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Senate

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. Our 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 by 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 recog-

nized 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.

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



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Mr. 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.

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 pre-side 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 sac-

rifice 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 stake, 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 sim-

ply 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 peace-keeping 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 ap-

prove 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 commit-

ment 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 honor-

able. 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 Croats. 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 incompleteness 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 Croats.

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 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 resolu-

tion 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 co-sponsored 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 Palestine 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 of 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 un-

equivocal. 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 decid-

ing 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 com-

munity 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 co-sponsor.

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 ter-

ritory 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:

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

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, mid-afternoon, 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 unanimous 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 privileged 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 Croats 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 time-frame 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 handwringing, 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 send-

ing 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 compas-

sion? 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 state-

ment 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, seek-

ing 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 problematic 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 constitu-

tional 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 In-

telligence 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, 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 U.S. 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 military 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 non-military 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 unrelenting 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 can not 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.

EXHIBIT 1

[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 nego-

tiating a peace agreement among the three warring ethnic factions in Bosnia. The agreements initiated 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 Bosnia 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 responsibility 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 Presi-

dent 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 wants 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 credibility. 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 be 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 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 Yugo-

slavia 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 by 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 leadership, 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 tran-

quility 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 nationbuilding 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 con-

flicts. 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 mer-

chandising 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, Air-

men 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 country—that is, by the whole American people—in their difficult and dangerous assignment.

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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 Hutchinson 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, co-sponsored 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 anti-septic 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 re-elected 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 Belgians, 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 peace-keeping, 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 collectivization 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 cliché 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 counter measures 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 demo-

cratic 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 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 non-military 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 disingenuous 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 lightning 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 Croats, 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 Bosnian 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 ad-

ministration 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 mili-

tary 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 Kosovo 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 Presi-

dent'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 build-down. But there is no such mechanism for that build-down 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 ex-

hausted 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 CONTRADICTIONARY 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 sacrifices, 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 bud-

gets, 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 treat-

ties," 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. Sweeney* (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 navies 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 is 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 act 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 pro-

vide 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 repel 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) milestone 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 I-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) 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 Kosovo 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.

NOTICE

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

**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.