

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 Objection withdrawn.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

such a way that United States pilots who had been fired upon could not attack the supplies and the ammo depots. I was assured that in Bosnia there would be a full and effective retaliation if our men and women who fly the planes and the aircraft of the United States were fired upon.

Specifically, Mr. President, this was the answer of the Assistant Secretary of State for European Affairs, and I quote from the committee record:

They would have the necessary rules of engagement to permit them to defend themselves if attacked and to carry out the engagement which may require coercion. . . .

Now, some Members may have forgotten, but I do not think the family of our pilot has forgotten. On June 2, 1995, Captain Scott O'Grady, a young American pilot, was shot down over Bosnia by a ground-to-air missile, a Serb SA6. After that shootdown, several things became clear.

First, that the Bosnian Serbs had made it clear in advance that they intended to go after our planes. This was not a secret. They had said it publicly, clearly and precisely.

Second, that the Bosnian Serbs had the capability, and we knew it; that they had ground-to-air missiles, and we knew it.

Third, that their missile radar had painted our aircraft in that same area before O'Grady's plane was shot down.

Fourth, the plane was shot down, and Fifth, we did nothing.

Now, this violates the very clear commitment that this administration gave us. They told the Foreign Relations Committee that if they sent our troops, our planes and our pilots into harm's way and they were fired upon, we would defend them. We were told specifically that United States rules of engagement would not tie their hands as we did in Vietnam, and that the United States would retaliate.

The truth is, we did tie their hands exactly as we did in Vietnam, and we did not retaliate.

That is wrong. If we want to risk young men and women's lives in combat, if we want to do that, we ought to be willing to stand behind them. If the United States is not willing to stand behind our fighting men and women, do not send them to war.

If it is important enough to make the tough decision to send American troops into harm's way—if we must do it—then do it. But if it must be done, our leaders cannot tie the hands of our fighting men and women and we cannot desert them. We must not desert them when they are in combat.

Now, that is what the United States did with this young Captain O'Grady. Thank God he came back alive. But, Mr. President, we did not meet our commitment to him. We have not met our commitment to other men and women put into harm's way.

For those of you who think this is impossible, take a look at what happened in Somalia. I do not need to remind you of that painful incident. It

happened under a previous Chairman of the Joint Chiefs of Staff. The tendency exists to put combat troops into situations in which they are not permitted to defend themselves and do not have adequate backup.

For those of you who think these mishaps are over, take a look at what Haiti was, because the United States sent U.S. troops to collect garbage and to act as a local police force. I think that was a mistake.

Mr. President, I rise because I believe the Chairman of the Joint Chiefs of Staff has a responsibility that is fundamentally different from that of other soldiers. The responsibility of soldiers in this Nation is to follow orders. We believe in civilian control of the military, and we ought to, and we ought to insist on it. But the responsibility of the Chairman of the Joint Chiefs of Staff goes further than just following orders. The Chairman of the Joint Chiefs of Staff has to be the one who stands up when the political leadership misunderstands the role of the military in this country.

The Chairman of the Joint Chiefs of Staff, I believe, is going to be the one who says, "Mr. President, do not use our troops to collect garbage." "Mr. President, do not send our troops and our planes into combat situations without protection." "Mr. President, if our planes are shot down, we must retaliate."

The Chairman of the Joint Chiefs of Staff has a responsibility to rise above politics, to not simply follow orders. Most importantly of all, Mr. President, the Chairman of the Joint Chiefs of Staff has a responsibility to every young man and every young woman in this country who puts on a uniform. He has a responsibility to stand up for them, to speak up for them, to be concerned about their welfare.

Mr. President, the Chairman has a responsibility to speak out if this Nation ever attempts to put our combat troops in harm's way without standing behind them, without giving them the ability to defend themselves.

Mr. President, I come to this nomination full of admiration for General Shalikashvili on a personal basis, with great respect for his intellect, with deep respect for his military service and for his commitment to this country. But, Mr. President, I do not feel that General Shalikashvili has stood up for the men and women who wear the uniform of the United States. General Shalikashvili has tended to follow orders from his superiors when he had a responsibility to speak out for conditions that will protect American fighting men and women.

General Shalikashvili should have insisted that if we send U.S. planes to Bosnia into harm's way, the pilots have the right to defend themselves fully. The Chairman of the Joint Chiefs of Staff has a special responsibility to America's fighting men and women. He must ensure that every possible measure has been undertaken to ensure

their safety. That includes making clear to our country's leaders the actions necessary for their protection. He has not fulfilled that part of his job. I wish to be recorded as opposing the confirmation.

Mr. NUNN. Mr. President, I rise in strong support of the nomination of Gen. John S. Shalikashvili for a second 2-year term as the Chairman of the Joint Chiefs of Staff.

I have worked closely with General Shalikashvili or General Shali, as he is usually referred to, over the years. This has been particularly true since August 1989 when then Lieutenant General Shali was the deputy commander-in-chief of the U.S. Army Europe and Seventh Army. During that assignment, General Shali commanded the Combined Task Force Provide Comfort that provided humanitarian assistance to the Kurdish refugees in Northern Iraq. That very difficult operation, which involved providing assistance to between 500 and 700,000 Iraqi Kurds who had taken to the mountains and coaxing them back down to resettle their towns and villages, saved tens of thousands of lives.

From August 1991 to June 1992, then Lieutenant General Shali served as the Assistant to the Chairman of the Joint Chiefs of Staff. In that position, General Shali represented the then Chairman of the Joint Chiefs of Staff, General Powell, in interagency fora. Based upon his performance in those demanding assignments, General Shali was promoted to four-star general in June 1992 and was assigned as the Supreme Allied Commander, Europe, the senior military officer of NATO, and Commander-in-Chief, United States European Command. General Shali has served as the Chairman of the Joint Chiefs of Staff since October 1993.

General Shali has testified numerous times before the Armed Services Committee since his advancement to four-star rank. He also testified before the Armed Services Committee in September 1993 in connection with his initial nomination to be the Chairman of the Joint Chiefs of Staff and testified again before the Committee last week in connection with his nomination for a second 2-year term. The Committee voted unanimously to favorably report his nomination to the Senate.

I think that it is important to review the role of the Chairman of the Joint Chiefs of Staff. I find that many people believe that the Chairman has far more authority than he does. Under the law, the JCS Chairman is the principal military adviser to the President, the National Security Council and the Secretary of Defense. The chain of command runs from the President to the Secretary of Defense and from the Secretary of Defense to the commanders of the combatant commands. Communications between the President and the Secretary of Defense and the combatant commanders are transmitted through the JCS Chairman. The Secretary of Defense has assigned to the

Chairman of the Joint Chiefs the responsibility for overseeing the activities of the combatant commanders but that assignment does not confer any command authority on the Chairman. The Chairman outranks all other officers of the armed services but he does not exercise military command over the Joint Chiefs of Staff or any of the armed forces.

In other words, the Chairman of the Joint Chiefs of Staff is the senior member of our armed forces and the principal military adviser to our civilian leaders but he does not exercise command over any element of the armed forces and is not in the chain of command for our armed forces.

General Shali is responsible for giving the best military advice that he can. There is no guarantee, however, that his military advice will carry the day on any issue. He has agreed if asked, to give the Congress his personal views on any issue even if those views differ from the Administration. I have no doubt that he has fulfilled that agreement. As a matter of fact, General Shali's testimony before the Armed Services Committee last week was germane to both of these points. With respect to providing military advice he testified as follows:

I am very much convinced that . . . the Secretary of Defense and the President, and for that matter, the National Security Council, not only welcome military advice, seek it, give me every opportunity to voice my views. Again I say that does not mean that my views are always the ones that prevail, but I can think of only a few where they have not prevailed and not in cases where I felt that whatever was decided was such that I needed to walk away from it because I could not in clear conscience support that.

With respect to a decision that was contrary to his advice, General Shali testified as follows with respect to the complicated issue of demarcation between theater and national missile defense:

. . . the Chiefs met on a number of occasions during this period when demarcation and particularly specific limits on interceptors were discussed, and we were always of the view, all of us, that we should not place any limits on them. When it came to the decision, everyone in the administration was aware that my view and the view of the Joint Chiefs was that we should not put any limits on it. The debate and the decision went the other way. At the earliest possible opportunity, I raised the issue that we need to reopen that point and that we need to pursue without limits on interceptors. I believe that is essentially where we are today. So, I feel good that my view in the long term has prevailed.

If the opposition is because of disagreement with the administration's Bosnia policies or past Bosnia policies, then the opposition is misplaced because General Shali is an adviser not a decisionmaker.

General Shali has my unqualified and strong support for confirmation for a second 2-year term as Chairman of the Joint Chiefs of Staff.

Mr. LEVIN. Mr. President, I rise in strong support of the nomination of

Gen. John Shalikashvili to continue as Chairman of the Joint Chiefs of Staff.

He has the total well-being of the men and women in our armed forces foremost in his mind as he performs his duties. He has been a firm and steady voice for assuring that when our military is used, it be only with clear purpose and with the full backing of our civilian leadership. He has focused great resources on readiness, training, and morale.

For these reasons, he has broad and deep support within the services, and enjoys the confidence of the military, from generals to privates. General Shali is truly a soldier's soldier.

The General has rendered outstanding service to the Nation throughout his career, and for the last 2 years as Chairman of the Joint Chiefs. The Armed Services Committee unanimously approved General Shali's nomination, and we have greatly benefited from his expertise, his responsiveness to our inquiries and his clarity and directness. We always get a straight answer to our questions, and get it promptly.

Mr. President, I urge the Senate to approve this nomination.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. THURMOND. I move to reconsider the vote whereby General Shalikashvili was confirmed.

Mr. COCHRAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the President be immediately notified of this confirmation.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. NUNN. Just a procedural question, Mr. President.

Has this nomination passed the Senate by voice vote?

The PRESIDING OFFICER. It has passed.

Mr. NUNN. Has there been a motion to reconsider and a motion to lay on the table?

The PRESIDING OFFICER. There has been a motion to reconsider and to lay on the table.

Mr. THURMOND. Mr. President, I would like to thank the distinguished Senator from Wisconsin, Senator KOHL, for allowing us to proceed with this nomination ahead of his amendment. He is a gentleman and a scholar.

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

The Senate continued with the consideration of the bill.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 2843

(Purpose: To provide for the evaluation of crime prevention programs, and for other purposes)

Mr. KOHL. Mr. President, I rise to offer an amendment which I will send to the desk after I explain it.

The amendment is being offered on behalf of myself and Senator COHEN, and cosponsors also include Senator BIDEN and Senator SNOWE.

In last year's crime bill, Mr. President, we authorized \$300 million—some-what in excess of \$300 million—for crime prevention. The split, as you recall, was 80 percent for law enforcement and 20 percent for prevention.

The reasoning at that time was if we are going to have a balanced crime bill, we have to be willing to spend some modest amount of money on effective crime prevention measures and that an 80-20 split between law enforcement and crime prevention was reasonable, and we passed the crime bill on that basis.

Well, what we are attempting to do today is strike virtually all of that crime prevention money. It is an attempt to strike it from this bill so that we will have a bill devoted entirely to spending for law enforcement to the total exclusion of crime prevention.

It seems to me that is not what we intended to do and that is not what we should do and not what our country needs. There is no question that spending a modest amount of money in a crime bill on trying to set up programs that have a proven record of success at keeping young people from getting involved in crime in the first place, setting up a modest amount of money in a crime bill to do these kinds of things is a reasonable effort. It should not be sidetracked.

We debated it at great length last year before we passed the crime bill and decided on an 80 to 20 split. There are programs like the block grant programs. There are weed and seed programs. There are programs which have been evaluated and demonstrated to work.

What I am suggesting is that we put back 25 percent, which is \$80 million, out of that over \$300 million that was authorized last year for prevention. I and Senator COHEN, Senator BIDEN, and Senator SNOWE are desiring to put back \$80 million in proven effective crime prevention programs.

Now, that money is being taken from overfunding of the FBI for this year. When I say overfunding, it is \$80 million that the FBI did not ask for, that the President did not ask for, that the House did not fund. It is an extra \$80 million that has been given to the FBI.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will return to legislative session.