

UNANIMOUS CONSENT AGREEMENT—VETO MESSAGE ON S. 21

Mr. DOLE. Mr. President, the veto message arrived from the White House with respect to S. 21, the Bosnian Self-Defense Act.

I ask unanimous consent that the veto message be temporarily laid aside, to be brought before the Senate by the majority leader, after notification of the Democratic leader, and that the veto message be spread upon the Journal.

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

Without objection, the veto message on S. 21 will be considered as read.

The text of the President's message follows:

REPORT OF THE DISAPPROVAL OF THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995—MESSAGE FROM THE PRESIDENT—PM 76

To the Senate of the United States:

I am returning herewith without my approval S. 21, the "Bosnia and Herzegovina Self-Defense Act of 1995." I share the Congress' frustration with the situation in Bosnia and am also appalled by the human suffering that is occurring there. I am keenly aware that Members of Congress are deeply torn about what should be done to try to bring this terrible conflict to an end. My Administration will continue to do its utmost with our allies to guide developments toward a comprehensive political settlement acceptable to all the parties. S. 21, however, would hinder rather than support those efforts. It would, quite simply, undermine the chances for peace in Bosnia, lead to a wider war, and undercut the authority of the United Nations (U.N.) Security Council to impose effective measures to deal with threats to the peace. It would also attempt to regulate by statute matters for which the President is responsible under the Constitution.

S. 21 is designed to lead to the unilateral lifting by the United States of the international arms embargo imposed on the Government of Bosnia and Herzegovina. Although the United States has supported the lifting of the embargo by action of the U.N. Security Council, I nonetheless am firmly convinced that a unilateral lifting of the embargo would be a serious mistake. It would undermine renewed efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the almost certain Americanization of the conflict.

The allies of the United States in the U.N. Protection Force for Bosnia (UNPROFOR) have made it clear that a unilateral lifting of the arms embargo by the United States would result in their rapid withdrawal from UNPROFOR, leading to its collapse. The United States, as the leader of

NATO, would have an obligation under these circumstances to assist in that withdrawal, thereby putting thousands of U.S. troops at risk. At the least, such unilateral action by the United States would drive our allies out of Bosnia and involve the United States more deeply, while making the conflict much more dangerous.

The consequences of UNPROFOR's departure because of a unilateral lifting of the arms embargo must be faced squarely. First, the United States would immediately be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, the fighting in Bosnia would intensify. It is unlikely the Bosnia Serbs would stand by waiting while the Bosnian government received new arms and training. Third, under assault, the Bosnian government would look to the United States to provide arms and air support, and, if that failed, more active military support. Unilateral lift of the embargo would lead to unilateral American responsibility. Fourth, intensified fighting would risk a wider conflict in the Balkans with far-reaching implications for regional peace. UNPROFOR's withdrawal would set back fresh prospects for a peaceful, negotiated solution for the foreseeable future. Finally, unilateral U.S. action under these circumstances would create serious divisions between the United States and its key allies, with potential long-lasting damage to these important relationships and to NATO.

S. 21 would undermine the progress we have made with our allies and the United Nations in recent weeks to strengthen the protection of the safe areas in Bosnia and improve the provision of humanitarian assistance. NATO has agreed to the substantial and decisive use of air power to protect Gorazde, Sarajevo, and the other safe areas. The U.N. Secretary General has delegated his authority to the military commanders on the ground to approve the use of air power. The British and French, with our support, are deploying a Rapid Reaction Force to help open land routes to Sarajevo for convoys carrying vital supplies, strengthening UNPROFOR's ability to carry out its mission. These measures will help provide a prompt and effective response to Serb attacks on the safe areas. This new protection would disappear if UNPROFOR withdraws in response to the unilateral lifting of the embargo.

Events over the past several weeks have also created some new opportunities to seek a negotiated peace. We are actively engaged in discussions with our allies and others on these prospects. Unilaterally lifting the arms embargo now would jeopardize these ongoing efforts.

Unilaterally disregarding the U.N. Security Council's decision to impose an arms embargo throughout the former Yugoslavia also would have a detrimental effect on the ability of the

Security Council to act effectively in crisis situations, such as the trade and weapons embargoes against Iraq or Serbia. If we decide for ourselves to violate the arms embargo, other states would cite our action as a pretext to ignore other Security Council decisions when it suits their interests.

S. 21 also would direct that the executive branch take specific actions in the Security Council and, if unsuccessful there, in the General Assembly. There is no justification for bringing the issue before the General Assembly, which has no authority to reconsider and reverse decisions of the Security Council, and it could be highly damaging to vital U.S. interests to imply otherwise. If the General Assembly could exercise such binding authority without the protection of the veto right held in the Security Council, any number of issues could be resolved against the interests of the United States and our allies.

Finally, the requirements of S. 21 would impermissibly intrude on the core constitutional responsibilities of the President for the conduct of foreign affairs, and would compromise the ability of the President to protect vital U.S. national security interests abroad. It purports, unconstitutionally, to instruct the President on the content and timing of U.S. diplomatic positions before international bodies, in derogation of the President's exclusive constitutional authority to control such foreign policy matters. It also attempts to require the President to approve the export of arms to a foreign country where a conflict is in progress, even though this may well draw the United States more deeply into that conflict. These encroachments on the President's constitutional power over, and responsibility for, the conduct of foreign affairs, are unacceptable.

Accordingly, I am disapproving S. 21 and returning it to the Senate.

WILLIAM J. CLINTON.

THE WHITE HOUSE, August 11, 1995.

UNANIMOUS-CONSENT AGREEMENT—S. 1026

Mr. DOLE. Mr. President, I ask unanimous consent that the following be the only first-degree amendments remaining in order, except those amendments cleared by the managers, to the defense authorization bill, and that they be subject to relevant second-degree amendments.

And I will read the amendments:

Pentagon renovation by Senator BINGAMAN; another amendment by Senator BINGAMAN, Los Alamos community assistance; Senator BINGAMAN, strike section 1082; Senator BROWN, Fitzsimons; BYRD, relevant; Senator EXON, nuclear testing, 90 minutes of debate for EXON, 30 minutes for Senator THURMOND; Senator EXON, START I and II; Senator FEINSTEIN, land conveyance; Senator HARKIN, relevant; Senator JOHNSTON, relevant; Senator

KEMPTHORNE, relevant; Senator LAUTENBERG, relevant; Senator LEVIN, SOS chemical weapons, Start II; Senator LEVIN, Army leasing of commercial utility vehicles; Senator ROBB, pilots rescue radio; Senator SARBANES, Anechoic Chamber, Pax River; Senator SIMON, volunteer contingency force; Senator SIMON, land exchange; Senator WELLSTONE, relevant, 60 minutes for debate; Senator THURMOND, relevant; Senator WARNER relevant; and on the top here, the bipartisan missile defense amendment, too.

I will send these to the desk.

Provided further, that if a Senator succeeds in amending the Defense appropriations bill with an amendment from the original list of Defense authorization amendments, then that Senator may offer his amendment to the Defense authorization bill under this agreement; further, that if the bipartisan missile defense amendment is agreed to, that it be in order for the managers to offer an amendment to make conforming modifications in the previously adopted Nunn amendment and the previously adopted Cohen amendment (amendments Nos. 2078 and 2089); further, that there be a time limitation for debate of 1 hour on the bill; there be a time limitation of 3 hours for debate on the bipartisan missile defense amendment, 2 hours for Senator NUNN and 1 hour for Senator THURMOND; that there be a time limitation on all remaining, except where noted, first and second degree amendments of 30 minutes, with all of the above time limitations equally divided in the usual form.

I further ask unanimous consent that no other amendments regarding land mines or gays in the military be in order unless cleared by unanimous consent.

I further ask unanimous consent that following the disposition of the above-listed amendments and the expiration of time, the Senate proceed to third reading and immediately proceed to discharge the Armed Services Committee and proceed to immediate consideration of H.R. 1530; that all after the enacting clause be stricken and the text of S. 1026, as amended, be inserted, the bill be advanced to third reading and final passage occur, all without intervening action or debate.

Finally, I ask unanimous consent that no motion to recess or adjourn be in order during Tuesday's session of the Senate prior to final disposition of H.R. 1530, except one made by the majority leader.

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

The text of the agreement is as follows:

Ordered further, that the following amendments be the only first degree amendments remaining in order to S. 1026, except those amendments cleared by the managers, and that they be subject to relevant second degree amendments:

Bipartisan—Missile Defense (Nunn 2 hours/Thurmond 1 hour).

Bingaman—Pentagon Renovation.

Bingaman—Los Alamos Community Assistance.

Bingaman—Strike Section 1082.

Brown—Fitzsimmons.

Byrd—Relevant.

Exon—Nuclear Testing (Exon 90 min./Thurmond 30 min.).

Exon—START I and II.

Feinstein—Land Conveyance.

Harkin—Relevant.

Johnston—Relevant.

Kemphorne—Relevant.

Lautenberg—Relevant.

Levin—SOS Chemical Weapons/START II.

Levin—Army Leasing of Commercial Utility Vehicles.

Sarbanes—Anechoic Chamber, Pax River.

Simon—Volunteer Contingency Force.

Simon—Land Exchange.

Thurmond—Relevant.

Warner—Relevant.

Wellstone—Relevant (60 min.).

Ordered further, that if a Senator succeeded in amending the Defense Appropriations Bill with an amendment from the original list of Defense Authorization amendments, it be in order for that Senator to offer his or her amendment to the Defense Authorization Bill pursuant to this agreement.

Ordered further, that if the Bipartisan Missile Defense amendment is agreed to, it be in order for the Managers to offer an amendment making conforming modifications to the previously adopted Nunn and Cohen amendments (numbers 2078 and 2089).

Ordered further, that there be one hour for debate on the Bill and 30 minutes for debate on each first and second degree amendment, except where noted differently above, with all time equally divided in the usual form, except where noted differently above.

Ordered further, that no other amendments regarding Land Mines or Gays in the Military be in order unless cleared by unanimous consent.

Ordered further, upon disposition of the above listed amendments and the expiration of any time remaining on the Bill, the Bill be read for the third time, and that the Armed Services Committee be immediately discharged from further consideration of H.R. 1530 and that the Senate proceed to the immediate consideration of H.R. 1530, that all after the enacting clause of H.R. 1530 be stricken and that the text of S. 1026 as amended be inserted in lieu thereof, that H.R. 1530 be read a third time and final passage occur, all without intervening action or debate.

Ordered further, that no motion to recess or adjourn be in order during Tuesday September 5, 1995 session of the Senate prior to final disposition of H.R. 1530 with the exception of a motion made by the Majority Leader.

August 11, 1995.

Mr. DOLE. Mr. President, let me indicate, the reason for the last request, and it is supported by the Democratic leader, is we want to finish this bill. We think there are too many amendments on it now. We already spent a great deal of time on this bill.

It means we will have to delay discussion of welfare reform probably 1 full day. This is the best we can do. We will take up this bill at 9 o'clock on Tuesday, September 5. I urge my colleagues, if they want to take up their amendments, they better be here, because the managers will be here, or someone designated by the managers will be here, throughout the day. It is my belief most of these amendments

can be accepted, but there could be as many as five rollcall votes, plus the rollcall vote on final passage, and there will be a 5 o'clock vote on the Defense appropriations bill on Tuesday, September 5.

So it will not be "the day after Labor Day," it will be a workday in the U.S. Senate, with a lot of votes, because we are going to complete action on this. It is going to delay us 1 day on welfare reform. We will be on welfare reform Wednesday, Thursday, Friday, and there may be a day or two in the next week, and I will be speaking about that later on this afternoon. I want to thank the Democratic leader, Senator NUNN, Senator THURMOND, Senator WARNER and members of their staffs who have been working to get this agreement. I hope we can now complete action on the DOD authorization bill on that date.

Mr. THURMOND. Mr. President, I wish to express my appreciation to the able majority leader for all he did to reach this unanimous-consent agreement. It took a lot of work, a lot of coordinating, a lot of compromising, and I am very pleased we have been able to reach that.

Now we can go forward with this Defense authorization bill and get it passed. If we cannot pass it in 1 day, we will get on it and stay on it that day and all night, if necessary. We have to get this Defense bill passed, and we want it to be passed before the Defense appropriations bill is passed.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the Armed Services Committee, we thank our distinguished chairman for his leadership throughout this process to gain this very, very important time agreement and unanimous-consent agreement, such that this bill can move forward in that manner, to be coupled with the appropriations bill which earlier today the Senate considered.

Mr. THURMOND. Mr. President, I express my appreciation to Senator WARNER for all he did in connection with this bill. He was one of the negotiators on the bill, along with the distinguished Senator from Maine, and who worked with Senator NUNN and Senator LEVIN on the Democratic side. I just want to thank Senator WARNER.

Mr. WARNER. Mr. President, I thank the distinguished chairman. Indeed, Senator MCCAIN was instrumental in helping to get this time agreement, as was Senator KEMPTHORNE.

Mr. THURMOND. I thank Senator MCCAIN and all those who assisted in this matter.

Mr. President, I rise to support the compromise that has been worked out regarding the missile defense portion of the Defense authorization bill. Although this compromise weakens the bill as reported out of committee, it does address all of the concerns that were raised on the floor last week. As

such, this compromise should provide the basis for broad bipartisan support, as it did during a meeting I called with the Republican members of the Senate Armed Services Committee.

Before I comment on the substance of the compromise, let me express my gratitude to Senators WARNER, COHEN, NUNN, and LEVIN for their hard work and dedication. The task they undertook in working out this package was a very difficult one and they handled it well.

While I do support the missile defense substitute as a means to advance the Defense authorization bill, I want to make clear my view that a compromise was not needed. The committee-reported bill was strong and worthy of the Senate's support. Senators had a full debate on the subject and several amendments were offered and voted on. It is a sad and unfortunate state of affairs when those on the losing side of an amendment are willing to kill a bill as important as the Defense authorization bill before it has even gotten to conference.

During last week's debate on missile defense, many arguments were raised against the Missile Defense Act of 1995. In my view these were either incorrect or exaggerated. Nonetheless, we leaned over backward to accommodate the concerns that were raised. I believe that the outcome should be satisfactory to an overwhelming majority of Senators.

While the missile defense compromise deals with virtually every aspect of the Missile Defense Act, I would like to address the two major issues that were focused on.

On section 238, to so-called theater missile defense demarcation provision, the compromise makes clear that we are not attempting to constrain the President's ability to negotiate arms control agreements. It remains clear, however, that theater missile defense systems are not and should not be limited by the ABM Treaty. We retain a funding limitation, consistent with Congress' constitutional power of the purse. This provision would prevent the executive branch from implementing any agreement that would set a demarcation that is inconsistent with the standard originally contained in section 238. The new language also prohibits the use of funds to implement any restriction on U.S. theater missile defense systems unless the restriction is subsequently authorized by Congress, is consistent with the approved demarcation standard, or is part of an agreement submitted to the Senate for advice and consent.

This means that the United States cannot implement a TMD agreement which includes performance limitations—such as interceptor velocity, deployment limitations—such as geographical constraints, or operational limitations—such as restrictions on the use of external sensors, without getting explicit congressional approval, either through a subsequent act

or through advice and consent to a treaty.

The second major area of concern in the compromise has to do with national missile defense and the ABM Treaty. The committee bill called for the deployment of a multiple-site NMD system by 2003, but did not specifically address the issue of amending the ABM Treaty. The compromise says that the United States will develop such a system for deployment, and that it is the policy of the United States to seek amendments to the ABM Treaty to accomplish this end. In the compromise, it is clear that the United States has not yet made a deployment decision, but that we are clearly on the path to deploying a multiple-site NMD system.

Mr. President, I want to make it clear that Republicans have given up quite a bit in order to achieve this compromise. Amendments to weaken the Missile Defense Act were defeated in markup and on the floor. Our members feel that the bill reported by the committee was solid and did not need any change. Nonetheless, we have shown a good faith effort to listen and accommodate. I hope that our compromise will now clear the path for the Defense authorization bill to proceed through conference and to the President's desk for signature.

Mr. WARNER. Mr. President, the first amendment was the bipartisan missile defense amendment. It may be that the distinguished ranking member of the committee, the Senator from Georgia, at some point today would wish to submit that into the RECORD. In the event he does so, there would be statements by myself, possibly the Senator from Maine, [Mr. COHEN], and the Senator from Michigan, [Mr. LEVIN]. Therefore, I ask unanimous consent, thereafter in the appropriate place in the RECORD such statements relating thereto, as other Senators wish to make, can be placed.

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

Mr. WARNER. Mr. President, I cannot express my appreciation too much to all, particularly the distinguished majority leader, the distinguished Democratic leader and others who made this agreement possible. It is just absolutely essential for this country that we move forward in a timely way on issues relating to our national security. And, indeed, this bill is a landmark bill in that effort. It reflects, I hope, a strong bipartisan consensus, which consensus is always needed to support the men and women of the Armed Forces and the security policies of our country. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senate from Minnesota is recognized.

MAXIMUM SECURITY

Mr. GRAMS. Mr. President, there is a new Federal facility in the town of Florence, CO—about 100 miles southwest of Denver—that I wish to tell you about.

It was dedicated only last January, without a lot of fanfare, and most people have probably never heard of it. But if you are invited for a visit, it is a request you cannot refuse, and an experience you will likely never forget.

This new complex is the U.S. Penitentiary Administrative Maximum Facility—or the Super Max, for short—and already, it has become known as the Alcatraz of the Rockies.

It is a place where the guests check in, but they do not check out, at least not on their own.

The Super Max is the most secure prison in the Nation. A \$60 million, state-of-the-art, high-technology fortress of steel, concrete, and barbed wire.

It is where the worst of the worst are shipped to when society decides they can no longer be tolerated. It is a place where these most violent offenders are strictly controlled. It is a place where everyone is watched; where everyone is monitored.

To call the Super Max cold and unfriendly would be a profound understatement. Visitors to the highest-security prison in the Nation first notice the fences—12-foot fences crowned with razor wires. They see the six guard towers, and the rolls of razor wire, and the armed guards who are not only authorized to use their weapons, but are instructed to shoot to kill.

To enter the facility itself, the walls of which are reinforced with seven layers of steel and cement, visitors must pass through metal detectors. Their hands are stamped with a secret code in ultraviolet dye—that is to keep inmates from escaping by impersonating visitors.

Mr. President, this is what you will find in a prison that has been labeled "the end of the line" for the Nation's hardcore offenders.

You might think that the incredible security measures undertaken at the Colorado Super Max would be unique among Federal facilities. After all, where else except a maximum security prison, home to some of society's most malicious predators, would such intense restrictions need to be in effect?

If you thought that, however, you would be wrong. There is another Federal compound with a security arrangement that is equally complex. There are armed guards with dogs, cement barriers, an extensive network of closed-circuit TV monitors, marked and unmarked pursuit vehicles, metal detectors and x ray scanners, signs, and barricades.

But the guests who spend time in this Federal complex are not Mafia bosses, they are not convicted spies, hit men, drug kingpins, or arms smugglers. They are not dangerous, either, and they certainly do not deserve the intense security measures they are subjected to.

They are average Americans who come here, to the U.S. Capitol Building, to see their Government at work