

DEPARTMENT OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2841

The PRESIDING OFFICER. Is there further debate?

Mr. DOLE. Madam President, there will be 4 minutes evenly divided between the votes, and I ask unanimous consent that the second vote be 10 minutes in length.

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

The question is on agreeing to the motion to lay on the table amendment No. 2841. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

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

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 478 Leg.]

YEAS—52

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

NAYS—44

Akaka	Feingold	Moseley-Braun
Baucus	Feinstein	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Packwood
Bradley	Inouye	Pell
Brown	Jeffords	Pryor
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Campbell	Kerry	Sarbanes
Chafee	Kohl	Simon
Cohen	Lautenberg	Snowe
Conrad	Leahy	Specter
Daschle	Levin	Stevens
Dodd	Lieberman	Thurmond
Dorgan	Mikulski	Wellstone

NOT VOTING—4

Bennett	Johnston
Glenn	Shelby

So the motion to lay on the table the amendment (No. 2841) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The majority leader.

There are 4 minutes equally divided.

Mr. FORD. Madam President, could we have order, then, please?

The PRESIDING OFFICER. May we have order in the Chamber, please?

The Senator from New Hampshire.

AMENDMENT NO. 2842

Mr. GREGG. I ask unanimous consent Senator D'AMATO and Senator HOLLINGS be added as cosponsors.

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

Mr. GREGG. I will yield the 2 minutes on our side.

The PRESIDING OFFICER. Is there anyone else who seeks recognition?

The Senator from Kentucky.

Mr. FORD. Madam President, the Senator from Georgia has been trying to get recognition, and you cannot hear him for the noise in the Senate Chamber.

The PRESIDING OFFICER. May we have order?

The Senator from Georgia.

Mr. NUNN. Madam President, this resolution is very similar to the resolution we passed in 1993. If I had my way, I would not have brought up the resolution at this point in time. Of course, every Senator has the right to bring up whatever they would like on any bill under our procedure. The peace agreement is being negotiated now. This resolution, in my view, is a sense-of-the-Senate resolution that does not have the effect of law. It is not binding on the President. It does make it clear the Senate of the United States expects the President of the United States to, basically, have Congress speak to this issue before we have deployment of troops.

We had a good meeting at the White House today. I think the President made it clear his position is very similar to what President Bush's position was before the Persian Gulf war, that is, he would welcome an expression by Congress approving this peacekeeping mission, but he at this point in time certainly is going to consult with Congress in any event.

Madam President, there are a lot of questions that need to be asked by the United States before this deployment takes place. We need to have hearings in the Armed Services Committee and the Foreign Relations Committee. We need to ask a lot of tough questions. Most of all, the American people need to be informed by the President that this is truly in our national interest before we make any commitment under our NATO alliance.

But the United States must lead. If there is a deployment that takes place after an agreement, it is important for the United States to ask the tough

questions before deployment within the NATO context, but it is also important for the United States to lead.

So, we have a long way to go before there is a peace agreement. We have a lot to do before we, in the Congress, have done our duty by asking the questions. This is a sense-of-the-Senate resolution that is not binding. It indicates the will of the Senate.

I will vote aye.

The PRESIDING OFFICER. All time has expired. The question is now on the amendment offered by the Senator from New Hampshire, amendment No. 2842.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

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

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 479 Leg.]

YEAS—94

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Coats	Inouye	Roth
Cochran	Jeffords	Santorum
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Simpson
Coverdell	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Lautenberg	Thompson
Dole	Leahy	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Faircloth	Lott	
Feingold	Lugar	

NAYS—2

Exon	Simon
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NOT VOTING—4

Bennett	Johnston
Glenn	Shelby

So the amendment (No. 2842) was agreed to.

Mr. GRAMM. Madam President, we have many things working and trying to work out an agreement. I think it would probably be advantageous at this point to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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. LOTT. Madam President, I ask unanimous consent that the previous vote be reconsidered.

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

The motion to lay on the table was agreed to.

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I ask unanimous consent now to bring up the nomination of General Shalikashvili for reappointment as general. Today is the last day. We have to act on it now.

The PRESIDING OFFICER. Is there objection to bringing up the nomination in executive session?

Mr. KOHL. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. Regular order, Madam President.

Mr. KOHL. Objection withdrawn.

EXECUTIVE SESSION

Mr. THURMOND. Madam President, I move we go into executive session.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

Is there any objection?

There is a unanimous consent order to recognize Senator KOHL for an amendment. Is there an objection to going into executive session?

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE

The assistant legislative clerk read the nomination of Gen. John M. Shalikashvili for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination?

Mr. THURMOND. Mr. President, today the Senate is considering the nomination of Gen. John M. Shalikashvili for reappointment as Chairman of the Joint Chiefs of Staff and for reappointment to the grade of general.

We all know General Shali very well. His record is exemplary. General Shali was only a young lad when he came to this country with his family as they immigrated from Poland. He began to excel almost immediately.

General Shali graduated from Bradley University receiving a degree in mechanical engineering. Later he received a Master's degree in international relations from George Washington University.

General Shali entered the Army as an enlisted man in August 1958. Later, he was commissioned as a second lieutenant in the field artillery. He served in the United States, Germany, and Vietnam rising to the rank of general, the highest rank attainable. He commanded a division. He was the deputy commander-in-chief of the U.S. Army in Europe. He also commanded Operation Provide Comfort, feeding and preserving the freedom of the Kurds in northern Iraq.

Not only did General Shali rise from the lowest enlisted rank to the highest grade possible, he was selected to succeed Gen. Colin Powell as the Chairman of the Joint Chiefs of Staff. As such, he became the principal advisor to the President on military matters. To say that this is a significant achievement is an understatement. His accomplishments represent what is right and good about America. General Shali is an outstanding soldier and an outstanding American. Through hard work, dedication and professionalism, he became the most important military officer in our Armed Forces.

Last week, the Armed Services Committee held a confirmation hearing at which General Shali testified. He responded fully and completely to every question, many of which focused on current and potential operations in Bosnia. Following the hearing, the committee unanimously voted to favorably report General Shali's nomination to the Senate.

I point out to my colleagues that General Shali's current appointment expires at the end of September. In order to ensure there is no gap in his appointment, the Senate will have to act on this nomination before the end of the month.

I urge my colleagues to vote to confirm General Shali's nomination.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Colorado.

Mr. BROWN. Mr. President, I rise not to object. I simply wish to make a brief statement on this nomination.

I believe that the vast majority of the Members of the Senate are committed to confirming the very distinguished general. I, however, have some concerns. Let me be specific.

I believe that part of the reason for America's military failures—and they have been few—has been a failure of leadership, not a failure of the American will, the American spirit, or the American fighting men and women.

This country has an extraordinary record in combat, and it has an extraordinary record in peace. But when you look at our failures—and there have been few—you are struck by the

fact that we have had a failure of leadership at times. In Lebanon, President Reagan committed United States troops and literally left the guards at the gate without bullets for their guns. The decision was made because of diplomatic concerns, but resulted in the loss of hundreds of American lives, of Marines who never had a chance to defend themselves.

That was a failure of leadership, Mr. President. It was not a failure of the men and women who sacrificed their lives. It was a failure of leadership to commit to their troops and ensure that they were never put in harm's way without a way to defend themselves.

This country's failure in Vietnam was a failure of leadership. American troops were committed to combat. They were asked to risk their lives. They were asked to fly missions, they were asked to commit their very lives to that combat. But our leadership was not committed to them. This country followed a course of putting men and women in harm's way, of risking their lives, but it was not important enough for our leadership to stand behind them and stand with them.

I believe with all of my heart that it is a mistake to use military force other than to fight and to win a war. It is a mistake to use them as social workers. It is a mistake to use them as policemen. It is a mistake to have them remove garbage in Haiti. It is a mistake for them to serve as a local police force. Our men and women in the Armed Forces are willing to risk their lives for us, and they deserve to have this United States stand behind them when they are committed to combat.

Mr. President, in 1993, October 5th to be exact, the administration came forward and talked about their commitment of United States fighter aircraft to maintain a no-fly zone over Bosnia. I specifically questioned those testifying along this line: Was the administration willing to stand behind the pilots that they sent into harm's way over Bosnia? I asked for specific assurances that they would not do what they did in Vietnam.

For those who may not recall our actions in Vietnam, the United States sent planes into hazardous areas where we knew there were ground-to-air missiles. We sent them on restricted courses, without the ability to defend themselves and without the necessary rules of engagement that would have allowed our pilots to have a fighting chance to defend themselves. We even sent them at times into situations without any ability to retrieve them if they were shot down.

During the October 5 hearing, I was assured specifically that the mistakes of Vietnam were not to be repeated. I specifically questioned several times whether U.S. planes that were attacked would be permitted to retaliate and whether the retaliation would not be limited only to the SAM that fired at them. In Vietnam, the United States response to enemy fire was limited in