalai Lama's selection of the new Panchen Lama, is also missing and believed to be held by authorities of the Government of the People's Republic of China;

Whereas the Panchen Lama is one of the highest-ranking religious official of Tibetan Buddhism;

Whereas the rejection of the Dalai Lama's selection of Panchen Lama by the Government of the People's Republic of China, and the selection of its own candidate for Panchen Lama, is seen by many Tibetans as politicizing a purely religious affair and as a violation of fundamental Tibetan human rights;

Whereas since the invasion of Tibet in 1949, the Government of the People's Republic of China has taken any expression by the Tibetan people of their distinct religious or cultural identity as a direct challenge to that government's political control of Tibet;

Whereas Chinese officials have repeatedly maintained that the Tibet Autonomous Region is entitled to manage its own cultural and religious affairs, and the intervention of Chinese government authorities in the selection of the next Panchen Lama is a clear violation of that principle;

Whereas for 3 consecutive years, the United States has been a primary sponsor of resolutions criticizing the human rights practices of the Government of the People's Republic of China in China and Tibet at the annual meetings of the United Nations Human Rights Commission in Geneva;

Whereas these resolutions call upon the Government of the People's Republic of China to take measures to ensure the observance of all human rights, invite that government to cooperate with all special rapporteurs and working groups, and request the Secretary General of the United Nations to prepare a report for the United Nations Human Rights Commission on the human rights situation in China and Tibet;

Whereas at the March 1995 meeting of the United Nations Human Rights Commission in Geneva, the resolution lost by only 1 vote;

Whereas it is important to maintain international pressure on the Government of the People's Republic of China in order to induce that government to respect internationally-recognized standards of human rights; and

Whereas in May 1994, the President of the United States pledged strong support for efforts at international forums to criticize the human rights practices of the Government of the People's Republic of China: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government should—

(1) press for the immediate and unconditional release of Wei Jingsheng and other political prisoners by the Government of the People's Republic of China;

(2) urge the Government of the People's Republic of China to respect the wishes of the Tibetan people by supporting the selection of the new Panchen Lama by His Holiness the Dalai Lama;

(3) work to ensure the safety of the new Panchen Lama as selected by the Dalai Lama; and

(4) sponsor and aggressively push for the passage of a resolution regarding the human rights situation in China at the annual meeting of the United Nations Human Rights Commission in Geneva scheduled for March 1996.

The PRESIDING OFFICER. The Senator from Kentucky.

MEASURE READ FOR THE FIRST TIME—S. 1472

Mr. FORD. Madam President, I understand that S. 1472, Federal Judges for the Middle and Eastern Districts of Louisiana, introduced earlier today by Senator BREAUX, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Madam President, I ask for the first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle and Eastern Districts of Louisiana and one less Federal Judge for the Eastern District of Louisiana.

Mr. FORD. Madam President, I ask for the second reading.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard. The bill will lay over and will receive its second reading on the next legislative day.

AU PAIR PROGRAMS EXTENSION

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 267, S. 1465.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1465) to extend au pair programs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3099

(Purpose: To extend au pair programs through fiscal year 1997)

Mr. BROWN. Madam President, I send an amendment to the desk for Senator HELMS and Senator DODD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. BROWN), for Mr. HELMS, for himself and Mr. DODD, proposes an amendment numbered 3099.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On line 9, strike "1999" and replace with "1997."

On page 2, line 1, strike "1998" and replace with "1996".

Mr. BROWN. Madam President, I ask unanimous consent that the amendment be agreed to, that the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 3099) was agreed to.

So the bill (S. 1465), as amended, was deemed read for the third time, and passed, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1997.

(c) REPORT.—Not later than October 1, 1996, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

ANTICOUNTERFEITING CONSUMER PROTECTION ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, S. 1136.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1136) to control and prevent commercial counterfeiting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "'computer program,'" after "'motion picture,'"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18.".

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or **[**is in any way concerned in**]** *aids and abets* the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be **[**equal to**]** *not more than* the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be **[**equal to**]** *not more than* twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) A counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

Mr. BROWN. Madam President, I ask unanimous consent that the committee amendments be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the committee amendments were agreed to.

The bill (S. 1136), as amended, was deemed read for the third time, and passed, as follows:

S. 1136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

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SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

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(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "'computer program,'" after "'motion picture,'"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18.".

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Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

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(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

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(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing

trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

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"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

Mr. BROWN. The distinguished Senator from Kentucky has been so cooperative, I wonder if he might agree to the balanced budget by unanimous consent at this time.

Mr. FORD. Madam President, there is always euphoria at times around here, and we usually have to put the needle into the balloon, and I will just do that now. [Laughter.]

Mr. BROWN. I had hoped the Senator, for the sake of the Christmas spirit, might be willing to go along.

Mr. FORD. The Senator from Kentucky has a lot of spirit, Senator.

Mr. BROWN. I know. But you charge for that.

Mr. FORD. That is right—for you, double. [Laughter.]

Mr. BROWN. We will want to assure the Senator that we will give him another chance.

Mr. FORD. I always look forward to another chance. At 72, I have had second chances for a long time.

ORDERS FOR THURSDAY, DECEMBER 14, 1995

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, December 14, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, there then be a period for morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI for 15 minutes; Senator JEFFORDS for 15 minutes; Senator WELLSTONE, or his designee, for 30 minutes; and, I further ask that at the hour of 10:30 the Senate turn to the Interior appropriations conference report under the previous unanimous consent.

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

PROGRAM

Mr. BROWN. Madam President, for the information of all Senators, the Senate will begin debate on the Interior appropriations conference report at 10:30 a.m. There is a 6-hour time limit. However, all time is not expected to be used, and a vote is expected on adoption of the conference report.

The Senate could be asked to consider other appropriations matters during tomorrow's session, and the Senate may also turn to the State Department reorganization bill.

Therefore, additional votes can also be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Madam President, if there is no further business to come before the Senate—

Mr. FORD. I thought we might get a clean CR until January 20, and we could work out something with the balanced budget amendment.

Mr. BROWN. If we can join the two, I am sure we can get that done tonight. (Laughter.)

Mr. BROWN. Madam President, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:19 p.m., adjourned until Thursday, December 14, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 13, 1995:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH, OF WISCONSIN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

GARY A. FENNER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE SCOTT O. WRIGHT, RETIRED.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 13, 1995, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.

TOBY ROTH, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.