



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 141

WASHINGTON, WEDNESDAY, JULY 19, 1995

No. 117

## Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign Lord God, You have not only called this Senate to give bold and courageous leadership to the internal affairs of our Nation, but also to its role as the leading nation of the world. Today, we confront the complex issues of the war between the Serb forces and the Moslems in Bosnia. We have been stunned and shocked by the ravage and rape, torture and murder, cruelty and carnage of the brutal hatred of this age-old conflict. All attempts to bring resolution to this strife have failed.

Today, this Senate must make hard choices about the extent of our Nation's involvement. This is one of those times when none of the alternatives is free of negative implications. When we don't know which way to turn, we know it is time to turn to You for wisdom and guidance. Lord, draw the Senators together in a spirit of unity as this complicated situation is discussed and they move toward what is the best solution for the future of Bosnia and the world. We confess our need for Your divine insight, but also for Your incisiveness. Most of all Lord, we ask You to intervene miraculously to heal the prejudice and hatred perpetuating this crisis in Bosnia. Bring an end to this brutal conflict and a just peace. We commit to You the crucial decisions of this day. In Your holy name. Amen.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

### SCHEDULE

Mr. DOLE. I thank the President pro tempore. This morning the leader time has been reserved and there will be a period for morning business until the hour of 9:30 a.m.; and I just urge my colleagues—many always ask for a period of morning business, so we have 30 minutes this morning. I hope Senators will show up here in that time if they have anything to say. Then at 9:30 the Senate will resume consideration of S. 21, the Bosnia legislation. I assume rollcall votes can be expected throughout today's session of the Senate. Also, under the provisions of the agreement reached last evening, after a call for the regular order is made by the majority leader, the Senate may resume consideration of S. 343, the regulatory reform bill, and rollcall votes can be expected on that bill as well, including a third cloture vote on the Dole-Johnston substitute. But I do not anticipate any votes on S. 343 today. I think there will be an effort—in fact, I know there is an ongoing effort already in progress of some on each side of this issue—to try to work out some compromises. I am not certain whether any will be achieved, but there is an effort made to do that.

I hope that everybody understands the importance of the regulatory reform bill. In my view, it is probably the second or third most important piece of legislation we have considered this year. It affects almost every family, every small business man or woman, every rancher, every farmer, every big business. And we have tried to make the case. We made a number of concessions. We believe we have a real regulatory reform bill. We believe that it should be supported by 75 percent of the Members of this body. And we did not understand, or at least this Senator does not understand, the reluctance of some on the other side to come to the table, because this is im-

portant legislation. It is a battle between those in the private sector and the bureaucracy and those who believe in more regulation and more Government and more micromanagement from Washington, DC.

That is what is at issue here. Win or lose, it will be the issue. It seems to me that it is our obligation to try to put this together so the American people are the winners. We did not have debate on this floor as to whether we lost or they lost or somebody else lost. But obviously, there are some who cannot be satisfied, some who would gut the so-called Dole-Johnston proposal. This is not what it is about. It is about real regulatory reform. So I hope that those who will be meeting today will keep in mind the importance of this for the American people, not the Senate, not the Senators, not somebody's ego, but the importance to the American family where it has been estimated the cost of regulation is about \$6,000 per year, which in most cases is more than people pay in Federal income tax. So it is very, very important.

I will also give a report on welfare reform. We are making progress on welfare reform, and we will have other meetings today throughout the day on welfare reform. It is still the hope of the majority leader that on the week of August 7, we will take up welfare reform. And again it is not easy. Everybody has a different view on welfare reform. We believe we made some progress. And I hope, if we can resolve some of the issues, we can start the process of drafting that legislation.

It also will be our intent to take up gift and lobbying reform next Monday. We are hoping to get a time agreement. We have a draft of a time agreement that has not yet been given the Democratic leader. Also, the Ryan White bill is supposedly coming up next Monday. And then also we hope to have some

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



Printed on recycled paper containing 100% post consumer waste

S 10259

appropriations bills tomorrow and Friday. So, I just state to my colleagues, as far as we can determine at this point, there will be votes throughout the day on Friday and there will be votes on Monday. We will try to accommodate people on Monday by having votes occur later in the afternoon, but there will be votes on Monday.

So, again, I hope we can move ahead on reg reform. It seems to me, rather than to just stand in recess, we might as well move on to the Bosnia resolution, which is highly important, as noted by the Chaplain this morning. There are no easy answers when it comes to this conflict. But it seems to me the best option at this point is to lift the arms embargo, give the Bosnians a right to defend themselves. They are an independent nation. They are a member of the United Nations. And under article 51, they have the right, or should have the right, of self-defense. This is not involving American ground troops. In my view, it certainly does not Americanize the war. If anything, it moves us farther away from the conflict. I believe that would be in our interest and would satisfy the concerns of most Americans.

I reserve the remainder of my leader time.

#### MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, there will now be the period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### REGISTRATION OF MASS MAILINGS

The filing date for 1995 second quarter mass mailings is July 25, 1995. If a Senator's office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

#### AFFIRMATIVE ACTION

Mr. DOLE. Madam President, earlier this month, in homes, neighborhoods,

and communities across the country, Americans celebrated our Nation's 219th birthday.

There was, of course, much to celebrate. Over two centuries after the signing of the Declaration of Independence, America remains what she has always been—the beacon of freedom, and the last best hope for all mankind on Earth.

#### REMEMBERING AMERICAN HISTORY

But as we celebrate these freedoms, and commemorate those who have sacrificed so much along the way, we must also remember that American history is not always a tale of progress and dreams fulfilled.

American history is a history of hope mixed with tragedy—institutionalized slavery, a Constitution which said that African-Americans were only three-fifths human, Jim Crow and "separate but equal."

This legacy is a source of great shame for us precisely because so many of these outrages contradicted one of the founding principles of our republic—that all men are created equal and that we are all endowed by our creator with certain inalienable rights, including the right to life, liberty and the pursuit of happiness.

Today, in the America of 1995, the evils of discrimination and racism persist. They may not be as blatant as they once were. They may not be as fashionable. But they are out there, lurking in the corners, poisoning young minds, and yes, harming real people in the process.

Over the years, Americans of goodwill have tried to make a difference. We have enacted an array of anti-discrimination laws. And in the 1960's and the early 1970's, the concept of affirmative action was born, the product of a heartfelt desire to rectify past injustices and expand opportunity for all Americans. Many Republicans, acting with the best of intentions, were directly involved in this effort. I, for one, not only supported the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965, but have also endorsed certain race- and gender-conscious steps to remedy the lingering effects of historic discrimination. That is my record, and I am proud of it.

#### ONLY A TEMPORARY REMEDY

Few of us, however, believed that these policies would become a seemingly permanent fixture of our society, but that is exactly what they have become today.

During the past 30 years, we have seen the policies of preference grow and grow and grow some more, pitting American against American, group against group, in a bitter competition for a piece of the Government pie.

Somehow, somewhere along the way, fighting discrimination has become an easy excuse to abandon the color-blind ideal. Too often today, the laudable goal of expanding opportunity is used by the Federal Government to justify dividing Americans. That is wrong, and it ought to stop. You do not cure the

evil of discrimination with more discrimination.

#### THE PRESIDENT'S REVIEW: LACK OF LEADERSHIP

President Clinton had the opportunity today to stand up for principle by stating—in the clearest possible terms—that it is wrong for the Federal Government to discriminate against its citizens on the basis of race, color, ethnic background, or gender.

Without hesitation or ambiguity, he could have said "yes" to individual rights, and "no" to group rights; "yes" to the principle of equal opportunity and "no" to the perversion of this principle with the divisive policies of preference.

Instead of clarity—and I have just finished listening to the President—the President has chosen confusion. He has chosen to complicate an uncomplicated issue with an avalanche of words and fine distinctions.

This is not a difficult issue: discrimination is wrong, and preferential treatment is wrong, too. Our Government in Washington should unite the American people, not divide us. It should guarantee equal opportunity, not divide Americans through the use of quotas, set-asides, numerical objectives, and other preferences.

And that is why I will introduce legislation next week designed to get the Federal Government out of the group preference business. The President says he is against quotas. Quotas are only a small part of the entire regime of preferences. It is not enough to oppose "quotas," as if the label is what might be offensive. It is the practice of dividing Americans through any form of preferential treatment that is objectionable.

The President also denounces preferences for "unqualified"—"unqualified" individuals, when the real issue here is not preferences for the unqualified, which virtually every American opposes—why have preferences for the unqualified?—but preferences for the "less qualified" over those who are "more qualified." That is the debate. This distinction is critical. But it is one that the President conveniently ignores.

Madam President, leadership is about making the tough choices. It is about staking out a clear and crisp principle and holding firm to it. And, yes, leadership can sometimes mean putting a little distance between yourself and your political allies. Regrettably, the President is trying to have it both ways.

#### A CIVIL RIGHTS AGENDA FOR THE 1990'S

Madam President, 2 years ago, I convened a meeting in my office with a distinguished group of African-American leaders with the goal of developing a civil rights agenda for the 1990's, one that is relevant for the needs and challenges of our time. A relevant civil rights agenda means enforcing the antidiscrimination laws that are already on the books—enforcing the anti-discrimination laws that are already

on the books. It means removing regulatory barriers to economic opportunity—something we are in the throes of trying to do right now on the Senate floor—including the discriminatory Davis-Bacon Act. It means school choice for low-income, inner-city people and means meaningful welfare reform that will transform lives from ones of dependence to ones of independence. And it means making our streets safer and renewing the war on drugs. After all, our first civil right is freedom from the fear of crime.

This is the real civil rights agenda of our time. Not preferences, not set-asides, not quotas, but the dreams that are built on real opportunity.

Madam President, I would hope when I introduce my bill it will become at least a focus of dialog because I know different people have different views. But none of us believes that discrimination is appropriate. It is wrong. It has always been wrong. It should be punished. And I think that is what this debate is all about.

#### DANGEROUS TRENDS IN DOWNSIZING MILITARY HEALTH SERVICES

Mr. INOUE. Madam President, I would like to bring to your attention a matter of serious concern to me regarding the future of our currently superb military forces—and the inextricable link between a quality volunteer force and an equally robust, quality, military health care system.

I have followed closely the downsizing of our military forces over the past several years. The Active Force will have come down from 2.1 million service members in 1990 to 1.45 million by 1997, a 32-percent reduction from cold war levels. The Navy will see its fleet reduced from 546 battle force ships to 346 in the same time period with only 12 aircraft carriers in commission by the end of the century. The Army will go from 18 to 10 active divisions and the Air Force from 24 to 13 active fighter wing equivalents. The Marine Corps will likewise be reduced from a force of 200,000 men and women in uniform to a force of 174,000.

We have repeatedly promised that there will be no more Task Force Smiths—a tragic result of that period of time just prior to the Korean conflict in the early 1950's when we truly had a hollow force. Yet, I see us slowly but surely moving toward this state of readiness—or should I say, unreadiness. Although it causes me great sadness to even contemplate the repeat of such a tragedy, I must tell you that in the not-too-distant future, I envision us once again being called upon to answer to our brave service members and the American people, "Why did we let another Task Force Smith occur?"

I have been here long enough to know what is meant by a hollow military. In the 1970's, 25 percent of new recruits were category IV—the lowest recruitable mental group—and, as a re-

sult, 30 percent of our ships—brandnew ships with brandnew equipment—were not fit for combat due to a lack of sailors to man them. For although our military possesses superior technology and superior weapons systems, it is the people who really determine the readiness of our forces. And these people, the men and women in uniform, are recruited from and reflect a cross-section of the American population. Although the services met their recruiting goals last year—and keep in mind that these goals are much lower than they were a few years ago—the military has had to dramatically increase their recruiting budget as well as the number of their recruiters to do so. Even so, it now takes 1.6 times the number of recruiter contacts to achieve one recruit. The reality of our national culture today is that the propensity for young people to join our military is at a 10-year low, down 39 percent among 16- to 21-year old males just since 1991, according to the Army.

While it concerns me to watch the reduction of our forces, I understand and support the need to balance the size of our military services with the threats facing us today and in the near future. However, we must not lose sight of the reality that major armed conflicts are still a very real possibility and could come at any time in the form of aggression by regional powers such as Iraq and North Korea. In his recent testimony before the Senate Defense Appropriations Subcommittee, Vice Admiral Macke, the commander in chief of the United States Pacific Command, called North Korea the nation with the highest threat potential today. Dr. Henry Kissinger, in his testimony before the Senate Armed Services Committee in February, warned that "more and more states are coming into being that feel no responsibility to any global international system or international stability." He also cited the North Korean situation, the proliferation of nuclear and other weapons of mass destruction, and the growth of Islamic fundamentalists as serious threats to our national security that could involve us once again in armed conflict.

More recently and more frequently, however, we have seen a preponderance of internal regional and national conflicts that require our armed services to respond with operations short of war. These operations not only strain our defense capabilities but drain current year defense budgets. When taken into consideration with other security threats, I become gravely concerned about the speed and direction of our force reductions.

Of particular concern to me is the downsizing of the services' medical structure—both peacetime and wartime personnel and units. While I do not wish to tie the hands of the Department or the service chiefs as they restructure their forces, I am increasingly concerned over the severity of reductions to the services' medical de-

partments. In my opinion, the military health service system is being taken down too far, too fast.

The military leaders and decision-makers have a tendency to see military health care as less important than the men and women who fly airplanes or who drive tanks. However, I caution you that our military is essentially a team, and if one member of the team is weak, the entire team is weak. Although the medical departments might seem less crucial to the preparation for or the outcome of war, I assure you that to the men and women in combat, they are absolutely essential members of the team. To be effective fighting forces, the servicemembers must be able to concentrate on combat and keep their minds completely clear—free from worry about their own well-being and, even more importantly, free from worry about the health and well-being of their spouses and children at home. Without the knowledge and security that their families are well cared for, our military personnel will lose much of their effectiveness that they have so ably demonstrated during the past decade.

First, I will address combat medicine—caring for the soldiers, sailors, marines, and airmen who risk injury and death around the world. When I was injured in World War II, it took 9 hours for me to get to medical care—9 hours. But in 1945 that was not too bad—Americans probably did not expect any faster battlefield evacuation and care. Today, when a soldier or marine is wounded in combat, he or she can be at the hospital within 15 minutes. In fact, we learned in Korea and Vietnam that if we could get wounded soldiers to hospitals within 15 to 30 minutes—and we did that pretty regularly—we could save most of those who survived their initial wounding.

Because of our experiences in these wars, Americans now have come to expect emergency medical services [EMS] systems, 911 phone lines, paramedics with highly technical skills, and advanced EMS and air flight ambulances with sophisticated emergency medical equipment. Most of these capabilities also exist in our military combat health support systems and soon they will have more advanced combat medical technologies such as telemedicine, filmless x rays, and other new medical innovations that will further improve battlefield survival rates. Americans have come to expect this level of care and our service members and their families deserve it.

Trauma experts talk of the golden hour—the first hour after initial injury—when the greatest percentage of patient lives can be saved. Let me give you one example. In March 1994, there was a horrible training accident involving soldiers of the 82d Airborne Division on the green ramp—the area where the paratroopers wait to take off—at Pope Air Force Base, adjacent to Fort Bragg, NC. Many soldiers were saved by the expert buddy aid training that

all soldiers receive as part of their combat training. However, many more were saved by the quick response of medical and non-medical personnel who quickly evacuated their comrades to Womack Army Hospital there at Fort Bragg. Several of the most seriously burned soldiers were evacuated to the outstanding Institute of Surgical Research, frequently referred to as the Burn Unit, at Brooke Army Medical Center in San Antonio. And, of course, our world-renowned Air Force evacuation system composed of DC-9 Nightingale aircraft equipped with sophisticated medical equipment and staffed by top-notch flight nurses handled the evacuation of these critically injured soldiers.

All of this takes a lot of medical personnel—trained and experienced in emergency care, in trauma care, and in combat medicine—and a lot of medical resources such as ambulances—helicopters, wheeled and tracked ground ambulances, and, yes, even fixed wing ambulances—as we plan for even longer evacuation lines in future conflicts. It means a lot of medical facilities—especially hospitals—located throughout the evacuation pipeline—combat theater and elsewhere. This requires a robust, quality, flexible, military medical force.

During Operation Desert Shield/Storm, the military medical operations plan called for emptying almost all of the military hospitals in the continental United States as well as some of those in Europe of medical personnel to deploy with the field hospitals to the Middle East. And that was before downsizing was implemented in the medical departments. Today, the medical departments have lost more than 30 percent of their personnel, but are still expected to provide the same level of support to defense plans that call for conducting two nearly simultaneous major regional contingencies [MRC's], possibly in conjunction with one or more operations-other-than-war [OOTW] scenarios. I would like someone to tell me how this is to be accomplished with 30 percent fewer assets. I would also like to know who will provide care for the military family members in such a situation.

As a result of having such a superbly trained and equipped military medical capability, an interesting, but potentially dangerous, precedent has become evident in recent years. Whenever large numbers of people are in need of health care services, whether in this country or elsewhere in the world, the United States military medical departments are requested. You might not be aware of this, but the first U.S. military units to be placed under the command of a foreign nation were medical units. Why? Because we have the most sophisticated, comprehensive, state of the art combat medical capability in the world and other nations sending their sons and daughters off to danger want their soldiers to have the best too.

More than just providing combat health services to our deployed service members, a robust health care system is critical to maintaining our quality volunteer force. When the draft ended in 1973, many people both here in Washington and throughout the United States doubted the success of an All Volunteer Force. After all, given the history of the draft and the need to force our citizens to serve their country, how could anyone reasonably expect that there would be enough young men and women who would volunteer to serve—and at a quality that would be acceptable. A great many people were very surprised when the All Volunteer Force not only met previous recruiting standards, but actually exceeded them.

I believe we were able to do this in large part because one of the benefits promised to the potential recruits was world-class quality health care, not only for themselves but also for their family members throughout their career and even after retirement. No one said, "unless we have to downsize." I doubt that very many recruiters explained or even understood themselves the fine distinction between "entitled to" and "eligible for" that separates the statutory provision for health care services for family members of active duty personnel from the retirees and their military dependents. Or that anyone explained about space available care. What the soldiers and sailors and marines and airmen heard, what they were promised, was lifetime health care for themselves and their dependent family members.

And how have the services been able to meet their recruiting goals? By continuing to promise lifetime health care for themselves and their eligible family members. Why? Because the military knows that without this benefit, the recruitment of, and particularly the retention of, quality, career service members would be nearly impossible.

Now our retirees and service members see us breaking our promises to them. Space available care in our peacetime medical facilities in some cases has already disappeared or is rapidly disappearing for our retirees and, in many places, even active duty family members are forced out on the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] because of drastically downsized or closing medical treatment facilities. If we continue to cut retirement benefits, we will have a difficult time recruiting soldiers, sailors, marines and airmen for our next war. As Maj. Gen. Jim Pennington, U.S. Army, retired, said, "If we do not stop this constant effort to renege on the promises to those who have served and kept their part of the bargain, we will destroy the Volunteer Force and consequently our national defense."

How important is military health care to the service member? I can tell you, it is very important. I have traveled to a great number of military

bases and posts and invariably the first or second question I am asked is about health care—usually not for service members themselves so much as for their family members. Much as we would like to believe that there are millions of patriotic Americans willing to serve their country without any additional incentives, the reality is that our service members want pretty much the same thing most Americans want—including families and the ability to take care of their family members. In World War II, only 4 percent of the soldiers had dependents. In 1973, when the draft ended, 40 percent of our military force had dependents. Today, more than 60 percent of our military personnel have family members. When our troops are deployed away from home—and we are asking them to do that more frequently now—their foremost concern is their families. This is just as true, and perhaps even more so, during times of armed conflict. I cannot over-emphasize the importance of the military health care system in providing peace of mind and security for our service members and their families, especially when faced with the possibility of deployments and combat as these men and women are every day.

Madam President, my concerns with the drawdown of our medical forces are in three areas: The civilian workyear reductions directed at the Department of Defense—DOD, medical readiness, and the continual erosion of retiree health care benefits.

#### CIVILIAN WORKYEAR REDUCTIONS

The DOD is committed to streamlining its civilian workforce in accordance with the National Performance Review [NPR] and the administration's guidance to increase its efficiency and effectiveness. The DOD seeks to do this without sacrificing quality or compromising military readiness. Between 1993 and 1999, the DOD projects a 32-percent reduction in civilian positions. In accordance with the fiscal year 1996 President's budget, the DOD has targeted headquarters, procurement, finance, and personnel staffs. Downsizing the infrastructure in this way should not affect the military services' ability to carry out their mission nor to respond quickly and effectively.

The Military Health Service System's [MHSS] share of these 272,900 civilian reductions is more than 11,000 spaces. However, these positions are predominantly in the business of delivering health care—nurses, lab technicians, and other medical technicians. Less than one-third of the MHSS civilian work force are in the targeted job series. Although the medical ward clerk or medical transcriptionist might appear to be optional, they are as critical to the health care team effort as are the health care providers.

The Congress has been concerned about the adverse impact of downsizing both the military and civilian work force for a number of years. To insure that this downsizing and civilian conversion does not cost the American

taxpayers more in contract and other costs, a number of Federal laws have been enacted in recent years.

The Federal Workforce Restructuring Act of 1994, Public Law 103-225, prohibits agencies from converting the work of employees included in the 272,900 civilian reductions to contract performance unless a cost comparison demonstrates that such a conversion would be to the financial advantage of the Government.

Section 8020 of the Defense Appropriations Act for fiscal year 1995, Public Law 103-335, provides specific guidance prohibiting the conversion to contract of any DOD activity "until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate."

Section 711 of the National Defense Authorization Act for fiscal year 1991, Public Law 101-510, prohibits reductions of medical personnel until the Secretary of Defense certifies to the Congress that the number of personnel being reduced is excess to current and projected needs of the services and that CHAMPUS costs will not increase.

And, finally, section 716 of the National Defense Authorization Act for fiscal year 1991 requires congressional notification before any military medical services are terminated or facilities are closed. These restrictions have all been placed on the DOD to ensure that reductions to the MHSS have been thoroughly analyzed for their impact not only on costs, but also on military readiness and preparedness.

In my own State, Tripler Army Medical Center staff can expect to pay 30 percent more for child and maternal health care contract personnel to replace existing civilians. And that is for just one medical unit in one hospital. I understand that the U.S. Army Medical Command's [MEDCOM] experience in contracting for health care services indicates that direct hire civilian employees—the same civilians that the DOD has been mandated to cut—are almost always the most cost-effective alternatives when hiring on the margin one for one.

For instance, a civilian nurse costs \$40,000 per year compared to \$60,000 for a contract nurse. At Fort Drum, NY, where contracting care is required because there is no inpatient medical facility on post, the per beneficiary costs are 56 percent higher than costs at similar military installations. In fact, the MEDCOM's experience with commercial activities [CA] studies has shown that it is almost always considerably less expensive for the military system to provide health services than it is to contract for them.

The inevitability of these mandated civilian cuts affecting nursing personnel is particularly worrisome, especially in the Army where civilian nurses comprise approximately 50 percent of the work force and where mili-

tary nurses are being consistently cut more than any other health care profession. As the medical departments downsize, careful consideration must be given to the health professionals such as nurses who are actually providing care. The integration of health promotion, health maintenance, and wellness should be at the forefront of providing quality health care. However, the steep cuts in the endstrength of Army nurses jeopardize the ability of the Army Medical Department [AMEDD] to deliver on its promises to increase access, maintain quality and improve cost-effectiveness of the health care services provided in both peacetime and wartime facilities and settings. With the drastic losses of both military and civilian nurses, the AMEDD has few options other than massive contracting arrangements.

If these contract costs were applied across the full spectrum of the MHSS-directed civilian reductions, what would be that cost? I hope that the appropriate DOD personnel are prepared to answer that question, if indeed, we are to draw down medical civilian personnel. It just does not make good business sense to contract out services that can be provided just as well, and far less expensively, in military facilities. Yet, we continue to subject our medical departments to a civilian work force reduction that is intended largely for administrative positions.

In addition to the experience of the MEDCOM, I understand that the RAND Corp., in a study commissioned by the DOD to comply with section 733 of the National Defense Authorization Act for 1992, Public Law 102-190, concluded that medical treatment facilities' in-house care is more cost effective than their civilian counterparts by 24 percent overall and even more in some areas such as primary care. The Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] has not been the preferred cost-effective alternative to either the medical departments who bear the major costs of the program or to the beneficiaries who share the cost. The simple fact is that medical inflation in the private sector has skyrocketed over the past several years.

These civilian reductions are all the more disturbing given not only the studies indicating that the MHSS is the most cost-effective alternative, but also given the great strides that the MHSS has made in reorganizing and re-engineering toward a business-like culture. For example, the activation of the U.S. Army Medical Command [USAMEDCOM] in 1994 marked a major milestone in re-engineering the Army Medical Department [AMEDD]. In phase I of that re-engineering, the Army Surgeon General's staff in the Washington area has already been reduced by more than 75 percent. We are all very proud that DeWitt Army Community Hospital at nearby Fort Belvoir in northern Virginia was a recent recipient of Vice President GORE's

National Performance Review Hammer Award. The DeWitt Army Hospital's Primary Care Reinvention Plan will dramatically improve the way health care is provided to the more than 140,000 beneficiaries in DeWitt's catchment area. The plan includes the establishment of six new satellite clinics, expanded clinic hours to accommodate working parents, a 24-hour nurse advice system, expanded child and adolescent psychiatric services, and the creation of a special Well-Woman clinic. These initiatives increase primary care access and decrease expensive tertiary care costs. In fact, the MHSS abounds with examples such as these cutting-edge innovations in all of the services.

Another long recognized example of the military's enormous contribution to America is the military medical research and development community which is composed of more than 50-percent civilians. These contributions have benefited military readiness, military preventive and curative care, and have impacted tremendously on the kind of civilian health care that has come to be expected by all our citizens. For example, the Army's Medical Research and Materiel Command [USAMRMC] has unique expertise and facilities for all phases of vaccine development. This includes a hepatitis A vaccine that was recently developed, tested, and demonstrated safe and effective by Army scientists working with SmithKline Beecham Pharmaceuticals. To health care providers, hepatitis A has proven to be a pervasive, but difficult, disease to treat with recovery taking anywhere from several weeks to several months. Hepatitis A is a serious health risk for more than 24 million U.S. citizens that will visit endemic areas this year. In the United States, there are an estimated 143,000 cases occurring each year at a cost of \$200 million. This vaccine was the first licensed by the Food and Drug Administration for use in the United States.

The MHSS has long been acknowledged as a leader in research and an expert on many diseases throughout the world. Military units deploying to Somalia, the Persian Gulf, Macedonia, and Haiti received comprehensive advice books prepared by USAMRMC on avoiding local health hazards ranging from disease-carrying insects and poisonous snakes to contaminated food and water, heatstroke, and frostbite. This military unique research and expertise has made, and continues to make, massive contributions to our civilian medical capabilities. In fact, as noted in a recent edition of the television program, "Dateline", the U.S. military has the only capability in our Nation to deal with an invasion of potentially lethal infectious agents, such as the filoviruses, to the United States.

In the area of peacetime medical research, the Medical Research and Materiel Command has led a very successful effort in breast cancer research, HIV-AIDS research, defense women's

health research, and malaria research, to name a few. In fact, the Army's successful management of \$236.5 million for breast cancer research in 1993 and 1994 has won high praise from both scientific and advocacy groups. Additionally, they have been able to apply 91 percent of the funds directly to research, thus restricting the administrative overhead to a mere 9 percent. Their success has prompted the Congress to ask the DOD to manage another \$150 million for breast cancer research in fiscal year 1995.

Other MHSS treatment facilities have similar initiatives underway. Many of these initiatives serve as force multipliers by reducing attrition and enhancing soldier confidence. The U.S. Army Center for Health Promotion and Preventive Medicine [CHHPM] led the effort to develop an outside-the-boot parachute ankle brace that has significantly reduced jump-related ankle sprains common in airborne soldiers. All of these research and preventive medicine initiatives are done for the purpose of improving soldier readiness, providing quality health care for beneficiaries, and improving cost efficiencies.

These successful efforts are possible because of the blending of civilian and active duty medical personnel as a team. The active duty personnel infuse new energy and fresh ideas gleaned from their many varied experiences and provide the mobilization force; the civilians provide institutional memory, continuity, stability, and invaluable expertise gained from years of specialized concentration in highly technical fields. To lose either perspective would severely handicap the ability of the MHSS to continue to produce their outstanding results.

My final, but by no means least important concern, is of the impact on the morale of the dedicated MHSS civilian employees. Preliminary feedback from Tripler Army Medical Center and other health care facilities indicates that the civilian work force continues to see medical military personnel departing as part of the military drawdown. Yet, the workload has not diminished. The beneficiaries—active duty, retired, and family members—continue to come for the health care they were promised and expect.

At the same time, the civilian employees see their own jobs at risk for contracting, probably at greater expense. Our dedicated medical civilians at Tripler and all the MHSS facilities deserve so much better for their dedicated service to their customers—the men and women in our Armed Forces, both present and past.

#### READINESS

I am also deeply concerned about the medical readiness of our military units and the impact that downsizing will have upon them. The persistent reductions to the military medical structure from downsizing, civilian reductions, base closures, and bottom-liners—those faceless men and women who make de-

cisions without having any idea of how it affects people—have resulted in the instability of the medical system. The MHSS is looking at reductions in medical personnel of more than 30 percent at a time when the beneficiary population is decreasing by about 10 percent.

Medical readiness is a service-unique responsibility with each service focusing on its mission essential requirements. I applaud joint service cooperation as a means of more efficiently utilizing scarce resources. The medical departments of the services have demonstrated that they can work together in many areas—TRICARE—the DOD's managed care program, telemedicine, research, training and more. However, I am concerned with the increasing pressure to centralize medical readiness and eliminate the individual services' autonomy and flexibility. Each service has a unique culture and specialized roles and missions that cannot be accommodated in an entirely purple suited DOD system. Each must preserve a large degree of autonomy.

There is no compelling reason to centrally manage the medical resources of each service under a DOD civilian umbrella. The structure that was created to implement the MHSS's managed care program, TRICARE, is not suited to manage the services' medical readiness assets nor their respective mobilization missions. I, and all of the Congress, will continue to hold each of the service chiefs responsible for military medical preparedness in accordance with their title 10 authority.

The military trains for its readiness mission by caring for all categories of beneficiaries in peacetime. This type of training can not be obtained exclusively in a field environment. However, the needs of both the peacetime health care system and the field health care system must be met, in many cases, by the same personnel who must be able to transition quickly and effectively from one system to the other as the mission requires.

I am also concerned about the premises upon which several ongoing studies are based for decisions on how downsizing will be accomplished. The Nation and even many of our senior policymakers seem to believe that the recent Persian Gulf war and the Somalia peacekeeping operations are evidence that any future military conflicts will be bloodless affairs—that is, wars where there will be no, or at least very few, casualties. Well, I have been in combat and I can assure you that there is no such thing as a bloodless war. We were very lucky in Desert Storm—just plain lucky. There is no reason to assume that we will be that lucky again or that any adversary will again miscalculate so badly. We must not become complacent and delude ourselves that we no longer need medical personnel, hospitals, ambulances, and other medical assets for combat health care or the resources to enhance and to practice combat medicine. That naive

belief is irrational and irresponsible in an age of high-technology weapons of mass destruction and global instability.

In the Pacific rim, we need look no further than North Korea to see evidence of a potential conflict that would create thousands of casualties in the first hours of operation. Major military medical centers—like Tripler in Hawaii; the Naval Medical Center, San Diego; Madigan in the State of Washington, and Willford Hall in Texas—must be maintained if we are to be prepared for these conflicts. Any recommendation to downsize these facilities displays ignorance of the lifesaving role these facilities would play.

A recent RAND Corp. study titled, "Casualties, Public Opinion, and U.S. Military Intervention: Implications for U.S. Regional Deterrence Strategies," concluded that once deterrence and diplomacy fail and war begins, public opinion demands that the conflict be escalated to bring finality to the operation. Such was the public opinion in the Persian Gulf war. Many Americans would have preferred that United States forces had continued on to Baghdad to overthrow Saddam Hussein, and many still feel that the operation was not completed when it stopped where it did.

Assuming that such a view is correct, the resulting military decisions to escalate the measures deemed necessary to win a decisive victory could well lead to more, not fewer, casualties. Our military medical facilities must be structured for such an occurrence. Therefore, other recent study recommendations to downsize or close many of our peacetime medical facilities and to greatly reduce military and civilian medical endstrengths imperil military preparedness.

Every day, the dedicated men and women of the military medical departments train in peace for their war mission. To believe that this capability can be contracted out, accomplished in civilian medical institutions, and be made ready for war given a certain amount of time is a certain recipe for disaster.

I have heard the argument that we can park our tanks in motor pools when training dollars are short, but we cannot park our eligible health care beneficiaries outside our hospitals. We have seen what happens to readiness when we do so. Not only do the beneficiaries not get the care they deserve, but medical readiness suffers as well. The Nation can no more sacrifice our medical readiness than we can our combat preparedness.

I believe the basis for a sound medical readiness posture lies in the medical centers. The medical centers function in much the same way as does a Navy battle group. A modern Navy battle group usually consists of an aircraft carrier, surface warships, support ships, and submarines. The medical centers are somewhat like an aircraft carrier. They are very large and do not

directly engage in combat. They serve as command and control and training centers for the task force and stand ready to launch their expert systems forward as needed.

Just as the expert systems of the aircraft carriers are its jets and pilots, a medical center's experts are its military personnel, who work in the medical center during peacetime but staff the field hospitals during wartime or operations short of war, and its telemedicine capabilities. The surface warships and submarines are like smaller hospitals, field hospitals, clinics, and field medical units that directly support the combat mission.

These escort ships need the carrier for command and control of its units as well as training for augmentation personnel. Much in the same way, smaller base and installation hospitals and field medical units rely upon medical centers for the establishment of medical policy and procedures—command and control, a pool of qualified and trained clinicians, and projection of its medical expertise forward via telemedicine.

The importance of medical centers cannot be overstated. Much of the success of the MHSS is due to its medical centers. They serve as a medical boot camp for health care personnel such as physicians, nurses, and corpsmen; research and development for new medical procedures, programs, and materials; reference centers for world-class medical knowledge and expertise; and the state-of-the-art inpatient care capabilities of modern medicine.

One essential type of medical boot camp is Graduate Medical Education [GME]. As with other components of the MHSS, GME has also come under attack. Although it is true that certain segments of military medical GME can be restructured and consolidated, the underlying premise of a medical center-based GME program cannot be refuted.

The MHSS benefits tremendously from in-house GME. These benefits include providing specialty and subspecialty care and increases in physician productivity due to the teaching environment. Other benefits include lower patient care expenses, the attraction of more qualified physicians to the academic environment of teaching hospitals, and a higher retention rate of physicians, especially for those trained in military facilities, that leads to lower acquisition and training costs.

Opponents of the MHSS would argue that the need for in-house GME would be removed if older, nonactive duty beneficiaries were not treated in MTF's. Again, studies have consistently shown that military in-house care is less expensive than the civilian sector. If we could get Medicare reimbursement legislation passed, the MHSS could continue to provide low-cost care to retirees and ultimately lower the cost of total Federal expenditures.

Eliminating GME in the military would force military hospitals to rely on the civilian sector for recruiting physicians—the same system that is currently overproducing specialists and underproducing primary care physicians. Current research literature indicates that only 26 percent of those completing residency training go on to primary care practice. The current mix of specialists is inappropriate for accessible and cost-effective care. We should not force the MHSS back to the high-cost U.S. national average.

Our medical centers have also been the projection platforms for telemedicine initiatives. Using commercial off-the-shelf equipment—a digital system camera and a video teleconferencing system, telemedicine enables medical personnel at remote locations to consult with physicians at a medical center and to quickly obtain expert advice on critical or unusual cases. Telemedicine puts the diagnostic firepower of Walter Reed Army Medical Center, the National Naval Medical Center in Bethesda, Maryland, or Tripler Army Medical Center into the hands of the deployed physicians in Somalia, Zagreb, Macedonia, or Haiti.

Just this past December 1994, the life of a 26-year-old soldier was saved in Macedonia. This is not so terribly unusual, except that two of the physicians contributed their diagnostic and treatment expertise while observing the patient on a television monitor at the Casualty Care Research Center in Bethesda, MD. Through Operation Primetime, the battalion surgeon with the 1/15th Infantry Battalion, part of the United Nations Observers in Macedonia, maintained telemedicine links with military medical specialists in Europe and the United States.

The military medical personnel saved that soldier's life by employing medical care forward—once again demonstrating their function as force multipliers. I am very enthusiastic about the possibilities of expanding telemedicine initiatives even further both in our military settings as well as in appropriate civilian settings.

#### RETIREE HEALTH BENEFITS

The last area of military medicine I will address is the continuous erosion of health care benefits for our military retirees and their eligible family members. As the services strive to improve the access and quality of health care through innovative, business-like plans, the massive civilian and military cuts combined with the decreasing health care dollars seriously threaten their future ability to provide health care services to the full spectrum of beneficiaries.

The MHSS has embarked on a new managed care plan for non-active duty beneficiaries called TRICARE. The comprehensive health care benefit under TRICARE will maintain or enhance the scope of services that eligible beneficiaries receive today. The MHSS's capability to provide everyday health care will improve with

TRICARE, a plan centered around military hospitals and clinics and supplemented by networks of civilian care providers.

TRICARE presents an opportunity to clearly define military medicine as essential to force readiness, as well as to improve benefit security and choice of delivery for military beneficiaries. There are parts of this plan, however, that concern me. The TRICARE plan requires our retirees to share in the cost of care, and the greater the choice of physicians they desire, the greater the degree of cost-sharing.

This is wrong for two reasons. First, it violates the contract we made with these former servicemembers when they agreed to serve their country in our Armed Forces. We promised them access to free care in our military treatment facilities in exchange for lower wages and often a career of sacrifices during the time of their service. There was no fine print about modest enrollment fees and lower out-of-pocket costs.

Second, I pick up the Wall Street Journal and read that, "HMOs Pile up Billions in Cash, Try to Decide What to do With it," as was reported on December 21, 1994. I am outraged that our military retirees, many on fixed incomes, will contribute to these organizations' dilemma. The largest of these are for-profit organizations, growing so fast that they overtook nonprofit HMOs as the dominant force in managed care, as reported by the New York Times, on December 18, 1994.

The Nation owes our military retirees and veterans what they were promised. Soldiers, sailors, airmen and marines, their families, retirees and their families, veterans, and surviving family members—these are the people who comprise the military family. Despite pressures to take a short-sighted view, we must honor our obligations to those who have served faithfully. The Congress and the citizens of this country must do so not only because it is the right thing to do, but because if we do not, we will soon be facing a far more serious crisis—another truly hollow force.

We cannot, must not, have contracts that ask more of our retirees and veterans. Any such contract today that does that must be declared null and void with the contract we made with them in years past. We cannot have contracts that restrict access, compromise care, or ask them to make more of a contribution. We placed no such restrictions on our service men and women when we sent them to foreign shores.

Let us think that our servicemembers' tours of foreign shores are a product of days gone by, let me remind you that today we have more than 300,000 servicemembers serving overseas in 146 countries and 8 U.S. territories. In fact, deployments for the Army have increased threefold since 1990 and more than 700 Purple Hearts and two Medals of Honor have been



awarded since November 1989. The military is growing yet another generation of veterans and retirees who have served their country when their country called upon them.

I commend the MHSS for their advances in a standard benefit for all beneficiaries, for their commitment to medical advances such as telemedicine, and for the hard work in which they are engaged as they attempt to right size military health care. However, I caution them that I am watching. I will not tolerate a health care system sized on the backs of our retirees, a system that listens more to shortsighted budget analysts than to good business practices, and to any contract that violates the contract this country made with the men and women who served when called and have already paid their dues.

Madam President, the real bottom line is that the overall health of the entire voluntary military depends on the health of the Defense Health Program. A compromised military health system will rapidly lead to a compromised military capability. I greatly fear that we are heading down that course. For example, I find it truly alarming that for the first time in our Nation's history, the emergency defense supplemental bill is being offset dollar for dollar from its own defense budget. How long will it be before the Department gets wise and when the President says go to Haiti or Bosnia or wherever, the military says, "No, thank you, we can't afford it". I have been involved in our Nation's defense for more than 30 years as a Member of Congress and I have traveled extensively around the world during those many years and I absolutely believe that the best way to prevent war is to prepare for war. The only way to prepare for war is to maintain a healthy, robust military. And absolutely critical to that endeavor is a healthy, robust military medical health system. Let us not forget the painful lessons learned in the past; let us not have another Task Force Smith; let us not repeat the same mistakes. Let us work to ensure a safe and secure future for this great Nation of ours.

I would like to acknowledge the contribution of my Congressional Nurse Fellow, Lt. Col. Barbara Scherb, who prepared this statement. Colonel Scherb is an Army nurse who is currently assigned on a 1-year fellowship in my office.

#### REPRESENTATIVE RICHARDSON'S SUCCESSFUL HUMANITARIAN MISSION TO IRAQ

Mr. BINGAMAN. Madam President, on another issue, I rise to congratulate my friend and colleague from New Mexico, Representative BILL RICHARDSON, for his recent trip to Iraq that resulted in the early release from prison of two Americans, David Daliberti and William Barloon.

Madam President, we have all been affected by this story. We agonized with the families of these two Americans since their arrest in March when they inadvertently crossed the Iraqi border while trying to visit friends at the United Nations observer post in Kuwait. We recoiled when we learned that their sentence would be 8 years in prison. We watched as others tried to negotiate a solution to the crisis, including the wives of Mr. Daliberti and Mr. Barloon, who visited their husbands in a Baghdad prison. And we worried as a nation when we received reports that both men were experiencing heart trouble that required hospitalization while in the prison.

We have now learned, however, that Representative RICHARDSON has been doing more than simply listening to the news coming out of Iraq like most of the rest of us. He met eight times with the Iraqi Ambassador to the United Nations in New York, sometimes catching a flight from Washington early in the morning so that he could return before votes were cast in the House.

These visits established a feeling of trust that allowed Representative RICHARDSON to travel to Iraq, where he pressed Saddam Hussein for the release of the captive Americans on humanitarian grounds. As with any negotiation, we now know that there were moments of disagreement and misunderstanding with the Iraqi President. Representative RICHARDSON persisted in arguing that releasing these men at this time was the right thing to do.

Madam President, in a world with a seemingly endless number of intractable conflicts and troubles, from Bosnia to Rwanda to North Korea, it is with a sense of relief that as a result of Representative RICHARDSON's successful humanitarian mission to Iraq, we have one less crisis hanging over our country and over the two families that have now been reunited.

All Americans should be proud of Mr. Daliberti and Mr. Barloon for their courage and strength over the past 5 months. I am especially proud of my friend and colleague from my home State of New Mexico for his remarkable achievement in winning their release.

Madam President, I yield the floor.

#### COMPREHENSIVE REGULATORY REFORM ACT

Mr. KENNEDY. Madam President, on a matter that the Senate has been debating over the period of the last 9 days, regulatory reform bill, it has been temporarily laid aside for now, but I rise at this time to call the attention of my colleagues that the bill contains an unfortunate and unwarranted provision that would drastically undermine fundamental food safety standards in current law. I intended to offer this amendment yesterday prior to the time that the bill was set aside.

I want to speak briefly to this issue. I hope the issue would have been addressed by those in the process of considering the regulatory reform bill, or have an opportunity to address it when the legislation comes back. It addresses one of the very serious failings of this legislation. I want to take a few moments of the Senate time to address it.

This is a different issue than the meat inspection question we debated last week. It involves the unfortunate and unwarranted provision that would drastically undermine the fundamental food safety standards that exist in current law.

America has the safest food supply in the world. Families go to a supermarket to purchase meat or vegetables, to buy baby food or apple sauce for young children they do so, secure in the knowledge that what they buy, and any additives contained in them, meet strict safety standards enforced by the Department of Agriculture and the Food and Drug Administration.

When contaminated food inadvertently reaches the public, these agencies have the power they need to protect the public health. The basic food safety standards were enacted into law many years ago. Today, they are relied on and taken for granted by the American public. That is absolutely how it should be. No one has to give a second thought to the safety of the food that they eat today—and they should not have to start to worry about it tomorrow.

The safety of American food not only benefits consumers, it provides a competitive advantage to the U.S. food industry in the global markets. The label "Made in the USA" on a can or jar of food is a signal to people everywhere that the product meets the highest standards of safety and cleanliness.

Two of the cornerstones of the Federal food safety law are contained in section 409 of the Federal Food, Drug, and Cosmetic Act. The relevant language of that section reads as follows: A food additive shall not be approved "if a fair evaluation of the data before the Secretary fails to establish that the proposed use of the food additive, under the conditions of the use to be specified in the regulation, will be safe: Provided, that no additive shall be deemed to be safe if it is found to induce cancer in man or animal \* \* \*."

This provision is known as the Delaney clause. This simple statement is the basis for the establishment of safety for the food supply in the United States. These two provisions together deal with food safety and also the limitation of carcinogens in pesticides, in food coloring, and in other areas as well, but food additives primarily.

What we have done in this proposal that is before the Senate is changed both of these standards. I wonder why? I wonder where the call is across the country for people that say our food is too safe? I think few would ever have had the circumstance where anyone



came up and said "Senator, one of the overwhelming problems we are facing in our country is the food supply that is too safe. Do something about it."

It is very interesting, Madam President, that when the regulatory reform bill was submitted, it repealed, effectively, the Delaney clause that provides restrictions on food additives primarily, into the food supply.

We commented on that in the course of the Judiciary Committee markup. Lo and behold, when that measure was reintroduced here on the Senate, the Johnston-Dole amendment, we found changes not just in the Delaney clause, but we found changes in the food safety, as well—dramatic change.

It just happened between the time it got out of the Judiciary Committee and the time it was reintroduced here, without any hearings, without any notification, without any real explanation in reviewing the record about what was the reason for the changing in our food safety laws. I think that is wrong, and we will have an opportunity in the Senate, should that legislation come back to address it.

Now, as I mentioned, the first paragraph here requires that any additive to food safety must be safe. The second proviso is the Delaney clause, first enacted into law in 1958 and expanded in 1960. The Delaney clause prohibits the use of food additives, food colorings, animal drugs, and in some circumstances pesticides if they are found to cause cancer in humans or in animals. The Delaney clause provides a zero-tolerance standard for cancer-causing substances in food.

In recent years, critics have claimed that the Delaney clause is unscientific and overbroad. Clearly, there has been a revolution in food science and biochemistry since 1958, when the Delaney clause was enacted. We now have the technology to identify cancer-causing chemicals in foods, in far smaller trace amounts than possible 40 years ago. We also understand that animals may develop tumors from certain chemicals through pathways of animal biology that humans do not have.

Zero tolerance, therefore, means something different today than it did in 1958. Tiny amounts of substances that could not be detected at all in the 1950's can be detected today. In 1958, testing equipment might have considered zero risk to be a 1 in 100,000 chance of causing cancer. Today, we have scientific instruments that can detect risk levels as low as 1 in 1 billion. Clearly a modern standard of risk is warranted.

Responsible voices have argued for reform of the Delaney clause. The National Academy of Sciences first recommended Delaney reform in a 1987 report. In 1993, the Academy called for a more scientific health-based safety standard for approving pesticides.

Senator LEAHY and I and others have introduced detailed legislation in each of the last three Congresses to implement the Academy's recommendations,

and we would welcome the opportunity to continue that complex sensitive task in the committees of jurisdiction.

Unfortunately, the bill before the Senate takes an irresponsible approach to a subject with such grave implications. It contains haphazardly drafted lines in a 97-page bill on regulatory reform that emerges from two Senate committees without any expertise in food safety, without any hearings, and without any public input from the scientific community.

These 10 lines would wipe out the Delaney clause, and in its place they insert a vague standard of negligible or insignificant risk. The phrase "negligible or insignificant risk" is not defined in the bill.

This is on page 71 of the Dole proposal, on lines 21 and 22, where they say:

... shall not prohibit or refuse to approve a substance or product on the basis of safety where the substance or product presents a negligible or insignificant foreseeable risk to human health.

And, if you look at the top, at line 15, it applies not just to Delaney, but it applies to all of this provision.

What is the significance of that? Does negligible or insignificant risk mean a risk of 1 in 1 million? Or 1 in 1,000? How many additional cases of cancer are acceptable under a negligible risk standard? Perhaps a negligible risk means any level of risk that will not cause an immediate health disaster. Codification of such a vague standard would cause a major uncertainty for both consumers and industry. Its interpretation could vary from one administration to another.

In addition, the proposed language does nothing to ensure adequate protection of infants and children who are uniquely susceptible to foodborne toxins because their diets are so different from those of adults.

Madam President, this chart indicates what the current law is. Under the current law the language is, as I mentioned earlier, will be safe, which means a reasonable certainty of no harm. It is a no harm standard. Effectively that is the food standard now in the United States and effectively has been there for a period of some 40 years. How that is being changed at the present time under S. 343 is that food additives may cause negligible or insignificant risk of harm—not too much harm.

So now anyone who goes into the supermarket knows that in whatever part of the supermarket they go to, their food will be safe—the certainty of no harm. That is the current standard and that is the standard that is defined at FDA in their statute. It is defined, understood. It has been tested and it has been court tested and is being adhered to. And that is why we have the safest food in the world.

But in this proposal, in S. 343, it says, "not too much harm," without defining the standard. Whose interest is that in? Is that in the public's interest?

Is that in the family's interest? Is that in children's interest, or parents' interest? It is not. But it is in certain of the food industries' interest. Certain food industries want those changes.

They have not testified. They have not submitted the scientific information. They have not come on up here and debated that issue with scientists and other food experts who understand the importance of these kinds of changes. All they have done is had the political muscle to get it into the current bill without any hearings. Madam President, that is not right to think we ought to be moving ahead on that without that kind of consideration of scientists and researchers, understanding the full implications about it, and without any adequate explanation or definition of what is insignificant risk. I have been listening out here on the floor of the Senate to those supporting the Dole-Johnston proposal saying, "We want to have this more specific. We want to really understand what your proposal would be." We would like to ask them to define what is the insignificant risk? It is not defined in their bill and it is not time to play Russian roulette with the health and safety of our food supply by including that into a measure that could become law.

Let us just think about this language in another way. The proposed language in the legislation, also, with the changes in the Delaney provisions which I mentioned which restrict any food additives that can have any cancer-causing products in them, the proposed language does nothing to ensure adequate protection of infants and children who are uniquely susceptible to foodborne toxins because their diets are so different from those of adults. This issue is the central conclusion of the 1993 National Academy of Sciences report. Dr. Philip Landrigan of Mount Sinai Medical Center, who chaired the committee of scientists responsible for the NAS report said, "[i]f you're going to throw Delaney away, you're going to have to replace it with something equally protective of children."

Perhaps Delaney has its flaws, but its zero tolerance for cancer-causing substances clearly and unequivocally protects children, and the Dole-Johnston proposal would clearly and unequivocally expose children to more hazards of cancer.

We know that cancer now kills more children under 14 than any other disease. The incidence of childhood brain cancer and childhood leukemia has increased 33 percent since 1973.

Why would anyone thoughtlessly permit industry to put more carcinogens in the food supply at a moment in time when we are already losing the war on childhood cancer, and adult cancer, too? The incidence of cancer has increased 48 percent since 1950—and that statistic excludes lung cancer, which has also increased dramatically due to smoking. Environmental toxins are already taking a heavy toll on the health

of Americans. This is no time to recklessly open the floodgates and permit cancer-causing additives to enter the food supply for the first time in 37 years—the first time in 37 years.

This legislation is irresponsible. It repeals the existing zero risk standard without providing for a clear, scientific measure of risk. It ignores the rising risk of cancer faced by infants and children. This is not a Contract With America, it is a Contract With Cancer.

Madam President, let me just put up here a chart that reflects what the National Academy of Sciences has pointed out that is something that ought to be obvious to all parents. That is, very small children's immune systems, respiratory systems, and nervous systems are all in the early development through childhood and through their teens, and these systems are much more sensitive, as a result of body weight and growth, to the various kinds of environmental toxins in our society. That is understood by any cancer researcher and has been documented by the National Academy of Sciences.

Understanding that, the National Academy of Sciences reviewed the food consumption of infants and into their early teens. What they found out is that there is 21 times the amount of apple juice consumed by small children than adults, 11 times the grape juice, and right down the list—bananas, 7 times as much consumption by small children than adults, all the way down, with milk, and continuing along.

Then over here it gives the percent of diet. Apple juice is 10 percent of the diet for children; milk, 12 percent; orange juice, some 10 percent for the diets of small children. What the National Academy of Sciences said is, since children are the most vulnerable and since they consume these kinds of products, should we not look, for example, at the number of carcinogens that they intake, particularly in the areas of pesticides, so we might be able to prevent the incidence of cancer increasing in the children? They did a thorough study on that, sensitive to the developmental problems of small children and also the types of pesticides that are being used on these products.

Some of their examples: Apples have 123 different pesticides on them. We have to look at this from a scientific point of view. The bottom line on this is the Academy of Sciences says if we are serious about trying to develop a process concerning the use of various pesticides, we ought to determine what are the foods which small children eat primarily and look at the tolerance level for those children and develop a policy that is going to be sensitive to the incidence of carcinogens, cancer forming agents, and the risks that they have. It makes common sense. It can make a difference, particularly when we are seeing the number of child cancers which have been escalating. Do

you think that has been included in this regulatory reform? Absolutely not.

Do you think there was any willingness to consider that kind of recommendation of the Academy of Sciences? Absolutely not.

Has there been any willingness on the other side to review or accept or incorporate this kind of concept? Absolutely not, because they have the votes. They have the votes to put at greater risk our food supply and to basically say we are not going to pay any attention to the best science that we have in this country at the Academy of Sciences as it relates to children.

I heard out here during those earlier debates that what we want to do is eliminate bureaucracy and bring in the best science. This is the best science. But the supporters of that program are quite unwilling to address it or to be responsive to it.

Finally, as we know, the Delaney clause currently applies to four different categories of products—food additives, certain pesticides, animal drugs, and food colorings. Different considerations apply to reform in each of these areas.

In the case of pesticides, it may be appropriate to weigh the risks of the chemicals against the importance of a stable food supply. But there is no justification for allowing cancer-causing food colorings. There is no benefit to the public from an M&M colored with red dye-No. 3 versus Red dye-No. 40. If food colorings cause cancer in laboratory rats, they should simply be banned from our food supply.

That would make pretty good common sense—but not the regulatory reform legislation; no willingness to try to give that any kind of consideration.

Thirty-five years ago, in 1960, Congress held hearings to consider legislation to expand the Delaney clause. An industry witness testified that any such expansion would be foolish hysteria. He gave the committee an example of a chemical that caused cancer in animals but that he said posed no risk to human health. That chemical was DES. The tragedy that ensued for thousands of women who took DES should be enough alone to stop the Senate in 1995 from capitulating to the food industry's efforts to weaken public health. We can reform the Delaney clause without destroying it.

At the appropriate time, I will offer an amendment to strike the ill-considered provision in S. 343, and replace it with a sense-of-the-Senate resolution which, if adopted, will put the Senate firmly on record in favor of prompt and responsible Delaney reform.

The amendment states unequivocally that "the Delaney clause in the Food, Drug and Cosmetic Act governing carcinogens in foods must be reformed," and that the current Delaney clause should be replaced by a scientific standard that takes account of the right of the American people to safe food; the conclusions of the National Academy of Sciences concerning the

diets of infants and children; the importance of a stable food supply and a sound farm economy; and the interests of consumers, farmers, food manufacturers, and other interested parties.

In addition, the amendment establishes a timetable for responsible legislative action. It states that the Senate should enact Delaney reform, based on this work, by the end of the first session of this Congress—in other words, by the end of this year. It seeks careful, but expedited, consideration of the matter by the committee of jurisdiction, where the scientific experts as well as the food industry will have an opportunity to be heard.

In fact, the Labor and Human Resources Committee is currently considering a comprehensive FDA reform bill. That bill would be an appropriate vehicle for Delaney reform. The views of the Agriculture Committee are also essential to consider legislation of concern to farmers.

Food safety is a complex, technical subject. A substantial body of scientific research exists on this subject that should inform our work in this area through hearings and consultation with the experts. That's what committees are for. Let us do this right.

This bill does not represent a rational, responsible reform of the Delaney clause. Instead, it represents a surrender to business greed for higher profits and to the most irresponsible elements of the food processing industry. Its philosophy on food safety is simple and sinister—let the buyer beware, the public be damned.

And that is only half the problem with this provision. In its zeal to uproot the Delaney clause and assist the food industry, the Dole-Johnston alternative drastically weakens the general food standard in current law.

There is legitimate serious debate about Delaney reform. But there is no serious debate, legitimate or illegitimate, about a wholesale weakening of the general standard that protects food from other harmful additives.

I repeat that, Madam President. As we pointed out, there may be reason—and I believe that there is reason—for debate about the Delaney clause here. But I do not see, and I wait to hear, what the justification is for changing the safe food standard that we have at the present time that has been in place for 40 years. Who is asking us to do this? Who is requesting it? Where is the mail that is coming in to our colleagues? Who are going to be the beneficiaries of it? Who are going to be put in greater risk because of it?

I think the answers to those questions are quite clear. It is an aspect of the food production industry that is favoring their position, but it certainly is not the families in this country that deserve it.

The Federal Food, Drug and Cosmetic Act now requires that for a non-cancer-causing food additive to be approved, its sponsor must demonstrate that it will be safe. Under that standard, FDA approves additives today if

they present a reasonable certainty of no harm. But under the Dole-Johnston proposal, the language of the Delaney reform is carried over to the general standard for food safety. FDA would be required to approve additives that caused only a negligible or insignificant risk of harm—in other words, instead of the current law standard of no harm, the proposal would establish a weaker standard of not too much harm.

Perhaps this change is inadvertent. It certainly is unjustified and unneeded. Perhaps, in aiming at the Delaney clause on cancer-causing substances, the sponsors mistakenly hit the general food safety standard too. Or perhaps the food industry lobbyists saw their chance and took it—to get out from under the Delaney clause, and get out from under the general food safety standards too.

It is a long way from no harm to not-too-much harm, and before we travel down that road we had better be very sure we know the consequences.

The amendment I will offer when we return to the bill, in addition to dealing with the Delaney clause, will also delete the provision weakening the general food safety standard. The provision seems to be a gratuitous weakening of a standard that is working well in current law and does not need reform. If a change in this important law is not necessary, it is necessary not to change it.

The bedrock food safety standard in current law should not be discarded lightly. Any legislation in this area must reflect the care and deliberation due a subject as important as whether the citizens of this country, especially infants and children, are now to be exposed to a higher risk of cancer and other diseases in the food they consume.

Madam President, toward the conclusion of my remarks I remind the Senate once again what has been happening to cancer incidence in the American population. It has increased by 48 percent since 1950. This is excluding cancers of the lung and the stomach.

Here we see what has been happening. We have seen the treatment of a number of these, particularly childhood cancers, have gotten much better. So the burden among the children in this country in many instances has been increasingly hopefully beneficial in terms of the treatment.

But when we see the continued increase in the incidence of cancer, and the danger that brings, why should we be out here flying in the face of a National Academy of Sciences' study which has recommended how we can protect children, and throwing that recommendation, which represents the best in terms of scientific information, over our shoulder and throwing it to the winds? I fail to understand the logic of that position.

Everyone knows what is going on here. Food industry lobbyists are trying to stampede Congress into hasty action on the Delaney clause that will

have drastic long-term consequences for the safety of the food supply of 250 million Americans. I have never heard any consumer say that they think food is too safe.

Those who vote for this amendment go on the record in support of prompt but responsible Delaney reform and against any tampering with the general food safety standard.

The Delaney clause may have outlived its usefulness, but it deserves a decent burial. It deserves to be replaced by a modern safety standard that strikes the right balance between the needs of industry and the health of our children. And the general food safety standard deserves to remain intact.

#### REGULATORY REFORM AND FOOD SAFETY STANDARDS

Mr. HATCH. Mr. President, contrary to what opponents of S. 343 allege, enactment of our bill would neither undermine the existing standard for food safety nor needlessly expose our citizens—man, woman, or child—to carcinogenic substances.

Although we are today considering the Bosnian arms embargo issue, since the issue of the Delaney clause has arisen, I wanted to take this brief opportunity to respond to some inaccuracies that were propounded in this Chamber today.

I will limit my remarks now to two criticisms raised today: that S. 343 lessens the safety standard for all foods; and that the bill is defective in that it lacks a definition of negligible or insignificant risk.

I plan to defer the rest of my remarks on Delaney clause issues for our continued consideration of S. 343.

As my colleagues are aware, the three Delaney clauses contained within the Federal Food, Drug and Cosmetic Act to ban a limited group of substances—food additives, color additives, and animal drugs—if they are found in whatever quantity to produce cancer in laboratory animals.

This inflexible zero risk standard in the law is outdated scientifically, as my colleague, Senator KENNEDY, noted earlier.

Some have alleged that the Delaney clause modification language of S. 343 somehow fundamentally undermines our Nation's food safety laws. That simply is not the case. It is unfortunate that some of my colleagues are relying on the interpretation of lawyers at the Food and Drug Administration who apparently cannot read the law—and this is not the first time those in this Chamber have had that experience.

So that this is perfectly clear to my colleagues, I want to walk through this issue so that you can see how the language contained in S. 343 continues to protect the public health.

The Delaney clause modification language in S. 343 states:

The Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency shall not prohibit

or refuse to approve a substance or product on the basis of safety, where the substance or product presents a negligible or insignificant foreseeable risk to human health resulting from its intended use.

This provision of S. 343 harmonizes the safety standard of the three Delaney clause provisions with the safety standard long applied by FDA under the other safety provisions contained within the Food, Drug and Cosmetic Act.

In other words, there are substances which could be present in food, or added to food, or indeed, used on or in the human body, which are not subject to the Delaney clause language. To single out these three Delaney clause substances for treatment other than that accorded a broader group of substances used for virtually identical purposes is senseless, especially in view of the fact that FDA has a well-established safety standard for those substances which does incorporate the negligible risk standard.

For the edification of my colleagues, I will list these substances: pesticide residues that do not concentrate in processed food; food substances that are not classified as additives because they are generally recognized as safe or were approved by FDA or USDA during the period 1938 to 1958; dietary supplement ingredients; constituents of food additives; constituents of color additives; environmental contaminants in the food supply; cosmetic ingredients; undetectable animal drug residues; and ingredients in nonprescription and prescription drugs, biologics, and medical devices.

To make a distinction in the safety standard for these substances versus food additives, color additives, or animal drugs, is, at best, irrational.

My colleague from Massachusetts has expressed the concern that in amending section 409(c)(3) of the Food, Drug and Cosmetic Act, the language of S. 343 eliminates the safety standard for all foods from the law.

Specifically, 409(c)(3) says:

No regulation [food additive approval] shall issue if a fair evaluation of the data before the Secretary—

(A) fails to establish that the proposed use of the food additive, under the conditions of use to be specified in the regulation, will be safe: *Provided*, that no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal. . . [Delaney language].

It is my understanding that my colleague is concerned that the way in which S. 343 was drafted, that is, modifying all of 409(c)(3) instead of just the proviso containing the Delaney language, eliminates entirely the existing safety standard.

I believe the implication is that the modification should be made to the proviso only.

I simply do not believe that is an accurate reading of the law, when the totality of the Food, Drug and Cosmetic Act provisions with respect to food safety are read together.

I want to assure my colleagues that that was not our intent. In fact, I do

not recall ever hearing any one suggest that that should be the case, in any discussions I have had on the Delaney clause.

There exist a number of safety standards which apply to food under the Federal Food, Drug and Cosmetic Act. Some of these standards overlap—that is, more than one standard may apply to a food or food ingredient or constituent, depending on the particular circumstances.

First, there is the general adulteration standard under section 402(a)(1) of the FD&C Act. This section, which applies to food generally, says that a food is deemed to be adulterated (that is, unsafe) if:

It bears or contains any poisonous or deleterious substance which may render it [the food] injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance does not ordinarily render it injurious to health.

This safety standard has two parts. For poisonous or deleterious substances added to food, the food is adulterated if the substances may render the food injurious to health. For substances which are not added, that is, they are inherent or not the result of human activity, the adulteration standard is ordinarily injurious to health.

These two principal adulteration standards have been bulwarks in the legislative and regulatory scheme to ensure the safety of food for decades. Indeed, numerous courts have had occasion to interpret these provisions, for example, in *U.S. v. Boston Farm Center, Inc.* (590 F.2d 149 (4th Cir. 1979) and *United States vs. Anderson Seafoods, Inc.*, 622 F.2d 157, (5th Cir. 1980).

These standards remain unamended in S. 343 and would continue to guarantee the safety of our food supply.

Second, it is important to note that the adulteration standards found in section 402(a)(1) are independent of the requirement that such food ingredients as food or color additives be shown to be safe. Or put more simply, any legislative change to section 409 dealing with food additives, for example, would not affect the adulteration standards in section 402(a)(1).

In fact, FDA has used the 402(a)(1) standard to permit quantities of substances, including recognized carcinogens such as aflatoxin—a naturally occurring toxicant from mold which particularly affects peanuts—to be in food. In such a case, FDA has typically employed risk assessment to determine the level of the carcinogenic poisonous or deleterious substance that presents only an insignificant risk.

Third, numerous other safety standards are set forth in section 402 of the FD&C act. One of the principal additional standards provides that a food is adulterated if it contains a poisonous or deleterious substance which is unsafe within the meaning of section 346.

Section 346 provides that a food containing a poisonous or deleterious sub-

stance is unsafe for purposes of section 402, and thus is adulterated unless the substance is required in the production of the food or cannot be avoided by good manufacturing practice.

It is under the principals of section 346 that FDA has regulated environmental contaminants, including such substances as PCBs, a particularly toxic group of chemicals once widely used in industrial production, and PBBs, a flame retardant that was mistakenly applied to food in Michigan.

FDA has implemented this section through the use of action levels and tolerances, which are announced levels of the toxic substance that will be permitted in food.

As Professor Richard Merrill observed in "Regulating Carcinogens in Food: A Legislator's Guide to the Food Safety Provisions of the Federal Food, Drug and Cosmetic Act," (77 Mich L.Rev. 171 (1978), "Most notably section 406 . . . does not unequivocally preclude the marketing of food that contains an added carcinogenic substance." Professor Merrill adds that "FDA has taken the position that it may establish a tolerance for a contaminant shown to be carcinogenic—and thus 'approve' its presence in food in quantities below the tolerance."

As is the case with respect to section 402(a)(1), the legislative language contained in S. 343 has no effect on the important safety standard found in the interplay between sections 402(a)(2)(A) and section 406.

Fourth, section 402 contains numerous other standards related to the safety of food, including those that pertain to food that contains filthy, putrid or decomposed substance, that has been prepared under unsanitary conditions, that contains unlawful pesticide residues, or if the package of the food contains a poisonous or deleterious substance that may render the food injurious to health, (the same standard as set for in section 402(a)).

The second point on which I would like to comment is the contention that not defining insignificant or negligible risk in legislation language is a bad idea.

I take vigorous exception to the idea that the Congress should define these terms in law. Imposition of the zero risk standard by legislative fiat is what led to the Delaney dilemma in the first place.

When Congress first enacted a Delaney amendment in 1958, scientists were not able to detect potentially carcinogenic substances at the parts per million, or parts per billion, levels as they are today. Does this mean that we should lock into the law a one in a million lifetime risk of cancer standard? I think not. What our bill does is allow the agencies to make these definitions. This will allow the law to grow with the science.

In closing, Mr. President, let me reiterate my continued commitment to Delaney reform which both protects the public health and is consistent

with sound scientific and regulatory principles. This is long overdue.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 21, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

Mr. LIEBERMAN. Madam President, I rise to speak in favor of the proposal which I am privileged to cosponsor with the distinguished majority leader and many others of both parties, which would finally lift the arms embargo and do some justice in the former Yugoslavia, by replacing a policy of inaction or half actions that has failed to stem the conflict, has failed to stop aggression, and has failed to protect the victims of that aggression, whose pain we see each night on our television sets.

Madam President, this is a genuinely bipartisan or nonpartisan effort, as it should be, as American foreign policy has traditionally been at its best—above party consideration.

Senator DOLE and I began this effort in 1992 when the incumbent in the White House happened to be a Republican, President Bush. We have continued in 1993, 1994, and 1995, with President Clinton in the White House.

Sadly, each time that we have raised this question of lifting the arms embargo and using allied air power selectively, we have been met with different excuses. A defense, not even really so much a defense of the existing policy, but criticisms, complications, unintended results, that might occur if the arms embargo was lifted.

In that, I think, and I will get to that in a moment or two, we have failed not only to see what was happening on the ground, but to listen to the victims of the aggression. The Bosnians have said repeatedly, over and over again, "We don't want American soldiers on Bosnian soil. We don't need American soldiers on Bosnian soil. We have troops on Bosnian soil, they are Bosnians—in excess of 100,000. They are motivated, understandably, to fight to defend their country, their communities, their families, themselves. Just give us the weapons with which to defend ourselves."

Madam President, we rise again, a bipartisan group. Several tries at lifting the arms embargo having failed, this time we act with some sense of hope that we will be able to achieve, perhaps

later today, a strong bipartisan statement that it is time to change our policy. Give the Bosnians the weapons they deserve. Stop denying them their inherent right to defend themselves, a right we have as individuals, the right Bosnians have as a nation, under international law, under the charter of the United Nations.

This is a bipartisan call. Let me read the names of some of the others who are cosponsoring S. 21: Senator HELMS, Senator THURMOND, Senator BIDEN, Senator D'AMATO, Senator MCCAIN, Senator FEINGOLD, Senator WARNER, Senator HATCH, Senator KYL, Senator MOYNIHAN, Senator STEVENS, Senator COCHRAN, the distinguished occupant of the chair, Senator HUTCHISON, Senator MACK, Senator COVERDELL, Senator PACKWOOD, Senator MURKOWSKI, Senator SPECTER. And I am pleased now, Madam President, to ask unanimous consent that Senator CRAIG of Idaho be added as a cosponsor to amendment No. 1801, a substitute to S. 21.

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

Mr. LIEBERMAN. Yesterday, Secretary Perry, the Secretary of Defense, and Secretary of State Christopher, visited with both Republican and Democratic Senators, to report on events that are going on in former Yugoslavia, to discuss some new options, for it sounds like a more vigorous policy, particularly the employment, more aggressively, of NATO air power, and to ask the Senate to delay taking this measure up and lifting the arms embargo, saying it is the wrong time to do it, with the discussions going on now.

Madam President, I have the greatest respect for Secretary Perry and Secretary Christopher. They are distinguished public servants. They have served with extraordinary skill, I think, in their respective positions, but I respectfully disagree with them. I hope that my colleagues will reject this call, this latest call, to delay action on lifting the arms embargo.

I particularly appeal to my democratic colleagues who may have some understandable reluctance to oppose the President. I strongly support the President in general. I just respectfully and sincerely and deeply disagree with the policy the administration has followed in regard to Bosnia.

Madam President, President Clinton, in the campaign in 1992, advocated the policy that I thought then held the best hope of a reasonable solution in Bosnia, and I still think does, which is to lift the arms embargo and strike from the air at Serbian targets, on the basic premise that there is an aggressor here and a victim. The aggressor is Serbia, led by President Milosevic.

As I recounted last night, history will show and the record shows that beginning in 1988, President Milosevic of Serbia took a series of steps—clear, concerted, intentional—to create a greater Serbia by taking advantage of the instability that existed in Europe

as a result of the end of the cold war, the coming collapse that could be seen as the years went on. The entity of Yugoslavia began this concerted effort through aggression and other means, to move into Srebrenica, Croatia, to be more aggressive, and control the Albanian majority in Kosovo—aggressive is a tame word; abusive is a correct word—and to move into Bosnia, using Serbian agents, as it were, that is to say Serbs who lived in Bosnia and Croatia, as a fighting force, augmented, supplied, and in some cases actually supported right there by members of the Serbian armed forces—a clear stream of aggression.

President Clinton saw that, I think, in 1992, and brought the policy of lift and strike into office with him, understanding, making the point that if aggression is allowed to go unresponded to, there will be more aggression. History shows us that. Common sense shows us that. If you let common criminals on the streets of any city or town in America continue to hold people up, abuse them, commit acts of assault and battery, larceny, and murder against them without the law taking any stand against that, without threatening them, without forcing them to have any fear, they will continue to do it. And that is exactly what has happened in the last 3½ to 4 years in Bosnia.

In the spring of 1993, Secretary Christopher went over to Europe to speak to our allies in Britain and France, advocating the policy of lift and strike. They refused to go along. And that was the end of that policy for this administration.

So I say to my colleagues, as we listen to the appeals that will be made today by our friends and our leaders in this administration, that, really, what we are asking in putting forward S. 21 today is that the administration be given a chance to implement the policy that it brought into office with it and that was essentially blocked in implementation by some of our good friends and allies in Western Europe who had a different point of view.

At every step, when we have raised the idea of lifting the arms embargo, there has been another reason why it was the wrong time. Earlier it was the wrong time because the United Nations had to be given an opportunity to work its will, or the Owens-Vance peace mission had to be given an opportunity to work its will, or the Serbs had to be given a chance with the Bosnians to accept the peace proposal. It was very detailed, very fair—not so good for the Bosnians, because it left them with about 20 percent of the land that they had before the Serbian aggression began—but give them a chance to accept it. The Bosnians accepted it. The Serbs did not. It was the wrong time to lift the arms embargo because if it was lifted, people said to us, U.N. personnel who are there will be seized as hostages.

The arms embargo was not lifted. The Bosnians continue to be victims of aggression, torture, ethnic cleansing, rape, murder—and yet, as we have seen, tragically, the U.N. personnel were seized as hostages.

Then it was said last year, when we brought up this proposal to lift the arms embargo, you cannot lift the arms embargo, this will anger the Serbs. They will have no reason not to go into the safe areas that the United Nations has created for a humanitarian purpose, to protect the Bosnian victims. We did not lift the arms embargo and what has happened in the last couple of weeks? The Serbs moved into these undefended safe areas like Srebrenica, forcing out thousands—older people. I hate to see those pictures of those old women and men, forced marches, dropped off in the middle of the night in a no-man's land between the Serb and Bosnian forces, forced to walk their way across difficult terrain to find their way to Bosnian territory to get some food and shelter. The harrowing stories of young women taken away by Serbian soldiers from their families for God knows what reason. Young men of military age removed on trumped up charges that they were going to be investigated as criminals or terrorists.

We have seen it before in this conflict. We saw—most notably in 1992 when British television crews found their way to what I would call concentration camps—what happens to these Bosnian men when they were taken away by Serbian forces: the emaciated bodies, the horrible echoes of the Second World War.

They said, if we lifted the arms embargo, we would see this again, what we saw in 1992. We have not lifted the arms embargo, and the Serbs carried all of this out, all these atrocities again.

Did you read the story of the 20-year-old woman, a Bosnian woman, found hanging from a tree at her own hand, blouse and skirt blowing in the wind? People could not really explain what had happened, except there were allegations that she had been taken away by the Serbs, perhaps raped, perhaps abused, perhaps separated. There was no family. No one knew who she belonged to. There were only rumors. Had her parents been separated from her? Did a husband get taken away as a person of military age? These are the consequences of Serbian aggression and the consequences of leaving a people undefended.

Wrong time? Now the argument is that it is the wrong time to lift the arms embargo because of the horrific events in Bosnia in the last couple of weeks—the fall, the conquest of an undefended city. It was no act of bravery by the Serbian forces. There were 40,000 people there with an army whose weapons had been put into the U.N. compound, and U.N. soldiers, Dutch soldiers, brave Dutch soldiers, put into an impossible position with light arms

to defend themselves against a Serbian invasion with heavy weapons—tanks, armored personnel carriers, sophisticated weapons. This was no brave military conquest.

As a result of the horrors we are seeing, we are now seeing a pickup in the pace of Western concern, responding to the Western public, who are obviously, all of us, outraged by these atrocities being committed against the Bosnian people. President Chirac proposes that the United Nations should become more aggressive in defending the safe areas, or get out. He is right. The United Nations has become a cover for Serb aggression. Every time the Serbs strike, in fear of reprisal they grab some U.N. soldiers as hostages and frustrate, emasculate, nullify any Western will to take action against them.

And what is the response from Britain and the United States to Chirac's proposal? Uncertain, although now there seems to be a genuine interest in the more aggressive use of NATO air power, at least to protect the safe havens, but also to put the Serbs on notice that other Serbian targets in Bosnia and beyond may be vulnerable.

So we are now asked not to take action on lifting the arms embargo because it somehow may affect the pace of these negotiations about the use of air power. I do not get it. I do not understand that argument. First, I think it is wrong. I think it is wrong to give us yet another argument why we should not be lifting the arms embargo, particularly as every passing day brings more powerful, painful evidence of the failure of the current policy. But it does not make sense. If the United States now, our Government, wants to be part of a more aggressive use of NATO air power to protect and give some meaning to the safe havens, it seems to me if this Senate, in a strong bipartisan majority, rises up and adopts S. 21, we are saying not just to lift the arms embargo, we are crying out. We are saying, united as Americans, as leaders, representatives of the people of the greatest power in the world, a power that has built its strength not just on military might but on the might of its morality, that this policy that the West has been following in Bosnia is a failure.

I think for that message to be in the air, if we can pass this overwhelmingly today on a bipartisan basis, that message in the air as the allies gather again in London on Friday to discuss what course to follow can only help. It can only strengthen the hand of our representatives there, Secretary Perry, Secretary Christopher, to say, look what the Senate of the United States has said now by an overwhelming majority, perhaps even a veto-proof majority: We must strengthen the U.N. posture or we must get out and lift the arms embargo.

So, Mr. President, the time has come. It is long past due. The hour is late in Bosnia. The suffering has gone on

there. There is no perfect, no guaranteed solution. But what we clearly know is that the current policy has failed. It has failed for the Bosnian people, it has failed for NATO, for the United Nations, and for the United States. It is time to try the alternative, and this is the alternative.

I thank the Chair.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, thank you.

Mr. President, I want to commend the Senator from Connecticut for his leadership in this area and for being the cosponsor with our majority leader on this very important resolution in a bipartisan effort. The Senator from Connecticut has been consistent. He has been there from the beginning, when we started talking about this issue over a year ago. I thank him once again, after what has happened in the last week, for coming forward and saying "enough is enough."

Mr. President, it is time for the United States to end this failed policy of leaving the Bosnian Moslems defenseless. Time after time, Mr. President, we have returned to this debate, and we have watched more people ravaged in Bosnia as we ponder the issue. We cannot continue to wring our hands and withhold from the Bosnian people the means to fight for their own freedom. The time has come for us to end this debate and lift the arms embargo. If we have to do it unilaterally, we must, or in concert with our allies, if we can.

An old adage says it is preferable to die fighting on your feet than to live begging on your knees. I doubt there is a Senator in this body who disagrees with that statement. But it is clear that the Bosnians have made their choice, and it is to fight on their feet.

The Bosnians are not asking us to arm them. They are not asking for American troops to defend them. They are simply asking to be allowed to fight their own fight. It is unconscionable for us to continue to deny them that basic right for survival and liberty. What we have now is a blood-stained policy which denies them the means of defending themselves. And it is one that we should no longer countenance.

Two months ago, Mr. President, I returned from visiting our forces in Macedonia and Croatia more concerned than ever that we are perilously close to direct involvement in this Eastern European conflict. Today, the administration is considering a request from our allies which will only draw the United States deeper and deeper into an implacable situation. The French Defense Minister recently called for the United Nations to expand its mission in Bosnia and to assume a more aggressive stance against the Bosnian Serbs, including more airstrikes and a larger U.N. ground force.

I believe for us to participate in such a plan would be a grave mistake. I have been totally opposed to sending United States ground troops into Bosnia, and in the light of recent developments, my resolve is even stronger. Any decision to involve U.S. forces in additional air support roles would move us two steps closer to a United States ground presence in Bosnia.

The shutdown of Capt. Scott O'Grady served to remind us that providing air support is not without cost. It has the real potential of mission creep—involving us deeper and deeper in this conflict. And make no mistake, we are on the brink.

I have heard the discussions evolve about what is help for extraction of our troops. Is it reconfiguration of our troops anywhere within Bosnia? Is it an emergency? Now we are talking about using American helicopters. American helicopters are the beginning of ground involvement, and we cannot let this happen.

It is clear that the United Nations is conducting a peacekeeping mission in a region where there is no peace. There is no peace in sight. The United Nations is paralyzed and unable to respond and unwilling to retreat.

Last week the Bosnian Serbs attacked a U.N.-designated safe area of Srebrenica. They routed Dutch U.N. forces. They took U.N. forces hostage and drove the inhabitants of the so-called safe area out of their homes—the same inhabitants we have denied the ability to fight for their homes. Even as we debate this matter right this minute, the Serbs are overrunning U.N. outposts and assaulting another supposed safe area, Zepa, with artillery and armored vehicles.

According to the administration, its reluctance to lift the arms embargo stems from the fear that if the embargo should be lifted, the Bosnian Serbs would only be encouraged to go on the offensive and press their attack on the Bosnian Moslems. Encouraged? What is happening now this very minute? I do not think you could say by any stretch of the imagination that anything we would do would change the encouragement that they are now receiving to do the atrocities that they are doing.

This seems to me to be an empty excuse when they are already clearly on the attack. The refugees fleeing Srebrenica and Zepa provide ample evidence of the failure of this embargo where only one side of the conflict is disarmed.

Secretary Christopher said yesterday that lifting the arms embargo unilaterally would force the withdrawal of U.N. troops. I am sorry to say, Mr. President, that would be a positive development. It is the status quo that represents failure. This resolution that we are debating is an acknowledgment that the U.N. can no longer function in Bosnia until both sides are ready to sit down at a table and negotiate peace.

The United Nations is an effective peacekeeper when both sides are seeking peace. This is not the case in

Bosnia today. As Bosnian Foreign Minister Muhamed Sacibey said so eloquently just this week, "The U.N. troops have become a hindrance \* \* \* a clumsy reminder of the U.N.'s failure."

The Bosnians need more than bread flown in on a U.N. airlift. The Bosnians need to be able to defend themselves, to get their country back in order. The United Nations has shown that it cannot and will not perform that vital role. So it is time for the U.N. to step aside. Fleeing Bosnian Moslems reportedly have seized weapons from the Ukrainian U.N. forces. Ironically, those seized weapons may represent the most concrete peacekeeping effort yet provided by the U.N. forces to the Bosnians.

I urge the President to turn away from this most recent in a long series of shifts in our American policy. Instead, he should be encouraging the United Nations and our allies to withdraw as swiftly as possible and then lift the arms embargo so the Bosnian Moslems can defend themselves.

Last year when I met with Bosnian Vice President Ganic in the Senate Armed Services Committee, where the distinguished Presiding Officer also was present, he made a poignant appeal. And then he said apologetically, "I realize I am emotional about this issue."

I thought to myself, this man is apologizing for being emotional when his people are unarmed and under assault, his families are being brutalized and murdered, and we in the West are the ones who should be apologizing for denying those people a basic right that we all acknowledge, the right to defend their country.

We have a moral obligation to uphold a U.S. doctrine articulated by Presidents from John F. Kennedy to George Bush: We will lend our support to oppressed people who are willing to fight for their freedom.

It is not always our responsibility to fight for those people, but we certainly ought to be willing to support them in the other ways that we can, and we certainly should not deny them the right to fight for themselves. This is an American principle that we must uphold.

During his compelling testimony before the Armed Services Committee, Vice President Ganic talked of our sacrifices on D-day, but he warned us that 50 years after the defeat of fascism in Europe, it is once again there on the rise in the form of genocide and oppression against the non-Serbian populations of Bosnia.

When a few of us visited with the Prime Minister of Bosnia just 3 weeks ago, he said, "I am puzzled by the U.N. which keeps saying there are two sides to this issue." He said, "There are two sides. One side is shooting and the other side is dying." Not exactly, Mr. President, a level playing field.

Bosnia's Foreign Minister told reporters yesterday, "We are not waiting for anyone anymore. We are not asking

for troops to be sent to Bosnia. We are only prepared to count on ourselves and no one else."

Mr. President, we can no longer continue to leave Bosnia defenseless against a well-armed Serbian aggression. The United States has acted unilaterally before, and we will again. We are the leader of the free world. We must lift the arms embargo. Vice President Ganic said, "We are dying anyway. Let us die fighting, fighting for our country."

Mr. President, the time has come for the Senate to heed their pleas and set a date certain for lifting this arms embargo.

I thank the leaders of this effort, Senator DOLE, Senator LIEBERMAN, and the other cosponsors of this very important resolution.

We have talked about this enough. The time has come for us to act decisively as the leader of the free world.

I thank the Chair. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, first, I thank my distinguished colleague and friend from Texas not only for her support of this call for lifting of the arms embargo but for a powerful and eloquent statement of moral principle as well as strategic interest and just good common sense.

Mr. President, I am very pleased at this time to ask unanimous consent that the distinguished occupant of the chair, the Senator from Idaho [Mr. KEMPTHORNE], be added as an original cosponsor of this measure.

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

Mr. LIEBERMAN. Mr. President, I say to my colleagues or any staff who are following the proceedings in the Chamber, that I am going to continue for a while to deal with some of the issues which I think are involved in this debate, but I am more than happy to yield the floor to any colleagues who wish to speak on this proposal as they come to the floor.

Mr. President, let me focus for a few more moments on the appeal that will be made today again that this is the wrong time to lift the embargo, the wrong time for the Senate to speak out because of the increased pace of discussions between the United States and our allies in Europe about a more robust policy to follow against Serbian aggression or for implementation of the U.N. policy.

I have said a short while ago here that on every occasion when we have proposed lifting the arms embargo, there has always been another reason why people have said to us this is the wrong time. I truly hope and pray that my colleagues will not listen to these entreaties and will join in the strong, bipartisan, nonpartisan outcry against the current policy and plea for implementation of the right of self-defense

of the Bosnian people, to which Senator HUTCHISON has so eloquently spoken.

The other fact, in addition to the one I cited earlier, about why I believe passing this proposal will in fact strengthen the administration's hand in discussions with our allies for a robust policy is that it shows not just the impatience but the growing opposition, the strong opposition, the nonpartisan opposition to the current policy. It cannot be sustained anymore. It is not being sustained on the ground in Bosnia, and it cannot be sustained in the political representative community that we are for the American people.

It is in that sense simply unfair of the Europeans to continue to press this administration to follow a policy that is not the one of lift and strike that it brought into office.

The other thing to say about the timing may be a sad fact, but it is true that there is a temporal discontinuity between what may happen in this Chamber today, hopefully, perhaps tomorrow, in adopting this proposal and what is happening on the ground and the suffering of the Bosnian people and continued aggression of the Bosnian Serbs, as Zepa, effectively undefended, is about to fall; which is to say that even if we adopt this proposal, hopefully by a strong, overwhelming majority, that does not mean it becomes law. Something has to be done by the House. Either this will go to the House or the House will take up a separate proposal. I gather the latter is the more likely course. Then, as this Government of ours works, it will go to a conference committee. That will take some time. And then it will go to the President, and he has some period of time to decide in the normal course whether to sign or veto the proposal.

So do not worry. If I were a Bosnian on the ground suffering, watching my country being taken away from me, watching tens of thousands of my country men and women being forced out of their homes, watching people being raped and murdered, I would worry about the timing, but for those who counsel against action today because of what may happen in London on Friday, do not worry about it. Do not worry about it. Unfortunately, there will be plenty of time, even if we adopt this proposal today or tomorrow, before the arms embargo is actually lifted.

Mr. President, let me now go on to talk about some of what happens on the ground today in Bosnia and what I think is the attitude we have allowed to develop among the leadership of the Serbs and the Bosnian Serbs, which is a wanton disrespect of international order and morality and law.

A story on the radio today that I heard coming in is that as these discussions of a more aggressive Western NATO policy in Bosnia—not to try to turn back Serbian aggression, which has already taken well over 70 percent of the country—but discussions are



going on about a more aggressive NATO policy to protect the safe areas, to give some meaning to the word "safe" to make it other than ludicrous, which is truly what it was, ludicrous and horrific for the 30,000 or 40,000 in Srebrenica who did not find that town to be a safe area. In other words, we are talking now about using Western air power and stronger defense forces to give some meaning to a resolution of the United Nations to create six safe areas in Bosnia, one of which has fallen, another of which is about to go, a resolution that I must say has the same source as the arms embargo, which we have painfully respected for so long and at such cost for everyone.

And what is the response of the Serbs to even the discussion of more forcefully enforcing an act of international law, of the international community, of the United Nations? Mr. Karadzic, the President of the Bosnian Serb nation, operating out of Pale, says he warns the Western Powers that Bosnian Serb forces will shoot down any Western planes or helicopters that come in to defend the safe areas. Can you imagine the outrage here, the outrage that we have created? If you again let an aggressor go on and do not make them pay for their aggression, if they are rewarded for their aggression, if they essentially laugh at the United Nations, NATO, the Western World, what is the hope for order, for morality in an international society, in the post-cold war? What is the next step?

Basically the Chirac proposal to protect the safe zones is really like a local police force saying it is going to carry out the law in a local area, and the criminals saying, "If you bring police cars into this area to carry out the law, we are going to throw hand grenades at the police cars." What would our reaction to that be? But that is what we have invited here by our inaction.

We have allowed not a great army, we have allowed a second-rate army, to put it mildly, to hold at bay, to take aggressive action, to punish, not just the Bosnian people, but the greatest military alliance in the history of the world; namely, the North Atlantic Treaty Organization. We have sent in these courageous soldiers wearing the blue helmets of the United Nations saying they are not combatants, giving them light arms, refusing repeatedly under this bizarre, ridiculous dual-key approval approach where NATO troops under fire wearing the U.N. uniform have to get the approval of the U.N. political authorities; namely, Mr. Akashi, to fight back, to call in air power. Efforts to call for strikes have been repeatedly frustrated and turned down. So we send in the United Nations and basically give these heroic soldiers wearing the blue helmets a mission impossible. And what we have done is diminish the credibility of this great allied force, this NATO force which held the Soviet armies at bay for the duration of the cold war and now is being made a fool of by a second-rate mili-

tary in Serbia, such that the political leader of those Serbs says this morning, has the nerve to warn the West, that his forces will shoot down Western helicopters if they dare to enforce the law, which is to say to protect civilians in safe areas. That is what we have come to.

Uncertainty, irresoluteness, weakness in the face of aggression will always draw more aggression. There is no reason to stop.

Others say that if we lift the arms embargo we will Americanize the war. My first answer to that is the answer that Prime Minister Silajdzic respectfully gave when he was here a while ago. The Prime Minister of Bosnia said in one sense the war has already been Americanized. It is a tragic sense. It is a painful sense, which is to say that the continued American support of the arms embargo, the continued refusal to allow not just that we supply the Bosnians with weapons to defend themselves but that we make it difficult for others to do so, we continue to support this policy in the world community that effectively is America taking a position in this war. Certainly it is so on a moral basis that we have by our continued support of the arms embargo had an effect. We have Americanized the conflict by denying weapons to one side. And of all the bizarre and crazy results, we are denying weapons to the victims of aggression.

Mr. President, as I said last night and I repeat here briefly, there is a tragic history and story to be told here about the origins of this embargo. It began in 1991 when Yugoslavia had not quite broken apart. And it was requested by the Government in Belgrade, the same government of Milosevic that has carried out this policy of aggression for the purpose of creating a greater Serbia.

Why was it requested? Well, with some naivete let me say why I think a lot of people voted for it. The theory that was being presented was that if we closed the flow of arms into the Balkans, we would stop the outbreak of war there. And in 1991 it was possible for people of good faith to accept this argument, which looking back today is preposterous.

But what is even more infuriating is that this arms embargo was requested by the Government in Serbia. And why did they request it? Because they had all the arms they needed. History and fate made it such that the warmaking capacity, the munitions, the military equipment of the former Yugoslavia were almost totally in what became Serbia, operating out of Belgrade.

So I have viewed the arms embargo and certainly the request to support for it by the Government in Belgrade in 1991 as a cynical act which was done with full knowledge of their own intentions, the intention of the Government in Belgrade to begin aggression to extend their domain as a way to prevent their soon-to-be victims from obtaining weapons.

That is the sad and twisted history of this embargo, which some have now raised to the level of great international law. It was an act of politics, an act of policy for some, a well-intended attempt to stop war from breaking out once again in the Balkans.

But how can we have sustained that policy when on the ground it was clear that war had broken out, and the impact of the embargo was to deny one side, the Bosnians, the means with which to defend themselves while the other had plenty? So in response to this argument that lifting the arms embargo Americanizes the war, I offer the statement of the premise that unfortunately America's enforcement of the arms embargo Americanizes the war. There is an extent to which we have blood on our hands here by our inaction, if you will, although it is action. And insofar as we have continued to support the arms embargo, second, in a more direct sense, the war has already been Americanized.

As I have said here before, weakness in the face of aggression encourages more outrageous aggression. And the most powerful testimony to that could be offered by Captain O'Grady in his F-16, taking off on a flight as part of Operation Deny Flight which was the United Nation's effort to enforce the no-fly zone which also was an act of the U.N. Security Council.

What is the no-fly zone? The no-fly zone was the attempt after the initial mistakes of the United Nations to try to tone down the conflict acknowledging that most of the planes in the region were from Serbia. To keep them on the ground or at least not give them that brutal advantage from the air. So Captain O'Grady leaves on this mission flying this American plane, this F-16. As I indicated last night—I will say this again briefly—I pursued this with some intensity and detail because I wanted to understand from a military point of view what did the Serbs on the ground who fired that missile at Captain O'Grady know about that plane he was flying? What was their knowledge and intention as they did that?

And the answers I have received from sources that I trust and have high regard for are, one, that the Serbs in Bosnia on the ground were operating as part of a very sophisticated integrated air defense radar system which actually had been used before the conflict as an air traffic control system for commercial air traffic by the former Yugoslavia. It extends back to Belgrade, although its parts can stand on their own, now being used primarily for military purposes.

The Bosnian Serbs on the ground saw that plane in the air, one of several sorties flown. A large number of sorties are flown everyday as part of Operation Deny Flight. They had the capacity. They knew that that was an American plane. They could identify it. That is how sophisticated their air defense system is and, by the nature of its flight

pattern, they also knew, because I asked, that it was part of Operation Deny Flight and not part of an airstrike mission. There have been airstrikes carried out by NATO. They have been very limited. They have been described as pin-prick airstrikes. They have had some partial success. But we never have, in any way, pulled the throttle on the air power capacity we have in that region.

I asked those who know, "Was it possible for the Serbs on the ground, seeing what they had identified as an American plane, an F-16, above to know whether that plane was on an aggressive mission to strike from the air or whether it was part of what I would call a nonaggressive patrol mission to see that Serbian planes had not left the airspace?"

The clear response I received was that because of the patterns the F-16 was flying, it was absolutely clear that this American plane was flying as part of Operation Deny Flight, not on an aggressive mission, on a patrol mission. Again, if I may use a domestic metaphor here, it is as if the police car was going through an area of a town enforcing the curfew and was not on an aggressive mission.

Mr. President, I am very pleased to see the Senator from Delaware [Mr. ROTH], here. I will finish this line of argument and yield to him.

So the Serbs on the ground, with their fingers on the missiles, missiles that they received from the Russians, that the Serbs from Belgrade brought into Bosnia to be at the disposal of the Bosnian Serbs, they knew that that F-16 was not on a mission to do them any harm. It was patrolling, and they intentionally shot that American plane down. It is only by the grace of God and, of course, his own extraordinary courage that Captain O'Grady is alive today, through his heroism and bravery and the extraordinary capacity of American equipment that we have supported in this Chamber—global positioning systems to locate a distress signal at critical moments—picked up by American planes, we send in the CH-53 Super Stallion helicopters to pick him up. They are noticed by Bosnian Serbs and they too are fired on. Again, an intentional attack on American planes, in this case helicopters.

What did we do about it? We did not do anything. We did not do anything, I suppose, because the Serbian forces were holding U.N. personnel. I think we should have done something in spite of those hostages that were being held, because it seems to me when you allow people to take hostages and hold them and they render you impotent, then they will simply act more outrageously. But an American plane on a nonaggressive patrol mission was intentionally shot down by the Serbs.

So I offer that as evidence that the war, indeed, has been Americanized. Our soldiers, our pilots flying those missions, the NATO soldiers in U.N.

uniforms may think they are non-combatants, but the Serbs do not think they are noncombatants. The soldiers have paid the price.

Lastly, let me talk about Americanizing the conflict. Let me say, it is up to us. We are not going to be drawn into a conflict we do not want to be drawn into. Lift and strike that President Clinton brought into office with him is just that. We have a strategic interest in stemming the conflict in Europe. We have a moral mission of protecting the victims from genocide, but we do not really have enough of an interest, nor does the strategic situation demand it or call for it, to send American troops on the ground.

We do have enough of an interest in stopping this conflict by using allied air power to stem aggression and by giving these people, the Bosnians, the victims, the opportunity to defend themselves.

We are not putting ourselves, if we adopt this, on a slippery slope. It is up to us to make policy. Nothing irretrievably Americanizes this conflict. In my opinion, it is a lame excuse and an insult to our capacity to control the course of our behavior to be in opposition to S. 21, as amended by amendment No. 1801.

Mr. President, I am pleased to see three other distinguished colleagues on the floor. I welcome their entrance into this debate. I yield the floor at this time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise to express my support of S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995. I do so because I regard it as a first step in a more effective strategy to enable the Bosnian people to exercise the right of self-defense to bring this horrible war and its atrocities to an end and to do so in a way that will, in the long term, reinforce the cohesion of the alliance.

Those who argue against this legislation fear that it risks a crisis within the alliance. They fear it will escalate the conflict and its atrocities, as well as expand the war into the surrounding regions. The truth is, Mr. President, current policy has already made these fears today's realities, and with each passing hour, the situation only gets worse.

First, because of the war, the alliance is already well into its worst crisis of cohesion. The current course of events in the Balkan war is only making this acrimony even sharper.

Second, the war in Bosnia is escalating. The Serbs have initiated the largest offensive since the beginning of the conflict. Croatian Serbs and Serbian regulars have crossed over into Bosnia to support the Bosnia Serbs. They have declared the United Nation and NATO to be enemies. They continue to humiliate and attack U.N. and allied forces that are trying to bring peace and humanitarian assistance to that region.

They have shot down an American F-16. We are all witnesses to the Serbs' attacks against the safe havens in Bosnia. We are all witnesses to the ethnic cleansing now underway, and we cannot dismiss new concentration camps the Serbs are establishing and the new waves of rapes and other crimes. Our fears have become reality, and it is now necessary for a new strategy to end this conflict.

The emphasis of a new strategy should be to establish a military balance in former Yugoslavia that will induce and sustain a negotiated settlement. Toward this end, I believe the United States should take the following steps:

First, the United States Government should notify the United Nation and our allies that it favors the withdrawal of the UNPROFOR from Bosnia, and if the Western alliance is to remain cohesive, we must honor the President's commitment to provide United States forces to facilitate the withdrawal of the UNPROFOR.

Second, the United States should help the Bosnia Government attain the military equipment and supplies necessary to defend itself. The Serbian Army inherited from the former Yugoslavia a vast superiority in military equipment and infrastructure, including large numbers of tanks, armored personnel carriers, artillery, and aircraft. These advantages have been preserved by the current arms embargo against Bosnia, and the Serbs are brutally exploiting these advantages. Even with a more disciplined and larger army in terms of personnel, Sarajevo has not been able to overcome their weakness in equipment and supplies. Considering the Bosnian fighters' demonstrated courage and their will to fight, Sarajevo's access to modern arms will help significantly offset the Serb advantages in weaponry and logistical support.

Third, the United States should declare that it will exercise the right to utilize its air power in a sustained and strategic manner against any Serb effort to exploit the UNPROFOR withdrawal and to assist the Bosnian military in defending against any Serb offensives. The commitment to employ air power is necessary to prevent further Serb aggression and massacres. However, the application of American air power is not to win the war for the Bosnians, nor should it be construed as a step toward a commitment of United States ground forces. The war must be fought and won by the Bosnians. The purpose of United States air power would be only to deter further Serb offenses and deny them the advantages they now exploit from their superiority in heavy tanks, artillery, and military equipment and infrastructure.

These steps will help the Bosnian people to more effectively defend themselves on a strategic level. They would contribute to a more even distribution of military power in the region. That would help deny aggressors in the war

opportunities and incentives to continue their offenses. Indeed, it would help prompt them to recognize the imperative of achieving a negotiated and peaceful solution to the war.

Mr. President, strong congressional support behind S. 21 is absolutely essential. Strong support will communicate to the world America's determination not to tolerate the aggression now underway in Bosnia. It will demonstrate to our European friends and allies that America is always ready to live up to its commitments, and that America is always prepared and willing to undertake what is necessary to establish and ensure enduring peace and stability in post-cold-war Europe.

I yield the floor.

Mr. SIMON. Mr. President, I rise in support of the Dole-Lieberman legislation. It is an unhappy situation, and there are no good answers. Whatever course we take is going to be criticized. What we can do is learn from our mistakes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I rise in support of the Dole-Lieberman legislation. It is an unhappy situation, and there are no good answers. Whatever course we take is going to be criticized. What we can do is learn from our mistakes.

In 1991, when the aggression first took place, President Bush and the administration should have responded. When Bill Clinton took office, he, after criticizing George Bush during the campaign, should have responded. That is easy for us to say. But what we know is that the situation is deteriorating. If some action is not taken now, it is going to be worse in a month. And if some action is not taken in a month, it is going to be worse in 3 months.

The great threat to the world today is not nuclear annihilation, as it was a decade ago; it is instability, and it is that tyrants somewhere in the world will get the message out of Bosnia that they can move against their neighbors and the community of nations will do nothing. The danger in Bosnia, if appropriate action is not taken, is that it is going to spread. It will spread to Macedonia, Bulgaria, Greece, and Turkey, and we will have a major problem on our hands. And here what the United States has to do is to show some backbone, some muscle.

The community of nations do not question our technical competence. You know, we are increasing defense appropriations as a way to send a message to the world. That is not going to send a message to the world. What the world questions right now is our will, our muscle, our backbone. And when I say "our," I am not talking about the members of the Armed Forces; I am talking about the administration, I am talking about the Senate, I am talking about the House.

Let me just give an illustration. Suppose in the Chicago Police Department, or the Los Angeles Police Department, or the New Haven Police Department, people would enlist. But, tragically, as happens in every major city police department, there is a casualty. Would the city of Chicago, or Los Angeles, or New Haven announce: Sorry, we have

some drug dealers here who killed a Chicago policeman, we are going to abandon that portion of Chicago, or Los Angeles, or New Haven because of a casualty. We would recognize that to do that invites more trouble, tragic as the casualty is.

Yet, that is what we did in Somalia. I read in editorials about the disaster of Somalia. Real candidly, George Bush's finest hour was when he had the courage to send our troops there, and we saved hundreds of thousands of lives. And then a decision was made by a retired American admiral to go after General Aideed—frankly, a decision that should have been made—after consultation with Ambassador Oakley and others. But a mistake was made. Nineteen Americans lost their lives, including one who we saw on television being dragged around the streets, and that shocked and stunned all of us. Immediately, there were calls for the United States to get out of Somalia. And we understand that. We do not like casualties. But we have to recognize that if we are going to have stability in the world, those who enlist in armed forces, like those who enlist in the Chicago Police Department, are taking additional risks. And the risk we cannot take is having a world of instability.

After the uproar here in Congress on Somalia, there was a meeting at the White House, about a 2-hour meeting, with about 20 of us, as I recall. A decision was made that by the following March 31, we would pull out all American troops. It was not an agreement I liked, but it was better than pulling out American troops immediately. And that was the sense of this body at that point. Shortly after that decision was made and announced, President Mubarak of Egypt visited the United States. He was in the Blair House. I, at that point, chaired the Subcommittee on Africa. I went down to visit President Mubarak, who was chairman of the Organization for African Unity at that point. Just before I went down, I received a call from someone in the White House—not the President—saying, "Could you ask President Mubarak to keep his troops there longer than March 31?" I made the request—without disclosing a private conversation—and it would not surprise any of you to learn that President Mubarak was not impressed that the most powerful nation in the world and the richest nation in the world said we were getting out of Somalia, but we would like their troops to stay. We did not show determination or fortitude.

Senator NUNN is going to have an amendment which will make clear, if it is adopted, that the U.S. Senate backs, if this amendment is adopted and troops are withdrawn, we have pledged we will use up to 25,000 troops to pull the U.N. forces out.

Frankly, I think if that happens and arms are supplied, there will have to be air cover for the Bosnian Government. This is not going to be a risk-free operation. There will be calls on this floor,

once there are casualties, to pull out, to stop.

I think here we have to show the determination and the muscle and the will that recognizes the great threat to the world through today's instability. Bosnia can be a spreading disease. We have to get a hold of this thing.

I think the Dole-Lieberman proposal is a sensible proposal. It is not risk-free. There are no good answers. There are only two answers right here: One is to go in with substantial military muscle; or follow the Dole-Lieberman proposal and let the people of Bosnia defend themselves.

I do not believe there is the will—not just on the part of the United States, but on the part of other governments—to take the first alternative. I do not know whether that would be a realistic alternative also.

No one can guarantee that this is going to work, that this will preserve the Bosnian Government. We have to send a message to tyrants in Asia, Latin America, Europe, everywhere in the world, you cannot move against your neighbors and bring about world instability. The community of nations will respond. We have to respond.

I think this is a well-crafted proposal. I intend to support it. I yield the floor.

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

Mrs. FEINSTEIN. Mr. President, I thank the Chair. I thank the Senator from Illinois for some very thoughtful, and I believe, sound comments. I find myself in agreement, Senator, with virtually everything that the Senator said.

I also thank the Senator from Connecticut for what has not been easy for someone on our side of the aisle, to take this level of leadership on the issue. I heard the Senator last night so eloquently put forward these facts.

Perhaps, in 1878, Benjamin Disraeli said it best when he offered these words in the British House of Lords:

No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia and Herzegovina and other provinces—[the] 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 an army of 50,000 of the best troops would produce anything like order in these parts.

And that was said 117 years ago.

We know that when Marshal Tito governed what was known as Yugoslavia, the strong central control kept down these 100-year-old animosities. Today, they have boiled to the point of no return.

Many have characterized UNPROFOR as a complete failure. I believe that exaggerates the case. After all, there has been a dramatic decrease in civilian casualties in Bosnia—from 130,000 in 1992 down to 3,000 in 1994. UNPROFOR deserves much of the credit for this decrease. However, it is undeniable that UNPROFOR has major shortcomings that have been exposed with increasing regularity.

We saw it on May 25, in Tuzla, a so-called U.N. safe-area, when 71 young people, all under age 28, were killed by a single Serb shell—one of many instances when Serb forces have eroded safe areas with attacks—without any retaliation, despite a U.N. Security Council resolution authorizing such responses.

We saw it when 377 U.N. troops were taken hostage in June after a NATO airstrike on a Serb ammunition dump.

We saw it when Capt. Scott O'Grady's F-16 was shot down without a response, as scores of U.N. hostages were still held captive.

We see it every day, as U.N. peacekeepers attempt to protect innocent civilians, sometimes successfully, but often not.

And we saw it on June 10, when the U.N. mission in Sarajevo announced it would not respond to protect Moslem enclaves from attack without the consent of the Bosnian Serbs—the attackers.

I believe it is fair to say that U.N. forces have neither the mandate, the training, the equipment, nor the rules of engagement, to allow them to respond sufficiently to attacks against them or against civilian populations. They are meant to be observers to keep corridors for humanitarian aid open—not fighters.

These problems have taken their toll on public and congressional support for the present course. And they have taken their toll, I think unfairly, on support for UNPROFOR troops.

In Congress, there has been continuing debate over whether a unilateral or a multilateral lifting of the arms embargo against Bosnia, or the withdrawal of UNPROFOR troops altogether is the humane or the inhumane action to take. And because the United States has no troops on the ground in Bosnia, we have less leverage in influencing nations that do have troops on the ground.

But during the past week, events have reached a terrible watershed, and we have seen a startling and devastating turn: The three Eastern enclaves, Srebrenica, Zepa, and Gorazde, are falling to Serb aggression. Ethnic cleansing has taken a giant step forward.

Mr. President, 42,000 civilians from this area of Srebrenica have been separated from their families, and many of them are at this moment still being held hostage in a stadium in nearby Bratunac up here. Literally, thousands of refugees from Srebrenica remain unaccounted for, perhaps up to 20,000. We have heard ominous stories of women being taken hostage and raped, of summary executions, and of bodies lining the nearby roads.

A second safe area, Zepa, with some 16,000 Bosnian residents, is in the process of being overrun. Today, it is reported in the Los Angeles Times that Bosnian Government soldiers have said, they would use the 65 Ukrainian peacekeepers in Zepa as human shields against Serb attacks unless the United

Nations called in NATO air power. What we see is that now the Bosnian forces are beginning to use the Serb tactics of taking hostages.

It has been shocking to see the ease with which these areas have and are falling. Dozens of U.N. observation posts have been abandoned, leaving unarmed Bosnian Moslems to try to defend themselves.

The third area, Gorazde, will be next, unless there is a will to use major airstrikes. Airstrikes were successfully employed in April 1994, to prevent a Serb invasion of Gorazde. However, such airstrikes are now made unlikely by the fear that Bosnian Serb forces will retaliate by taking more U.N. troops hostage. UNPROFOR weapons and equipment in the safe areas are being taken by Bosnians and used to fight the Serbs since the world has decided that the Bosnians cannot arm themselves.

This past weekend, I opened the New York Times, and saw photographs of elderly refugees in wheelbarrows, being wheeled over rough roads. I saw sobbing mothers and children. I also saw this picture. To me, it was a call for change.

I do not know this 20-year-old woman's name. She was a refugee from Srebrenica, and as she neared Tuzla, where the first camp was set up, this young woman decided she could not go on. She climbed a tree, tied a rope around her neck, and jumped. A photographer captured the image of her lifeless body hanging from the tree.

It is an image that haunts us. We do not know what humiliations and deprivations this woman suffered. Perhaps she saw a loved one killed. Perhaps she had been raped. Perhaps she simply could not bear the pain of being forced out of her home.

We only know that she could take no more. We only know that finally, the pain was too great. We only know that she could not endure any more suffering, any more indignity, any more barbarism. This was the act of a defenseless, vulnerable, beaten person. It was not the act of someone who had the ability to fight in self-defense.

Just as the anonymous white-shirted young man facing down a column of tanks in Tiananmen Square a few years ago conveyed the unspeakable message of oppression to the world, so did this photograph point eloquently to the world's failure in Bosnia.

The conscience of Europe and America must examine and reverse this terrible downhill slide now.

As the distinguished majority leader said yesterday at the beginning of this debate:

This debate is not just about Bosnia. This is not just about a small European country under attack. This debate is about American leadership and American principles, about NATO strength and credibility, and about our place in history.

I have been a supporter of this administration's policy to this point, but recently certain things have been made clear:

First, the involved allied powers have stood against ethnic cleansing, and yet ethnic cleansing is taking place unabated on a continuing basis, as an unrelenting Serb military is allowed to rape, maim, and kill innocent people who cannot defend themselves, and whose military the world's powers are preventing from gaining access to sufficient arms.

Although the Bosnian Government forces have a significant manpower advantage over the Serbs, they face more than a 3-to-1 disadvantage in tanks, more than a 2-to-1 disadvantage in artillery, and a nearly 3-to-1 disadvantage in fixed-wing aircraft and helicopters.

Second, UNPROFOR's well-intentioned—and in some parts of the country successful—efforts have been shattered by a mandate that does not let them fight back, but has allowed them to be taken hostage, and allows their weaponry and equipment to be taken from them.

Third, beginning this past weekend, we have seen the fall of one of so-called safe areas; this week—the likely fall of a second; and shortly—the probable loss of third. With 70 percent of Bosnia in Serb hands, we must conclude that the present course needs to be changed.

I agree with those who have argued that the Dole-Lieberman resolution is not perfect. It probably will offend allies we do not want to, and should not, offend. It may contribute to an escalation of the war, and it may increase the likelihood that U.S. troops will be deployed to help UNPROFOR withdraw.

But I believe this resolution, in the absence of any other viable course of action, has one overriding redeeming value: It will establish unequivocally that the U.S. Senate believes that an afflicted and decimated people should be able to defend themselves.

Let me just give an example of the effects of the arms embargo. Earlier this week, I met with the Bosnian Foreign Minister in my office. He explained to me that despite their lack of heavy weapons, the Bosnian Government forces, who outnumber Bosnian Serb forces, have improved their battlefield performance in recent months. But, according to the Foreign Minister, the Bosnian troops still suffer a lot of casualties, the vast majority of which are fatal shrapnel wounds to the head.

Why is this significant? Because the arms embargo prevents the Bosnian Government from buying helmets for its forces. Helmets—one of the most essential pieces of equipment a soldier can have. And without them, many Bosnian soldiers are dying from shrapnel wounds to the head.

As a member of the Foreign Relations Committee, I have tried to learn as much as possible, to listen to and be advised by the experts. But I have not yet seen any viable plan to deal with and prevent the imminent taking of Gorazde.

This weekend, the United States will confer with its NATO allies in Europe

on this situation. This meeting, in my view, is key and critical, and I hope that a course of action and a change of mandate will be presented. It is my hope that those attending these meetings will think about a scenario which could create an incentive for the parties to agree to a last cease-fire and cooling off period for a specific period of time, perhaps 3 to 6 months. The cease-fire would be enforced by three powers, using NATO troops under NATO command, employing aggressive air strikes to deter violations. The three powers would obviously be France, Britain, and the United States.

During the cease-fire, UNPROFOR troops and Moslem civilians would be allowed to safely evacuate the remaining indefensible—termed by the experts, everyone I have talked to, as indefensible—eastern enclave without interference, and be relocated to safe areas of Bosnian Government territory in central Bosnia or elsewhere.

At the same time, UNPROFOR troops could be reconfigured to only those areas where they can protect themselves and others, and carry out their mission of keeping open humanitarian aid corridors and facilitating the distribution of aid.

But one thing is clear. If UNPROFOR is to remain in Bosnia at all, their mandate and their mission must be changed. They must be able to defend themselves and fight back under a clear, decisive and expedited field command.

In return, during the cessation of hostilities, the Bosnian Government, the Bosnian Serbs, and the Croats must agree to one last effort to negotiate a fair apportionment of disputed lands.

If an agreement on land apportionment is not reached by the end of the cease-fire period, Britain, France, and the United States would agree to lift the arms embargo multilaterally.

Throughout this period, economic sanctions would be maintained and strengthened where possible against Serbia, with the understanding that they will not be lifted until a settlement in Bosnia is reached.

Perhaps—I say “perhaps”—a scenario like this could have merit. I presented it last Thursday night to the Secretary of State, I presented it to the minority leader, and I have discussed it with the majority leader. I do not know whether it has merit. But I do know that in the absence of any other course of action, people must be able to defend themselves. And in the absence of any other constructive, precise, and well-defined effort, it will be my intention to vote for the Lieberman-Dole resolution.

I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I want to respond to the very eloquent, very moving, and very strong remarks of my colleague and friend from California, Senator FEINSTEIN. I appreciate very much the history that she told, the obvious concern and frustration that she expressed for the failure of the current policy, the haunting picture of a 20-year-old woman hanging from a tree, a victim of suicide for reasons that we do not know. But speaking for all of us of what happens when you leave a people defenseless, women defenseless, perhaps she was raped, perhaps she was separated from her family, or perhaps her husband or loved one was carted off with other young Bosnian males, young men; whatever. It is that picture, and so many others, that will haunt us as the indication and evidence and proof of the failure of the current policy and the effect of the current policy.

I heard somebody speaking on one of the television programs today against lifting the arms embargo, a spokesperson for the administration, saying something that has been said over and over again, which is that, if we lift the arms embargo, it will lead to more bloodshed. How much more bloodshed could there be? Over 200,000 killed, 2 million-plus refugees, and the conflict goes on; one side with arms willing to take whatever action is necessary, violating all rules of international morality, with its leaders today the subject of an international inquiry at The Hague as to whether they are war criminals—Milosevic, Karadzic, Mladic, the whole crew.

So will lifting the arms embargo lead to more bloodshed? None of us can say it will not. It may lead to more bloodshed. It may lead to the shedding for the first time in any significant degree of Serbian blood. And until that happens, the Serbs, in my opinion, will not accept the peace at the peace table that the Bosnians could possibly accept. They will only seek unconditional surrender and the continuing death and torture of the Bosnian Moslems.

I appreciate the sincerity of my colleague from California in suggesting the possibility of an alternate course here, a last chance, a 3- to 6-month period in which both sides, the Bosnian Serbs, Bosnia and Serbia, be given a chance to negotiate a peace, after which, if there is failure, the arms embargo will be lifted multilaterally.

I appreciate the sincerity. I wish that such a policy had any chance of working. But I will offer this response to it. In the first place, insofar as part of it involves the movement of the remaining Bosnians who are in the east of Bosnia into the central area of Bosnia around Sarajevo, which is the relatively secure area, although Sarajevo continues to be shelled, unfortunately, it yields ground to the Serbians, which

is exactly what they want. They want the greater Serbia, and eastern Bosnia.

But more to the point, every peace offer that has been made by any credible authority, including most significantly the contact group, the international five-nation group that made the peace offer of 51 percent to the Serbs, the remainder to the Bosnians, 20 percent less than the Bosnians had at the beginning of the war before they were defenseless victims of aggression, the Bosnians accepted it; the Serbs did not. That has been the course of every peace offer made.

The Serbs are not accepting terms of peace because they are running willfully, wantonly, brutally throughout the country and nobody is making them suffer. When outlaws are allowed to commit illegal acts, the worst illegal acts—theft of land, eviction of people, rape, murder, slaughter, separation of families—they will continue to do it because nobody stops them. We know that here in our own country. That is why we are all supportive of stronger law enforcement.

So they continue to do that. They are not going to accept the peace. They have not accepted any peace. If I had one shred of hope that they would, I would say it was worth trying to pursue some opportunity to give them that.

Let me add this, that any terms they would accept are unacceptable to the Bosnians, and none of us in the exercise of fairness would ask the Bosnians to accept. They have taken enough abuse. They have suffered enough. It is not for the international community at the point of a Serbian gun to force the Bosnians to accept the decimation of their country. They have already accepted every reasonable or not so reasonable peace plan they have been given.

So I wish I could have some hope for the prospects of yet another cease-fire and a chance for negotiation. But at every turn the Serbs have not only rejected the suggestions; they have deceived us. They have tricked us. They have talked while preparing to attack. And the Bosnians and the United Nations and NATO and the United States have been the victims.

And finally, so far as the suggestion made—and again I respect it and I know it is made in good faith and with a sense of hope—that at the end of the 6-month period Britain and France and the United States would multilaterally lift the arms embargo, I see no indication that our allies and friends in Europe are prepared to commit to that.

So, Mr. President, again I note the presence in the Chamber of colleagues, and I yield the floor.

Mr. KERRY. Mr. President, I ask my colleague if he would be interested in entering into a little bit of a colloquy maybe simply because we all come to the floor and the debate seems to pass by itself in a way. I think it would be helpful if we could talk through it a little bit.

I ask my colleague if it is his judgment that withdrawing UNPROFOR and lifting the embargo, which is essentially the heart of what is in the Senator's amendment, constitutes the policy of choice? Is that what we as a country and we as Senators want to put forward as our first choice policy here, to simply say that if the President of Bosnia says UNPROFOR get out, we lift the embargo, or if UNPROFOR is out, we lift the embargo?

My question is, is there not really a precursor to that, which is in effect a policy that wants to prevent the safe areas from being overtaken, a policy that wants to prevent women from being raped as a matter of war strategy, a policy that wants to guarantee the delivery of humanitarian assistance? Is that not rather the policy of choice for a great nation and a Western civilization, a free people?

Mr. LIEBERMAN. Mr. President, in responding to my friend and colleague from Massachusetts, this is not the first choice, but it is the choice that is offered in the context of the failure of the other choices that have been made, the other choices that have done damage and been inconsistent with the policy of a free people and a great nation and have done extraordinary damage not only to the Bosnian people but to the rule of law.

The policy that this proposal advocates, lifting the embargo and striking from the air, is the policy that President Clinton brought into office with him in 1993, that our allies in Europe opposed, and then the policy was changed.

So, of course, if the United Nations had played any role other than passing resolutions—and I say to my friend, it is my personal judgment that the United Nations has suffered terribly in this conflict because it has been misused and its soldiers, brave soldiers, have been misused.

When did the United Nations go in? It went in after the aggression of the Serbs became clear and the first wave of terrible atrocities became visible to the world, when the concentration camps were seen by British television and sent around the world. Camps that were operated by the Serbs with the Moslems: the haunting pictures, the echoes of the Second World War, emaciated bodies, stories of mass slaughter, rape, all the rest.

The Western Powers could not sit by when that happened, but instead of being forceful, lifting the arms embargo, striking from the air at minimal risk to Western personnel, they threw in the United Nations, on a presumably humanitarian mission, and gave them no weapons with which to defend themselves, and were not willing to stand by the resolutions that were adopted subsequently by the United Nations to deny flight, to protect safe areas.

And what have we had? Sadly, we have had the United Nations serving not as a guarantor of peace and secu-

rity for the Bosnian people but now, not for a day, not for a month, but for 3 years being a cover for Serbian aggression. And every time we have begun to get up some backbone here to strike back at the Serbs for killing people, for shooting down American planes, for taking U.N. personnel hostage, they have just taken more hostages and said if you strike back at us, we will kill your personnel, and we have walked away. We have moved to the back.

So I say to my friend from Massachusetts, policy of choice? We are late in the game. We are late in the day in Bosnia. If in 1991 and 1992, when the Serbs moved into Slovenia and then Croatia and Bosnia, the world had drawn a line and said: end of the cold war instability or not, do not think you can march now and not pay a price for it. We did not and as a result we have paid a price.

I say to my friend, policy of choice? Let us listen to the victims. Let us listen to the people of Bosnia who have said through us, through their elected representatives over and over again, the United Nations is not helping us; it is hurting us. Get them out of here. Give us the weapons with which to defend ourselves. Please, help us from the air to strike at Serbian targets until we can make this a fair fight.

Mr. KERRY. There is nothing in this amendment about strike.

Mr. LIEBERMAN. No, there is not.

Mr. KERRY. There is nothing in here about strike. This amendment is exclusively what you do if you withdraw. I respectfully suggest to my friend from Connecticut, I agree with everything he just said. Everything he just said is a wonderful statement of what is wrong with our current policy. The question is, is this a replacement for that policy? And I respectfully suggest to my friend this is not a policy. This is the last step. This is the last step. If the President of Bosnia says UNPROFOR out, under the law UNPROFOR has to get out. So absolutely, unequivocally, I suppose you have no choice morally but to lift the embargo then because you cannot keep an embargo against some people while the others have weapons to kill them.

Mr. LIEBERMAN. That is just what we have done for 3 years.

Mr. KERRY. But that does not mean we ought to continue to do that today. If the policy of choice as the Senator has acknowledged is to stand up, then I ask the question, why do we not stand up today? Sarajevo has not yet fallen. Gorazde has not yet fallen. Zepa may fall. It is in the process. Are we so weak, are we so without guts and policy that we are going to come in here and ratify an amendment that effectively says if the Bosnian President says, "Get out," or UNPROFOR is out, is that all we have to offer in the United States Senate, an epitaph rather than a policy?

Mr. LIEBERMAN. I answer my friend from Massachusetts, he asks, are we so

weak? Do we so lack guts? Do we have no policy that this is the alternative? And I say to my friend, look at the history of the last 3 years. And all you will see is weakness, lack of policy, and no guts. And who has paid for it?

Mr. KERRY. I say to my friend, I am not the prisoner of the history of the last 3 years. I hope he is not. I do not think the U.S. Senate—

Mr. LIEBERMAN. I must take into account the history of the last 3 years. At every moment we have brought this proposal up again—Is this the first step? It was the first step that President Clinton brought into office with him and our allies with Europe frustrated with its implementation.

So I say to my friend, obviously we have to look at the history. I say this with respect to my friend from Massachusetts. I know he speaks with sincerity. At every point that the option was given to the Senate, to the House, to the administration, to the Western allies to lift the embargo, stop this immoral refusal to let these people defend themselves, use air power to help them resist aggression, there has always been another excuse for delay.

And so, respectfully, when my friend comes in today and says, is this the replacement for policy—this is what we have been crying out for for more than 3 years. And it is time to stop finding excuses for not at least giving these people the opportunity to defend themselves. If I had any confidence that there would be a stronger Western policy, I would listen—although I would still push forward—but, respectfully, the voices that I hear are not the voices telling me to delay. The voices I hear are the voices of the Bosnian people who have suffered as a result of just what you have used, the words you have used: weakness, lack of guts, and lack of policy.

Mr. KERRY. Let me say to my friend—

Mr. LIEBERMAN. Right now, all right in the newspapers, the British, the French, and our administration are not agreeing on an alternative policy.

Mr. KERRY. I agree. But therein lies the question of leadership and of resolution, not, it seems to me, in a sort of final statement of what you do if nothing else can happen. It seems to me my friend—I think we are talking the same language but coming at it from a different point. My sense is that the problem has not been the defined goal of UNPROFOR. The problem has been the implementation of that goal, the dual-key requirements for airstrikes, the absolute ineffectiveness of the troops on the ground who are armed not to fight back or to enforce most anything but are really so lightly armed as to be invitations to be taken hostage.

The question I think the U.S. Senate ought to be asking itself more appropriately is not what do we do to wash our hands of this situation, which, incidentally, is more complicated than that. And I think the Senator from Connecticut knows that. He is one of

the clearest thinkers in the U.S. Senate. If the Bosnian President can effectively say, OK, I want UNPROFOR out, and the Senate now passes a resolution saying one of the circumstances under which we will lift the embargo will be if the President of Bosnia says, UNPROFOR, get out, well, the President is pledged to put 25,000 American troops on the ground in order to help UNPROFOR get out. If I were the President of Bosnia, and I were kind of backed up against the wall, I might just think of saying to myself, "Boy, how do I get the United States over here?"

So, he says, "UNPROFOR get out." All of a sudden there are 25,000 troops in Bosnia. And then you might just want to—I can remember, you know, from the days of being in Vietnam, when the North Vietnamese would dress up like South Vietnamese and attack other people. I can well imagine Moslems putting on the uniforms of the Serbs and attacking Americans and drawing the United States into retaliation against the Serbs, or making it extremely difficult for America to get out in a way that then entangles us. I mean, why give the President of Bosnia the choice of putting 25,000 American troops on the ground in Bosnia-Herzegovina?

Mr. LIEBERMAN. I ask—

Mr. KERRY. Let me finish. It seems to me the Senator from Connecticut and all of us ought to be defining for the country and the world what is at stake here. Pope John Paul said it the other day, that the world is watching, you know, that civilization is standing by and experiencing a great defeat. To the best of my historical recollection, most of what World War II and World War I were about are principles that are fundamentally involved here.

Now, I am not suggesting that they rise to the level of threat that we ought to put American troops on the ground. I have never said that. I believe this is fundamentally the backyard of Europe, with respect to a localized kind of action, and they have got to bear the brunt on the ground. And the French have indicated a willingness to do that. The British seem to be dragging. But one of the reasons they are dragging is that we are not indicating our willingness to be sufficiently supportive with respect to air power and other things.

Now, I will tell you something. I think we ought to say that the United States of America is prepared to run the risk of putting American air people at risk, in harm's way, in the effort to back up our allies on the ground sufficiently to be guaranteeing only one thing—a minimalist capacity to deliver humanitarian assistance and guarantee safe areas.

Now, if the Western World and civilization cannot come together around the notion that a safe area is a safe area and we ought to stand up for it, and if we cannot come up around the notion that the basic laws of warfare

ought to be adhered to, and if we are going to walk away in the face of thugism, we will ignore the lessons of history and invite future confrontation and future questions about our leadership and so forth.

I think the Senator agrees with that. So the issue here is, why not change the rules of engagement? Why not pull this away from the dual-key of the United Nations? Why not create a structure where the United States can control its destiny with its allies and not be subject to the politics of Mr. Akashi and Mr. Boutros-Ghali? Why not do what we effectively did in Desert Storm, where we ran the show or undertook that responsibility, and stand up for something before we turn around and say that all we can do is wash our hands and allow people to get weapons several months from now, when in the intervening months the Serbs will very clearly use the time? And if you think you have seen bloodshed and refugees on CNN in the last few days, wait until you see what happens on that course of policy.

Mr. LIEBERMAN. Mr. President, if there had been any indication over the last 3 years that there was the kind of resolve and willingness to stand up against aggression that the Senator from Massachusetts describes, my response would be more open than it is. The fact is that we have gone through more than 3 years in which the United Nations has acted with weakness and has been a cover for Serbian aggression against the Moslem people. We have acted for 3 years pursuant to a policy that has lacked purpose and force in such a way that we have demeaned the greatest military alliance in the history of the world, NATO, and raised questions about its continued viability. And we have diminished ourselves, the United States, the greatest power in the world.

Mr. President, if I had any hope—and I would like to still have hope—that the United Nations' mission in the specific areas that the Senator from Massachusetts refers to, protecting the safe areas, getting the humanitarian assistance in, would be fortified, I would be glad to see that happen. I would be glad to see that happen. But it would not be for me an excuse not to end this immoral embargo.

How can we justify that for more than 3 years now we have imposed an embargo that, incidentally, is Milosevic's embargo? He called for it in 1991. Why? Because he knew he had plenty of tanks and personnel carriers and planes and weapons. And we went along in naive good faith that was somehow to stop the conflict from breaking out, and with every passing week and month as the conflict went on and the Serbs took more land and kicked more people out of their homes and killed and raped and tortured more people and put them in concentration camps, we continued to enforce that embargo.

May I say, after those 3 years of history, it ill behooves us to raise any questions about the motivation of the leaders of Bosnia, to suggest that we not lift the arms embargo or not give them the right to have some say in determining when they think the U.N. mission has ended all purpose for them and impute that somehow this is their intent to trap us into this—

Mr. KERRY. Why—

Mr. LIEBERMAN. Excuse me. They have been asking for 3½ years that we give them weapons to defend themselves, long before there was ever any talk of American troops. As a matter of fact, at every point, the Bosnians have said, "We don't want American soldiers on the ground. We have plenty of soldiers. We just don't have weapons."

So I say to the Senator from Massachusetts, respectfully, this is not the hour to speak against this proposal on the basis of either what the United Nations might do, after its sorry record of the last 3½ years, or to speak against it, because it finally gives one ear to the victims of this aggression, the direct victims, the Bosnians, or to impute cynical motives to them in this.

Mr. KERRY. Let me say to my friend, if this is not the moment to talk about why this is an incomplete policy, then what is? I mean, the fact is that the President has not to this day asked UNPROFOR to leave. The President of Bosnia has not said, "Get out of here."

So, of course, they are asking to lift the embargo. The best of all worlds is to keep UNPROFOR and have no embargo. I understand that, and so does the Senator. But the Senator also understands why he has not asked UNPROFOR to get out, because UNPROFOR has reduced the number of deaths, because UNPROFOR has provided some safety and succor. And the question is not whether we ought to now trigger the absolute certainty of UNPROFOR being withdrawn, the question is whether or not we ought to make it work.

I totally agree with the Senator's complaints about the weakness and the unfairness and the total inconsistency of this equation of the last years. It has been horrendous.

Mr. LIEBERMAN. Then why does the Senator not support the lifting of the arms embargo? How can the Senator justify that?

Mr. KERRY. I say to my friend, because it is a half solution.

Mr. LIEBERMAN. It has always been a half solution, but we have given them no hope, no solution.

Mr. KERRY. I am prepared to suggest there is hope, and we should offer it. I am prepared to suggest there is a precursor policy to what the Senator is offering. The Senator is offering something I would vote for if it was the final step. I do not believe we have reached the final step, because I have not given up on the notion that Sarajevo and Gorazde and safe areas could



be preserved. I think that is a two-bit tinhorn bunch of thugs that make up an army, and the reason they have been able to kick people around that country is because the blue helmets have been lightly armed and have, basically, been targets for hostage taking and because we—we—have been consistently trying to have a no-risk policy.

There is no such thing as a no-risk policy in Bosnia or anywhere. When you put on the uniform of the United States military, you assume the possibility of going to fight. Ever since Vietnam, we have been a country that has been unwilling to understand that risk and scared to take it in certain situations. President Bush went through extraordinary hoops with the Joint Chiefs of Staff in a remarkable series of steps, and with great leadership, I will add, to put together a capacity for this country to recognize its interests and send people into harm's way.

President Reagan did it in Grenada. President Bush did it again in Somalia. President Clinton did it in Haiti. You put on the uniform, there is a risk. I hate to say it, it is a tragedy, but we lose young people for merely the putting on of the uniform. Every month, every week in a training accident, in a catapult that does not work correctly on an aircraft. That is a risk.

I believe that the defense of NATO, I believe that the principles that are at stake here have been, for the whole 3 years that the Senator has said, rightfully on the table and it has been too long in properly coming to this Chamber to be articulated.

But my sense is that I think the Senator has a correct statement. If the President did say get out, of course you would lift the embargo. If UNPROFOR is out, of course you would lift the embargo, but that is not a policy. That is truly a final statement of where you are when all else is exhausted, and this Senator does not believe all else is exhausted, because UNPROFOR is still there, because we are still here, because the French are prepared to fight and because we should all stand up and offer the leadership that suggests that Pope John Paul is not going to be proven correct, that civilization is just going to stand aside and accept a defeat.

I do not think we need to do that, I say to the Senator from Connecticut, and I think we ought to stand up and assert the rights—look, if we cannot assert the notion that humanitarian aid is going to be delivered, and if we cannot assert the notion that women and children are not going to be blown up when they go to a water fountain to drink, and that men and women are not going to be blown away like clay pipes in a shooting gallery, if we cannot assert those notions, what are we doing? What are the millions of dollars of NATO for? Who are we? If we cannot remember the lessons of World War II

only 45 years later, then something is wrong.

I suggest, respectfully, that we have the ability to say to the Serbs, "We're not here to mix in your war. If you want to go out there in the fields and fight, you go do it, and we're not going to get in your way. But you're not going to rape women and you're not going to break the laws of warfare and you're not going to kill innocent women and children and pick off people in areas that the United Nations and the world has called a safe area."

I agree with the Senator. There is ignominy in the last years. But the admission of that should not bring you to simply say we are going to go away and let you guys duke it out in the worst of circumstances.

I believe there is a first policy, and the first policy is to try one last time to make this mission work. If it means take it away from the United Nations, take it away from the United Nations. If it means those countries willing to stand up do it together, then do it that way. But we cannot any longer—I agree with the Senator—we cannot any longer remain the prisoners of this extraordinary political, weak, haphazard, damaging policy that is destroying our capacity to control our own destiny and, most important, the destiny of innocent people.

Mr. LIEBERMAN. Mr. President, this has been an important colloquy. I note that the Senator from Maine has been on the floor for some period of time. I want to yield to him in a moment—both Senators from Maine, as a matter of fact.

I just want to say finally, in response to the Senator from Massachusetts, is this a policy, the lift and strike? You bet your life it is.

Mr. KERRY. There is no strike. There is no strike.

Mr. LIEBERMAN. Excuse me. We do not need in this resolution to order a strike. It is unfortunate enough we have to go to a point in a congressional action to try to urge the administration to lift this embargo which has put blood on our hands. We can determine—and these discussions are apparently finally going on with our allies to strike—this is a policy. This is the best policy. In fact, if we had followed this policy of lifting the arms embargo and striking from the air, I am confident that the war would be over today. I am confident that the war would be over today, because the Serbs would have felt some pain, had some fear about what would happen if they continued their aggression, and that would have brought them to the peace table and we would have had an agreement.

So I say to the Senator from Massachusetts, good luck in your attempt to fortify the United Nations and NATO. Good luck in your attempt—finally, after 3 years of temporizing and irresoluteness and mixed messages and consequent suffering by people in Bosnia and for the rest of the world, good luck in trying to do that.

But that is no excuse for voting against this policy of finally lifting the arms embargo, because regardless of what the effect or intention of the United Nations is, or NATO, this arms embargo is immoral. It strikes at the most fundamental right that we, as individuals, have, to defend ourselves and our families, as countries have under international law in the charter of the United Nations. It is an outrage. So, good luck in strengthening the U.N. mission, if there is any hope in doing that. But it is no excuse for not supporting this proposal, and, unfortunately, because I believe that, I must say this. I do not impugn the motives or the sincerity of the Senator from Massachusetts. It is just the latest in a line of arguments and excuses for not lifting the arms embargo.

Mr. President, I thank my friends from Maine for their patience.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN] is recognized.

Mr. COHEN. Mr. President, earlier this year, I had a chance to address a conference in Munich, Germany, and it dealt principally with the issue that we are still struggling with here today. I will repeat some of the comments that I made during that conference because they bear repeating here.

I said:

We have entered a new world of disorder and our inability to formulate coherent policies and strategies to deal with ethnic conflicts and the expansion of NATO membership has led to cross-Atlantic fear, confusion, incoherence and recrimination—a state of affairs not unprecedented for the NATO alliance.

With respect to Bosnia itself, I observed:

NATO cannot act unless America leads.

America will not lead unless it can persuade the American people that it is imperative for us to do so.

The conflict in Bosnia is not perceived to involve American interests that are vital. Rather, it is a quagmire where its inhabitants would rather dig fresh graves than bury old hatreds.

The European members of NATO were not willing to wade into the quicksand of ancient rivalries and engage in peacemaking operations so the responsibility was passed to the United Nations, which has fewer divisions than the Pope and none of his moral authority.

As a result, we are all bearing witness to the decimation of a nation that was guaranteed protection under the U.N. Charter while the best we can offer is to seek to minimize the bloodshed by denying arms to the victims of aggression.

So we have a situation where our collective acquiescence to aggression may be the lesser of two evils. But it is nonetheless the participation in the evil of ethnic cleansing that we hoped would never again touch the European continent.

Well, we are still hesitant to take more aggressive action even today. I spoke these words in February because the consequences of our actions cannot

be predicted. None of us can predict the full implications of what we are to do and not to do here today. But it was the absence of this predictability that prevented the development of a consensus.

I suggested at that conference that a number of things had to be done—that new leadership is required at the United Nations, and that Mr. Akashi should be asked to resign immediately. I issued that statement in February. I believe it to be the case, even more so, today. I also suggested that when a no-fly zone or weapons-exclusion zone had been declared, it should be enforced and not allowed to be violated with impunity; no tribute or tolls should be paid by UNPROFOR forces to gain passage to help the victims of war; no tolerance should be granted for taking hostages or using them as human shields.

If any harm were to come to UNPROFOR forces, we should take out every major target that allows the Serbs to continue to wage war. That power should be disproportionate to the transgression, and no area in Serbia ruled out of our bombsight.

UNPROFOR should be given the heavy armor necessary to protect its forces and achieve its humanitarian mission.

That is what I suggested at the time in early February. If we were unable to give UNPROFOR—whose troops were trapped in the layers of a disastrous dual-command structure—the authority and firepower to achieve these ends, then we should remove the forces before the United Nations political impotence is allowed to corrode any further the integrity and credibility of NATO.

I think the time has long since passed for us to try to strengthen UNPROFOR. I might take issue with the statement that UNPROFOR has been responsible for significantly reducing the numbers of casualties. I think the UNPROFOR forces should be celebrated and heralded as the heroes that they are for wading into this quagmire of conflict—not a peacekeeping mission. There is no peace there. So they are truly courageous men and women who have sacrificed their lives in order to bring humanitarian relief to those suffering from war.

But, Mr. President, it is too late at this point to say that UNPROFOR should be beefed up, should be given a military role that it has yet to be provided with. I think that time has long since passed.

I was at the briefing yesterday, when Secretary Warren Christopher came before the Republican conference policy lunch, along with General Shalikashvili. I listened with care, because I have also had doubts in terms of the consequences of any action we might take. I listened to what they criticized would be the result of the Dole-Lieberman resolution. They said, First, it would cause the immediate withdrawal of UNPROFOR, with a huge

flood of refugees; second, it would Americanize the war; third, the United States obviously has a lot at stake in U.N. resolutions; fourth, it would increase the expansion of the war. General Shalikashvili indicated that the passage of the Dole resolution would make life more difficult for UNPROFOR, and the withdrawal operation would also be made more difficult. I think those are fair observations.

I asked the questions: What would the administration's policy now do? Who would be in control of this beefed-up UNPROFOR mission? Would it be General Boutros Boutros-Ghali? Would it be Mr. Akashi, whose leadership, I think, has been in doubt? Who would order the airstrikes? Who would pick the targets? Who would decide whether the sites were too dangerous to hit, and that it might provoke Serbian response? Who would transport the French troops to the regions they now seek to reinforce?

What is the Russian role in all of this? We know that the Russians historically have been supportive of the Serbs. What has been their role to date? What would be their role in the future? What is the state of negotiations that have taken place behind closed doors at diplomatic levels between Russian negotiators or representatives and our own State Department?

Frankly, Mr. President, I did not hear a satisfactory response. I heard statements of ambiguity, of doubt—no real clear direction of whether or not we would be in charge. I heard statements made like: Well, no longer will we have the disastrous dual-structure arrangement; that is something that would be under the control of the United States. I have not seen evidence of that before. When the forces on the ground have requested military assistance, they have been overruled. Each time we have promised to provide airstrikes, we have done so in the most minimalist of ways—creating a large 20-foot crater at an airstrip which could then be filled in within a matter of 20 or 30 minutes. The option of destroying aircraft on the ground was precluded because that might be too provocative.

So I have yet to hear a clearly enunciated strategy coming from the administration on exactly what the proposal is. The administration has warned that Senator DOLE's proposal would Americanize the war in Bosnia. This is the greatest fear of the administration, and the greatest hope on the part of some in Europe who are looking to shift the blame to the United States for failed policies.

At the same time, I might point out that the administration is considering using U.S. forces to reinforce Gorazde—using helicopters to ferry French troops and provide air cover with attack helicopters and AC-130 gunships. This is a proposal that would immediately Americanize the war.

The administration has also made it clear that it will move French troops to Gorazde only if the United States has a free hand to attack Bosnian Serb—and possibly the Serbian Serb—air defenses that could threaten United States aircraft. The United States would also, I am told—I have not seen it spelled out—insist on a free hand to bomb any other Serb forces that could possibly pose a threat to United States forces or that threaten the success of the mission.

Now, the administration, I think, is absolutely right to insist on eliminating the dual-key arrangement with the United Nations if we are involved with reinforcing Gorazde. But it would make us responsible for the outcome. It would, in fact, Americanize the war.

I believe we have to think very carefully before we decide to try to reinforce Gorazde, as the French have proposed. This would require significant American involvement, and I think the charge would be we are thereby contributing to the Americanization of the war itself.

I think there is a very serious reason to question whether Gorazde can be saved from a determined Serb assault. Gen. John Galvin, who served as both the Supreme Allied Commander in Europe and as a military adviser to the Bosnian Government, came before the Senate Armed Services Committee and testified that the eastern enclaves in Bosnia are militarily indefensible. I think the events of the past 2 weeks only reinforce that assessment.

I know that many American military officers have questioned the French proposal to reinforce Gorazde because of the great difficulty, not only in transporting the troops and equipment there, but also of resupplying them once they are deployed. Agreeing to the French proposal would mean that we are committing our forces to an ongoing mission in which the United States Army aviation troops would be operating in the midst of the Bosnian war.

Even assuming the French proposal is completely successful in deterring a Serb attack on Gorazde, this very success would free up Serb forces who are now focused on the eastern enclaves to move to new targets: Tuzla, Sarajevo or the narrow swath of Moslem-held territory connecting these cities.

If we are seriously going to consider the French proposal, we should not be naive about the implications. It would Americanize the conflict. It would result in ongoing United States Army combat missions in Bosnia. There should be no doubt about that.

I also want to point out, Mr. President, that I believe the administration is refusing to engage in debate on this proposal in a serious way. The administration officials seem to be deliberately mischaracterizing—I was going to say “misrepresenting”; perhaps that is too harsh a word—mischaracterizing

what the Dole-Lieberman proposal says, because the administration really does not have a credible argument against it.

During the daily press briefings yesterday, both the White House and the Defense Department spokesmen framed their case against this proposal by saying that by lifting the arms embargo, it would force UNPROFOR to leave Bosnia.

I am going to quote here statements coming out of the administration:

... lifting that arms embargo unilaterally as proposed ... would lead to an Americanization of the war ... and drive out UNPROFOR ...

Kenneth Bacon, a DOD spokesman.

... that decision by the U.S. Congress (to lift the arms embargo) would trigger a decision by UNPROFOR to withdraw from Bosnia and then we would be in the position of having to commit ground troops to extract U.N. personnel from Bosnia ...

Michael McCurry, White House spokesman.

[The Dole-Lieberman proposal] as we've said over and over again ... would draw the United Nations out of Bosnia.

Again, Michael McCurry.

These arguments really have very little to do with the legislation before the Senate. The Dole-Lieberman proposal would lift the arms embargo only if—let me repeat, only if—UNPROFOR withdraws and only after UNPROFOR withdraws.

So it seems to me that the administration's core objection that it would force UNPROFOR to leave Bosnia is not, really, quite relevant.

The administration's argument may be applicable to the original bill that Senators DOLE and LIEBERMAN introduced in January calling for the arms embargo to be lifted in May, even if UNPROFOR were still in place. I think that the sponsors of this resolution have recognized the legitimacy of the administration's argument, and they modified the proposal so it would not take effect unless and until UNPROFOR departs.

I must say, the administration is still refusing to acknowledge the changes that we have in front of us, a different proposal, even though it has been circulating throughout Washington and, indeed, the world, for the past several weeks.

I also think the administration is trying to confuse the issue of unilateral versus multilateral lifting of the arms embargo.

There is a common misperception, spread by those who do not support the resolution, that the United States alone desires to lift the arms embargo in the Government of Bosnia.

That is not the case, Mr. President. In fact, the U.N. General Assembly has called for the lifting of the embargo on Bosnia a number of times, most recently November 1994, in Resolution 49/10. This resolution was passed by the General Assembly without dissent. Close to 100 nations voted in favor of the resolution. Not one voted in opposition.

A similar resolution, No. 48/88, passed the assembly a year before, with 110 nations voting in favor and none voting against.

I think it is simply inaccurate to assert that a lifting of the arms embargo by the United States would be unilateral. There are many other nations who would be eager to join the United States should that prove to be necessary.

I would ask to have printed in the RECORD relevant portions of the two U.N. resolutions I mentioned, as well as a list of the many nations that have voted for them.

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

RESOLUTION 49/10 ADOPTED BY THE GENERAL ASSEMBLY, NOVEMBER 8, 1994

THE SITUATION IN BOSNIA AND HERZEGOVINA  
*The General Assembly,*

22. *Encourages* the Security Council to give all due consideration and exempt the Governments of the Republic and of Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Council in resolution 713 (1991) of 25 September 1991 and as further outlined in the eighth preambular paragraph of the present resolution;

23. *Urges* Member States as well as other members of the international community, from all regions, to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defense in accordance with Article 51 of the Charter;

RECORDED VOTE ON RESOLUTION 49/10

*In favour:* Afghanistan, Albania, Algeria, Antigua and Barbuda, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Croatia, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Federated States of Micronesia, Fiji, Gabon, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyz Republic, Latvia, Lebanon, Lesotho, Libya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Syria, The former Yugoslavia Republic of Macedonia, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Vanuatu, Yemen.

*Against:* None.

RESOLUTION 48/88 ADOPTED BY THE GENERAL ASSEMBLY, DECEMBER 29, 1993

THE SITUATION IN BOSNIA AND HERZEGOVINA  
*The General Assembly,*

17. *Also urges* the Security Council to give all due consideration, on an urgent basis, to exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991) of 25 September 1991;

18. *Urges* Member States, as well as other members of the international community, from all regions to extend their cooperation to the Republic of Bosnia and Herzegovina in

exercise of its inherent right of individual and collective self-defense in accordance with Article 51 of Chapter VII of the Charter;

RECORDED VOTE ON RESOLUTION 48/88:

*In favor:* Afghanistan, Albania, Algeria, Antigua and Barbuda, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Columbia, Comoros, Costa Rica, Croatia, Cyprus, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Federated States of Micronesia, Fiji, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyz Republic, Latvia, Lebanon, Lesotho, Libya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, The former Yugoslav Republic of Macedonia, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Yemen, Zambia.

*Against:* None.

Mr. COHEN. Mr. President, let me conclude my remarks by saying that no Member here can stand on the Senate floor with complete assurance that we know what the outcome of our deliberations and ultimately our vote will be.

That is something we cannot predict. There is no foreknowledge of the finality of things in this body or elsewhere. There are great risks involved in whatever decision we choose.

I might point out that the Dole resolution of several months ago has already been taken over by events. Perhaps we could have beefed up the forces several months ago and prevented the Serbs from overrunning the so-called safe haven areas. That is no longer the case. They have been and are being overrun. One or two more remain.

The difficulty, of course, now, is that assuming the Dole resolution were to pass, I think the administration makes a valid point that there is going to be more bloodshed. The Serbs are on the offensive. They are in high gear now. They are moving, there is no doubt about it. If they think that the U.N. forces are coming out with the aid and assistance of the United States, they will move as expeditiously as possible to exact even a greater blood toll. That is something I think that we can anticipate, reasonably, will take place.

I must say that as we have delayed and delayed and delayed and exercised this sort of Hamlet-like irresoluteness, we have witnessed safe area after safe area falling, more atrocities being committed, more rapes, more plunder, more pillage, more arrogance. The notion that the Serbs can flaunt their military power in the face of the United States, or indeed the entire Western

world, strikes everyone as simply unacceptable.

We should make no mistake about it. We do not have any real conclusive answers as to what will flow from our action. That is why we have hesitated today.

Perhaps if we had followed Lady Margaret Thatcher's leadership several years ago, we would not find ourselves in the place we are today. Perhaps if we had taken collective action 3 years ago—we can go back and retrace our mistakes. We can go back and say perhaps if we had never recognized Bosnia as a separate state—all the "perhapses" that we can engage in right now—but we are where we are, and what we are witnessing is an ethnic cleansing on a horrific scale.

So we cannot turn away from what is taking place. We are trying not to become engaged in that effort. But I think we have to be very careful on the proposals coming out of our European allies. I give them great credit for their willingness to commit ground forces in an effort to preserve lives. And they have preserved lives. I want to make this point again. They have helped to sustain life in that war-torn country. But I take issue with the notion that UNPROFOR is responsible for cutting down on the numbers, the vast number of casualties. Secretary Perry testified to that in open session of the Senate Armed Services Committee.

I pointed out, at that time, the reason the casualties have fallen is because the Serbs have largely accomplished their objectives. They have cleansed those areas. They have murdered those people, so they achieved most of their objectives, so the casualties have come down. It is not in any way to diminish or denigrate the heroic effort on the part of UNPROFOR, but UNPROFOR really has not been there in order to defend against Serb aggression. They have been trying to deliver food and medicines and carry out a humanitarian mission—against all odds, I might add.

So I think there is danger in whichever direction we go. If we are to follow the French proposal, if we are to be asked to provide the helicopters and gunships necessary to transport French troops to certain regions, I can imagine what the Serb reaction will be. Let us not go at Gorazde, let us go over here to Tuzla. Let us pick a different location. Then we are into ferrying troops here and there with the risk, obviously, of losing our gunships, our transport helicopters, our men and women. That obviously will involve us in a very significant way.

So there is no easy solution. There is no happy ending to this tragic story. And whatever route we take is going to involve risk for the United States.

I listened with great interest to my colleague from Massachusetts saying there are no risk-free options. There are not. Every option we consider has great risks. But we have been standing by, year after year, and we have

watched the decimation of a people take place. And we have foundered because we have not had a consensus, we have not had a sense of obligation, we have not had a moral commitment to do much about it, other than to talk.

So I think the time for talking has reached an end. I believe we have to take action. Whether ultimately the Senate will go on record as supporting the Dole resolution remains to be seen. For the first time, I have heard my colleague from Massachusetts suggest an option, something akin to what President Bush put together for the Persian Gulf war. It will be interesting to find out what our allies think about such a proposal. I have not heard such a proposal offered on this floor before, or indeed in any of the international circles. Perhaps there is support for having a Persian Gulf-like armada go off into the hills of Bosnia and Herzegovina. I am not satisfied that is the case.

Nonetheless, I believe the time has come for us to take action, knowing full well there are risks involved. There are risks to the men and women who are in our armed services. There are risks involved that this will be seen as an effort to Americanize the war. There is also the risk that, indeed, the U.S. Senate, by its action, could be blamed for the failure which has preceded any action we might take. Those are risks we have to assume with full knowledge before we finally cast a vote, either today or sometime during the course of the week.

I yield the floor.

Mr. MOYNIHAN. Will the distinguished Senator from Maine yield for a question?

Mr. COHEN. Certainly.

Mr. MOYNIHAN. I know my colleague from Maine has been patiently waiting to address the Senate. I just want to first thank the senior Senator from Maine for what he has said; the very tone, the clarity, and the openness to the complexity that we face.

In November 1992 I made my way into Sarajevo and met, at UNPROFOR headquarters, with General Morillon, who was then the commander. Even as the evening mortars were beginning to descend on the neighborhood and he was heading off for a roadblock, I asked him what would be the possibility of lifting the arms embargo on Bosnia. And he made no comment as such, but said, "By all means, if that is what you want to do, but give me 48 hours to get my people out of here."

It was already clear that, had we enforced the sanctions on Serbia that were voted on May 30, 1992, had we cut off the oil—three-quarters of the oil used in Serbia is imported—if we just stopped it on the Danube, and had we just bombed every bridge in Belgrade, and more, we might have made our point.

We did not. And the UNPROFOR forces were hostages then; they are hostages now. But the Senator is aware that the same General Morillon is now part of the chiefs of staff in the French

Government, in Paris. He said just a week ago, "We have to declare war on General Mladic"—that is the commander of the Bosnian Serb forces—"or get out."

It is possible the French now are of that view. It may be that this is a real option. But it seems to me—I will ask the Senator if he does not agree—that it in no way precludes our responsibility under the U.N. Charter, under article 51. It reads so very clearly. It is unambiguous. It is emphatic:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.

That is the Charter. If we cannot abide by that and allow the Bosnian Government to defend itself, then what has the last half-century been for? Would he not agree?

Mr. COHEN. I agree with my friend from New York. One of the great tragedies in all of this is that the United Nations has been deeply—not fatally perhaps—but deeply humiliated. Day after day after day, we have seen the Serbs flaunt their arrogance to the United Nations. To send blue-helmeted peacekeepers into that region, declare no-fly zones that go unenforced—in fact we see a reversal, an inversion, where the Serbs threaten the United Nations that they will shoot down any aircraft that they see in the no-fly zone. That is a complete inversion.

Mr. MOYNIHAN. Or on first sight of a NATO plane, they will cut the throats of eight Dutch hostages.

Mr. COHEN. Exactly. We have seen them use U.N. forces as hostages, make them pay tribute, demand that they give up 50 percent of their fuel or food or medicines in order to gain passage to the areas for which they were headed. It has been one humiliation after another.

Again, this is not to diminish in any way, to undercut the tremendous heroism being demonstrated by those who are there. But when the ground forces call in and say, "Please send us air cover," and someone sitting in Zagreb, or perhaps back in New York, says, "No, that might be too provocative," there has to be a level of exasperation among those who are now held hostage with the threat of their throats being severed in response to any action taken by the United States.

It seems to me that we have really very few choices here. We can say there is going to be an all-out war declared against the Bosnian Serbs, and mean it; saying we are going to wage holy hell, in terms of your country, for what you have done and continue to do, unless you are willing to sit down and negotiate a peace and not only to say it but to mean it. I am not sure—that means coming, sort of, I call it a Shaquille O'Neal: You come big or you do not come at all. That type of strategy. You come with power, overwhelming power, and you have a united front. It is not the United States, it is not Britain, it is not France; it is the United Nations represented by its members'

military forces, meaning you are going to wage war in order to help make a peace.

I have not seen such resolve offered or indeed generated by our European allies to date. It has been, more or less, these half-step, half measures. "Let's see if we cannot contain. Let's see if we cannot work out something." With no real threat that can be made, a legitimate threat, backed up by power. Each time we made a threat the threat has been empty. It has been idle. So each time there has been an idle threat made we have invited the arrogant display on the part of the Serbs.

So I say to my friend, we have some choices here. They are very clear, in terms of either go in, in a very big way, in a united way, in order to help make a peaceful solution—say it and mean it and do it, meaning that nothing is off base. It could be carried all the way to Belgrade if necessary. That runs a risk of running into a controversy with our Russian friends. That is why I raised the question yesterday. What is the role of the Russians in all of this? What have been the state of negotiations between the Russian diplomats and our own? Are they prepared to act, as a member of the United Nations, to really see that a peace is arrived at? Or has it been one of covert support, be it military or moral assistance, to those who continue to snub and to violate the U.N. sanctions? We do not know the answer to this. I do not know the answer to this. They obviously will be a major player. They can have a major impact on what is to take place. Obviously, if the arms embargo were to be lifted, we could foresee more arms going in to the Serbs as well as to the Bosnian Moslems.

Mr. MOYNIHAN. Surely the Senator would agree that it is time the U.S. Senate made its views known.

Mr. COHEN. We have come to that point. We have delayed and been irresolute too long.

Mr. MOYNIHAN. I thank my colleague.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, thank you.

Mr. President, I certainly want to commend the distinguished majority leader and the distinguished Senator from Connecticut [Mr. LIEBERMAN] for their bipartisan leadership on this matter. The moral question of whether to lift the arms embargo on Bosnia is a bipartisan issue.

The original cosponsors of this bill represent a distinguished cross-section of the Senate. And the legislation to lift the arms embargo passed the House by an overwhelming vote of 318 to 99. It received broad support from both sides of the aisle. It was sponsored by the Democrats. I believe that the U.S. Senate deserves to take a similar action on the Dole-Lieberman bill.

The Bosnia and Herzegovina Self-Defense Act is not a panacea. It will not

bring back to life the Bosnian women who have been raped, mutilated, and torn from their homes by advancing Serbian forces.

It will not return the thousands of Bosnian men who have disappeared into Serbian concentration camps never to be heard from again.

It will not erase 3 years of Serb genocidal atrocities in this war, which the Serbs call ethnic cleansing.

What this bill would do, however, is to return to a country and a people under siege their God-given right to defend themselves against naked aggression. This principle is enshrined in article 51 of the United Nations Charter, which states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense.

Today, Bosnia faces perhaps its gravest threat from Serb forces that have already conquered 70 percent of the country's territory. These are the same forces that on July 11 overran the U.N.-designated safe area of Srebrenica, in blatant violation of the U.N. Security Council and their own earlier agreements.

These are the same forces that promised not to take any future U.N. personnel as hostages, yet captured Dutch peacekeepers as they advanced on the town and used them as human shields against NATO airstrikes.

And these are the same forces that murdered, raped, and disappeared the people of Srebrenica and today they are poised to overrun Zepa, another U.N. safe area, with inevitable similar results.

Mr. President, the Bosnian Government is not asking for United States troops to come to their aid. They are not asking Americans to fight and to die to turn back the aggression of the Bosnian Serbs. They are, however, asking for us to stop impeding their own ability to fight—and, if necessary, to die—to defend their own homes and families from Serbian aggression.

I would like to take a moment to respond to the two main arguments the administration has made against this legislation. No. 1 is that the United States should take this action, but should do so only multilaterally, not unilaterally. I have two responses to this. First, this is an argument that says no matter how bad things may get in Bosnia, we must allow any single permanent member of the Security Council to prevent us from doing what we know to be moral and right.

But there is an equally strong legal argument. I challenge any of my colleagues to find a Security Council resolution that places an arms embargo on the sovereign nation of Bosnia and Herzegovina. In 1991, the Security Council placed an arms embargo on the country of Yugoslavia in a failed effort to prevent the outbreak of violence in the Balkans.

A year later, in 1992, Bosnia, Croatia, and Slovenia gained their independence from Yugoslavia. These countries

quickly received diplomatic recognition from the United States and Western Europe, and they were admitted to the United Nations as sovereign states.

At that time, the United States should have simultaneously recognized the legal status of these countries as not being the Federal Republic of Yugoslavia—which today encompasses only Serbia and Montenegro. At that time, we should have had the political courage to do what was right. We did not—and I recognize that this error was made in the waning months of the Bush administration.

Mr. President, I voted for the Hyde amendment to lift the arms embargo 2 years ago in the House. I believe that the Bush administration got this issue wrong, and the Clinton administration continued that error, despite Clinton's campaigning against President Bush's policy in Bosnia. But it is never too late to do what is morally right and legally correct. That is what this bill is intended to do.

The administration's second argument against this bill is curious, because it is logically incompatible with the first, which argues that we should lift the embargo but should do so multilaterally.

The second argument is if we were to lift the embargo at all, it would only encourage more bloodshed, or that the Bosnian Serbs would immediately launch an offensive against remaining Bosnian Government territory to take advantage of their military superiority while they still have it.

I have a simple response to this. Just look at what is happening today—even as we talk—in Bosnia. Do we have any right to determine for the Bosnian people whether they should choose to fight for their lives and their independence against aggression? Must we tell them that their duty to the international community is to die quietly and submissively, to avoid provoking the Serbs even further?

Mr. President, the Dole-Lieberman substitute adds an important element to the original version of S. 21. It delays its effective date to 12 weeks after enactment to permit time for the withdrawal of the U.N. protection force in Bosnia. The President may extend this another 30 days, if necessary, for the safe withdrawal of UNPROFOR.

I think it is also important to mention, especially in response to the Senator from Massachusetts, who earlier said that the Bosnians want both—they want to lift the embargo as well as keep UNPROFOR in place—but that is not what this resolution says. It requires that, prior to the termination of the arms embargo, the United States Government has to receive a request from the Bosnian Government for a termination of the arms embargo. In addition, they have to request the U.N. Security Council for departure of UNPROFOR, and there has to be a decision by the U.N. Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw

UNPROFOR. So the point is that has to occur before we lift the embargo.

I think this resolution, in the final analysis, is perhaps an overdue recognition, unfortunately, that UNPROFOR, as constituted, has no viable mission.

UNPROFOR is incapable of protecting the victims of this war. It is incapable of keeping open humanitarian supply routes. And it has become the pawn of the Serb forces who now routinely using U.N. forces as hostages to protect their own military advances.

In Bosnia, the United States and other Western nations have supported policies that have put NATO and U.N. forces into the midst of a raging civil war with a complicated line of command that weaves and snakes its way through the United Nations through NATO, and through the labyrinth of bureaucracies in various national governments.

This U.N. Protection Force in Bosnia is not a humanitarian mission, because it is not perceived of as neutral. It is not a traditional peacekeeping force, because there is no peace to keep.

And it cannot be merely a fighting force, because it does not have a military mission and does not have adequate rules of engagement required for combat.

Call it the "no-name" defense. No one knows exactly what it is—or what it should become.

But this confusion and timidity has had consequences. It has had consequences for those Bosnians who apparently believed that the United Nations designation of so-called safe areas actually meant anything. And it has had consequences for NATO personnel who struggled to defend themselves under the United Nations mandated rules of engagement.

Last month, Lt. Gen. Wesley Clerk, Director of Plans and Policy of the Joint Chiefs of Staff, revealed in an open session before the Foreign Relations Committee that the NATO flights over Bosnian Serb areas under Operation Deny Flight have been hampered by the U.N. refusal to grant our forces the right to defend themselves. The United Nations has expressly denied past NATO requests for authority to take out Bosnian Serb surface-to-air missile batteries that have fired at our planes enforcing the no-flight zone over Bosnia, the very same missiles that shot down Scott O'Grady during a mission over Bosnia not long ago.

As we all know, NATO made a request to take out the surface-to-air missiles last year when a British plane was shot down, and they were denied. They were denied then and they are denied now because such an action could provoke the Bosnian Serbs—could provoke the Bosnian Serbs. Exactly what are the Serbs doing today?

The key question is whether the status quo is something that makes sense for the long term and whether it is leading to any acceptable solution in Bosnia. I believe that the current situ-

ation makes no sense precisely because UNPROFOR has no coherent goal, and it certainly cannot function for the purposes for which it was originally designed and intended. As the loss of innocent human life increases, our options to stem the tide of the bloodbath decrease conversely.

I have long supported the lifting of the United States arms embargo in Bosnia, and that is why I think this resolution is so critically important. Unfortunately, it comes late, is long overdue, knowing the thousands and thousands of casualties in Bosnia, but the fact remains that we have to do what is right now.

I support this measure because I think it clearly gives the Bosnians the understanding that lifting the arms embargo is out of respect for their inherent right of self-defense, and I think we can do no less under these very circumstances. And considering the fact that we look at the safe haven issue and what has already happened—we have lost one, perhaps we will lose another—the fact remains these people, these refugees going to these safe havens think they are protected, and they are not. So the time has come to do something different, to introduce a different dynamic.

I do not support the authorization of ground troops, and again this resolution stipulates very clearly that there will be no authorization of ground troops but for the purposes of training and support of military equipment. I do think we should give the Bosnian Serbs a right to defend themselves.

Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post today that was written by Richard Perle, the headline of which says, "Will We Finally Recognize the Right to Self-Defense?"

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

[From the Washington Post, July 19, 1995]  
WILL WE FINALLY RECOGNIZE THE RIGHT TO SELF-DEFENSE?

Today the majority leader of the U.S. Senate, Robert Dole, and Democratic Sen. Joe Lieberman will once again propose legislation that would require President Clinton to end U.S. participation in the U.N. embargo barring the supply of arms to the government of Bosnia.

This time, unlike the previous occasions on which similar legislation was defeated, Dole and Lieberman have more than enough votes to win. Administration arguments on Bosnia, steadily undermined by events, are no longer convincing. Indeed, among the growing majority of senators and congressmen who believe the embargo is wrong and should be lifted are many who have, until now, accepted Clinton administration arguments that lifting the embargo would damage NATO, widen and "Americanize" the war and lead to increased casualties among the Bosnians.

The deterioration of the administration's case was inevitable. After all, it was the president himself who argued the invalidity of the embargo during the 1992 campaign and who promised to end it immediately upon taking office. It was the president who dis-

patched Warren Christopher to Europe in May 1993 with a reasoned, prudent proposal to lift the embargo on Bosnia and provide air strikes to support the Bosnian government.

Sadly, dangerously, Clinton lacks the courage of his convictions. And every member of Congress knows that a weak and indecisive president, acquiescing to allied demands, has been singing Europe's tune since *his* policy—now Dole's—ran into opposition from weak governments in Britain and France.

Many members—but fewer with each diplomatic failure, each humiliation of NATO at Serb hands, each ghastly shelling of women and children—opposed unilateral lifting of the embargo, until now. They believed that diplomacy would soon achieve results, that our European allies, who had sent their sons to create safe havens in Bosnia and keep peace between warring parties, would eventually succeed, that lifting the embargo would weaken or even destroy the North Atlantic Alliance.

Hardly anyone in Washington now believes that diplomacy will succeed or that America's NATO allies have either a serious policy or the will to implement one. Few now agree that the way to save NATO is for the United States to abandon its leadership of the alliance and cave in to weak European policies. And most members of Congress have grown weary of hearing from London and Paris that the U.S. Congress has no right to insist on a new policy because we did not follow British and French folly in sending ground troops to Bosnia. For an increasing number of Americans, those troops were unwisely sent in harm's way with no clear mission under paralytic U.N. guidelines that render them hostages and prevent them from defending themselves, much less the Bosnians they are there to help.

With television images of unbearable brutality and suffering, most members of Congress have found it increasingly difficult to put aside the central truth about the war in Bosnia: that it is a war of territorial aggrandizement carried out by well-armed Serbs, largely against unarmed civilians, a war in which the shelling of towns and villages, rape, pillage and massacre are the instruments of "ethnic cleansing."

They deplore the failure of the United Nations to distinguish between the perpetrators and the victims of aggression. They are angry that NATO forces, including U.S. air forces, have been subordinated to the United Nations. In increasing numbers they believe, as Clinton once did, that the government of Bosnia has an inalienable, inherent right to self-defense of such primacy that it can no longer be abridged in the interests of "NATO unity" or theories about how to contain the war and keep it from spreading. They accept that participation in an embargo that keeps the Bosnian Muslims hopelessly outgunned creates a moral obligation to defend them. Yet they know it is an obligation the West, has cynically failed to honor.

For a while, many members accepted the administration's argument that lifting the embargo would merely prolong the war and increase the suffering. Now they are appalled to hear this argument, from British officials especially. They remember that the same argument could have been made in 1940 when Lend Lease "prolonged" a war that might have been ended quickly by British surrender or Nazi victory.

As they look for an end to the fighting, they now see that with their monopoly of heavy weapons protected by the embargo, the Serbs have no intention of bringing the war to an end. They are placing new credence in Sen. Dole's argument that the surest way to end the fighting in Bosnia is to enable the Bosnians to defend themselves.

Dole's legislation recognizes that the U.N. mission in Bosnia is bankrupt and that the



U.N. forces there must be withdrawn as the Bosnians are armed. It contemplates their withdrawal by allowing time for the British, French and other governments that have troops on the ground to bring them home.

Time to get home safely. That is a great deal more than the Western powers have so far given the people of Bosnia.

Ms. SNOWE. I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I congratulate the Senator from Maine on a carefully balanced, reasoned, and documented statement. I particularly appreciate the reference to Richard Perle's article this morning. The right of self-defense is an innate right under international law. It was what the U.N. Charter was all about. Fifty years ago this June the charter was adopted, with a very specific decision by President Roosevelt and the United Kingdom, after much debate, that article 51 would be included.

She is so right, I believe. Had we only understood that when the original embargo was placed on Yugoslavia, the Yugoslavian Government in Belgrade—the Serbian Government, in effect—in Belgrade asked for it, knowing it controlled the armaments of Yugoslavia itself and not wishing to have any weapons go to successor states. But when Bosnia and Herzegovina, as with Croatia, as with Slovenia, became independent Members of the United Nations, they had a right to arms, a right to defend themselves.

You can make the clearest case, in my view—the Senator may not agree—that the present embargo is illegal and contrary to the charter.

So I thank her, and I hope she is widely attended.

Ms. SNOWE. I appreciate the words of the Senator from New York and his leadership on this issue as well. He is absolutely correct with respect to the arms embargo. Regrettably, it did not happen before. They do have the inherent right of self-defense, and that is what we should give them now.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I wish to thank my colleagues for the excellent debate. I have been listening to the debate all morning on the pending matter. I appreciate the fact that we have underscored again this is not partisan at all. It is nonpartisan, bipartisan. It is not an attack on this administration. As I have said, many of us were just as critical of the previous administration, the Bush administration. But I think the debate is good. I know that the Democratic leader indicates we may not be able to vote today, but hopefully we can tomorrow, or there may be amendments.

Mr. MOYNIHAN. Mr. President, the Senate continues consideration today of the Bosnian arms embargo with the Dole-Lieberman substitute, of which I am a cosponsor and which I rise to support. I rise, sir, in the context of the ceremonies that took place in San

Francisco on June 26 where our revered senior Senator from Rhode Island was present, having been present at the creation of the San Francisco Conference, in 1945. He was there 50 years later. And he was then carrying, as he invariably does, his U.N. Charter. And to say, sir, that the issue that confronts us in the Balkans and in Bosnia and Herzegovina, Croatia, and in surrounding areas is the elemental issue which the charter of the United Nations was designed to address. The charter is above all a treaty about the use of force in international affairs. It arose out of the Second World War, which in so many ways was a continuation of the First World War, which began in the setting of territorial aggression, the armed forces of one nation crossing the borders of another for purposes of annexation.

It is a great irony that the First World War began on a street corner in Sarajevo, with the assassination of the Archduke by a young Serb nationalist named Princip. I stood on that street corner Thanksgiving 1992 with bullets from an AK-47 coming across the Princip Bridge. I thought, "My God, this is where the 20th century began and now it is going to end, here." After all we have been through.

The idea of collective security was put in place in San Francisco. We had hoped to do so in the League of Nations, which had failed partly because the United States had not joined but partly because the lessons had not yet been learned and had not yet been absorbed. Here we are 50 years later and it turns out they still have not been absorbed.

The charter provides first of all under article 24 that the Security Council will be responsible for the maintenance of international peace and security.

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree in carrying out its duties under this responsibility the Security Council acts on their behalf.

Mr. President, I served as our representative at the United Nations under President Ford. I have been President of the Security Council. And I cannot express how painful it is to see this first test of the charter following the end of the cold war, which paralyzed the United Nations for reasons we understood for so long, but now, in this first test, this clear bright line test, to see us failing. Failing in a manner that history will judge contemptible. We have not yet failed. But we are failing.

Security Council Resolution 836 of June 4, 1993, declared that acting under chapter 7 of the charter, the Security Council decides "To deter attacks against the safe areas." It goes on to authorize UNPROFOR "to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the

parties or to an armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys."

That has been the Security Council proposition for the last 2 years. And we are seeing it being shredded, being treated with contempt, and being made a nullity.

We do so, sir, at the risk not just of the independence and the integrity of the state of Bosnia and Herzegovina, but of the whole world order we had hoped to put in place in San Francisco, with the Second World War still under way in Asia—Japan was to surrender almost 2 months later.

As I remarked earlier to the Senator from Maine, in November 1992 I traveled to Sarajevo and I reported back a long memorandum to the President-elect saying that this would be the central foreign policy issue that would be awaiting him on his inauguration. The trip into Sarajevo was not what it should have been. I was then a member of the Foreign Relations Committee. I was traveling on official business. We informed the NATO command and the United States Air Force that we would be coming, myself and now-Ambassador Galbraith, the Ambassador in Zagreb; that we would be in Frankfurt and hoped to go to Sarajevo. This was sent by cable. It was fully understood we were coming and meant to go down in that part of the world.

We arrived and the base commander knew nothing of our trip. I said I would like to go to Sarajevo, and he piled us into a station wagon and roared across the tarmac and there was a C-130 manned by the West Virginia Air National Guard, propellers just beginning to turn, with a cargo of meals ready to eat for Sarajevo. We got on board, and off we went.

Halfway across Austrian airspace, because countries were opening up their airspace for this purpose, we received a message that said "Members of Congress are not allowed into Sarajevo." I simply said, "Signal back that if the West Virginia Air National Guard could take the risk, so could I and that I had no intention of being diverted." Silence. Then a half hour later a signal came that the airport at Sarajevo had closed, which certainly could have been the case. Sarajevo is in a bowl. The lid of fog goes up and down, up and down.

We landed, diverted to Zagreb, and got off. The American Chargé d'Affaires was there at the airport, which was not far from downtown. I apologized for parachuting in thus, explaining that the airport was closed. He said, "What do you mean it is closed? Two C-130's just took off." The airport was indeed open. Which it is not always, and when it is one knows.

I was lied to, which is not a good practice. It took me a year to get the Air Force to sort out what happened. The word came from Washington. They did not want us to know what was



going on in Sarajevo. As the junior Senator from Maine has said, this is a matter that has crossed two administrations. We are not here on a partisan issue. We are here in response to an international emergency which we have helped create.

The Canadians got me in to Sarajevo the next day. The British got me out the day after that. We arrived in Sarajevo and went through hellish small arms fire in a Ukrainian armored personnel carrier. If you have ever been in a Ukrainian armored personnel carrier, you would have a better understanding how they prevailed over the Wehrmacht. If you can live in those, you can live in anything. We went directly to the UNPROFOR headquarters and met with General Morillon. He was very open. When asked should we not lift the embargo on Bosnia—clearly an illegal embargo as Article 51 gives the absolute right to self-defense—Morillon said, "Do so if you want, but give me 2 days to get my people out." They were already hostages. We allowed that to happen by injecting them into a situation where there was no peace to keep. There was just the aggressor and the member state aggressed against.

That is the fundamental fact that Senator DOLE and Senator LIEBERMAN bring before us today. You cannot have seen those UNPROFOR forces without admiring them. I will cite Anthony Lewis in this matter when he referred to General Morillon's recent statement that we have to declare war on General Mladic, commander of the Bosnian Serb forces, or get out. Anthony Lewis went on to say:

General Morillon's words pithily summed up one lesson of Bosnia for the Western alliance: To intervene in a conflict and pretend there is no difference between the aggressors and the victims is not only dishonorable but ineffective.

He says further that the UNPROFOR forces deserve the greatest admiration, but they have been given an impossible task.

A year ago on this floor, I put the same proposition. I said the forces "deserve our utmost support. But if we are to refrain from helping the Bosnians out of concern for their welfare, let us at least be candid and call the members of UNPROFOR what they have become: hostages."

This was a year ago on this floor. I said, if we are going to refrain from helping the Bosnians out of concern for the welfare of those troops, "let us at least be candid and call the members of UNPROFOR what they have become: hostages."

Now this has taken on a miserable, contemptible mode. We are told that—as I read this morning—if Bosnian Serbs see one NATO plane in the sky, they will cut the throats of the Dutch soldiers they have taken hostage. That is what we are dealing with.

At the very minimum, we can understand that the grotesque fact of this whole horror has been our denial to the Bosnian Government of its innate right

of self-defense. We have put an embargo on the capacity of the member country aggressed against to defend themselves. Remember that one of the central purposes of the original embargo against Yugoslavia itself was the fact that Belgrade had control of all of the armed forces and the material of the Yugoslav Government. It did not want any successor states to get it, and the Bosnians had none. That they are still there 2½ years later is hard to contemplate. But they are still there. They have begun to arm themselves. They have begun to train, and they have not been overrun.

Now all we are asking is to grant them what is their right at law, which is the right of self-defense.

The issue has been raised, if we act in what we are doing and the United States proceeds unilaterally, will this put in jeopardy the authority of U.N. sanctions in other areas of the world? When we debated this last year, I addressed the question as follows:

First, we are asked, if we lift this embargo how will we resist other nations lifting embargoes on Iraq, Serbia and Libya? How, that is, shall we distinguish between lambs and lions, between victims and aggressors? By looking at the facts. Iraq was an aggressor, not the victim of "an armed attack" giving rise to Article 51 rights. Serbia is not subject to an armed attack. Nor is Libya. Each of these states is as clearly an aggressor or violator of international law as Bosnia is clearly a victim.

To be clear: lifting the embargo on Bosnia creates no legal or factual precedent for ignoring valid enforcement action taken against an aggressor state. Article 51 applies solely to the victim of an act of aggression.

This right to self defense was so obvious and fundamental that the United States delegation to the San Francisco Conference at first opposed including language on the right of self defense in the charter for fear that such a provision might be used to limit the right of self defense. In a dispatch to the New York Times from the San Francisco Conference, James Reston described the breakthrough which produced article 51:

San Francisco, May 15 [1945].—President Truman broke the deadlock today between the Big Five and the Latin American nations over the relations between the American and world security systems.

After over a week of negotiating, during which American foreign policy was being made and remade by a bi-partisan conference delegation, the President gave to the Latin American nations the reassurance which they wanted before accepting the supremacy of the World Security Council in dealing with disputes in the Western Hemisphere. . . .

This assurance was announced late tonight by Secretary Stettinius, who said that an amendment to the Dumbarton Oaks proposals would be proposed reading substantially as follows:

"Nothing in this charter impairs the inherent right of self defense, either individual, or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member state occurs. . . ."

Mr. President, we have been here before. That charter was in so many ways

written in response to the failure of the collective security arrangements of the League of Nations, of which the most conspicuous was the civil war, so-called, in Spain. A group was put together, called the Lyon Conference, where representatives of Britain, France, Germany, and Italy agreed in 1936 to stem the flow of supplies to both sides. France and Britain complied with the agreement. Germany and Italy ignored it, and in a very little while, the world was at war at large.

I would like to end these remarks by quoting two citations from the New Republic. Both are addressed to the President of the United States:

[We] urge you to act at once in raising the unneutral embargo which is helping to turn Spain over to the friend of Hitler and Mussolini . . . Is the course of this country determined by the wishes of . . . Great Britain? . . . Perhaps you believe that it is too late to do anything. But you probably believed that last spring . . . Mr. President, we urge you not to hesitate or delay. We can imagine no valid reason for you to do so. You have spoken bravely—in some cases, we believe, so bravely as to be foolhardy. But here is something that you can safely do—and do now. Why not make your acts correspond with your words?

This Telegram to the President was dated February 1, 1939. We did nothing. In no time at all, we were attacked and the war became a world war.

And now, more recently, Mr. President, from the New Republic of May 9, 1994:

The administration does not grasp that moral principles are also analytically useful. Consider its most frequently stated explanation for its timidity in the Balkans. It is reluctant, it says to "take sides" in the conflict. It aspires to neutrality, in other words, between the Serbs and the Bosnians, between the conqueror and the conquered, between the raper and the raped. This is a kind of blindness, alas, that no major diplomatic initiative will cure.

I think we have all been impressed with the candor of the Assistant Secretary of State for European Affairs, Richard Holbrooke, who called the situation in Bosnia and Herzegovina "the greatest collective failure of the west since the 1930's." That a U.N. declared safe area could be allowed to be taken is shameful. That one week later no measurable response from the United Nations has been recorded is potentially fatal. The analogies to the confusion of the 1930's—the undoing of the League of Nations—are not idle. Our actions, or lack of action, in Bosnia will be defining. It will indicate whether or not we are committed to abiding by the legal structures put in place at San Francisco a half century ago in the wake of two world wars, and now, at long last, tested in a clearest possible setting—a setting in which those wars began, Sarajevo, 1914.

If what we constructed in the wake of two world wars in an effort to prevent the third is not adhered to, the alternative is chaos. It will spread much more rapidly than we think. We will

have lost the central legal, moral principle of world order we undertook to set in place—which we defended at enormous costs through 50 years of cold war. Now to see it trivialized and lost in the Balkans is an act for which we will no more be forgiven than were the leaders of Europe that let the war in Spain lead on to their own—the Second World War, from which they have never yet recovered.

Mr. President, it is not too late, although it is very late indeed. The Republican leader and Senator LIEBERMAN are very much to be congratulated. I very much hope the Senate will support them and that the administration will get the message, as well as the rest of the world. They have been listening to us with great care and attention, as well they ought, after the contributions we have made to the rest of the world these past 75 years.

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

(Mr. COATS assumed the chair.)

Mr. MCCAIN. Mr. President, yesterday the President's spokesman labeled the proposal to lift the arms embargo against Bosnia a nutty idea. Given the quality of invective in what passes for political debate today, Mr. McCurry's remark seems to me a rather light censure.

However, it is fair to observe that to make such a charge, Mr. McCurry had to exceed the already Olympic standards of hypocrisy that the administration has established throughout the many twists and turns of the catastrophe that is its Bosnia policy. Let us consider two truly nutty ideas, offered by the Governments of France and the United States which will be considered at the ministerial level by NATO governments this Friday.

Let us consider what the administration is reportedly proposing to do about the rapidly deteriorating situation in Bosnia.

As I understand it, the administration has rejected French President Chirac's proposal to reinforce peacekeepers in Gorazde. Instead, administration officials have proposed more aggressive NATO air strikes against Bosnian Serb forces currently besieging Gorazde.

Before commenting on the two proposals, Mr. President, I must caution that they are only the proposals of the moment. As France's and the United States positions on Bosnia have experienced for many months now dizzying and frequent metamorphoses, no one can be certain that today's proposals will resemble tomorrow's.

Neither idea has been conceived in anything approaching a historical review of the failure of the United Nations and the West's efforts to resolve the Bosnian conflict or even, apparently, a rational analysis of the present circumstances in Bosnia. Both ideas are certainly unsound as deterrents to Bosnian Serb aggression and as remedies to the decline of the Atlantic Alliance.

Let us first consider President Chirac's call for reinforcing U.N. peacekeepers in Gorazde with an additional force of up to 1,000 French and British troops who would arrive in Gorazde aboard American helicopters, accompanied by American gunships, and after Serbian air defenses had been suppressed by NATO warplanes.

President Chirac has threatened to remove existing French peacekeepers if his plan is not adopted by NATO. I have no idea if his threat is serious or imminent. Nor do I particularly care.

We can be certain, however, that France will withdraw its peacekeepers from Bosnia, as will all other countries who have contributed troops to UNPROFOR, and that the United States will conduct the withdrawal. All that remains uncertain is whether the withdrawal will occur in a few days or a few weeks or a few months. All that will be accomplished by deploying more French or British or Dutch troops to Gorazde is to complicate our contingency planning and to make more dangerous our eventual evacuation of UNPROFOR.

At one point last week, both Presidents Clinton and Chirac indicated their preference that UNPROFOR retake Srebrenica from the Serbs. They wisely re-thought that suggestion moments after making it. However, the difference in degree of foolishness between their previous suggestion and the idea that we can somehow prevent Serbian advances and retain a peacekeeping function by reinforcing UNPROFOR's failure in the eastern safe areas is, quite obviously, only marginal.

Again, the deployment of a few hundred or a thousand or 10 thousand additional forces to UNPROFOR will only increase the number of hostages to fortune currently at risk in Bosnia, exacerbate the confusion in Bosnia about the West's commitment to peace in Bosnia, worsen the burden on the United States when we extract UNPROFOR, and get a lot of Americans and our European comrades-in-arms killed in the bargain.

Only marginally less ridiculous is the administration's proposal to use NATO air power more aggressively to defend Gorazde. What constitutes more aggressive air strikes is, of course, unknown. Since the use of NATO air power in this conflict to date has been so inconsequential, so utterly futile, its more aggressive use could mean little more than an intention to actually harm a single Serbian soldier.

Interestingly, the administration proposes this option to counter President Chirac's proposal because they fear the latter would make NATO a belligerent in this war. What, pray tell, does bombing the Serbs make us—a disinterested third party?

Mr. President, I do not believe in the occasional, or the incremental, or the half-hearted, or the uncertain, or the timid use of American force. History has shown its contempt for doubt and

vacillation in the decision making process which sends Americans into harm's way. If we commit force it must be with confidence that we can affect a substantial improvement in the situation on the ground in Bosnia. Can anyone—anyone—be even fairly certain that bombing a little more artillery, or a few more tanks will really deter Serb aggression?

I have never believed airstrikes alone could make difference in the course of the conflict in Bosnia. Winning wars, as I have often observed in our many debates on Bosnia, is about seizing and holding ground. You cannot do that from the air.

I have been strongly opposed to the almost comical pinprick airstrikes authorized by the United Nations, against Serb military targets following Serb attacks on civilians and UNPROFOR forces. I have little faith that the more aggressive use of NATO air power—whatever that entails—will accomplish anything more than to momentarily make the West feel a little better about its manifest failure in Bosnia. My opposition to air strikes today rests in the same argument I made a year ago.

When the United States commits its prestige and the lives of our young to resolving a conflict militarily then we must be prepared to see the thing through to the end. If you start from the premise—and I have heard no voice in Congress oppose this premise—that American ground forces will not be deployed to Bosnia for any purpose other than to help evacuate UNPROFOR, then you identify to the enemy the circumstances under which you can be defeated. You have indicated the conditionality, the half-heartedness of our commitment. And you have told the Serbs: We may bomb you, but if you can withstand that, Bosnia is yours.

NATO's ineffectual use of air power to date has clearly indicated to the Serbs that they can withstand the limit of the West's commitment to Bosnia. No one, no one in Congress, no one in the administration, no one in the Pentagon can tell me with any degree of confidence that even more aggressive air strikes will determine or change in any way the outcome of this war.

The American people and their representatives in Congress have already made the most important decision governing United States involvement in Bosnia. As a nation, we have decided that the tragedy in Bosnia—as terrible as it is, as unjust as it is, as brutal as it is—the tragedy in Bosnia does not directly affect the vital national security interests of the United States. We made that decision when we decided not to send American infantry to fight in Bosnia.

Some in Congress and elsewhere have argued the opposite, that the war in Bosnia does threaten our most vital security interests to the extent that it has the potential to spread throughout the Balkans, and even to provoke open

hostilities between two NATO allies. I believe that we can contain the conflict. But for the sake of argument, let us consider the conflict as a direct threat to our security.

If the U.S. Government feels our national interests so threatened then they should—they must—take all action necessary to defend those interests. If our vital interests are at risk then we must say to the Serbs and to Serbia: You have threatened the security of the United States, the most powerful nation on Earth. We intend to defend our interests by all means necessary, and you can expect the invasion of Bosnia by American ground forces supported by all available air and sea power.

But the fact is, Mr. President, that neither Congress nor the President would support such a grave undertaking. Why? Because we cannot make a plausible argument to the American people that our security is so gravely threatened in Bosnia that it requires the sacrifice, in great numbers, of our sons and daughters to defend.

So let us dissemble no longer about how the war in Bosnia threatens the security of the United States. It does not, and we all know it. What the President will apparently decide is to try by the incremental escalation of air power to bluff the Serbs into ceasing their aggression.

As I already argued, the previous use of NATO air power has done little more than aggravate the bleeding of American and NATO credibility. Additional air power, especially the levels contemplated by the President and our allies, will be no more decisive in Bosnia than our previous attempts to bluff the Serbs from the air.

A committed foe—and I have no doubt that the Serbs are committed—can and will resist enormous levels of carnage wrought by air power. In Vietnam, we bombed the Than Hoa bridge over a hundred times. We unleashed the awesome destructive power of the B-52's on Hanoi, a devastation I witnessed personally, and still we did not destroy their will to fight.

I fear the Serbs will endure whatever air strikes NATO next undertakes, and will continue their conquest of Bosnia. I fear this, Mr. President, because the Serbs know in advance the limit of our commitment to Bosnia. They know we will not send troops to fight on the ground. They know there are limits to the escalation of any bombing campaign we are prepared to undertake, because of the extreme tactical difficulties posed by the climate and terrain, and because of the certainty that such strikes will do terrible collateral damage.

Mr. President, I fear that both the Governments of France and the United States, are asking us to increase our involvement in an undefined military adventure in Bosnia where the limits of our force are known to our enemy in advance of its use; where out of concern for our prestige we will be drawn

deeper into war or compelled to sacrifice further that prestige and many lives to a cause we were not prepared to win; and where the aggrieved party has been prevented by us from fighting in their own defense even as we decline to fight for them.

There is but one honorable option remaining to us, Mr. President, that is to terminate the failed UNPROFOR mission, remove all U.N. officials from any further responsibility to preside over the destruction of Bosnia; assist in the evacuation of UNPROFOR, and lift the unjust arms embargo against Bosnia. That is what the majority leader and Senator LIEBERMAN's resolution proposes to do, and all the arguments arrayed against it are, in the words of Mr. McCurry, "nutty."

Lifting the arms embargo against Bosnia is the only action which the United States and the U.N. can take that might help the Bosnians achieve a more equitable settlement of this conflict without deploying massive levels of NATO troops to roll back Serb territorial gains.

Better armed and better able to defend themselves, the Bosnians might be able to present a more credible, long term threat to Serb conquests, and by so doing, convince the Serbs to rethink their refusal to relinquish any substantial part of their territorial gains.

But even if lifting the embargo only exacerbates the violence and hastens Serbian advances, it has an advantage that our current Bosnia policies lack—it is just. It is just.

We have all heard the arguments that if the West wants to economize the violence in Bosnia and contain its spread then we will not lift the embargo, but sustain UNPROFOR.

Shall we sustain the policy which allowed the Serbs to block delivery of humanitarian relief; that allowed Srebrenica to fall and that has already stipulated its assent to the imminent fall of Zepa; which tolerates ethnic cleansing and reported war crimes that if even half true should shame us for a generation? Shall we sustain this policy? For what another few days, weeks? Until Gorazde falls? Sarajevo?

Mr. President, if we will not fight for Bosnia, than we are morally—morally—in the wrong to prevent Bosnians from fighting for themselves.

We cannot continue to falsely raise the hopes of the Bosnian people that the West will somehow stop Serb aggression by maintaining unarmed U.N. forces in Bosnia where they serve as likely hostages rather than a deterrent to Serb aggression. We cannot tell Bosnians any longer that it is better to attenuate their destruction rather than to resist it. We cannot any longer refuse the defense of Bosnia while denying Bosnians their right to self-defense. We have come to the end of that injustice, Mr. President.

I cannot predict that Bosnians will prevail over the Serb aggressors if we lift—at this late date—the arms embar-

go. I cannot predict that Bosnians will even recover enough territory to make an eventual settlement of the conflict more equitable. I cannot predict that Bosnians will mount anything more than a brief impediment to Serbian conquest of all of Bosnia. But they have the right to try, Mr. President. They have the right to try. And we are obliged by all the principles of justice and liberty which we hold so dear to get out of their way.

Mr. President, I yield the floor and, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HEFLIN. Mr. President, I am not going to really make a speech on the issue of the arms embargo on the Government of Bosnia and Herzegovina, but rather attempt to raise some issues and some questions.

There have been a number of questions about what would happen in the event that the United States unilaterally lifts the arms embargo. Some of the questions that have come to my mind—and for which I do not have the answers—I think are important, and I think we ought to ask a number of questions and attempt to at least analyze those questions, and, of course, hopefully to come up with answers.

Some of my questions are, first, how close to winning the war are the Serbs? Second, if we arm the Bosnians, what are their chances of winning the war? Third, if we arm the Bosnians, and they cannot win the war, then there seems to be a number of questions that ought to be considered, such as the following:

What are the consequences in terms of death and other casualties?

What will be the likelihood of the enlargement of the conflict to other areas and countries?

What period of time will it take to train the Bosnians and assemble arms sufficiently to make the Bosnians into a credible fighting force?

During the period of time that it would take to train the Bosnians and assemble the arms, can the Serbs intensify their fighting sufficiently to make victory for the Serbs inevitable?

What type of victories must the Bosnians win, and how many such victories will be necessary in order to bring about a negotiated peace?

Then, I think one of the ultimate questions we have to ask is what are the prospects of a lasting peace without a complete, unconditional surrender by one side or the other?

I do not know the answer to these questions. But I think these questions ought to enter the thought processes of each Senator in making his decision on this issue.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. Mr. President, I rise in support of the Dole-Lieberman substitute amendment to S. 21, the Bosnia and Herzegovina Self Defense Act of 1995.

The events of the last week in Bosnia are appalling. Not only does the tragedy continue, but the latest attack on so-called safe areas has resulted in a new level of violence aimed at civilians, a new wave of ethnic cleansing and the creation of a whole new refugee population.

The position of the United Nations in Bosnia is increasingly untenable: its role in delivering humanitarian aid is marginal, its role in protecting "safe areas" is dominated by spectacular and deadly failures. The fact that the United Nations chief role in Bosnia increasingly is offering hostage targets to the Bosnian Serbs would be laughable if it were not so sad. Not only are our allies' brave and dedicated soldiers being put at risk, but their role as hostage targets has virtually guaranteed inaction by NATO air power no matter how brutal and blatant Bosnian Serb aggression becomes—whether it is aimed at Bosnian Government forces, at civilians, or even at the U.N. peacekeepers themselves.

The United Nations must strengthen its position in Bosnia or get out. At a minimum, it must reconfigure its troops into stronger and more easily defended units. I am inclined to support efforts by the administration and our European allies to do this, if it can contribute to offering real protection to the currently misnamed "safe areas." In the end, however, if the resulting UN forces have no viable mission to carry out they should be withdrawn. U.S. and NATO assistance in this effort would be appropriate.

I do not support the use of U.S. ground troops to take sides in this war, or simply to assist a feckless U.N. force. But NATO air power can contribute to protection of Bosnian "safe areas" or at least deter further Bosnian Serb aggression. It should be used. We have a moral responsibility to allow the Bosnians to defend themselves and to try to end the one-sided slaughter. And our broader security interests will be seriously damaged if we allow this aggression to go unchallenged, and to spread to Kosovo, Croatia, and eventually Albania, Macedonia, and beyond. Failure to act carries grave risks.

I am under no illusion that solutions to the problems in Bosnia are simple. Some problems defy attempts from the outside to solve them, and this may be

a tragedy the United States cannot end, as much as we would like to. But, there are things we can do, and the people of Bosnia have suffered too long. At a minimum, and as an immediate step, we can and should end the unjust arms embargo against Bosnia.

Mr. President, I have been involved and interested in this situation for several years now. I would like to try to put it in some sort of perspective that perhaps all of us can understand where the morality is and where we ought to be.

I was, in August 1992, at a conference in Austria with several European members of Parliament. At that time, I had also just come from visiting Croatia, and had been to the front and visited with refugees that had streamed out, with those that had been victims, and with those that had witnessed the terrible situation with respect to the raping of women, and the deaths of many males which had occurred as a result of the Serb intrusion into the villages and homes of the Bosnian Moslems and Croats.

When I was at that conference, the Chancellor of Austria was present. And I asked the Chancellor—I said, "Why is it not imperative, and certainly rational, for the European Community to step in and stop the fighting in some way?" He looked at me and he said, "Well, we cannot get involved because they are both our friends."

I started to think about that at that conference. It seemed to me that the time you really want to get involved between two of your friends who are fighting is when one of your friends is there handcuffed to a post and the other friend is there beating him with a lead pipe. It seems even more imperative that you ought to get involved and stop the fighting, especially when you consider that the size of those that are standing around watching the fight are more than capable of walking in and resolving the situation. That seems to me the situation we have right now.

Also, at that conference I asked a question of the group there. Well, would it not be right under this situation, if you are not ready to go in and separate your friends from fighting, that perhaps at least you ought to take the handcuffs off the individual that is at the post and perhaps give that individual a weapon or the weapons necessary to be on equal terms with his opponent? No, they said. The answer to that is, well, more people might get hurt that way—with the conclusion, therefore, that it would be better to allow your friend to be beaten to death than to come in and try to separate them because somebody might get hurt.

Take a look at the U.N. situation. There is a way you can look at it and, I think, using that same scenario, understand what has happened there. First of all, in the two opponents, the Serbs and the Bosnian Serbs on the one hand against the Moslems, Bosnian Moslems and Croats on the other, we

have a situation where one side is heavily armed and the other is not. The Bosnian Serbs inherited the arms which came from Yugoslavia—howitzers, the tanks, and the airplanes—whereas those weapons are not available to the other side. That is the situation we have now.

It seems to me that again those forces that are standing outside, that have the ability to come in and settle it, are faced with a couple of options, again very similar to the scenario I laid out, and that is we can walk in with force, and we can do it. But then that may put some of our people and others in harm's way.

The other thing we could do is to say, all right, we are going to level the fighting field. In fact, we will not only do that, but if we arm the Bosnians, their forces outnumber the Serb forces. Well, if I am standing there as a Serb force and recognize that, whereas I now have the upper hand because of the weapons I possess, if the United States suddenly enters and changes its policy and says, OK, that is enough, we are now going to arm the other side so they have the same kind of arms you do, all of a sudden I am not in a position of superiority but instead in a position of inferiority.

So that is why I support this amendment, because what we will be doing is aiming a huge weapon at the Serbs instead of their pointing weapons in the other direction, and that leverage alone, in my mind, will bring the Serbs to the conclusion that they have to come to heel and to reach some political accommodation.

The other way, which is represented by our current policy, is to come in and say we will hold a shield up and prevent one side from beating the other. And then, of course, when that got troublesome and we began to get hurt, we let the shield down, and the beating began again with impunity. If we just go in there now and try to strengthen those forces but we still do not raise the shield to protect, we are not going to make any headway at all.

I am a strong believer that if you get involved in these things and you have overwhelming force, the best way to resolve the situation is to make sure that force is available and ready, whether it is the United Nations or ours. Alternatively, as this amendment would provide, we can say, if you do not come in and work out a peace here, we will arm the other side so they have the superiority.

Continuation of this policy which relies on an ineffectual peace force and hamstrings real efforts to assist the war's victim is a very destructive policy with respect to the United Nations. This event could well make the difference as to whether the United Nations is going to be an effective body to prevent war in the future or not. We are at that point where we have to do what is necessary to ensure that we can preserve the ability of the United Nations to make a difference, and,

hopefully, we will have the courage to do that.

So I again reflect back upon a year and a half ago or so or 3 years ago now when we were starting to take a look at this, and I have come to the same conclusion again that I came to then, that if we do not as a United Nations intervene in a responsible way, we will cause the United Nations to become an ineffective and unusable organization with respect to this kind of conflict.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Last night when this debate opened, I said I find this a very difficult vote to cast. Hearing the debate this morning, I find some of my colleagues' arguments to be very compelling. Senator LIEBERMAN and others have given us an excellent, eloquent account, for example, of the horror the Bosnian civilians are suffering—of the dreadful behavior of the Serbian forces who are outgunning the Bosnians.

The invasion of two safe areas, areas that the international community said it would protect, outrages us, as it should. We all want to do something to respond to the atrocious Serb behavior in Bosnia. Indeed, the United States and our allies are working hard on a united response.

Lifting the arms embargo certainly seems, at first glance, to offer a cost-free solution to the fall of the safe areas. I, too, am torn. I am still not convinced, though, that we will make things better by passing this legislation. Indeed, we could make things worse, at great risk not only to the besieged in Bosnia but to the United States and to our European allies.

It is time for our President, along with our U.N. and NATO allies, to consider how we will respond to the dreadful, egregious Serbian behavior and, indeed, to consider the very future of the United Nations in Bosnia. The United States and our allies know that if the United Nations were to pull out altogether, many areas of Bosnia, now stable and well supplied due to the U.N. presence, would face humanitarian disaster. This is particularly true in central Bosnia.

The President and our NATO allies must balance that potential catastrophe against the current tragedy which has led many to call for a complete U.N. withdrawal.

We should be honest about what we are debating. This bill, if passed, will actually trigger the U.N. withdrawal from Bosnia. I remind my colleagues that the United States has committed to helping our allies to withdraw from Bosnia as part of the NATO effort, so in essence by passing this bill we are precipitating the commitment of up to 25,000 U.S. troops to Bosnia to help with the withdrawal.

I do believe that if and when a decision is made to withdraw UNPROFOR, the arms embargo will de facto be lifted. And that is just as it should be. We

are not at that point yet, though. The troop-contributing countries have not made a decision to withdraw. The U.N. Security Council has not made a decision to withdraw UNPROFOR. The Bosnian Government has not asked UNPROFOR to withdraw. Yet, by passing this bill, the United States Senate would very likely trigger a U.N. withdrawal from Bosnia.

If we pass this bill today, it will inevitably be perceived as the beginning of a U.S. decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo and walk away. Instead, we would have to assume responsibilities for Bosnia not only in terms of our moral obligation but in practical terms as well.

Lifting the embargo without international support would increase the American responsibility for the outcome of the conflict. Delivering weapons to Bosnia would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of U.S. forces to Bosnia and Herzegovina for any purpose. But I want to emphasize that this would be the U.S. decision to dismantle the embargo. I do not see how we can lift the embargo on our own without sending in the personnel and without providing the wherewithal to carry out the new policy.

Another serious concern on this legislation is that it says that the lifting of the embargo shall occur after UNPROFOR personnel have withdrawn or 12 weeks after the Bosnian government asks U.N. troops to leave, whichever comes first. Basically, what this does is it gives the Bosnian Government, not the United States Government, the power to end the United States participation in a U.N.-imposed embargo.

As I have said, if and when UNPROFOR does leave, it is very likely that the arms embargo would be lifted. While the Bosnian Government does indeed have the right to ask UNPROFOR to leave, we should not give the Bosnian Government the power to trigger the unilateral lifting of the embargo. To give them that right is an abdication of U.S. power. Lifting the embargo unilaterally would increase U.S. responsibility in Bosnia, yet this legislation would allow the Bosnian Government to make the decision to increase our involvement.

Finally, I do not want to see happen to the United Nations at this time what happened many years ago when Abyssinia was about to be overrun by Italy. It appealed to the League of Nations, but the League wrung its hands and did nothing. That was the downfall of the League. We do not want to see the same set of circumstances arise here where Bosnia comes and asks for help, and we wring our hands but do not reply.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise today to speak to the subject that Senator PELL just addressed. My colleagues are probably tired of my rising and speaking to this subject over the last 3 years. I have been arguing for some time and continue to contend that we need to lift what is, in fact, an illegal as well as immoral arms embargo against the Government of Bosnia-Herzegovina.

Mr. President, observers in the Senate know full well that I am no stranger to this issue. Nearly 3 years ago, on September 30, 1992, I spoke out against the arms embargo on Bosnia after returning from Sarajevo, Tuzla, Belgrade, and various places in Croatia—in short, from having traveled Bosnia, Serbia, and Croatia fairly extensively and observing what was going on. I came back and wrote a report, which I delivered to the President and to the Secretary of State, and spoke on the floor of the Senate and to the Foreign Relations Committee. I recommended a policy that came to be referred to as lift and strike and said that the arms embargo was illegal as well as immoral. After speaking out against the embargo, I introduced the so-called Biden amendment, which was subsequently adopted by the U.S. Senate during the waning months of the Bush Presidency.

The Biden amendment, I would like to remind everyone, is law now. The Biden amendment authorized assistance to Bosnia and Herzegovina through a drawdown of up to \$50 million in Defense Department stocks of military weapons and equipment. As I said, it passed. It became law. It gave the President the discretion when to draw down this weaponry.

But we heard then from many people who are now suggesting we should lift the embargo as well as all those who are against it that this weaponry would be of little value to the Bosnian Government and their army, which then as now was made up of Serbs, Croats, and Moslems. Nearly everyone forgets, incidentally, that when hostilities started only perhaps 60 percent of the Serbs in Bosnia, who made up only a portion of the population of Bosnia, were engaged in or supported this vile ethnic cleansing.

To return to the issue of arms, I was told then—incorrectly—that these Bosnian Moslems, Serbs, and Croats who supported the multiethnic Bosnian Government would not be able to use these weapons. Supposedly they had to be trained by Americans and other Westerners. I reminded people then and I remind people now who will raise the same argument that every young Bosnian Moslem, every young Bosnian Croat, every young Bosnian Serb male was conscripted into the Yugoslav Army, trained in the Yugoslav army, and became fully capable of using the weaponry we would send their way.

Mr. President, less than a week after we passed the Biden amendment, on

October 5, 1992, I made the following statement.

Surely the greatest single step the U.N. could take to increase the impact on sanctions on Serbia is to leave the embargo against Serbia in place while lifting the embargo against Bosnia and Herzegovina—an embargo that, however well intentioned—

I might note parenthetically here, I may have been too generous in that remark—

has had the undeniable effect of freezing the people of that country in a state of utter defenselessness.

That was true on October 5, 1992, and now it is clear to the whole world. Since that time I have spoken regularly here on the floor of the Senate and elsewhere against the arms embargo on Bosnia, which flies in the face of article 51 of the U.N. Charter, an article that gives every member state the right to self-defense.

While we have prevented heavy weapons from reaching the victims of aggression, we have not prevented the shells from heavy weapons in the hands of the Bosnian Serb aggressors from reaching the victims of aggression. The Bosnian Serb aggressors have been lavishly supplied with tanks, artillery, planes, and even troops by Serbian strongman Milosevic.

Mr. President, I mentioned my long record of public opposition to this illegal and totally immoral embargo only to remind my colleagues, first, that the embargo has been strangling an innocent victim for years. This is not new. It is just increasingly more dire.

Second, that the issue has been before this House for just as long, and each time we have opted not to act decisively, preferring to give diplomacy one more chance. If one more of my colleagues, as much as I respect them, comes up to me on the floor, as several of my Democratic and one of my Republican friends recently have, and says privately, "Joe, why don't we give diplomacy one more chance?" my answer will be, because I do not want to be a party to a delay that I know is going to result, while we are acting diplomatically, in the corralling of young Bosnian women into rape camps, in the siphoning off of young boys and men into death camps, and in the expulsion of old men and old women from their home areas by the repulsive practice whose grotesque euphemism is ethnic cleansing. Not one single time, not once since September 30, 1992, has any delay resulted in anything other than the death, destruction, humiliation, and genocide of the people of Bosnia.

I bring up this history not in the vein of, "I told you so," but to remind everybody how long this has been going on and to caution my colleagues not to listen to the siren song of inaction one more time. You can convince me once, maybe, not to act; twice; maybe three times, but 7, 8, 9, 10 times? I challenge anyone in this body to give me one shred of evidence that any delay in lifting the embargo has in any way—in any way—enhanced the prospect that

fewer women in Bosnia will be raped, that fewer young girls will be raped, that fewer men will be exterminated, and that fewer older people will be expelled from the areas in which their families have lived for centuries. One shred of evidence. I challenge any of my colleagues to come to the floor now or at any time at their convenience and debate that issue with me.

So wait, wait for what?

The third reason I bring up the history on this, is that the President of the United States of America has been and is still authorized to provide \$50 million worth of military assistance to Bosnia. This is authorized without any further congressional action required, to be delivered as soon as we take the step of lifting the embargo.

This step has never been more acutely necessary than it is now, Mr. President. Since the Bosnian Serb aggressors brazenly defied the United Nations, in a sense the entire civilized world, by overrunning the U.N. safe area in Srebrenica last week, we have now had the whole world see what I saw and other folks saw firsthand the last time an enclave was overrun, as people were driven into Tuzla as I stood there.

I was meeting with the aid relief workers, and there was a great commotion. Everyone got up out of the makeshift meeting room we were in because great big, old, white dump trucks were coming into Tuzla filled with men and women, holding their young children over their heads and outside the dump truck. There was an air of relief and celebration, and those of us watching thought this holding up their children was part of the celebration. We were, however, to find out as they unloaded this dump truck filled with human beings that the reason they were holding up their children was because other children had been trampled underfoot and smothered to death on the last trip from ethnically cleansed territory into the safe area of Tuzla.

Then the United Nations and the contact group—Russians, French, British, Germans, Americans—said, "Tell you what we're going to do. Through the United Nations, we're going to lay out certain safe areas," which they listed.

I remind everybody what the deal was in the safe areas. The deal was that if the Bosnian Government—primarily Moslems, but also some Croats and Serbs who supported the Government—if they would give up what few weapons they had left in Gorazde and Zepa and Tuzla and Srebrenica, then we, the United Nations, speaking for the world, would guarantee that we would keep the Huns away from the door. We would guarantee that the ethnic cleansing would stop, and we would negotiate.

So then they gave up their weapons and, as JOHN MCCAIN and I mentioned last week on the floor, all one had to do was hold up any newspaper in America and see—and I am not being critical of the troops that are there person-

ally—blue-helmeted and blue-bereted soldiers sitting on armored personnel carriers, sitting on tanks and sitting in trucks, watching as the Bosnian Serbs went in and, before their very eyes, cleansed, in the same way that the Nazis cleansed when they dropped off folks at the Auschwitz train station in cattle cars. They found an interesting thing as they observed this vile ethnic cleansing. All the young women and all the young girls were sent off in one direction. The men who were fighting were not seen anywhere. The old folks were loaded into trucks with the very young children. And armed military personnel sat there, representing the world—they sat there while the Bosnian Serbs, before the very eyes of all the world, culled out these folks as if they were cattle. Then, we were told that if we lifted the arms embargo, do you know what was going to happen? The Bosnian Serbs might really get mad and overrun the safe areas.

Mr. President, being as calm as I can about this, let me remind everyone that safe areas have already been overrun. I plead with some of my colleagues not to come to the floor and tell me what you have been telling me for 2 years—that if we lift the embargo, the Bosnian Serbs will overrun the safe areas. They have already done it in Srebrenica, and they are going to do it very soon in Zepa; they are in the process of overrunning it right now. I spoke with the Bosnian Foreign Minister, and indirectly through him to the Prime Minister, only 2 hours ago. The world has a perverse notion of how to deal with this. The Bosnian Government forces have taken into their protective custody the U.N. protectors of Zepa because of what is going to happen if they do not. If they do not, the Serbs will take the U.N. troops and threaten to kill them. Unless the people in Zepa throw down what few arms they have been able to find, unless they get into trucks, go to rape camps and go to death camps, the Bosnian Serbs are going to kill some of those U.N. blue helmet peacekeepers.

But how is this being portrayed by the Mr. Akashi of the United Nations? He says that the Bosnian Government is no different from the Bosnian Serbs; they are both holding hostage blue-helmeted U.N. peacekeepers. What the Bosnian Government forces know, however, is that if they do not prevent those blue-helmeted peacekeepers from coming under the control of the Bosnian Serbs, they are dead. Mr. Akashi's fallacious moral equivalency is just another example of the twisted logic, the overwhelming rationalization the United Nations and others will undertake to avoid facing the truth of international inaction.

Genocide. Genocide. Genocide. That is what this is about. Many of these brutalized Moslems, as we have been reading in the paper, as a consequence of having been raped or otherwise tortured, have committed suicide. When is the last time we read about that in this

century? It is not Joe BIDEN's judgment. World news organizations are reporting this now.

These war crimes and crimes against humanity are no longer deeds known only by the specialists. They are there for all the world to see. These unspeakable deeds would be horrific enough if the government of those unfortunate people, the Bosnian Government, had been unwilling to defend them.

But, Mr. President, the story is far worse than that.

The Government of Bosnia has shown for more than 3 years that its young Moslems, young Croats, and young Serbs, are willing to fight against a foe with vastly superior weaponry, and to die defending their homes, their wives, their mothers, and their sisters. And what have we done? We have forbidden them to get the arms necessary to defend themselves. Instead, we have opted for the cruel deception of alleging that the U.N. Protection Force would defend them.

Well, that has been laid to rest, Mr. President, as an outright fabrication.

Mr. President, after the last few days, even the most naive American cannot hear those words—and I repeat—the U.N. Protection Force—without being sickened by its Orwellian name.

Mr. President, we have to put an end to this madness. We have temporized for far too long. The so-called U.N. Protection Force has abdicated its responsibility to the people it had pledged to defend, and the contact group's diplomacy is at a dead end.

I might add that former Secretary of State, Henry Kissinger, is right that this U.N. Protection Force is not to blame; it has been the excuse. Many of those folks in the protection force are brave and decent and, from my personally meeting with them on two occasions in Bosnia—last year in June, and in September 1992—I know that they are repulsed by this, as well. But, Mr. President, their mandate is not to get involved. For that, I blame the West—not the United Nations, but the West.

Mr. President, the least the United States can do is to allow the victims of oppression to defend themselves. We must lift this illegal, immoral arms embargo now. As an original cosponsor of the Dole-Lieberman legislation, and of previous legislation, I strongly urge my colleagues to support S. 21.

Mr. President, I might add that in order to get more votes—and I do not say that critically—Senators DOLE and LIEBERMAN have apparently already decided to amend the legislation to allow the President the right to postpone lifting the embargo for 30 days at a crack if he believes that the safe and secure completion of the U.N. personnel would otherwise be endangered. I understand the intention of this waiver. But I respectfully suggest, Mr. President, that this waiver will only invite the rabid minority of Bosnian Serbs led by Karadzic and General Mladic and his genocidal troops to go

after the U.N. forces as they withdraw, or American forces if they are moved in to help them withdraw.

In conclusion, Mr. President, I say that we have made a botch of our policy in the former Yugoslavia in two successive administrations. President Bush started this awful policy off. He handed it off to President Clinton, and, unfortunately, in my view, this administration has not reacted because of the need to find NATO unity. But there is no unity on this, Mr. President. We should get on the right side of history. We should get on the side that makes the most sense. We should get on the side of morality.

I might add, Mr. President, that there is no need for any American forces in order to lift the embargo. The Moslems have a right to be able to defend themselves. I will end with a quote from the Prime Minister of Bosnia, who, 2 years ago, was Foreign Minister. I have said this to my colleagues before, but I want to remind them, and maybe even awaken their consciences a little bit.

I held a meeting in my conference room and invited about a dozen Senators of both parties. The then Foreign Minister, now Prime Minister Haris Silajdzic—all of you have met him by now, I suspect—was there. When I made the case for lifting the arms embargo and using air power to protect peacekeepers and others while they moved, one of my colleagues said, "I do not want to do that because more death will result. If the U.N. force leaves, more of your people will die."

This Senator was very sincere, because that was the wisdom of the moment. Silajdzic looked at this Senator, for whom I have a great deal of respect, and said, "Senator, please, do me a favor. Allow me the dignity to choose how I will die. Senator, all the UNPROFOR does for us now is to fatten up my wife, my children, my countrymen, and me to be killed incrementally over the winter and the next spring and the summer. I would rather not have the food and have a weapon. Let me choose how I am going to die. For certain, I will die."

Mr. President, that was not a comment of a man engaging in hyperbole. It is a man who puts his life on the line every day. His predecessor said the same thing.

Please, when this legislation comes up, please, we should get on the right side of history and morality and lift the arms embargo that is putting the Bosnian Government in a position where they cannot defend themselves. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending business is the Dole amendment to S. 21.

Mr. EXON. I thank the Chair.

Mr. President, the United States is caught in a dilemma. For the past 3

years we have been working with our allies to bring the warring factions in what was formerly Yugoslavia to a peace settlement and end the pervasive brutality against innocent men, women, and children.

As we have pursued this diplomatic track, the United States has refused to become involved militarily on the ground to halt the aggression against civilian populations or punish the root sources of the aggression, the Bosnian Serbs against the Bosnian Moslems.

The fact is that there is no political will in America for a level of involvement that may result in Americans dying in Bosnia. It is, as many proponents of the legislation are fond of saying, a European problem.

American national security interests are not at stake, it is said. Let the Europeans get their own house in order.

On its face, Mr. President, that sounds reasonable enough. It is also, as it has most unfortunately turned out, a convenient exercise in face saving for us. It has not worked, obviously. Clearly, the efforts thus far have not stopped the fighting and the killing. There is no peace settlement. The U.N. peacekeepers have been ineffective shields against Serb forces who regard human flesh as fodder and ravenous eyes cast on innocent people, penned in like sheep waiting to be slaughtered.

As a nation, we are outraged at the dark turn of events. The chorus cries louder and more demanding. Something must be done. The United States must lead. The United States recognizes the problem, but the efforts of the Europeans have failed.

There has emerged a political scapegoat theory by some Republicans and some Democrats alike. It is called "Clinton bashing." Blame the President and his leadership, even though I suggest that George Washington could not have led such a collection of wet noodles.

Here lies our dilemma. Our moral outrage has led to an overwhelming desire to do something—anything—to halt Serb aggression. But there is an important restriction on any action that we take: no American can be put at risk. In what is the messiest, most intractable crisis the world has known in this decade, we want a neat, anti-septic solution.

I think it is time for a little realism. I do not think it is going to happen, but we should try. The die is cast. Many of my closest colleagues in the Senate do not see this as I do. They may be correct. I think not.

The bill before the Senate now is not a solution, and it does not fill the leadership vacuum with respect to Bosnia that so many lament. It says let us lift the embargo and let the chips fall where they may. At least we will feel better about ourselves knowing that we have removed an impediment against the Bosnian forces trying to defend themselves, and it keeps our hands clean.

I have heard a lot about "heavy lifting" in the Senate over the years.



While we have been talking about S. 21, it is often referred to as lifting. It should not be confused with the substance or the wisdom of S. 21. S. 21 is foreign policy light. It represents an approach that starts a course of events in motion without being honest enough to admit the resulting likely consequences. S. 21 is like a mischievous boy who lights the end of a firecracker and then runs a safe distance out of harm's way.

Mr. President, I say those nations that have displayed the courage and put their soldiers in Bosnia should not be undercut. Our allies, the British, the French, the Dutch, and others are on the ground in Bosnia. We are by our own wishes not. They have lost dozens of their troops to snipers, to mortars, to mines, in an attempt to keep the forces of slaughter at bay. We have not.

The question each of us should consider before we vote for S. 21 is whether it is right to force a decision on our own allies when we enjoy the luxury of not being involved, when our forces are not at risk.

I am not a supporter of the embargo against Bosnia, and I do not believe that the U.N. peacekeepers are effectively protecting the supposedly civilian safe areas. However, let the Bosnians go to the United Nations and ask that the peacekeepers leave. To date, they have not. Or if the situation on the ground in Bosnia becomes untenable, let the nations with troops in Bosnia make the decision that it is best for them to leave. After all, they are risking their lives to protect innocent Bosnians. That should count for something when it comes to the question of who decides that the forces should be withdrawn.

The decision should be made without having the Senate lighting a firecracker under the seat and then running away.

Perhaps the most important part of S. 21 is what it does not say. It does not say what damage will result to NATO if the United States decides to break with our allies on the question of the embargo.

It does not say that a United States decision to unilaterally lift the embargo will endanger compliance with existing embargoes against Serbia, Iraq, Libya, or with economic sanctions against rogue nations in the future.

It does not say that passage of the bill will precipitate the removal of peacekeeping forces which in turn will involve American forces for the possible purpose of extraction.

It does not face up to this consequence and authorize the President to use military forces to safely remove our allies from Bosnia. They are silent on that, evidently by design.

It does not recognize the safe areas may be protected in western Bosnia despite Serb actions in the east and the withdrawal of peacekeepers there.

It does not mention how many more civilians will die when the Serbs step up their attacks before the arms reach

the Bosnian Moslem forces under the theory of lifting the embargo.

It does not explain that an infusion of arms from Serbian and Slavic allies will flow freely to counter the arms embargo against Bosnia, likely resulting in heavier fighting and more killing.

It does not talk about who will arm and train the Bosnians and how much it will cost. Do we bear a significant portion of that? How much? It is not surprising that S. 21 is silent on these questions. It not only has the United States light the firecracker underneath our allies and then run off, it has us look the other way conveniently as well. We do not want to know the consequences of our actions or deal with the details. We want a shot of cortisone to allay our guilt complex in the pretense of leadership. Cortisone is not a cure for cancer.

The well-meaning S. 21, in my opinion, will make a bad situation worse. If the authors of the bill feel its passage is necessary due to the lack of coherent, effective policy in Bosnia, they have failed to step up with an approach that will end the fighting. S. 21, in my opinion, is very likely to inflame the fighting to new heights resulting in the deaths and the horrible situation for refugees and the atrocities that are so rampant in that area.

Mr. President, it is a scapegoat approach. It is cleaner and neater and more antiseptic for the United States to unilaterally lift the arms embargo and thumb our noses at our allies. Such an action is counterproductive and obviously endangers an alliance that has furthered the cause of peace on the continent for 50 years. When it comes to the crisis in Bosnia, we are not participants in the solution. We are removed observers who cannot accept that the situation has turned sour. I am reminded of a quotation that, "For every complex problem there is a solution that is both simple and wrong." S. 21 in its present form, in the opinion of this Senator, is such a solution.

Mr. President, I thank the chair. And I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise in strong support of S. 21, the Bosnian Self-Defense Act. I want to commend the majority leader for his strong and principled leadership in responding to the escalating crisis in Bosnia. His decisive move to bring this legislation to a vote may prove to be a turning point for U.S. policy in the Balkans. I, like many of my colleagues on both sides of the aisle, have had grave reservations about our Bosnian policy for several years, and even the hearings by the Senate Foreign Relations Committee have done little, if anything, to alleviate my concerns. Frankly, I am amazed at this administration's refusal to recognize numerous foreboding signs for the U.N. mission in Bosnia.

On May 8, the General Accounting Office released a report on the so-called peace operations in Bosnia. In that report GAO states that "UNPROFOR has been ineffective in carrying out mandates leading to lasting peace in the former Yugoslavia." Moreover, it continues, "UNPROFOR's limited effectiveness to deter attacks and provide protection stems from an approach to peacekeeping that is dependent on the constant cooperation of the warring parties." And finally, GAO concludes, "UNPROFOR [has] lost credibility as a peacekeeping force \* \* \*"

I point out this report was released before the Bosnian Serbs took hundreds of U.N. peacekeepers hostage, before the Serbs shot down an American pilot on a NATO operation and before the Serbs began storming so-called U.N. safe areas.

Mr. President, the GAO's report foreshadowed what many in Congress have now concluded, that is, the U.N. operation in Bosnia has failed and is moving toward a state of complete collapse. UNPROFOR cannot even meet the most minimal of its mandates. The U.N. force can no longer protect itself, let alone civilians in safe areas. Moreover, the ongoing offensive by Bosnian Serb forces against U.N.-declared safe areas has underscored the folly of the arms embargo. Imposed before Bosnia even officially existed, the embargo has consistently denied the Bosnians the right to defend themselves. There is not one Member of Congress, not one member of the State Department, and not one member of the Clinton administration who would deny that the arms embargo has allowed the Bosnian Serbs to preserve a powerful military advantage.

With the help of the arms embargo, the 80,000-man Bosnian Serb militia has dominated 70 percent of Bosnia through its near monopoly of heavy weapons. Even with 200,000 soldiers, the Bosnian Government simply cannot compete. The occupation of U.N. safe areas by Bosnian Serbs is the beginning of the end for the U.N. mission. It is another gruesome admission of how the arms embargo continues to condemn the Bosnian people to a slow death. In Srebrenica, Bosnian troops actually outnumbered the attacking Serbs, but the Serb forces had far more firepower. Bosnian forces had no tanks or artillery with which to defend themselves, and once again the United Nations waited too long to call in NATO, too late for airstrikes to make a difference.

Now, the opponents of lifting the arms embargo have repeatedly said they fear the Serbs would make a grab for the "safe areas" in eastern Bosnia. But the Serbs have not waited, even with the embargo in place and UNPROFOR on the ground. The United Nations, with American assistance, is perpetuating a cruel hoax on the Bosnian people. We force them to fight without adequate defenses, promise to protect them from hostile Serb troops,

and then let them fend for themselves when they are attacked.

So far the American taxpayers have provided \$2.5 billion to support the U.N. operations in Bosnia and they continue to support UNPROFOR to the tune of \$500 million a year. Added to this sum is the administration's new pledge to provide another \$95 million in cash and military equipment to the European rapid reaction force. Now, this latest action was taken in spite of strong congressional opposition, and it only threatens to deepen United States involvement in the Bosnian quagmire. Unfortunately, the Clinton administration seems determined to sink or swim with the status quo policy in Bosnia. If the President continues to stay the course, he will be in danger of dragging down the Bosnian people, along with American and NATO credibility.

Supporters of lifting the arms embargo in Bosnia are often accused of being naive and unrealistic. I am neither. Ending the embargo is far from a perfect solution. There are many logistical questions that remain to be worked out. But given the events of the last few months, let alone the last few weeks in Bosnia, I see no other option in a civil war with no end in sight and with no peace agreement within reach.

It is those who support the current Bosnian policy who have lost touch with reality. The U.N. peacekeeping mission cannot sustain itself in a country where there is no peace to keep. The United Nations has never been equipped to enforce peace on factions that are still spoiling for war. It is time for the administration to stop acting as if some miracle will occur to save the day.

Just last month the House of Representatives approached an end to the arms embargo with a bipartisan and veto-proof vote of 318 to 99. I urge my colleagues to follow that example and also send a strong message of our own to the President by voting for S. 21. I believe it is the least we can do for the Bosnians and the very least that the American people can expect.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, I appear once again, briefly, to support the majority leader and my distinguished friend and colleague from Connecticut, in the proposal which they have before the Senate to terminate the arms embargo against Bosnia.

Other than to add my voice to that cause, I can add nothing to the eloquence of what they have already said. What began as a policy of convenience and a seeking for time and a diplomatic solution on the occasion of the

breakup of Yugoslavia, has not only proven to be a policy failure, a significant contributor to the loss of thousands of lives, and war crimes unmatched in Europe since the era of the Nazis, it has degenerated into a moral swamp, in which the actions of the United States and the United Nations contribute only to the success of the aggressors, to the success of those who have proposed this barbaric system, based on the religious background of the people of Bosnia.

We are fond of saying, as a number of newspapers have, that the time has come to end that arms embargo.

In truth, Mr. President, the time came long since. The distinguished Senator from Delaware, [Mr. BIDEN] in his remarks an hour or so ago, referred to statements that he made in the fall of 1992 which were valid then and are valid today.

The particular occasion for the debate over this resolution today, of course, is the latest set of atrocities on the part of the Bosnian Serbs, the destruction of what we had long trumpeted as a safe haven, the rape of some, the murder of others, the driving out of most of the citizens that were supposedly protected in that safe haven.

Mr. President, I think the failure of our policies and our proclamations cannot better be summarized than it was indirectly in two paragraphs in a story from last Friday's Washington Post about those citizens driven out of Srebrenica to a temporarily safe haven elsewhere. I want to quote those two paragraphs from that news story.

"This is Major's work," yelled a man on crutches, referring to British Prime Minister John Major. "It is Clinton's work, too. Clinton—always talking so nice and doing nothing."

"They had better take a gun and kill us all," one woman said. And waving her arms towards the masses of dazed people who made up the weeping, nearly hysterical crowd, she added: "Look at what you did for us, all you governments."

That is a tiny portion of the human price we have paid for this arms embargo, for all of the threats not backed up, for all of the promises that got broken, for all of the lives lost. And have we done this in order to protect the lives of Americans? No, Mr. President. Just recently we had one of our Air Force pilots shot down over Bosnia—rescued by a magnificent feat of arms, and celebrated here in this country for his escape, but those who shot him down remain totally unpunished.

Can it not be said that perhaps that last, most recent demonstration of our lack of dedication led to the overrunning of the safe haven, the loss of hundreds, perhaps thousands of lives, and the driving out of tens of thousands of others? We have made ourselves contemptible. We have made ourselves a laughingstock. And it is time to end that policy now.

Will we save more American lives? No. The President has promised that when the war is irretrievably lost, and

when the U.N. forces want to come out, we will send troops in to save them—undoubtedly at the expense of casualties. Mr. President, that is a wrong policy as well. The correct policy is to end the arms embargo, to allow, to encourage, to assist in the arming of people desperately anxious to fight for their own freedom and probably capable successfully of fighting for that freedom if they are armed with weapons anywhere near equal to those of their aggressors. That was the correct strategy during the Presidency of George Bush. It has been the correct policy for the 2½ years, at least, of the Presidency of Bill Clinton.

Mr. President, the policies in which we have engaged have undercut, if they have not destroyed completely, our own credibility—not just in the Balkans, but all over the world. They have not only failed to succeed in ending or limiting the war, they have encouraged it. They have not discouraged aggression, they have encouraged it. They have not limited ethnic cleansing, they have increased it. And it is time to end those failed policies. It is time, at the very least, to allow the victims to fight for their own liberties.

It is also time—not at all incidentally, Mr. President, in my view—to end the arms embargo against Croatia and Slovenia as well. Slovenia is not in the news yet. It had succeeded in winning its independence and has been at peace ever since. It threatens no one. There is no reason in the world not to lift the embargo against it. Croatia is 25 percent occupied by a dissident government which is engaged in some, though not all, of the same practices of their compatriots, the Bosnian Serbs.

The only way there is any possibility in this case of proving that aggression and ethnic cleansing and rape and murder do not pay is to allow the victims of those crimes to be able to liberate themselves from those crimes.

So I believe the two principal sponsors of this resolution, the majority leader and the distinguished Senator from Connecticut, who are now on the floor, are proposing exactly what the United States ought to do and I wish to express the hope that the Senate will promptly and overwhelmingly vote in favor of their resolution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I would like to say a few words about the Bosnia and Herzegovina Self-Defense Act of 1995.

Mr. President, I rise to support S. 21, the bill to terminate the illegal and immoral arms embargo on the Government of Bosnia and Herzegovina. It is

time we abandoned this morally and politically bankrupt policy. It is long past time that we permitted the victims of ethnic genocide to defend themselves; it is time we stand for a policy that may not guarantee an easy outcome, but that will put the United States on the side of principle.

That principle is the right to self-defense against conquest by aggression, the right to self-defense against ethnic genocide.

The time has come to declare our intentions to aid the victims in the bloodiest war to wreak mayhem in Europe since World War II. For too long the international community has been hamstrung by diplomatic inertia; for too long have sympathetic nations of the world been frustrated by U.N. and European reluctance to act; for too long have we watched United States policy flit about while Bosnia has suffered attacks against civilians, mass deportations, rape, and ethnic genocide. Washington dithers while Sarajevo burns.

We cannot allow the Serbs to continue with their aggression by continuing to tie the hands of those who wish to defend themselves. The arms embargo has played into the hands of these aggressors; it has failed to make the moral distinction between the victims and the architects of genocide.

The fall of Srebrenica demonstrates the collapse of the multinational mission and the hollowness of U.S. support for it. I believe it is past time for the Clinton administration to abandon this failed policy, rather than continue to make pathetic attempts to rationalize or perpetuate it.

Some have noted that the arms embargo is a carryover of the Bush administration policy on Bosnia. This is true, Mr. President, and I urged President Bush to lift it then. The situation has grossly worsened in the 2½ years since he left office, and it is now President Clinton's responsibility to deal with this international horror.

Last month, Bosnia's Prime Minister made another visit to Washington. To meet with him was to meet with a man fighting for the very existence of his country. I saw him after he went to the White House to meet with Vice President GORE. The Vice President used to be a supporter of lifting the embargo when he was a member of this body. At the White House, he told Prime Minister Silajdzic that the administration would continue to oppose a lift, because a lift would incite the Serbs to attack the safe havens.

The administration had it exactly wrong. The fall of Srebrenica last week demonstrates the collapse of the multinational mission and, with its failure, the failure of U.S. policy supporting it. Now, if anything good can come out of these horrors, it must be that this body will vote to lift the embargo now.

Over the past week we have all been horrified by the pictures and stories coming from Srebrenica, Zepa, and Sarajevo. There is no reason to repeat the

horror here, nor is there any excuse to act as if these latest outrages against humanity have been of any surprise. I can only lament that it did not have to come to this.

Many of us who have followed this war have concluded long ago that Serbia and its proxies would not cease in its pursuit of a Greater Serbia. After we saw that the Serbs would use the horror of ethnic genocide as an instrument of war, we could not be surprised about the developments we saw over the past 2½ years.

We could not be surprised when the Serbs continued to attack the civilian population of the so-called safe havens.

We could not be surprised when the Serbs starved Bihac.

We could not be surprised that pinprick airstrikes emboldened the Serbs.

We could not be surprised when the Serbs took U.N. hostages last month.

And, finally, we could not be surprised when it was revealed that U.N. Special Envoy Akashi had recently sent a secret letter to the Bosnian Serbs assuring them that the United Nations would not seek confrontation with them.

And no one, Mr. President, should have been surprised to learn that Belgrade continues to supply and assist its Serbian proxies in Bosnia and Croatia.

We were dismayed, yes. Outraged, yes. But no one who has been watching this war could be surprised.

No one, perhaps, except the policymakers at the White House and State Department. From the constantly shifting statements of the administration, however, it appears that every development has caught them off guard. Their only constancy has been their insistence on refusing the Bosnians the right to defend themselves. This has become incomprehensible.

Today's U.S. policy lies in tatters. It is the product of a misplaced belief in multilateralism. An exaggerated estimate of a ruthless but third-rate foe. A solipsistic faith in the selfless intent of dictators. And an immature and myopic view of geopolitics.

This administration supported the U.N. missions in Bosnia and Croatia. Many of these peacekeepers bravely put their lives on the line feeding the captives in the safe havens. But they never had a peace to keep; they disarmed the victims and aggressors alike, but when the aggressors challenged them by violating Security Council resolution after resolution, the United Nations feared calling in NATO air support.

When the planes came, as rarely they did, they delivered pinprick strikes, destroying a tent here, a truck there. The Serbs laughed and became emboldened. The United Nations became more reluctant to engage. The Security Council resolutions enacted in New York City became worthless documents in Sarajevo, Tuzla, Gorazde, and the other towns of Bosnia.

The United Nations, without a peace to keep, kept the borders set by the ag-

gressors; and if the peacekeepers dared challenge the Serbs, they were taken as hostages.

Multilateralism failed because multilateralism was incapable of acting on the distinction between victim and aggressor. As a result, multilateralism engendered a policy of deference to the aggressor and indifference to victims.

The longer this dynamic went unchallenged, the larger the myth of Serb power grew. Despite the stories of a supine Serbian economy, despite the reports of thousands of military-age men fleeing Serbia, despite the reprehensible and cowardly behavior of any army that could only terrorize unarmed civilian populations, policymakers around the world, including many in our State Department, began to accept the notion of the formidable foe.

They confused the ability to commit unspeakable acts with the ability to sustain a popularly supported war. Even today, so many analysts do not include military assessments of the capabilities of the combatants. But when they do take a hard look at Serbian and Bosnian capabilities, they seem to reach the same conclusion: The Bosnians have the advantage in men and morale; the Serbs, heirs of the Yugoslav Army, have the advantage in heavy weapons. And from these assessments we must conclude again: If we seek to achieve a shift in this war, we must lift the embargo; we must provide the Bosnians with the weapons they need.

Further emboldening the Serbs was the administration's attempts at diplomacy. Taking its diplomatic cue last spring from Russian Foreign Minister Kosyrev—an ally of the Serbs—the administration believed that it could persuade Serbia's Milosevic to pressure Radovan Karadzic to a negotiated peace.

This is one of the most self-deluding diplomatic strategies in modern times, and the administration feigned belief—or maybe, incredibly, actually believed—that Milosevic could be a broker for peace. Representatives of the administration actually stated that Milosevic and Karadzic were competing, and had differing interests. Instead of lifting the arms embargo on the embattled Bosnians, the administration offered to lift the economic embargo on Serbia, which, most analysts agreed, was actually having an effect on Serbia's ability to wage war.

This notion that Milosevic would curb Karadzic was, of course, ridiculous, but the administration persisted. They offered lifting the sanctions if Milosevic recognized Bosnia and Croatia. When he refused, the administration lowered its demands and asked Milosevic to recognize just Bosnia—a move that could have threatened, at that time, to shatter the federation between Bosnia and Croatia, which the administration had claimed was its single greatest accomplishment in this

crisis. Milosevic, no fool, knew that he could gain more and refused.

Meanwhile, the evidence kept coming that Milosevic continued to provide armaments to his proxies in Bosnia and Croatia. No one could really be surprised, but many of our allies, and this Administration, looked the other way.

And then Scott O'Grady was shot down by a SAM missile—a NATO jet on a mission to enforce U.N. Security Council resolutions was downed by the Bosnian Serbs. And NATO did not retaliate. History's most successful military alliance—the world's most impressive military force—did not retaliate when a third-rate army that specializes in torturing civilian populations shot down one of its planes. And we did not retaliate when the evidence was revealed that Belgrade had a hand in this, and that Milosevic's army provided parts maintenance, computer and radar support for the SAM system that shot down our F-16.

Mr. President, how much evidence do we need that Milosevic and Karadzic work hand-in-hand? How much more humiliation should we take before we recognize that our diplomacy is based on fatuous delusions?

One of my greatest concerns throughout this conflict has been the administration's inability to see this crisis in the greater context of Europe. Specifically, it has refused to recognize the role that Russia has played in supporting the Serbs, in frustrating any resolution that would be fair to the Bosnians, and in undermining the Western alliance. I am disturbed that very few appear to be focusing on Russia's role in this crisis.

One of Russia's primary foreign policy goals has been to obstruct the expansion of NATO. Last month, when the Russians finally decided to sign on to the President's Partnership for Peace Program, Foreign Minister Kozyrev stated that NATO must "cease to be a military bloc" and must abandon policies of enlargement. Last week, Yuri Baturin, national security adviser to Boris Yeltsin, said that the war in Bosnia is a test of strength between Russia and the West. President Clinton has repeatedly declared that Russia will not exercise a veto over NATO expansion. But I must wonder, Mr. President, when the SAM missile of a Russian ally shoots down a NATO jet over Europe, could not this be construed as a veto over NATO?

I believe that if Russia wants to try its strength against the West by backing the forces of ethnic genocide and by using diplomacy to prevent a just settlement in Bosnia and obstruct NATO enlargement, then we should, again, engage in the challenge. We must lift the embargo and arm the Bosnians. We will be, again and finally, on the side of the morally defensible.

The conflagration in the Balkans, the West's confusion, and America's lack of leadership are casting a pall over the prospect of a NATO enlargement.

NATO is not credible when it inflicts pinprick strikes instead of effective

bombing sorties. NATO is not credible when the Serbs can check it by taking hostages.

NATO cannot be credible if its stands idly by when its planes are downed by a third-rate power.

Mr. President, it is time to abandon this failed policy.

While the Clinton administration has wrung its hands, vacillated, and deferred to inconsistent allies, many Members in this body, led by the distinguished majority leader, have declared for some time that the only sensible policy after years of inept and immoral policies is to lift the arms embargo. To demonstrate how important this issue was, Senators DOLE and LIEBERMAN introduced S. 21 on the first day of this historic Congress.

The Bosnians are willing to fight for the right to exist as a peaceful and democratic nation that respects ethnic rights. They have not asked us to defend them, they only ask that we allow them to defend themselves. "We don't need you to die for us," Prime Minister Silajdzic said here on his last visit, barely two weeks after his Foreign Minister was blown out of the sky over Bihac by Serb rockets. "We know very well how to do this ourselves."

But it seems that some outside observers are in a state of weariness brought on by years of inaction against a war of brutal slaughter. We want it to stop; we want the suffering to cease. But we must not confuse our righteous repugnance for human suffering with the Bosnian government's heroic commitment to defend itself.

The Bosnians have a right to defend themselves. Article 51 of the U.N. Charter clearly articulates a nation's right to defend itself from hostile aggression. The majority of the nations of the United Nations have agreed.

Lifting the embargo will lead to the removal of U.N. peacekeepers. These troops have not kept the peace. They have been hostage bait. And, while they have sometimes fought bravely in recent months, their presence over the years has, in too many cases, legitimized Serbian gains. For the United Nations to stay would mean the symbolic defeat of peacekeeping. For the United Nations to leave would indicate that we are ready to return to reality.

I believe that the U.S. should assist in the withdrawal of the UNPROFOR troops. I say so reluctantly, because I do not believe this war requires a role for U.S. ground troops. But I will support the President if he chooses to assist our allies in the withdrawal, provided that the conditions the majority leader has laid out are strictly observed:

First, a withdrawal must occur under NATO or U.S. command. There must be no U.N. role in the command structure.

Second, the rules of engagement must be clear to any potential antagonists: Any attack on U.S. troops will be met with massive and disproportionate retaliatory attacks. If the Serbs take one shot at a United States soldier or a

blue helmet that we are escorting out, the United States will retaliate anywhere in Bosnia or Serbia proper.

And finally, U.S. troops are not there to extract equipment. Any military materiel that could fall into Serb hands must be destroyed, if possible, but we will not engage troops for anything but the rescue of personnel.

S. 21 will put into motion a policy that will not bring us peace, but it will allow for the possibility of a real peace. By lifting the arms embargo on beleaguered Bosnia, this bill will allow for the only kind of peace that has worked through history: a peace gained by a balance of power on the ground.

But this will not be a peace guaranteed or easily achieved. We cannot realistically or responsibly let the issue stop here. We know that the chances of increasing the hostilities are great, although a strong signal from the United States in defense of Bosnia will certainly convey a level of seriousness to the Serbs that they have not yet seen, and we should not rule out the possibility that they may respond to this signal with the realization that the terms of the conflict are about to get much worse for them. However, since the Serbs have demonstrated a reckless intent to conquer by genocide, we should not delude ourselves with hopes of an easy settlement.

For this reason, I believe we must concomitantly begin the debate about military assistance to Bosnia. We should declare our support for Bosnia through a program of immediate provisions of military aid and continued humanitarian assistance. In addition, I believe we must also lift the embargo against Croatia, which has also been a victim of Serbian aggression, and without which we cannot effect a successful program to assist the Bosnians.

Mr. President, I also believe that we must consider the use of air strikes—during the extraction of UNPROFOR and while we arm the Bosnians. In addition to providing the necessary support for the Bosnian government, these air strikes can demonstrate—for the future reference of those who have witnessed NATO's hapless performance to date—that the West is capable of using its military might effectively.

I have always stated that our policy in Bosnia should not require the commitment of United States ground troops. U.S. troops should not be involved in any mission but the support for an UNPROFOR extraction. It has been but one of the many straw men put out by this Administration that lifting the arms embargo would require the commitment of U.S. troops. The administration is either cynically manipulating a legitimate concern of the American people in order to rationalize a failed foreign policy, or it is truly naive in assessing the military and geopolitical realities of the Balkan conflict.

Mr. President, I wish to state very clearly that my objection to our current foreign policy is not partisan. As

you have seen, some of the most articulate in this body in favor of lifting the embargo are Democrats. As I stated earlier, I strongly criticized President Bush's support for the arms embargo. As a matter of fact, I was encouraged when Governor Clinton, during his presidential campaign, advocated lifting the embargo. I am, of course, disappointed that now President Clinton has appeared so irresolute.

I believe the Bosnian crisis may permanently shatter the moral stature of our country. The crisis has already severely harmed the credibility of the United Nations. Much more importantly, it threatens the future of NATO, which had been the most successful military alliance in modern history. And it has put the United States—the world's remaining superpower—on the sidelines, while Bosnia burns.

Foreign policy should not be an exercise in naivete or cynicism. It should be a discipline requiring the highest order of judgment, soberly steeped in the awareness that the affairs of mankind are imperfect and recognizing that real options cannot offer panaceas to the bloody intents of the brutal. But U.S. foreign policy has often stood for more than the pragmatic: Our foreign policy, at its best, has been vitalized by principle.

We should be able to make clear distinctions about Bosnia. We should be able to declaim against genocide and put our actions where our denunciations are. We must abandon a policy that has been resolute in its lack of determination. We can make no argument for supporting an arms embargo that perpetuates genocide. And we must declare that we believe in the right of self-defense.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. DOLE. Mr. President, in just a minute or two I will ask that we stand in recess until 5:15 p.m., because the Republicans have a conference, and I think a number of my colleagues on the other side are at the White House discussing with the President the Bosnian resolution. There may be a chance we might bring up the rescission package tonight, too. I need to talk to Senator DASCHLE about that. So we will be under a strict time agreement, a limited number of amendments, and an agreement that the leadership on each side will vote against the amendments, as well as most of our colleagues, because this is something that has taken a long time because of a couple of Senators, who certainly are within their rights. But if we cannot reach that agreement, we will not bring it up.

I want to say just one additional word on this resolution.

Yesterday I addressed some of the criticism made by opponents of our legislation, and there are just a couple others I want to review at this point. The first criticism is that the legislation is unilateral in nature. Yes, this bill is unilateral. It provides that the United States will lift the arms embargo only after UNPROFOR withdraws—I would like to repeat, after withdrawal of the United Nations protection forces. This fact is being ignored by the administration and by some of our allies.

In my view, unilateral action as provided by this legislation is hardly a negative, but a positive. What the last 3 years of multilateral hand-wringing have demonstrated is that if the United States does not lead, action is not taken. It is time for leadership. We have been waiting, waiting and waiting for leadership. And so far nothing has happened. We are witnessing this right now. Thousands of civilians have begun to flee Zepa, as the Serbs close in. The United Nations has written Zepa off. And the hand-wringing is beginning with respect to Gorazde—the third eastern enclave. If Gorazde goes, that will be three out of six safe havens have been overrun. The French reportedly have a proposal for Gorazde that they are advocating. The British oppose stronger action and want the status quo. The White House spokesman says the administration is “leaning” toward action—but is not clear if the main objective is to forestall the fall of Gorazde or thwart this legislation.

In fact, the White House press secretary said this is a nutty idea. Well, I hope he tells that to Senator MOYNIHAN and Senator BIDEN and Senator LIEBERMAN and Senator FEINSTEIN and other Democrats who are supporting us. If it is a nutty idea, I am certain they would not want to have anything to do with it.

It is not a nutty idea. It is an idea we have been working on for years, Democrats and Republicans, to de-Americanize the conflict, lift the arms embargo, let Bosnia defend themselves without committing American troops. That is what it is all about. But I see an effort now by the White House at the last moment to stall and not have a vote on this legislation—always something better going to happen; just wait 1 more week, 1 more month. We waited 11 months. It has been 11 months since we had a vote.

In any event, leaning toward more aggressive action is not a substitute for aggressive action. And this is not for airstrikes, which the White House appears to be considering. The obstacle to airstrikes has been and continues to be opposition from some of our allies; namely, the British. Unless that hurdle is overcome, all the reports that the President is “leaning toward” airstrikes is meaningless. Moreover, while many of us in the United States Congress have urged that NATO conduct

something more than pinpricks, we must realize that the robust use of NATO air power now is an appropriate, if overdue, reaction to Bosnian Serb action, but does not constitute a policy in and of itself.

Mr. President, what this bill does is commit the United States to leading the way and lifting the arms embargo, but going first does not mean going it alone.

Last fall, nearly 100 countries—nearly 100 countries—in the United Nations General Assembly voted in support of lifting the arms embargo—over 100 countries. It is not just the United States alone.

I believe if the United States was in the lead, others would follow. I believe a number of countries, in addition to the United States, would also provide military equipment or the funds to purchase such equipment.

I also would like to turn for a moment to the argument that UNPROFOR is neutral and lifting the arms embargo would eliminate that neutrality.

First I point out that the U.N. resolutions are clearly not neutral. In imposing sanctions on Serbia, they recognize who the aggressor is. In committing to protecting the safe havens, on paper, they are acknowledging that the Bosnians need protection from this aggression. Finally, in perpetuating neutrality on the ground operationally, the U.N. peacekeepers are helping the very aggressors that have threatened to attack not only the Bosnians but the United Nations as well. This is not only absurd but a moral outrage.

Finally, I would like to comment on the idea raised by some that there should be another cease-fire and more negotiations. It seems to me that for negotiations to be successful in Bosnia, there needs to be some leverage on the side of the Bosnians. Why should the Serbs agree to anything when they are given free rein to overrun U.N.-designated safe havens?

At this point, the only negotiations that the Serbs might be interested in are the talks to arrange the surrender of the Bosnians. Well, the Bosnians are not ready to surrender. They are ready to fight and die for their country, if we only let them. That is what this debate is about. It is not Democrat; it is not Republican; it is not about liberal or conservative; it is about the U.S. Senate speaking on a very important issue. I hope we can have the vote before we adjourn today.

RECESS UNTIL 5:15 P.M.

Mr. DOLE. Mr. President, I now move that the Senate stand in recess until 5:15 p.m.

The motion was agreed to, and at 4:12 p.m., the Senate recessed until 5:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are still involved in a Republican conference, and we are still trying to determine whether or not we may be able to bring up the rescissions bill under certain strict limitations and certain agreements on voting against any amendments. We have not reached that agreement yet.

We still hope to get a vote on Bosnia. But I think in view of the fact that we are still tied up in conference, I will suggest that we stand in recess subject to the call of the chair. But I indicate it will probably be before 6 o'clock. If necessary, we are going to have to postpone the conference until tomorrow because I think we have important business to do here, hopefully, this evening.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 5:19 p.m., the Senate recessed subject to the call of the Chair whereupon, the Senate, at 6:27 p.m., reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

## ORDER OF PROCEDURE

Mr. DOLE. Mr. President, the Senate Republicans are still in conference, but I think in view of the fact that we have some who wish to speak on the Bosnia resolution, and we are still trying to work out some agreement on the rescissions package, I think it is better if we do business, if the Presiding Officer does not mind missing part of the conference.

If it becomes critical, we can always recess.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

## BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. COATS. Mr. President, thank you for the recognition.

We are back on the Bosnia debate. In one sense, this debate should not be necessary. In the normal course of events, the President is the one who holds the duty to provide direction in these matters. I have long believed that our foreign policy ought to be directed by the chief executive officer and ratified by the Congress—the Senate—but not formulated. But the situation is far from normal in this instance.

Our action today on this Bosnia resolution is required by a somewhat unusual, maybe unprecedented failure of leadership on a very important issue. The credibility of our Nation and the

existence of NATO are at risk. But it seems that the administration moves from crisis to crisis in Bosnia without a clear definition of what our policy is or ought to be. We have alternated between indifference and almost panic, operating without purpose and often seemingly without principle.

Over 2 years ago, as the policy of "safe havens" was being defined, I came to this floor expressing a concern and a question. "A police action," I said, "protecting safe havens, will probably stop some short-term suffering, but it will answer few long-term questions. After we purchase a temporary peace for fleeing refugees, what is our eventual goal?" I asked. "On this question," I then said, "this administration is silent."

Now it is 2 years later and that eventual goal is still unclear, and that silence has become a source of considerable embarrassment. For, 2 years later, little has changed. The situation is worse.

We have maintained, during that period of time, a one-sided arms embargo against Bosnia which has only served to reinforce the advantages enjoyed by the Serb aggressors.

We have placed critical command decisions in the hands of international bureaucrats who have not brought any military experience, political insight, or even moral courage to their position.

We have made a series of threats against Serbian forces that proved hollow, empty, undermining our credibility with both friends and foes alike around the world.

And we have repeatedly misled Bosnian leaders, first opposing and then supporting various initiatives, leaving the Bosnian Vice President to conclude "We are going to die of these initiatives."

Mistake has followed failure in an unending downward spiral as each safe area became progressively unsafe.

"I don't remember a time," says one expert, "when there was so much scorn for American foreign policy." Former British Secretary David Owen comments, "To the day I go to my grave, I will not understand the policy."

The result has been an American retreat into a purely reactive mode. Our only role, it seems, is to respond to European proposals and initiatives. The only clear objectives of this administration seem to be to appease our allies and avoid political blame.

Now the administration is reduced to floating another French proposal, which repeats every error of the past. It calls on us to place more troops into indefensible positions. It demands that we risk American lives to prove our loyalty to a failed NATO policy. And once again, it has no diplomatic or military end game. It continues an aimless and endless commitment.

The President of France says the use of American helicopters and airmen is necessary "to place the Americans squarely in front of their responsibility."

The effect would be to place our troops squarely in front of bullets as a symbolic commitment to a strategy which no one expects to succeed. It is hard to imagine a policy more destructive to American interests or more likely to lead to pointless loss of life.

The central problem here is pretty clear. The "safe haven" approach has not worked. But even more than that, it could not have worked, even with less United Nations interference, even with more military commitment, because the safe havens were chosen for a humanitarian, not a military mission. Thus, the deployment of forces on the ground and the equipment they were given was matched for this humanitarian purpose, not for a military purpose. The troops were lightly armed and they were heavily restricted.

But now we are being asked to expand that mission to a combat role from militarily indefensible and irrational positions. Each of these areas is a Moslem outpost in a sea of Serbian hostility. We are being asked to man and defend six exposed and vulnerable enclaves, apparently for an indefinite future.

If all this sounds somewhat familiar, it should, because it is a policy that acts as though our experience in Somalia never happened; as though the deaths of those Rangers never took place. We attempted to expand that humanitarian effort into a military operation without holding military positions, without adopting military strategies, and without setting military goals. And under these circumstances, peacekeeping became bloodletting and nothing lasting was accomplished.

Mr. President, we are accustomed to saying all options in Bosnia are bad, which has been used as an excuse for choosing those options which are worse. It is increasingly clear to me that only one approach is justified.

Our goal should be the creation of a viable Bosnian state with defensible borders and the military equipment to uphold them. This goal will never be reached while the embargo remains in force.

I believe we are led to this goal by two very direct American interests.

First is our strategic interest in the containment of this crisis. The worst possible result here would be for the fighting to extend beyond Bosnia, to spread to Macedonia, Kosovo, and beyond. That would bring in other NATO allies and could result in a situation that would be far more difficult in the future than even what we face today. It seems to me the best way to make that result difficult and hopefully impossible is to have a viable Bosnian state in the region to provide a check against Serb aggression.

Second, I suggest we have a moral interest and that moral interest is an eventual peace agreement between the parties in Bosnia. History offers no example of fruitful diplomacy or lasting peace between warring nations where the stronger power has a continued interest in conflict. Therefore, trying to

bring both sides into some parity of power will bring them to the table.

All along, my problem with removing U.N. forces and lifting the embargo has been the safety of the safe havens. Establishing indefensible regions and calling them "safe havens" was a mistake in the first place, but that is the course we took and now those safe havens exist.

The President himself, at the beginning, predicted that these areas would become "shooting galleries." But they were adopted anyway, at European insistence, because America offered no alternative.

When one top Clinton official was asked why the President accepted this proposal he responded: "They"—meaning the Europeans—"showed up in town with a plan and he had no choice."

But the status of the safe havens has been the most difficult obstacle to changing the Bosnian policy. What would happen to these people, to whom we offered the temporary illusion of safety, when the United Nations left? But that dilemma, tragically, is quickly coming to an end. Precisely because these isolated areas only existed at the whim of Bosnian Serbs, they are now endangered. An indefinite commitment to safe havens is not, I suggest, a real option.

Mr. President, I suggest a new Bosnian policy embody four principles.

The first principle, there must be a timetable for withdrawal of UNPROFOR, the U.N. Protective Force. British and French troops in Bosnia are now the primary obstacle to any sensible policy in the region. Whenever anyone suggests some responsible action, like lifting the embargo, we are told that this is impossible because UNPROFOR forces, which are primarily British and French and some other nations—those forces would be endangered. In fact every single member of UNPROFOR is now a virtual hostage, preventing a reasonable reassessment of our goals.

One commentator has said, "The U.N. might as well have deployed women and children." UNPROFOR has proven its inability to achieve its stated purpose and now stands as an impediment to a viable alternative policy.

The second principle I suggest is that U.S. troops should not be used to symbolize our commitment to a failed NATO strategy. We are told that the deployment of American troops is necessary rather than risk further divisions in the Atlantic alliance. But this does nothing to rebuild the reputation of NATO, to join it in a policy that is doomed to fail. In fact, to advance down this path will further undermine NATO's fragile credibility. The United States should not accept either the deployment of American forces to defend the safe havens, or the use of 10,000 American ground troops to help extract French and British forces.

The Europeans have proposed this commitment to cement American in-

volvement, not because they are militarily incapable of performing this mission themselves. If we do, however, reach an emergency in which the only means of rescuing the French and British involves a United States role, then I suppose that is part of our duty as an ally, and we ought to have the capability of responding.

In addition, I am not opposed to using American communications, logistic support, and transport to help evacuate UNPROFOR. But this is entirely different than sending American infantry and Marines into the Bosnian quagmire as a show of political solidarity for a failed policy.

The third principle that I would advocate is that after UNPROFOR have been evacuated we should lift the arms embargo on Bosnia. It is certainly preferable that this be done with the cooperation of our allies. But if it cannot be done with their cooperation, I believe that we should take this action unilaterally, as the Dole-Lieberman resolution directs.

The effect of our current policy has been to deny the legitimate and inherent right of Bosnian Moslems to defend themselves. It has also prevented the creation of meaningful borders that could contain Serb aggression in the region. Maintaining the embargo is a violation of both our moral commitments and our direct national interests.

In the short term, lifting the embargo may cause the fight to intensify. But this is a risk the Bosnians themselves seem eager to accept. Even under a crippling embargo, the Bosnians have fought with courage and tenacity. They show increasing organization and capability, and the Bosnian Serbs themselves are overextended and plagued by desertions. All the Bosnian Moslems lack are the heavy arms to match the Serbs. Once some balance or parity is achieved, and both sides have a reason to negotiate, the United States should be aggressive in mediating some solution.

I am not suggesting that this is a policy without risks. It does carry risks. But there is good reason to believe that Bosnian Moslem resistance will not collapse if UNPROFOR leaves. It is the Bosnian Moslems themselves that assert they are prepared to assume their responsibilities.

I cannot forget the personal plea of the Vice President of Bosnia when he testified before the Armed Services Committee: "We repeat over and over again: we are not asking you for your troops to fight for us on the ground. That is our job and our task. But please do not combine any more big words with small deeds. God will not forgive you if you do nothing. Doing nothing creates a tragedy in Bosnia everyday."

I suggest that the fourth principle underlying our policy is that America must provide a serious strategy to contain the carnage in the Balkans. The flashpoints of future conflict are Mac-

edonia and Kosovo. Here is where NATO has a compelling interest in building and fortifying a barrier against aggression.

Currently, in these regions, we do not have a deterrent, only a tripwire under ineffective U.N. control. NATO should assume full control of this operation, not as a confused humanitarian effort, but as a serious military commitment.

This, in general, is the approach adopted by the Dole-Lieberman bill. I believe the time has come for the Senate to support a strong measure and fill a vacuum of leadership that exists.

Some will argue that this proposal will weaken NATO. Let me be clear: the health of NATO is essential to American interests. This historic comment is a continuing necessity. But this alliance was successful because its leadership has in the past been unquestioned. And that leadership was effectively provided, throughout the cold war, by America.

There is nothing more likely to destroy NATO than for America to retreat from that leadership and abdicate its role. But that is exactly what this administration has allowed to happen. European leaders have attempted to fill that vacuum, but have not succeeded.

In David Rieff's new book on Bosnia, he concludes: "The story of Bosnian defeat is the story of Western European and North American disgrace. What has taken place in Bosnia has revealed the bankruptcy of every European security institution, from the North Atlantic Treaty Organization to the Conference on Security and Cooperation in Europe, and exposed the fact that nowhere in these great structures was there either intellectual preparedness or moral fortitude for dealing with the crises of the post-cold-war world."

President Chirac commented yesterday, "There is no leader of the Atlantic Alliance." That is unfortunately, tragically true. It is a disaster for Bosnia, for Europe and for the world.

We will not reassert American authority by following European and U.N. officials further into this policy that has not worked. The best way to restore national integrity, I suggest, is by providing it with a strategy that will work. And the best way to preserve NATO is by leading it once again.

Mr. President, I have reluctantly come to the conclusion that lifting of the embargo is a policy option that we should adopt. It is clear that we will not—or should not, hopefully will not—place U.S. troops in an indefensible military situation to achieve an objective that has yet to be defined, in a military manner that has yet to be defined, with an end purpose that has yet to be defined.

Therefore, I believe we should heed their request, and since we will not do that, and since the UNPROFOR forces are ineffective in terms of providing the protection that they promised the Bosnian Moslems, I believe it is time that we assert those principles that I



outlined—that we lift the embargo, and that we heed their request to allow them to defend their sovereign state.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the Senate discussing the pending resolution to lift the embargo?

The PRESIDING OFFICER. That is the pending business.

Mr. BYRD. And there is no time under control?

The PRESIDING OFFICER. There is no time under control.

Mr. BYRD. I thank the Chair.

#### UNITED STATES POLICY TOWARD BOSNIA

Mr. BYRD. Mr. President, this is a difficult debate, and a debate that could significantly affect the situation in Bosnia. The legislation we are considering, to lift the arms embargo on Bosnia, is, on the surface, appealing. It appeals to our instincts to do something to redress the plight of the Bosnian civilian population without getting too personally involved. It appeals to our instincts to "level the playing field," and support the underdog.

Representatives of the Bosnian Government have reinforced the appealing character of this legislation. They have visited with me and with other Senators, and they have assured us that if they only had arms to match the aggressor Serbs, they could secure a safe, ethnically diverse, and democratic Bosnian state without the further help of the United Nations or other Western help, although help would be welcome.

But there is a less appealing side to this legislation, a side that troubles me. This is, as some have noted, an incomplete piece of legislation. There are many unanswered questions raised by this resolution. It is these missing answers that so trouble me.

First, and perhaps most troubling, is that this legislation pushes the United States out in front of allies, out in front, and gets the Congress out in front of the President. There is a meeting of NATO allies scheduled to take place in London this Friday, 2 days from today, to finalize a unified NATO plan for Bosnia. While earlier meetings have failed to reach a consensus view, it is clear that the pressure is on to agree on a unified plan of action. Passage of this bill in advance of that meeting narrows the options for the United States and for our allies. It pushes us out on an untraveled path of unilateral action and leaves our allies to deal with the consequences. We have resisted taking this path for 2 years, and have honored our NATO allies' concerns for the safety of their personnel on the ground in Bosnia.

I cannot understand why this debate cannot wait until after the meeting. Why the hurry? The meeting will take place Friday. Why can we not wait until next week to consider this bill?

It was at the urging of his officer corps and Senators who were in that

officer corps that thrust Pompey into the fatal decision not to wait and delay attacking Caesar at Pharsala. Pompey controlled the Adriatic with his 500 large warships and his many more small ships. He controlled the lines of transport. It was just a matter of waiting, to let Caesar's army starve to death. But the officer corps wanted action. And so Pompey made the fatal decision to act quickly, and he was defeated at the battle of Pharsalus in 48 B.C.

It was that same impetuosity, that same desire to rush matters that brought about the defeat of Brutus and Cassius at Philippi in 42 B.C. Brutus and Cassius had squared off against Octavian and Antony. Brutus faced Octavian's wing and defeated it. Cassius, who was in control of the left wing, faced Antony and lost. That was the first battle of Philippi. Then came the second battle, in which, again, the Roman general, Marcus Junius Brutus, had the advantages had he waited. But his soldiers taunted him and urged him to fight sooner rather than later. Brutus did so and lost.

So why the hurry? What is the rush? The situation in Bosnia is desperate, but rash action on our part may make it all the more desperate, and may only serve to add withdrawal forces to the numbers of Bosnian civilians facing crisis situations.

This bill also puts U.S. policy partially in the hands of a foreign government. A request by the Bosnian Government would trigger the lifting of the American role in the arms embargo. This disturbs me. U.S. foreign policy should be directed by the President working with the Congress. U.S. foreign policy should be developed within concert with our allies. Its direction and timing should never be deposited in the hands of any foreign government. Never should we allow the actions of a foreign government automatically to trigger a military action on our part.

Yesterday morning, the distinguished ranking member on the Armed Services Committee, Senator NUNN, identified another of the missing elements in this bill. That is, that unilateral U.S. action to lift the arms embargo in violation of U.N. Security Council resolutions brings with it the high probability, if not the virtual certainty, that the U.N. forces would withdraw from Bosnia. Indeed, the Bosnian Government may request the withdrawal of the U.N. forces. That is their right. But either of these actions would most certainly trigger a commitment by President Clinton to deploy some 25,000 U.S. troops to participate in the extraction of the U.N. forces. Well, I believe that Congress should wait for a Presidential decision and a NATO decision to actually commit troops before actively authorizing such an operation. But I agree that we should not ignore this logical consequence of the action that may be taken today or tomorrow, whenever we vote on this measure. But

we must also consider the consequences of such actions.

There are those who have assured us that the risks to U.S. and NATO forces of a U.N. withdrawal may be overstated; that most U.N. forces are deployed on Bosnian Government-held territory; and that Bosnian Government forces would not hinder the withdrawal. Therefore, the full 80,000-plus NATO extraction force may not be necessary and the risks of casualties may be reduced. This may all be true—I am not an expert in military planning. I have no personal knowledge of the conditions on the ground in Bosnia. I deplore what I see and what I read and what I hear. But I am hesitant to accept such reassurances when the U.S. Department of Defense continues to support a robust operations plan designed to deter attacks and reduce casualties. And I am concerned by the lack of discussion regarding the situation facing the Bosnian civilian refugees affected by a U.N. withdrawal. What efforts will such refugees make to retain or to retaliate against U.N. peacekeepers in the event of a withdrawal? Will the refugees be left in the former safe areas or will they withdraw along with the peacekeepers to Bosnian Government-controlled territory? This resolution ignores the reality of withdrawal by ignoring such questions.

Another missing element in this debate concerns the funds required to pay for the U.S. share of a NATO withdrawal of U.N. forces. At a time when we are making many very difficult choices required to meet the budget resolution goals and reduce the deficit, we must address the approximately \$1 billion bill for U.S. participation in a withdrawal. Let us not forget that. There will be a bill to pay. I am not arguing that we should not lift the embargo because it would prove too expensive. I simply note that the passage of this bill would lead to costs eventually to the United States, and that we must address these costs up front.

This bill is not a simple and appealing low-cost solution to the ugly situation in Bosnia. It carries with it consequences, and those consequences carry a price in both lives and treasure, and the future of our alliances with other nations. If the United States pursues a solo course in Bosnia, and chooses to unilaterally abrogate an international arms embargo against Bosnia, what authority can we muster to argue for the maintenance of other sanctions or embargos against other countries? One compelling example is the case of the sanctions against Iraq. For 4 years, our allies have stayed the course with us to maintain sanctions against Iraq. These sanctions have proven to be the critical tool in pushing a very recalcitrant Iraqi Government to disclose and dismantle their industrial infrastructure for the research and production of weapons of mass destruction. Without the sanctions, the Iraqi biological weapons production complex would not have been revealed, and

Southwest Asia and the rest of the world would remain at the mercy of Iraqi-produced anthrax and botulinum bombs. Many of our allies, including prominent members of the coalition in Bosnia, would like to lift the sanctions against Iraq. They want to restore lucrative—lucrative—trade ties with Baghdad, but they have bowed to our compelling interest in maintaining the sanctions, just as we have supported their desires to maintain the arms embargo against Bosnia in order to protect allied personnel on the ground. Our unilateral action on Bosnia would provide our allies with the excuse to deny United States requests concerning Iraq, at a time when the U.N. inspectors there are very close to resolving the few, but critical, remaining issues concerning Iraqi chemical and biological weapons programs.

Finally, I would note that the appealing message trumpeted by this bill and by the Bosnian Government representatives is somewhat disingenuous. It is designed to appeal to our sympathies and to our desire to help, but a lifting of the arms embargo also appeals to our desire not to put Americans in harm's way. Members have argued that U.S. support of the arms embargo has already "Americanized" the conflict. This is not true. The United States, has with other nations, supported a U.N. Security Council resolution to limit arms. Our allies with troops on the ground have reinforced the consensus on maintaining the embargo. If that causes the conflict to be "Americanized," then it also makes it "Britishized" and "Frenchified," and "Spanishized." The act of unilaterally lifting the embargo, pushing our allies out of Bosnia, and leaving the Bosnian Government to look to the United States for support—that unilateral act is what risks "Americanizing" the conflict.

The Bosnian Government representatives have identified three priorities, which also trouble me. First, they seek a lifting of the arms embargo. Although this bill does not promise any U.S. arms or assistance, it is clearly desired and perhaps even expected. The legislative history of United States policy on Bosnia has linked—linked—the lifting of the arms embargo with the provision of up to \$200 million in training and assistance, and with the provision of excess United States military equipment at no cost. Do not be surprised to see actions to extend this assistance in the authorization and appropriations bills later this year, even though no promises are made in this bill before us. Additionally, remember that this imperfect arms embargo also affects the Serbs. If we lift the embargo and supply arms to the Bosnian Government, it will not occur in a vacuum. The Serbs will also receive arms from their friends and sympathizers. As the conflict heats up and more nations get involved, are we going to be able to easily walk away?

Second, the Bosnian Government desires a continuation of the NATO "no-fly" zone over Bosnia. Because the Bosnian Government has no air forces while the Serbs do, it seems reasonable to prevent the Bosnian Serb forces from exploiting their advantage in the air, and allow both sides to fight on a level playing field on the ground. The Bosnian Government suggests that this role can be continued by NATO at low risk, despite the shoot-down of American pilot Scott O'Grady, and the losses of other NATO aircraft in the past.

Finally, the Bosnian Government's third priority is NATO airstrikes against Serb forces and ammunition dumps. This is not a level playing field. This is a desire for a playing field tilted in favor of the Bosnian Government. The Bosnian Government wants NATO to intervene to keep the Serbs out of the air, and then use NATO air superiority to attack Serb forces and installations. While the victimization of the Bosnian Moslem civilian population may merit this kind of support, it is exactly the kind of action that leads to greater NATO or United States participation in the conflict. That is where the rub comes. These unheralded priorities disguise the slippery slope of escalating U.S. involvement down which we might slide, and with this resolution we may be pouring more oil on that slick hillside.

These priorities, and the language in the bill, make it clear that United States policy, which up until now has been one of neutrality and conflict containment, will tend to tilt to partisan support of the Bosnian Government and the Bosnian Moslem side in the conflict. I do not think we want to tilt either way. With the adoption of this resolution, we will move toward picking a side—picking a side—in this conflict, and thereby irrevocably tie United States to Bosnia and to the fate and abilities of the Bosnian Government.

And so I urge my colleagues will consider carefully the downside of this legislation before they cast their votes. This bill is not a simple solution to a complex and guilt-laden problem. We must understand the consequences of our actions. I for one do not relish the possibility of emotional speeches of support for the Bosnian victims of this tragic conflict being replaced by emotional speeches decrying the lives of American pilots and soldiers lost in a civil war that everyone acknowledges is not in the vital national security interests of the United States.

Mr. President, I shall vote against the pending bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 5 minutes.

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

#### REGULATORY REFORM

Mr. BROWN. Mr. President, I rise to address the issue of regulatory reform, which this Senate has debated at length.

I think many Americans, as they listen to the debate, must wonder what the argument is all about. There have been charges that sponsors of S. 343 will eliminate regulations protecting food, clean air, clean water, and that we will eliminate regulation of meat inspection, and so on. All those charges are completely inaccurate. No statutes in those areas are repealed. No regulations are repealed. What this bill basically does is simply require that the Government examine the merits and the cost of new or current regulations.

I think many Americans may wonder, why the filibuster? What is really involved is the question of costs and benefits of regulations. Why does that deserve a filibuster? This regulatory reform bill has been filibustered in a way I have never before seen in a legislative body. Certainly we have had filibusters on the floor before, but seldom have we had filibusters in the committee, which is what occurred in the Judiciary Committee.

What I think is at stake—and why I think you see such vigorous debate of this issue—is the question of unbridled, uncontrolled regulation of an economy goes to the core of people's philosophy about America and American Government.

Last year this country added more than 60,000 pages of new regulations to the Federal Register. I think most Americans, when they hear that, would be shocked. It is true—the Government promulgated more than 64,000 pages of new regulations. If you wanted to read those regulations—and, of course, all Americans are subject to them, and if they violate them, they could be fined, or even on occasion thrown into prison—if you wanted to read the regulations that you are subject to, and if you read it 300 words a minute, which is a very good reading speed for a legal document, it would take you more than a year. In fact, you would be roughly halfway through it. If you read 8 hours a day with no coffee breaks, 5 days a week with no holidays or days off, if you read 52 weeks a year with no vacations, you still would not have even read the new regulations. Add to that the tens of thousands of pages of regulations that already exist.

What is at stake in this debate is not whether you should have a cost-benefit analysis or not. What is at stake is the question of whether or not the Federal Government has any restrictions on its ability to micromanage the economy. What Americans have found is that the

details of how you drive the truck, how you dig a ditch, how you operate daily activities in many, many areas, are now controlled by regulations.

What is at stake is, who will make the decisions in this country? Will Government make those decisions about how we run our daily lives in minute detail, or will individuals preserve a right to make decisions about how they function and how their activities are lived? That is an important decision.

I think those who look at the votes in the Senate on this issue will note one thing. In most cases, those Members that have worked for a living in the private sector, who have used their hands and their minds to produce products, goods, or services, are the ones who voted to reform the regulatory process—not all, but most of them. And largely those people who did not have an opportunity, or have not for many decades had an opportunity, to work in the private sector, who have spent their productive lives in government, tended to vote to oppose regulatory reform. It is not surprising that people would reflect their background.

What is sad, though, is that there are not more Members who have walked in those moccasins, so to speak, who have had a chance to be subject to regulation, who understand what it is like to have OSHA inspect their business, understand what it is like to have the EPA come along, or who have run a municipal operation.

We heard in the Constitution Subcommittee the other day from the Governor of Nebraska, who is a Democrat, that they are required by Federal regulations to test for pineapple sprays in Nebraska. It is ludicrous. And, yet, the people of Nebraska are subject to this regulation and are forced to spend their money and their treasury on it, when it has absolutely no relevance to the quality of water in the State of Nebraska.

There are thousands of examples like that. But this is not just about what Nebraskans have to test for in their water, whether there are sprays of pineapples or not; it is about a concept. It is about the concept of who will make the decisions in America. Will working men and women have a chance to decide how they live their daily lives, or is this all to be relegated to minute regulations that come down from the Federal Government?

That is an important principle. I believe if we in America stand for anything, it is for individual opportunity and individual freedom; yes, even at times an opportunity to make a mistake. But Americans believe we have an opportunity and a right to help run our own lives, not simply take dictates from those who govern, no matter how wise or how well meaning.

Do we need regulations? Of course. But 60,000 pages of new ones every year? No society can sustain it. What is at stake is an effort to make regulations responsible and reasonable. What

is at stake is individual opportunity to decide how to live their own lives.

I yield the floor, Mr. President.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. D'AMATO. Mr. President, I rise today in strong support of S. 21, Senator DOLE's bill to lift the United States arms embargo against the Republic of Bosnia and Herzegovina. As the so-called U.N. safe zones fall one by one to Serbian rebel assaults, and their civilian inhabitants face the horrors of ethnic cleansing, we must stand up for the sovereign right of Bosnia to defend itself against this armed aggression.

The U.N. protected areas were initially created to actually protect their inhabitants from ethnic cleansing. The plan was that the U.N. Protection Force, backed by NATO air power, would actually use force to stop the population of these areas from coming to harm. The implicit deal was that the United Nations, through UNPROFOR and NATO, would assume Bosnia's sovereign responsibility to defend its people and its territory, in return for Bosnian cooperation in pursuit of a diplomatic solution to the conflict.

Mr. President, Bosnia has cooperated. Bosnia accepted the contact group's plan that would have left the Bosnian Serb rebels in control of half of their country. Bosnia, in return, had every right to expect the United Nations and NATO to uphold their end of the bargain, and use armed force to defend the Bosnian people in the protected areas from Serbian assault.

We have now seen that neither the United Nations nor NATO is willing to meet its obligations under this arrangement. After the disastrously misguided air attacks on unmanned Serb ammunition bunkers near Pale, the Serbs did again what they have done before—they seized UNPROFOR members as hostages and, in a new violation of the laws of war, chained them to potential targets. Some charge that our allies in UNPROFOR deliberately deployed their forces in militarily untenable positions so that they would serve as de facto hostages, effectively barring the use of force in response to Serb outrages. Whether or not this unsound deployment was deliberate and the actual taking of hostages was foreseen, neither the United Nations nor NATO is now free to use force against the Serbs even if they had the political will to do so.

In fact, the West lacks the political will to use force to protect the safe zones and the people living in them. Srebrenica has fallen and Zepa is about to fall. In my opinion, any of the publicly discussed plans to protect Gorazde are doomed to failure.

The United States Senate should vote today to return to the Bosnian Government the capability to exercise its sovereign right of self defense. The recent attacks to lift the siege of Sarajevo show that the Bosnian Government is not afraid to use force in its own self defense, and that its people are ready to make tremendous sacrifices for their country. We need to allow them to obtain the tools they need to convert their political resolve and courage into military success.

While I believe that the French plan to insert additional troops in the besieged Gorazde zone is the height of folly—someone wrote that the French have forgotten Dien Bien Phu—I agree with President Chirac's assessment of the performance of the West in this crisis as being the worst since the late 1930's, when we faltered and compromised in the face of Nazi aggression. It is time and past time for us to get out of the Bosnians' way and allow them to obtain the means to defend themselves.

Accordingly, I will vote for this measure and I strongly urge my colleagues to give it their wholehearted support.

#### ORDER OF PROCEDURE

Mr. DOLE. First of all, Mr. President, let me indicate there will be no more votes this evening. We are still hoping to have the debate tonight on the rescissions bill. We have an agreement that we hope we can reach here in the next moments. It depends on, as I understand, some assurance from the White House to the Senator from Minnesota, Senator WELLSTONE. But it is the majority leader's intention to have the debate tonight, 40 minutes of debate, 20 minutes of debate tomorrow, there be two back-to-back votes, then a vote on final passage, if necessary, tomorrow morning. If we cannot reach that agreement, then I really will give up on it. We tried to accommodate the Senator from Minnesota. It is very important that we pass this bill, but we need to have some movement on the other side.

Second, I have had a lengthy phone conversation with the President about Bosnia. He has asked that we not have a vote on the Bosnian resolution, S. 21, until next week. And I have told the President I would—he asked me to think about it overnight and contact him tomorrow. So I will certainly do that. Without in any way trying to characterize the conversation, I think the President indicated that he knew that the present policy was not working. He knew that the changes would have to be made. He was prepared to provide the leadership necessary to bring about those changes. I think that is about all I can say about it. But, obviously, I wish to cooperate with the President wherever and whenever possible. So it would be my inclination that we not vote on the Bosnia resolution this week. But I will discuss this

with some of my colleagues in the morning and get back to the President.

Third, we are still negotiating S. 343, the regulatory reform bill. Under the agreement, I can call for the regular order at any time, but an hour later we could have a cloture vote on S. 343. Obviously, I will give the Democratic leader, Senator DASCHLE, adequate notice before that is done. But there are still some negotiations underway. It is still our hope that we can find some common ground, though I must say some of the demands cannot be met. Perhaps some others can. And we should, hopefully, reach some final decision on that bill sometime tomorrow.

Also, I hope, after we work out the rescissions agreement, that tomorrow morning following the vote on the rescissions package, we will take up legislative branch appropriations. We have notified Senator MACK, the subcommittee chair, so that we will start on our first appropriations bill somewhere between 9:30 and probably about 10 tomorrow morning.

So that is sort of a summary of where we are. And while I dislike not being able to accommodate the staff, we need to wait until we hear from the White House before we know that we can proceed on the rescissions package. Perhaps we will just have a recess until 8:15. At least the staff can get up and walk around.

#### RECESS UNTIL 8:15 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 8:15.

There being no objection, at 7:55 p.m., the Senate recessed until 8:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWN).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Colorado, suggests the absence of a quorum. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

#### ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we have been unsuccessful in working out an agreement with the Senator from Minnesota. It is unfortunate. We would have hoped he would come to the floor and use some of the time this evening. He has refused to do that. So it seems to me, if you cannot get anybody to cooperate, there is no reason to worry about the rescission package and I am not going to worry about it. Somebody else can worry about it from now on. I have talked to the President about it today. I have talked to the chief of staff at the White House. We thought we had an agreement. We cannot get the agreement.

I am going to ask consent and let somebody object to the agreement as soon as we can find an objector. I wish it were the Senator from Minnesota, Senator WELLSTONE, since he is the one who we are trying to accommodate. It is hard to do.

So, tomorrow we will have morning business from 9 to 10, then we will go on to the legislative branch appropriations. And hopefully, following that, military construction appropriations. And perhaps, maybe by then we will be able to go back to the reg reform bill, S. 343.

#### UNANIMOUS-CONSENT REQUEST— H.R. 1944

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 1944 and that it be considered under the following agreement: One amendment in order to be offered by Senator WELLSTONE, regarding education funding/job training and LIHEAP, on which there be a division, and each of the two divisions be limited to 1 hour to be equally divided in the usual form, with all time to be used this evening with the exception of 40 minutes; then, when the Senate reconvenes on Thursday at 9 a.m., the Senate resume H.R. 1944 and the remaining 40 minutes on the amendment and the 10 minutes for the managers on the bill, to be followed immediately by a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the calendar. If that action is not exercised, the Senate then proceed immediately to vote on a motion to table the second Wellstone division to be followed immediately by a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the distinguished majority leader's effort to try to accommodate Senators on our side. The offer that the Senators on our side, Senators WELLSTONE and MOSELEY-BRAUN, have made is that we have three amendments and three votes. This request accommodates two amendments. I know that there are still some outstanding negotiations underway with regard to the third matter.

This is a very important bill. It deals with assistance to be provided in cases in California and Oklahoma, as we all know. I hope, as close as we are, we could continue to try to resolve these differences. But unfortunately, as a result of our inability to resolve that third outstanding matter, on behalf of Senators WELLSTONE and MOSELEY-BRAUN I have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas retains the floor.

Mr. DOLE. I would just add, my understanding is the White House is working in good faith. I have talked to the chief of staff, Leon Panetta. And as far as I know, everyone is in good faith. But nobody accepts anybody's good faith, at least the Senator from Minnesota does not. He has every right to have someone object to the agreement, but it is important to the people of Oklahoma City. This bill is important to people in about 39 States. It is not just important to the Senator from Minnesota. The amendment he is talking about is less than \$5 million, the third amendment.

I have tried to help him on that amendment. I have asked the White House, myself, to try to accommodate the Senator from Minnesota. I would think, in the spirit of comity, he would let us proceed and have the debate tonight. I assume when the President or chief of staff indicate they think they can work something out, that would be—at least good enough for this Senator. But maybe not the Senator from Minnesota.

#### MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for morning business.

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

#### PRESIDENT CLINTON'S ADDRESS ON AFFIRMATIVE ACTION

Mr. KENNEDY. Mr. President, earlier today, President Clinton delivered an eloquent and excellent address on one of the most important issues the Nation faces—the future of affirmative action.

In my view, and I believe in the view of the vast majority of the American people, President Clinton is doing the right and courageous thing. He is preserving and improving the best of affirmative action, and eliminating its abuses.

For a generation, beginning with the Supreme Court's landmark 1954 decision outlawing school segregation, America has made significant bipartisan progress in attempting to end the most blatant forms of discrimination and racism in our society.

Much of this progress has been achieved through affirmative action, involving the leadership of government at every level—Federal, State, and local—and the action of dedicated private citizens.

Unfortunately, discrimination persists, often in subtle forms. We have made real progress, but much more remains to be done. Good jobs still too often remain closed or less available to qualified minorities and women because of bigotry. By helping to assure that every individual has an equal opportunity, affirmative action is one of our most effective means and best hopes for rooting out that bias.

The President is right to broaden set-asides, to oppose quotas, to reject preferences for unqualified individuals and reverse discrimination, and to end programs that have achieved their goals. Every Federal affirmative action program deserves review to see whether abuses have occurred and whether it accords with the Supreme Court's current guidelines.

I commend President Clinton for his leadership and his vision of a more just America. Today was one of his finest hours. At a time when some in the Party of Lincoln are seeking to divide America because of race, we must not retreat from our commitment to fulfill the Constitution's fundamental promise of equal justice for all.

Mr. President, I believe the President's address will be of interest to all of us in Congress and to all Americans, and I ask unanimous consent that it may be printed in the RECORD.

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

ADDRESS BY PRESIDENT CLINTON ON  
AFFIRMATIVE ACTION, JULY 19, 1995

Thank you very much. To the members of Congress who are here, members of the Cabinet and the administration, my fellow Americans: In recent weeks I have begun a conversation with the American people about our fate and our duty to prepare our nation not only to meet the new century, but to live and lead in a world transformed to a degree seldom seen in all of our history. Much of this change is good, but it is not all good, and all of us are affected by it. Therefore, we must reach beyond our fears and our divisions to a new time of great and common purpose.

Our challenge is twofold: first, to restore the American dream of opportunity and the American value of responsibility; and second, to bring our country together amid all our diversity into a stronger community, so that we can find common ground and move forward as one.

More than ever, these two endeavors are inseparable. I am absolutely convinced we cannot restore economic opportunity or solve our social problems unless we find a way to bring the American people together. To bring our people together we must openly and honestly deal with the issues that divide us. Today I want to discuss one of those issues: affirmative action.

It is, in a way, ironic that this issue should be divisive today, because affirmative action began 25 years ago by a Republican president with bipartisan support. It began simply as a means to an end of enduring national purpose—equal opportunity for all Americans.

So let us today trace the roots of affirmative action in our never-ending search for equal opportunity. Let us determine what it is and what it isn't. Let us see where it's worked and where it hasn't and ask ourselves what we need to do now. Along the way, let us remember always that finding common ground as we move toward the 21st century depends fundamentally on our shared commitment to equal opportunity for all Americans. It is a moral imperative, a constitutional mandate, and a legal necessity.

There could be no better place for this discussion than the National Archives, for within these walls are America's bedrocks of our common ground—the Declaration of Independence, the Constitution, the Bill of Rights. No paper is as lasting as the words

these documents contain. So we put them in these special cases to protect the parchment from the elements. No building is as solid as the principles these documents embody, but we sure tried to build one with these metal doors 11 inches thick to keep them safe, for these documents are America's only crown jewels. But the best place of all to hold these words and these principles is the one place in which they can never fade and never grow old—in the stronger chambers of our hearts.

Beyond all else, our country is a set of convictions: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

Our whole history can be seen first as an effort to preserve these rights, and then as an effort to make them real in the lives of all our citizens. We know that from the beginning, there was a great gap between the plain meaning of our creed and the meaner reality of our daily lives. Back then, only white male property owners could vote. Black slaves were not even counted as whole people, and Native Americans were regarded as little more than an obstacle to our great national progress. No wonder Thomas Jefferson, reflecting on slavery, said he trembled to think God is just.

On the 200th anniversary of our great Constitution, Justice Thurgood Marshall, the grandson of a slave, said, "The government our founders devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government and its respect for the individual freedoms and human rights we hold as fundamental today."

Emancipation, women's suffrage, civil rights, voting rights, equal rights, the struggle for the rights of the disabled—all these and other struggles are milestones on America's often rocky, but fundamentally righteous journey to close up the gap between the ideals enshrined in these treasures here in the National Archives and the reality of our daily lives.

I first came to this very spot where I'm standing today 32 years ago this month. I was a 16-year-old delegate to the American Legion Boys Nation. Now, that summer was a high-water mark for our national journey. That was the summer that President Kennedy ordered Alabama National Guardsmen to enforce a court order to allow two young blacks to enter the University of Alabama. As he told our nation, "Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated."

Later that same summer, on the steps of the Lincoln Memorial, Martin Luther King told Americans of his dream that one day the sons of former slaves and the sons of former slaveowners would sit down together at the table of brotherhood; that one day his four children would be judged not by the color of their skin, but by the content of their character. His words captured the hearts and steeled the wills of millions of Americans. Some of them sang with him in the hot sun that day. Millions more like me listened and wept in the privacy of their homes.

It's hard to believe where we were, just three decades ago. When I came up here to Boys Nation and we had this mock congressional session, I was one of only three or four southerners who would even vote for the civil rights plank. That's largely because of my family. My grandfather had a grade school education and ran a grocery store across the street from the cemetery in Hope, Arkansas, where my parents and my grand-

parents are buried. Most of his customers were black, were poor, and were working people. As a child in that store I saw that people of different races could treat each other with respect and dignity.

But I also saw that the black neighborhood across the street was the only one in town where the streets weren't paved. And when I returned to that neighborhood in the late '60s to see a woman who had cared for me as a toddler, the streets still weren't paved. A lot of you know that I am an ardent moviegoer. As a child I never went to a movie where I could sit next to a black American. They were always sitting upstairs.

In the 1960s, believe it or not, there were still a few courthouse squares in my state where the rest rooms were marked "white" and "colored." I graduated from a segregated high school seven years after President Eisenhower integrated Little Rock Central High School. And when President Kennedy barely carried my home state in 1960, the poll tax system was still alive and well there.

Even though my grandparents were in a minority, being poor Southern whites who were pro-civil rights, I think most other people knew better than to think the way they did. And those who were smart enough to act differently discovered a lesson that we ought to remember today. Discrimination is not just morally wrong, it hurts everybody.

In 1960, Atlanta, Georgia, in reaction to all the things that were going on all across the South, adopted the motto, "The city too busy to hate." And however imperfectly over the years, they tried to live by it. I am convinced that Atlanta's success—it now is home to more foreign corporations than any other American city, and one year from today it will begin to host the Olympics—that that success all began when people got too busy to hate.

The lesson we learned was a hard one. When we allow people to pit us against one another or spend energy denying opportunity based on our differences, everyone is held back. But when we give all Americans a chance to develop and use their talents, to be full partners in our common enterprise, then everybody is pushed forward.

My experiences with discrimination are rooted in the South and in the legacy slavery left. I also lived with a working mother and a working grandmother when women's work was far rarer and far more circumscribed than it today. But we all know there are millions of other stories—those of Hispanics, Asian Americans, Native Americans, people with disabilities, others against whom fingers have been pointed. Many of you have your own stories, and that's why you're here today—people who were denied the right to develop and use their full human potential. And their progress, too, is a part of our journey to make the reality of America consistent with the principles just behind me here.

Thirty years ago in this city, you didn't see many people of color or women making their way to work in the morning in business clothes, or serving in substantial numbers in powerful positions in Congress or at the White House, or making executive decisions every day in business. In fact, even the employment want ads were divided, men on one side and women on the other.

It was extraordinary then to see women or people of color as television news anchors, or, believe it or not, even in college sports. There were far fewer women and minorities as job supervisors, or firefighters, or police officers, or doctors, or lawyers, or college professors, or in many other jobs that offer stability and honor and integrity to family life.

A lot has changed, and it did not happen as some sort of random evolutionary drift. It

took hard work and sacrifices and countless acts of courage and conscience by millions of Americans. It took the political courage and statesmanship of Democrats and Republicans alike, the vigilance and compassion of courts and advocates in and out of government committed to the Constitution and to equal protection and to equal opportunity. It took the leadership of people in business who knew that in the end we would all be better. It took the leadership of people in labor unions who knew that working people had to be reconciled.

Some people, like Congressman Lewis there, put their lives on the line. Other people lost their lives. And millions of Americans changed their own lives and put hate behind them. As a result, today all our lives are better. Women have become a major force in business and political life, and far more able to contribute to their families' incomes. A true and growing black middle class has emerged. Higher education has literally been revolutionized, with women and racial and ethnic minorities attending once overwhelmingly white and sometimes all male schools.

In communities across our nation, police departments now better reflect the make-up of those whom they protect. A generation of professionals now serve as role models for young women and minority youth. Hispanics and newer immigrant populations are succeeding in making America stronger.

For an example of where the best of our future lies, just think about our space program and the stunning hook-up with the Russian space station this month. Let's remember that that program, the world's finest, began with heroes like Alan Shepard and Senator John Glenn, but today it's had American heroes like Sally Ride, Ellen Ochoa, Leroy Child, Guy Bluford and other outstanding, completely qualified women and minorities.

How did this happen? Fundamentally, because we opened our hearts and minds and changed our ways. But not without pressure—the pressure of court decisions, legislation, executive action, and the power of examples in the public and private sector. Along the way we learned that laws alone do not change society; that old habits and thinking patterns are deeply ingrained and die hard; that more is required to really open the doors of opportunity. Our search to find ways to move more quickly to equal opportunity led to the development of what we now call affirmative action.

The purpose of affirmative action is to give our nation a way to finally address the systemic exclusion of individuals of talent on the basis of their gender or race from opportunities to develop, perform, achieve and contribute. Affirmative action is an effort to develop a systematic approach to open the doors of education, employment and business development opportunities to qualified individuals who happen to be members of groups that have experienced longstanding and persistent discrimination.

It is a policy that grew out of many years of trying to navigate between two unacceptable pasts. One was to say simply that we declared discrimination illegal and that's enough. We saw that that way still relegated blacks with college degrees to jobs as railroad porters, and kept women with degrees under a glass ceiling with a lower paycheck.

The other path was simply to try to impose change by leveling draconian penalties on employers who didn't meet certain imposed, ultimately arbitrary, and sometimes unachievable quotas. That, too, was rejected out of a sense of fairness.

So a middle ground was developed that would change an inequitable status quo gradually, but firmly, by building the pool of qualified applicants for college, for con-

tracts, for jobs, and giving more people the chance to learn, work and earn. When affirmative action is done right, it is flexible, it is fair, and it works.

I know some people are honestly concerned about the times affirmative action doesn't work, when it's done in the wrong way. And I know there are times when some employers don't use it in the right way. They may cut corners and treat a flexible goal as a quota. They may give opportunities to people who are unqualified instead of those who deserve it. They may, in so doing, allow a different kind of discrimination. When this happens, it is also wrong. But it isn't affirmative action, and it is not legal.

So when our administration finds cases of that sort, we will enforce the law aggressively. The Justice Department files hundreds of cases every year, attacking discrimination in employment, including suits on behalf of white males. Most of these suits, however, affect women and minorities for a simple reason—because the vast majority of discrimination in America is still discrimination against them. But the law does require fairness for everyone and we are determined to see that that is exactly what the law delivers. (Applause.)

Let me be clear about what affirmative action must not mean and what I won't allow it to be. It does not mean—and I don't favor—the unjustified preference of the unqualified over the qualified of any race or gender. It doesn't mean—and I don't favor—numerical quotas. It doesn't mean—and I don't favor—rejection or selection of any employee or student solely on the basis of race or gender without regard to merit.

Like many business executives and public servants, I owe it to you to say that my views on this subject are, more than anything else, the product of my personal experience. I have had experience with affirmative action, nearly 20 years of it now, and I know it works.

When I was Attorney General of my home state, I hired a record number of women and African American lawyers—every one clearly qualified and exceptionally hardworking. As Governor, I appointed more women to my Cabinet and state boards than any other governor in the state's history, and more African Americans than all the governors in the state's history combined. And no one ever questioned their qualifications or performance. And our state was better and stronger because of their service.

As President, I am proud to have the most diverse administration in history in my Cabinet, my agencies and my staff. And I must say, I have been surprised at the criticism I have received from some quarters in my determination to achieve this.

In the last two and a half years, the most outstanding example of affirmative action in the United States, the Pentagon, has opened 260,000 positions for women who serve in our Armed Forces. I have appointed more women and minorities to the federal bench than any other president, more than the last two combined. And yet, far more of our judicial appointments have received the highest rating from the American Bar Association than any other administration since those ratings have been given.

In our administration, many government agencies are doing more business with qualified firms run by minorities and women. The Small Business Administration has reduced its budget by 40 percent, doubled its loan outputs, and dramatically increased the number of loans to women and minority small business people, without reducing the number of loans to white businessowners who happen to be male, and without changing the loan standards for a single, solitary application. Quality and diversity can go hand in hand, and they must. (Applause.)

Let me say that affirmative action has also done more than just open the doors of opportunity to individual Americans. Most economists who study it agree that affirmative action has also been an important part of closing gaps in economic opportunity in our society, thereby strengthening the entire economy.

A group of distinguished business leaders told me just a couple of days ago that their companies are stronger and their profits are larger because of the diversity and the excellence of their work forces achieved through intelligent and fair affirmative action programs. And they said we have gone far beyond anything the government might require us to do, because managing diversity and individual opportunity and being fair to everybody is the key to our future economic success in the global marketplace.

Now, there are those who say, my fellow Americans, that even good affirmative action programs are no longer needed; that it should be enough to resort to the courts or the Equal Employment Opportunity Commission in cases of actual, provable, individual discrimination because there is no longer any systematic discrimination in our society. In deciding how to answer that, let us consider the facts.

The unemployment rate for African Americans remains about twice that of whites. The Hispanic rate is still much higher. Women have narrowed the earnings gap, but still make only 72 percent as much as men do for comparable jobs. The average income for an Hispanic woman with a college degree is still less than the average income of a white man with a high school diploma.

According to the recently completed Glass Ceiling Report, sponsored by Republican members of Congress, in the nation's largest companies only six-tenths of one percent of senior management positions are held by African Americans, four-tenths of a percent by Hispanic Americans, three-tenths of a percent by Asian Americans; women hold between three and five percent of these positions. White males make up 43 percent of our work force, but hold 95 percent of these jobs.

Just last week, the Chicago Federal Reserve Bank reported that black home loan applicants are more than twice as likely to be denied credit as whites with the same qualifications; and that Hispanic applicants are more than one and a half times as likely to be denied loans as whites with the same qualifications.

Last year alone, the federal government received more than 90,000 complaints of employment discrimination based on race, ethnicity or gender. Less than three percent were for reverse discrimination.

Evidence abounds in other ways of the persistence of the kind of bigotry that can affect the way we think, even if we're not conscious of it, in hiring and promotion and business and educational decisions.

Crimes and violence based on hate against Asians, Hispanics, African Americans and other minorities are still with us. And, I'm sorry to say that the worst and most recent evidence of this involves a recent report of federal law enforcement officials in Tennessee attending an event literally overflowing with racism—a sickening reminder of just how pervasive these kinds of attitudes still are.

By the way, I want to tell you that I am committed to finding the truth about what happened there and to taking appropriate action. And I want to say that if anybody who works in federal law enforcement thinks that that kind of behavior is acceptable, they ought to think about working somewhere else. (Applause.)

Now, let's get to the other side of the argument. If affirmative action has worked and if

there is evidence that discrimination still exist on a wide scale in ways that are conscious and unconscious, then why should we get rid of it, as many people are urging? Some question the effectiveness or the fairness of particular affirmative action programs. I say to all of you, those are fair questions, and they prompted the review of our affirmative action programs, about which I will talk in a few moments.

Some question the fundamental purpose of the effort. There are people who honestly believe that affirmative action always amounts to group preferences over individual merit; that affirmative action always leads to reverse discrimination; that ultimately, therefore, it demeans those who benefit from it and discriminates against those who are not helped by it.

I just have to tell you that all you have to decide how you feel about that, and all of our fellow countrymen and women have to decide as well. But I believe if there are no quotas, if we give no opportunities to unqualified people, if we have no reverse discrimination, and if, when the problem ends—the program ends, that criticism is wrong. That's what I believe. But we should have this debate and everyone should ask the question. (Applause.)

Now let's deal with what I really think is behind so much of this debate today. There are a lot of people who oppose affirmative action today who supported it for a very long time. I believe they are responding to the sea change in the experiences that most Americans have in the world in which we live.

If you say now you're against affirmative action because the government is using its power or the private sector is using its power to help minorities at the expense of the majority, that gives you a way of explaining away the economic distress that a majority of Americans honestly feel. It gives you a way of turning their resentment against the minorities or against a particular government program, instead of having an honest debate about how we all got into the fix we're in and what we're all going to do together to get out of it.

That explanation, the affirmative action explanation for the fix we're in, is just wrong. It is just wrong. Affirmative action did not cause the great economic problems of the American middle class. (Applause.)

And because most minorities or women are either members of that middle class or people who are poor who are struggling to get into it, we must also admit that affirmative action alone won't solve the problems of minorities and women who seek to be part of the American Dream. To do that, we have to have an economic strategy that reverses the decline in wages and the growth of poverty among working people. Without that, women, minorities, and white males will all be in trouble in the future.

But it is wrong to use the anxieties of the middle class to divert the American people from the real causes of their economic distress—the sweeping historic changes taking all the globe in its path, and the specific policies or lack of them in our own country which have aggravated those challenges. It is simply wrong to play politics with the issue of affirmative action and divide our country at a time when, if we're really going to change things, we have to be united. (Applause.)

I must say, I think it is ironic that some of those—not all, but some of those—who call for an end to affirmative action also advocate policies which will make the real economic problems of the anxious middle class even worse. They talk about opportunity and being for equal opportunity for everyone, and then they reduce investment in equal opportunity on an evenhanded basis. For exam-

ple, if the real goal is economic opportunity for all Americans, why in the world would we reduce our investment in education from Head Start to affordable college loans? Why don't we make college loans available to every American instead? (Applause.)

If the real goal is empowering all middle class Americans and empowering poor people to work their way into the middle class without regard to race or gender, why in the world would the people who advocate that turn around and raise taxes on our poorest working families, or reduce the money available for education and training when they lose their jobs or they're living on poverty wages, or increase the cost of housing for lower-income, working people with children?

Why would we do that? If we're going to empower America, we have to do more than talk about it, we have to do it. And we surely have learned that we cannot empower all Americans by a simple strategy of taking opportunity away from some Americans. (Applause.)

So to those who use this as a political strategy to divide us, we must say, no. We must say, no. (Applause.)

But to those who raise legitimate questions about the way affirmative action works, or who raise the larger question about the genuine problems and anxieties of all the American people and their sense of being left behind and treated unfairly, we must say, yes, you are entitled to answers to your questions. We must say yes to that.

Now, that's why I ordered this review of all of our affirmative action programs—a review to look at the facts, not the politics of affirmative action. This review concluded that affirmative action remains a useful tool for widening economic and educational opportunity. The model used by the military, the Army in particular—and I'm delighted to have the Commanding General of the Army here today because he set such a fine example—has been especially successful because it emphasizes education and training, ensuring that it has a wide pool of qualified candidates for every level of promotion. That approach has given us the most racially diverse and best-qualified military in our history. There are more opportunities for women and minorities there than ever before. And now there are over 50 generals and admirals who are Hispanic, Asian or African Americans.

We found that the Education Department had programs targeted on under-represented minorities that do a great deal of good with the tiniest of investments. We found that these programs comprised 40 cents of every \$1,000 in the Education Department's budget.

Now, college presidents will tell you that the education their schools offer actually benefits from diversity—colleges where young people get the education and make the personal and professional contacts that will shape their lives. If their colleges look like the world they're going to live and work in, and they learn from all different kinds of people things that they can't learn in books, our systems of higher education are stronger.

Still, I believe every child needs the chance to go to college. Every child. That means every child has to have a chance to get affordable and repayable college loans, Pell Grants for poor kids and a chance to do things like join AmeriCorps and work their way through school. Every child is entitled to that. That is not an argument against affirmative action. It's an argument for more opportunity for more Americans until everyone is reached. (Applause.)

As I said a moment ago, the review found that the Small Business Administration last year increased loans to minorities by over two-thirds, loans to women by over 80 per-

cent, did not decrease loans to white men, and not a single loan went to an unqualified person. People who never had a chance before to be part of the American system of free enterprise now have it. No one was hurt in the process. That made America stronger.

This review also found that the executive order on employment practices of large federal contractors also has helped to bring more fairness and inclusion into the work force.

Since President Nixon was here in my job, America has used goals and timetables to preserve opportunity and to prevent discrimination, to urge businesses to set higher expectations for themselves and to realize those expectations. But we did not and we will not use rigid quotas to mandate outcomes.

We also looked at the way we award procurement contracts under the programs known as set-asides. There's no question that these programs have helped to build up firms owned by minorities and women, who historically had been excluded from the old-boy networks in these areas. It has helped a new generation of entrepreneurs to flourish, opening new paths to self-reliance and an economic growth in which all of us ultimately share. Because of the set-asides, businesses ready to compete have had a chance to compete, a chance they would not have otherwise had.

But as with any government program, set-asides can be misapplied, misused, even intentionally abused. There are critics who exploit that fact as an excuse to abolish all these programs, regardless of their effects. I believe they are wrong, but I also believe, based on our factual review, we clearly need some reform. So first, we should crack down on those who take advantage of everyone else through fraud and abuse. We must crack down on fronts and pass-throughs, people who pretend to be eligible for these programs and aren't. That is wrong. (Applause.)

We also, in offering new businesses a leg up, must make sure that the set-asides go to businesses that need them most. We must really look and make sure that our standard for eligibility is fair and defensible. We have to tighten the requirement to move businesses out of programs once they've had a fair opportunity to compete. The graduation requirement must mean something—it must mean graduation. There should be no permanent set-aside for any company.

Second, we must, and we will, comply with the Supreme Court's Adarand decision of last month. Now, in particular, that means focusing set-aside programs on particular regions and business sectors where the problems of discrimination or exclusion are provable and are clearly requiring affirmative action. I have directed the Attorney General and the agencies to move forward with compliance with Adarand expeditiously.

But I also want to emphasize that the Adarand decision did not dismantle affirmative action and did not dismantle set-asides. In fact, while setting stricter standards to mandate reform of affirmative action, it actually reaffirmed the need for affirmative action and reaffirmed the continuing existence of systematic discrimination in the United States. (Applause.)

What the Supreme Court ordered the federal government to do was to meet the same more rigorous standard for affirmative action programs that state and local governments were ordered to meet several years ago. And the best set-aside programs under that standard have been challenged and have survived.

Third, beyond discrimination, we need to do more to help disadvantaged people and distressed communities, no matter what their race or gender. There are places in our



country where the free enterprise system simply doesn't reach. It simply isn't working to provide jobs and opportunity. Disproportionately, these areas in urban and rural America are highly populated by racial minorities, but not entirely. To make this initiative work, I believe the government must become a better partner for people in places in urban and rural America that are caught in a cycle of poverty. And I believe we have to find ways to get the private sector to assume their rightful role as a driver of economic growth.

It has always amazed me that we have given incentives to our business people to help to develop poor economies in other parts of the world, our neighbors in the Caribbean, our neighbors in other parts of the world—I have supported this when not subject to their own abuses—but we ignore the biggest source of economic growth available to the American economy, the poor economies isolated within the United States of America. (Applause.)

There are those who say, well, even if we made the jobs available, people wouldn't work. They haven't tried. Most of the people in disadvantaged communities work today, and most of them who don't work have a very strong desire to do so. In central Harlem, 14 people apply for every single minimum-wage job opening. Think how many more would apply if there were good jobs with a good future. Our job has to connect disadvantaged people and disadvantaged communities to economic opportunity, so that everybody who wants to work can do so.

We've been working at this through our empowerment zones and community development banks, through the initiatives of Secretary Cisneros of the Housing and Urban Development Department and many other things that we have tried to do to put capital where it is needed. And now I have asked Vice President Gore to develop a proposal to use our contracting to support businesses that locate themselves in these distressed areas or hire a large percentage of their workers from these areas—not to substitute for what we're doing in affirmative action, but to supplement it, to go beyond it, to do something that will help to deal with the economic crisis of America. We want to make our procurement system more responsive to people in these areas who need help.

My fellow Americans, affirmative action has to be made consistent with our highest ideals of personal responsibility and merit, and our urgent need to find common ground, and to prepare all Americans to compete in the global economy of the next century.

Today, I am directing all our agencies to comply with the Supreme Court's Adarand decision, and also to apply the four standards of fairness to all our affirmative action programs that I have already articulated: No quotas in theory or practice; no illegal discrimination of any kind, including reverse discrimination; no preference for people who are not qualified for any job or other opportunity; and as soon as a program has succeeded, it must be retired. Any program that doesn't meet these four principles must be eliminated or reformed to meet them.

But let me be clear: Affirmative action has been good for America. (Applause.)

Affirmative action has not always been perfect, and affirmative action should not go on forever. It should be changed now to take care of those things that are wrong, and it should be retired when its job is done. I am resolved that that day will come. But the evidence suggests, indeed, screams that that day has not come.

The job of ending discrimination in this country is not over. That should not be surprising. We had slavery for centuries before the passage of the 13th, 14th and 15 Amend-

ments. We waited another hundred years for the civil rights legislation. Women have had the vote less than a hundred years. We have always had difficulty with these things, as most societies do. But we are making more progress than many people.

Based on the evidence, the job is not done. So here is what I think we should do. We should reaffirm the principle of affirmative action and fix the practices. We should have a simple slogan: Mend it, but don't end it. (Applause.)

Let me ask all Americans, whether they agree or disagree with what I have said today, to see this issue in the larger context of our times. President Lincoln said, we cannot escape our history. We cannot escape our future, either. And that future must be one in which every American has the chance to live up to his or her God-given capacities.

The new technology, the instant communications, the explosion of global commerce have created enormous opportunities and enormous anxieties for Americans. In the last two and a half years, we have seen seven million new jobs, more millionaires and new businesses than ever before, high corporate profits, and a booming stock market. Yet, most Americans are working harder for the same or lower pay. And they feel more insecurity about their jobs, their retirement, their health care, and their children's education. Too many of our children are clearly exposed to poverty and welfare, violence and drugs.

These are the great challenges for our whole country on the homefront at the dawn of the 21st century. We've got to find the wisdom and the will to create family-wage jobs for all the people who want to work; to open the door of college to all Americans; to strengthen families and reduce the awful problems to which our children are exposed; to move poor Americans from welfare to work.

This is the work of our administration—to give the people the tools they need to make the most of their own lives, to give families and communities the tools they need to solve their own problems. But let us not forget affirmative action didn't cause these problems. It won't solve them. And getting rid of affirmative action certainly won't solve them.

If properly done, affirmative action can help us come together, go forward and grow together. It is in our moral, legal and practical interest to see that every person can make the most of his life. In the fight for the future, we need all hands on deck and some of those hands still need a helping hand.

In our national community, we're all different, we're all the same. We want liberty and freedom. We want the embrace of family and community. We want to make the most of our own lives and we're determined to give our children a better one. Today there are voices of division who would say forget all that. Don't you dare. Remember we're still closing the gap between our founders' ideals and our reality. But every step along the way has made us richer, stronger and better. And the best is yet to come.

Thank you very much. And God bless you.

#### FIFTY YEARS OF THE ENDLESS FRONTIER

Mr. BINGAMAN. Mr. President, 50 years ago today the Truman White House released "Science—The Endless Frontier," the document that set the course for this country's postwar science and technology policy and that has continuing relevance today, five decades later.

This seminal report was written by Vannevar Bush, Director of the Office of Scientific Research and Development, who had headed up the wartime mobilization of our Nation's scientific and technological resources to defeat our Axis foes. It was written in response to a series of four questions which had been posed to Dr. Bush by President Roosevelt in a letter dated November 17, 1944.

As the Bush report was being released, President Truman was at the Potsdam conference with Churchill and Stalin. Three days earlier in the New Mexico desert, the United States had detonated the first atomic bomb—the Trinity test, although that would remain secret to all but a few leaders and the Potsdam principals until the Hiroshima bombing on August 6.

The research effort which Dr. Bush, a Republican I might add, had headed during the war was the greatest scientific and technological mobilization the world had ever seen. It had included not just the Manhattan Project, but major efforts and great successes in weapons technologies, such as radars, fighter aircraft, bomber aircraft, and code breaking, and in what we call today dual-use technologies, such as the first electronic computer, aircraft engines, medical technologies, and communications technologies.

President Roosevelt had asked Bush four questions:

First: What can be done, consistent with military security, and with the prior approval of military authorities, to make known to the world as soon as possible the contributions which have been made during our war effort to scientific knowledge?

The diffusion of such knowledge should help us stimulate new enterprises, provide jobs for returning servicemen and other workers, and make possible great strides for the improvement of the national well-being.

Second: With particular reference to the war of science against disease, what can be done now to organize a program for continuing in the future, the work which has been done in medicine and related sciences?

The fact that the annual deaths in this country from one or two diseases alone are far in excess of the total number of lives lost by us in battle during this war should make us conscious of the duty we owe future generations.

Third: What can the Government do now and in the future to aid research activities by public and private organizations? The proper roles of public and of private research, and their interrelation, should be carefully considered.

Fourth: Can an effective program be proposed for discovering and developing scientific talent in American youth so that the continuing future of scientific research in this country may be assured on a level comparable to what has been done during the war?

President Roosevelt added:

New frontiers of the mind are before us, and if they are pioneered with the same vision, boldness, and drive with which we have waged this war we can create a fuller and more fruitful employment and a fuller and more fruitful life.

Vannevar Bush worked with four advisory committees over the next 7 months to respond to the President's

tasking. Unfortunately, Roosevelt had passed away before he could receive this far-seeing report, which fully endorsed his vision of a new and endless frontier of science in the national interest. Instead it was Truman who met with Bush on June 14, 1945, and approved the release of the report. And it was Truman who would oversee the establishment of the National Science Foundation 5 years later after a long congressional debate and the implementation of the report's other recommendations.

What did the report say and why is it still relevant? Mr. President, until the Bush report, we had no national policy for science. Bush argued that this must end. "In this war," he wrote, "it has become clear beyond all doubt that scientific research is absolutely essential to national security." But he went beyond the national security justification for governmental support of research:

More and better scientific research is essential to the achievement of our goal of full employment . . . Progress in combating disease depends upon an expanding body of scientific knowledge.

Bush saw the Government's role in supporting science and technology as filling needs where the public interest was great, but the private sector would not meet these needs adequately. He wrote:

There are areas of science in which the public interest is acute but which are likely to be cultivated inadequately if left without more support than will come from private sources. These areas—such as research on military problems, agriculture, housing, public health, certain medical research, and research involving expensive capital facilities beyond the capacity of private institutions—should be advanced by active Government support. To date, with the exception of the intensive war research conducted by the Office of Scientific Research and Development, such support has been meager and intermittent. For reasons presented in this report we are entering a period when science needs and deserves increased support from public funds.

It is striking to me in rereading "Science—The Endless Frontier," how soundly Bush and his colleagues addressed almost every aspect of science and technology policy—from the Tax Code to patent policy to science education to the structure of the postwar science and technology infrastructure in Government. Bush's report put the United States on a course of sustaining preeminence in science and technology for the past 50 years, a course that enjoyed bipartisan support for most of those five decades.

What have our scientists and engineers accomplished with the resources the taxpayers gave them over the past five decades? They won the cold war, put men on the moon, revolutionized medicine, invented computers, pioneered electronics and semiconductor devices, and invented a myriad of new materials that have fundamentally changed our lives.

This is just as Bush predicted half a century ago. Bush had the wisdom to

know that new scientific and technological fields would emerge that he could not yet imagine: semiconductor electronics, molecular biology, and materials science to name just three. Bush had the vision to see that Federal investments in science and technology could transform our lives and contribute to our health, standard of living and security.

For the past half century, the Federal Government has acted on Bush's vision to foster a science and technology enterprise in this country second to none. It is not an accident that American industries from aerospace to agriculture to pharmaceuticals, in which the Federal Government has made substantial research investments, enjoy world leadership. It is a direct result of the vision of Vannevar Bush, who we remember today as one of the giants of the post-war generation. I ask unanimous consent that the first 12 pages of Bush's report, including Roosevelt's letter and Bush's response to Truman, be printed in the RECORD at the conclusion of my remarks. Any Member who would like a copy of the complete report, which runs 196 pages with appendices, should contact my office.

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

(See Exhibit 1)

Mr. BINGAMAN. Unfortunately, Mr. President, the bipartisan consensus on our science and technology policy is now fracturing as we seek to balance the Federal budget. The Republican budget resolution passed at the end of June proposes to slash the Federal research investment across government. By the year 2002, the Federal Government will be spending about \$28.5 billion for civilian research and development, down a third from today's investment in real terms.

These figures come from estimates made by the American Association for the Advancement of Science. I ask unanimous consent that an article from the July 3 issue of New Technology Week entitled "GOP Balanced Budget Plan Seen Crippling R&D" together with an accompanying table be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 2)

Mr. BINGAMAN. Federal investments in civilian research as a percentage of our economy and as a percentage of overall Federal spending will be lower in 2002 than at any time in 40 years or more. Our national R&D investment, public and private, will be dipping below 2 percent of gross domestic product (GDP) while almost every other industrialized nation seeks to match the Japanese and German R&D investment levels of almost 3 percent of GDP.

Will this matter? In the short term, perhaps not, other than to the thousands of scientists and engineers who will be displaced. According to a recent

White House report, our previous investments have given us a substantial lead in many critical technologies. In the longer term, undoubtedly it will matter. That same report concluded that both the Japanese and Europeans are catching up in many areas and new nations will challenge in the future.

In 1899 Charles Duell, Director of the U.S. Patent Office, proposed to close up shop because "everything that can be invented, has been invented." Luckily, we did not follow such Luddite advice as we prepared for the 20th century. Nor should we today as we prepare for the challenges of the 21st century and seek to maintain this Nation's place as the pioneer leading the family of nations in the exploration of the endless scientific frontier.

The scientific and technological frontier really is still endless. Bush, not Duell, had it right. Scientific revolutions are still only beginning in molecular biology, materials science, and electronics and have not yet begun in areas yet to be discovered. For the past half century the Federal Government has been an excellent steward of the taxpayers' money in this area. Not every project has been a success, nor should they have been. But the payoff to our economy and our security and our well-being—the areas Roosevelt queried Bush about—has been worth many times the investment.

Some in Congress argue for more than decimating our Federal research enterprise on the grounds that civilian applied research spending constitutes "corporate welfare" or "industrial policy." This is fundamentally wrong, for reasons that President Bush first outlined in his speech to the American Electronics Association in February 1990 and which he reiterated throughout the rest of his Presidency. I will not go into a long discussion of that today. But I will note that a Republican pollster has concluded that the American people do not agree with the priority assigned Federal research spending in the Republican budget.

I refer to a report in the same July 3 issue of New Technology Week entitled "Public Surprises Pollsters, Backs Federal R&D." I ask unanimous consent that it also be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 3)

Mr. BINGAMAN. According to this article, Steve Wagner of Luntz Research & Strategic Service, said: "We went looking for things that didn't pan out. We went looking for the degree to which government investment in R&D was seen as corporate welfare, and we didn't find it. We went looking for the degree to which concerns about the deficit cast such a pall over everything that R&D should take a disproportionate or even proportionate cut, and they told us 'no.' It's fair to say that I was surprised by the extent of support."

Wagner went on to say: "People are very pragmatic." He encapsulated the

public's message as: "Jobs are a priority, finding a cure for AIDS is a priority, and if it takes the Government to do it, the Government should do it." And he adds: "If they think government involvement will make the situation better, people will not hesitate to say that's a legitimate function of Government."

Wagner and his fellow pollster Neil Newhouse of Public Opinion Strategies conclude that there is a preference in the public mind for public-private R&D partnerships. Their advice for their House Republican clients reads: "Neither the Government nor private industry is completely trusted to make these (research) investment decisions. The Government remains the agency of the common interest. Private business is seen as more efficient, more disciplined, but also self-interested. These perceptions cannot be changed in the short run, but they can be used: Let the private sector say what is feasible, which technologies offer the promise of payoff, and let the Government say what is in the national interest to develop. A partnership of both entities looking over each other's shoulder will likely be most satisfying to the voters."

When I read this, I thought the pollsters were giving a pretty good description of SEMATECH, the Technology Reinvestment Project, the Advanced Technology Program, the Environmental Technology Initiative, and the many other partnerships which Presidents Reagan, Bush, and Clinton have fostered over the past decade.

Vannevar Bush did not use focus groups and pollsters to figure out the direction of post-war science and technology policy. But without their benefit, he captured the public sentiment both then and today. He saw the need for partnership, for industry to do what it did well in the pursuit of profit and for Government to fill needs that industry would not in the public interest, needs in areas ranging from military research to medical research to applied research in housing, agriculture and other areas designed to generate jobs.

I hope that my Republican colleagues will take the advice of their pollsters. Speaker GINGRICH told the American people on David Brinkley's Sunday morning news broadcast on June 11 that he was worried about the degree to which research budgets were scheduled to be cut. He said: "Yes, I am sufficiently worried that I met with Congressman WALKER, the chairman of the House Science Committee, and with various subcommittee chairmen of the House Appropriations Committee who have science, and asked them to maximize the money that goes into research and development, because I am very concerned that we're going to cut too deeply into science."

Mr. President, recognition of a problem is perhaps the first step to a solution. I have yet to see research and development spared in the budget process in the House appropriations sub-

committees, far from it. But perhaps with the help of rereading Science—The Endless Frontier, this generation of politicians will find the resources for Federal R&D investments which our grandchildren will need for their security, their prosperity, and their well-being.

President Clinton and Vice President GORE stand in the long line of American leaders dating from Roosevelt, Truman, and Vannevar Bush who have supported an American science and technology enterprise second to none in the public interest. The Republican budget resolution stands outside that tradition. The sooner Speaker GINGRICH and his Republican colleagues can return to bipartisanship on these vital investments in our Nation's future, the less the damage will be.

Mr. President, I hope that will be soon. I yield the floor.

#### SCIENCE—THE ENDLESS FRONTIER

##### LETTER OF TRANSMITTAL

OFFICE OF SCIENTIFIC  
RESEARCH AND DEVELOPMENT,  
Washington, DC, July 5, 1945.

DEAR MR. PRESIDENT: In a letter dated November 17, 1944, President Roosevelt requested my recommendation on the following points:

(1) What can be done, consistent with military security, and with the prior approval of the military authorities, to make known to the world as soon as possible the contributions which have been made during our war effort to scientific knowledge?

(2) With particular reference to the war of science against disease, what can be done now to organize a program for continuing in the future the work which has been done in medicine and related sciences?

(3) What can the Government do now and in the future to aid research activities by public and private organizations?

(4) Can an effective program be proposed for discovering and developing scientific talent in American youth so that the continuing future of scientific research in this country may be assured on a level comparable to what has been done during the war?

It is clear from President Roosevelt's letter that in speaking of science he had in mind the natural sciences, including biology and medicine, and I have so interpreted his questions. Progress in other fields, such as the social sciences and the humanities, is likewise important; but the program for science presented in my report warrants immediate attention.

In seeking answers to President Roosevelt's questions I have had the assistance of distinguished committees specially qualified to advise in respect to these subjects. The committees have given these matters the serious attention they deserve; indeed, they have regarded this as an opportunity to participate in shaping the policy of the country with reference to scientific research. They have had many meetings and have submitted formal reports. I have been in close touch with the work of the committees and with their members throughout. I have examined all of the data they assembled and the suggestions they submitted on the points raised in President Roosevelt's letter.

Although the report which I submit herewith is my own, the facts, conclusions, and recommendations are based on the findings of the committees which have studied these questions. Since my report is necessarily brief, I am including as appendices the full reports of the committees.

A single mechanism for implementing the recommendations of the several committees is essential. In proposing such a mechanism I have departed somewhat from the specific recommendations of the committees, but I have since been assured that the plan I am proposing is fully acceptable to the committee members.

The pioneer spirit is still vigorous within this Nation. Science offers a largely unexplored hinterland for the pioneer who has the tools for his task. The rewards of such exploration both for the Nation and the individual are great. Scientific progress is one essential key to our security as a nation, to our better health, to more jobs, to a higher standard of living, and to our cultural progress.

Respectfully yours,

V. BUSH,  
Director.

THE PRESIDENT OF THE UNITED STATES,  
The White House,  
Washington, D.C.

#### PRESIDENT ROOSEVELT'S LETTER

##### THE WHITE HOUSE,

Washington, DC, November 17, 1944.

DEAR DR. BUSH: The Office of Scientific Research and Development, of which you are the Director, represents a unique experiment of team-work and cooperation in coordinating scientific research and in applying existing scientific knowledge to the solution of the technical problems paramount in war. Its work has been conducted in the utmost secrecy and carried on without public recognition of any kind; but its tangible results can be found in the communiqués coming in from the battlefronts all over the world. Some day the full story of its achievements can be told.

There is, however, no reason why the lessons to be found in this experiment cannot be profitably employed in times of peace. The information, the techniques, and the research experience developed by the Office of Scientific Research and Development and by the thousands of scientists in the universities and in private industry, should be used in the days of peace ahead for the improvement of the national health, the creation of new enterprises bringing new jobs, and the betterment of the national standard of living.

It is with that objective in mind that I would like to have your recommendations on the following four major points:

First: What can be done, consistent with military security, and with the prior approval of the military authorities, to make known to the world as soon as possible the contributions which have been made during our war effort to scientific knowledge?

The diffusion of such knowledge should help us stimulate new enterprises, provide jobs for our returning servicemen and other workers, and make possible great strides for the improvement of the national well-being.

Second: With particular reference to the war of science against disease, what can be done now to organize a program for continuing in the future the work which has been done in medicine and related science?

The fact that the annual deaths in this country from one or two diseases alone are far in excess of the total number of lives lost by us in battle during this war should make us conscious of the duty we owe future generations.

Third: What can the Government do now and in the future to aid research activities by public and private organizations? The proper roles of public and of private research, and their interrelation, should be carefully considered.

Fourth: Can an effective program be proposed for discovering and developing scientific talent in American youth so that the

continuing future of scientific research in this country may be assured on a level comparable to what has been done during the war?

New frontiers of the mind are before us, and if they are pioneered with the same vision, boldness, and drive with which we have waged this war we can create a fuller and more fruitful employment and a fuller and more fruitful life.

I hope that, after such consultation as you may deem advisable with your associates and others, you can let me have your considered judgment on these matters as soon as convenient—reporting on each when you are ready, rather than waiting for completion of your studies in all.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

DR. VANNEVAR BUSH,  
Office of Scientific Research and Development,  
Washington, D.C.

#### SUMMARY OF THE REPORT

##### *Scientific progress is essential*

Progress in the war against disease depends upon a flow of new scientific knowledge. New products, new industries, and more jobs require continuous additions to knowledge of the laws of nature, and the application of that knowledge to practical purpose. Similarly, our defense against aggression demands new knowledge so that we can develop new and improved weapons. The essential, new knowledge can be obtained only through basic scientific research.

Science can be effective in the national welfare only as a member of a team, whether the conditions be peace or war. But without scientific progress no amount of achievement in other directions can insure our health, prosperity, and security as a nation in the modern world.

##### For the war against disease

We have taken great strides in the war against disease. The death rate for all diseases in the Army, including overseas forces, has been reduced from 14.1 per thousand in the last war to 0.6 per thousand in this war. In the last 40 years life expectancy has increased from 49 to 65 years, largely as a consequence of the reduction in the death rates of infants and children. But we are far from the goal. The annual deaths from one or two diseases far exceed the total number of American lives lost in battle during this year. A large fraction of these deaths in our civilian population cut short the useful lives of our citizens. Approximately 7,000,000 persons in the United States are mentally ill and their care costs the public over \$175,000,000 a year. Clearly much illness remains for which adequate means of prevention and cure are not yet known.

The responsibility for basic research in medicine and the underlying sciences, so essential to progress in the war against disease, falls primarily upon the medical schools and universities. Yet we find that the traditional sources of support for medical research in the medical schools and universities, largely endowment income, foundation grants, and private donations, are diminishing and there is no immediate prospect of a change in this trend. Meanwhile, the cost of medical research has been rising. If we are to maintain the progress in medicine which has marked the last 25 years, the Government should extend financial support to basic medical research in the medical schools and in universities.

##### For our national security

The bitter and dangerous battle against the U-boat was a battle of scientific techniques—and our margin of success was dangerously small. The new eyes which radar

has supplied can sometime be blinded by new scientific developments. V-2 was countered only by capture of the launching sites.

We cannot again rely on our allies to hold off the enemy while we struggle to catch up. There must be more—and more adequate—military research in peacetime. It is essential that the civilian scientists continue in peacetime some portion of those contributions to national security which they have made so effectively during the war. This can best be done through a civilian-controlled organization with close liaison with the Army and Navy, but with funds direct from Congress, and the clear power to initiate military research which will supplement and strengthen that carried on directly under the control of the Army and Navy.

##### And for the public welfare

One of our hopes is that after the war there will be full employment. To reach that goal the full creative and productive energies of the American people must be released. To create more jobs we must make new and better and cheaper products. We want plenty of new, vigorous enterprises. But new products and processes are not born full-grown. They are founded on new principles and new conceptions which in turn result from basic scientific research. Basic scientific research is scientific capital. Moreover, we cannot any longer depend upon Europe as a major source of this scientific capital. Clearly, more and better scientific research is one essential to the achievement of our goal of full employment.

How do we increase this scientific capital? First, we must have plenty of men and women trained in science, for upon them depends both the creation of new knowledge and its application to practical purposes. Second, we must strengthen the centers of basic research which are principally the colleges, universities, and research institutes. These institutions provide the environment which is most conducive to the creation of new scientific knowledge and least under pressure for immediate, tangible results. With some notable exceptions, most research in industry and in Government involves application of existing scientific knowledge to practical problems. It is only the colleges, universities, and a few research institutes that devote most of their research efforts to expanding the frontiers of knowledge.

Expenditures for scientific research by industry and Government increased from \$140,000,000 in 1930 to \$309,000,000 in 1940. Those for the colleges and universities increased from \$20,000,000 to \$31,000,000, while those for research institutes declined from \$5,200,000 to \$4,500,000 during the same period. If the colleges, universities, and research institutes are to meet the rapidly increasing demands of industry and Government for new scientific knowledge, their basic research should be strengthened by use of public funds.

For science to serve as a powerful factor in our national welfare, applied research both in Government and in industry must be vigorous. To improve the quality of scientific research within the Government, steps should be taken to modify the procedures for recruiting, classifying, and compensating scientific personnel in order to reduce the present handicap of governmental scientific bureaus in competing with industry and the universities for top-grade scientific talent. To provide coordination of the common scientific activities of these governmental agencies as to policies and budgets, a permanent Science Advisory Board should be created to advise the executive and legislative branches of Government on these matters.

The most important ways in which the Government can promote industrial research

are to increase the flow of new scientific knowledge through support of basic research, and to aid in the development of scientific talent. In addition, the Government should provide suitable incentives to industry to conduct research (a) by clarification of present uncertainties in the Internal Revenue Code in regard to the deductibility of research and development expenditures as current charges against net income, and (b) by strengthening the patent system so as to eliminate uncertainties which now bear heavily on small industries and so as to prevent abuses which reflect discredit upon a basically sound system. In addition, ways should be found to cause the benefits of basic research to reach industries which do not now utilize new scientific knowledge.

##### *We must renew our scientific talent*

The responsibility for the creation of new scientific knowledge—and for most of its application—rests on that small body of men and women who understand the fundamental laws of nature and are skilled in the techniques of scientific research. We shall have rapid or slow advance on any scientific frontier depending on the number of highly qualified and trained scientists exploring it.

The deficit of science and technology students who, but for the war, would have received bachelor's degrees is about 150,000. It is estimated that the deficit of those obtaining advanced degrees in these fields will amount in 1955 to about 17,000—for it takes at least 6 years from college entry to achieve a doctor's degree or its equivalent in science or engineering. The real ceiling on our productivity of new scientific knowledge and its application in the war against disease, and the development of new products and new industries, is the number of trained scientists available.

The training of a scientist is a long and expensive process. Studies clearly show that there are talented individuals in every part of the population, but with few exceptions, those without the means of buying higher education go without it. If ability, and not the circumstance of family fortune, determines who shall receive higher education in science, then we shall be assured of constantly improving quality at every level of scientific activity. The Government should provide a reasonable number of undergraduate scholarships and graduate fellowships in order to develop scientific talent in American youth. The plans should be designed to attract into science only that proportion of youthful talent appropriate to the needs of science in relation to the other needs of the Nation for high abilities.

##### Including those in uniform

The most immediate prospect of making up the deficit in scientific personnel is to develop the scientific talent in the generation now in uniform. Even if we should start now to train the current crop of high-school graduates none would complete graduate studies before 1951. The Armed Services should comb their records for men who, prior to or during the war, have given evidence of talent for science, and make prompt arrangements, consistent with current discharge plans, for ordering those who remain in uniform, as soon as militarily possible, to duty at institutions here and overseas where they can continue their scientific education. Moreover, the Services should see that those who study overseas have the benefit of the latest scientific information resulting from research during the war.

##### *The lid must be lifted*

While most of the war research has involved the application of existing scientific

knowledge to the problems of war, rather than basic research, there has been accumulated a vast amount of information relating to the application of science to particular problems. Much of this can be used by industry. It is also needed for teaching in the colleges and universities here and in the Armed Forces Institutes overseas. Some of this information must remain secret, but most of it should be made public as soon as there is ground for belief that the enemy will not be able to turn it against us in this war. To select that portion which should be made public, to coordinate its release, and definitely to encourage its publication, a Board composed of Army, Navy, and civilian scientific members should be promptly established.

#### *A program for action*

The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it. For many years the Government has wisely supported research in the agricultural colleges and the benefits have been great. The time has come when such support should be extended to other fields.

The effective discharge of these new responsibilities will require the full attention of some over-all agency devoted to that purpose. There is not now in the permanent governmental structure receiving its funds from Congress an agency adapted to supplementing the support of basic research in the colleges, universities, and research institutes, both in medicine and the natural sciences, adapted to supporting research on new weapons for both Services, or adapted to administering a program of science scholarships and fellowships.

Therefore I recommend that a new agency for these purposes be established. Such an agency should be composed of persons of broad interest and experience, having an understanding of the peculiarities of scientific research and scientific education. It should have stability of funds so that long-range programs may be undertaken. It should recognize that freedom of inquiry must be preserved and should leave internal control of policy, personnel, and the method and scope of research to the institutions in which it is carried on. It should be fully responsible to the President and through him to the Congress for its program.

Early action on these recommendations is imperative if this Nation is to meet the challenge of science in the crucial years ahead. On the wisdom with which we bring science to bear in the war against disease, in the creation of new industries, and in the strengthening of our Armed Forces depends in large measure our future as a nation.

#### INTRODUCTION

##### *Scientific progress is essential*

We all know how much the new drug, penicillin, has meant to our grievously wounded men on the grim battlefronts of this war—the countless lives it has saved—the incalculable suffering which its use has prevented. Science and the great practical genius of this Nation made this achievement possible.

Some of us know the vital role which radar has played in bringing the Allied Nations to victory over Nazi Germany and in driving the Japanese steadily back from their island bastions. Again it was painstaking scientific research over many years that made radar possible.

What we often forget are the millions of pay envelopes on a peacetime Saturday night which are filled because new products and new industries have provided jobs for countless Americans. Science made that possible, too.

In 1939 millions of people were employed in industries which did not even exist at the close of the last war—radio, air conditioning, rayon and other synthetic fibers, and plastics are examples of the products of these industries. But these things do not mark the end of progress—they are but the beginning if we make full use of our scientific resources. New manufacturing industries can be started and many older industries greatly strengthened and expanded if we continue to study nature's laws and apply new knowledge to practical purposes.

Great advances in agriculture are also based upon scientific research. Plants which are more resistant to disease and are adapted to short growing seasons, the prevention and cure of livestock diseases, the control of our insect enemies, better fertilizers, and improved agricultural practices, all stem from painstaking scientific research.

Advances in science when put to practical use mean more jobs, higher wages, shorter hours, more abundant crops, more leisure for recreation, for study, for learning how to live without the deadening drudgery which has been the burden of the common man for ages past. Advances in science will also bring higher standards of living, will lead to the prevention or cure of diseases, will promote conservation of our limited national resources, and will assure means of defense against aggression. But to achieve these objectives—to secure a high level of employment, to maintain a position of world leadership—the flow of new scientific knowledge must be both continuous and substantial.

Our population increased from 75 million to 130 million between 1900 and 1940. In some countries comparable increases have been accompanied by famine. In this country the increase has been accompanied by more abundant food supply, better living, more leisure, longer life, and better health. This is, largely, the product of three factors—the free play of initiative of a vigorous people under democracy, the heritage of great natural wealth, and the advance of science and its application.

Science, by itself, provides no panacea for individual, social, and economic ills. It can be effective in the national welfare only as a member of a team, whether the conditions be peace or war. But without scientific progress no amount of achievement in other directions can ensure our health, prosperity, and security as a nation in the modern world.

##### *Science is a proper concern of government*

It has been basic United States policy that Government should foster the opening of new frontiers. It opened the seas to clipper ships and furnished land for pioneers. Although these frontiers have more or less disappeared, the frontier of science remains. It is in keeping with the American tradition—one which has made the United States great—that new frontiers shall be made accessible for development by all American citizens.

Moreover, since health, well-being, and security are proper concerns of Government, scientific progress is, and must be, of vital interest to Government. Without scientific progress the national health would deteriorate; without scientific progress we could not hope for improvement in our standard of living or for an increased number of jobs for our citizens; and without scientific progress we could not have maintained our liberties against tyranny.

##### *Government relations to science—past and future*

From early days the Government has taken an active interest in scientific matters. During the nineteenth century the Coast and Geodetic Survey, the Naval Observatory, the Department of Agriculture, and the Geological Survey were established. Through the Land Grant College Acts the Government has supported research in state institutions for more than 80 years on a gradually increasing scale. Since 1900 a large number of scientific agencies have been established within the Federal Government, until in 1939 they numbered more than 40.

Much of the scientific research done by Government agencies is intermediate in character between the two types of work commonly referred to as basic and applied research. Almost all Government scientific work has ultimate practical objectives but, in many fields of broad national concern, it commonly involves long-term investigation of a fundamental nature. Generally speaking, the scientific agencies of Government are not so concerned with immediate practical objectives as are the laboratories of industry nor, on the other hand, are they as free to explore any natural phenomena without regard to possible economic applications as are the educational and private research institutions. Government scientific agencies have splendid records of achievement, but they are limited in function.

We have no national policy for science. The Government has only begun to utilize science in the Nation's welfare. There is no body within the Government charged with formulating or executing a national science policy. There are no standing committees of the Congress devoted to this important subject. Science has been in the wings. It should be brought to the center of the stage—for in it lies much of our hope for the future.

There are areas of science in which the public interest is acute but which are likely to be cultivated inadequately if left without more support than will come from private sources. These areas—such as research on military problems, agriculture, housing, public health, certain medical research, and research involving expensive capital facilities beyond the capacity of private institutions—should be advanced by active Government support. To date, with the exception of the intensive war research conducted by the Office of Scientific Research and Development, such support has been meager and intermittent.

For reasons presented in this report we are entering a period when science needs and deserves increased support from public funds.

##### *Freedom of inquiry must be preserved*

The publicly and privately supported colleges, universities, and research institutes are the centers of basic research. They are the wellsprings of knowledge and understanding. As long as they are vigorous and healthy and their scientists are free to pursue the truth wherever it may lead, there will be a flow of new scientific knowledge to those who can apply it to practical problems in Government, in industry, or elsewhere.

Many of the lessons learned in the wartime application of science under Government can be profitably applied in peace. The Government is peculiarly fitted to perform certain functions, such as the coordination and support of broad programs on problems of great national importance. But we must proceed with caution in carrying over the methods which work in wartime to the very different conditions of peace. We must remove the rigid controls which we have had to impose, and recover freedom of inquiry and that healthy competitive scientific spirit so necessary for expansion of the frontiers of scientific knowledge.

Agency/Program	Key	R&D** FY 1995 estimated	R&D FY 1996 es- timated	R&D FY 1997 es- timated	R&D FY 1998 es- timated	R&D FY 1999 es- timated	R&D FY 2000 es- timated	R&D FY 2001 es- timated	R&D FY 2002 es- timated	R&D*** FY 2002 constant dollars	Constant dollar difference 1995- 2002 (percent)
NIH .....	(13)	10,840	10,732	10,515	10,515	10,515	10,515	10,515	10,515	8,467	-21.9
Agency Health Care Polc .....	(2)	277	0	0	0	0	0	0	0	0	-100.0
Other HHS R&D .....	(3)	610	610	610	610	610	610	610	610	491	-19.5
Total HHS R&D .....		11,727	11,342	11,125	11,125	11,125	11,125	11,125	11,125	8,958	-23.6
NASA Human Space Flt .....	(1,14)	1,902	1,883	1,816	1,697	1,649	1,533	1,533	1,533	1,234	-35.1
NASA SAT Space R&D .....	(1,14)	5,072	4,476	4,375	4,263	4,085	4,082	4,082	4,082	3,287	-35.2
NASA Mission Support .....	(1,14)	1,619	1,711	1,678	1,660	1,651	1,634	1,634	1,634	1,315	-18.8
NASA SAT Aeronautics .....	(1,14)	882	677	653	639	629	614	614	614	495	-43.9
NASA Wind Tunnels .....	(2)	400	0	0	0	0	0	0	0	0	-100.0
Total NASA R&D .....		9,875	8,747	8,523	8,258	8,015	7,863	7,863	7,863	6,331	-35.9
General Science (Physics) .....	(1)	974	989	940	890	890	890	890	890	717	-26.3
Energy Supply R&D .....	(1)	2,210	1,790	1,620	1,560	1,486	1,431	1,431	1,431	1,152	-47.8
Fossil Energy R&D .....	(1)	350	119	107	95	87	79	79	79	64	-81.8
Energy Conservation R&D .....	(1)	396	213	206	198	193	188	188	188	152	-61.7
Clean Coal Technology .....	(2)	37	0	0	0	0	0	0	0	0	-100.0
Uranium Enrichment .....	(1)	3	2	1	1	1	1	1	1	1	-61.7
Total DOE nondef R&D .....		3,969	3,113	2,874	2,745	2,658	2,590	2,590	2,590	2,086	-47.4
Research & Related Acts .....	(4,14)	2,061	2,045	2,119	2,197	2,292	2,378	2,378	2,378	1,915	-7.1
Academic Research Infra .....	(1)	250	100	100	100	100	100	100	100	81	-67.8
Major Res. Equipment .....	(1)	126	70	55	26	0	0	0	0	0	-100.0
Education and Hum. Res .....	(1,14)	107	106	107	107	109	110	110	110	88	-17.6
Total NSF R&D .....		2,544	2,320	2,381	2,430	2,501	2,588	2,588	2,588	2,084	-18.1
Agri Research Serv. R&D .....	(1)	709	640	640	640	640	640	640	640	515	-27.3
ARS R&D facilities .....	(13)	44	29	27	24	22	20	20	20	16	-63.4
Coop. State Res/Extension R&D .....	(1)	419	345	345	345	345	345	345	345	278	-33.6
Coop. State Res/Ext. R&D facil .....	(13)	63	3	0	0	0	0	0	0	0	-100.0
Economics Research Serv .....	(1)	54	34	27	27	27	27	27	27	22	-59.7
Natl Agric. Stats Service .....	(1)	4	3	3	3	3	3	3	3	2	-35.4
Foreign Agricultural Serv .....	(1)	1	1	1	1	1	1	1	1	1	-29.1
Forest Service .....	(6)	204	160	156	156	156	156	156	156	126	-38.4
Other USDA R&D .....	(3)	44	44	44	44	44	44	44	44	35	-19.5
Total USDA R&D .....		1,540	1,259	1,242	1,239	1,237	1,235	1,235	1,235	995	-35.4
US Geological Survey .....	(1)	368	295	295	295	295	295	295	295	237	-35.6
Nat'l Biological Service .....	(1)	167	99	96	94	92	90	90	90	72	-56.6
Bureau of Mines .....	(1)	103	90	78	66	53	41	41	41	33	-67.7
Nat'l Park Service .....	(13)	19	18	18	18	18	18	18	18	15	-23.5
Other Interior R&D .....	(3)	30	30	30	30	30	30	30	30	24	-19.5
Total Interior R&D .....		686	532	517	502	488	473	473	473	381	-44.4
FHWA (Highway Admin) .....	(7)	277	130	130	130	130	130	130	130	105	-62.1
Federal Transit Admin .....	(1)	21	0	0	0	0	0	0	0	0	-100.0
Maritime Admin .....	(1)	3	0	0	0	0	0	0	0	0	-100.0
Federal Railroad Admin .....	(8)	28	8	8	8	8	8	8	8	6	-77.6
Other Transportation R&D .....	(3)	360	360	360	360	360	360	360	360	290	-19.5
Total DOT R&D .....		687	497	497	497	497	497	497	497	400	-41.7
NOAA R&D Facils .....	(1)	38	12	12	12	12	12	12	12	10	-75.1
NOAA Operations, Res & Facils R&D .....	(1)	531	472	465	458	443	429	429	429	348	-34.8
Other NOAA R&D .....	(2)	19	0	0	0	0	0	0	0	0	-100.0
NIST Sci & Technical Res Service .....	(4)	214	225	231	239	245	253	260	268	216	-1.0
NIST ATP .....	(2)	409	0	0	0	0	0	0	0	0	-100.0
NIST Construction .....	(4)	63	65	67	69	72	74	76	78	62	-0.9
Econ. Develop. Admin .....	(2)	1	0	0	0	0	0	0	0	0	-100.0
Other Commerce R&D .....	(3)	10	10	10	10	10	10	10	10	8	-19.0

## AAAS Preliminary—Final Budget Resolution—Projected Effects of Concurrent Budget Resolution (H. Con. Res. 67) on Nondefense R&amp;D—Continued

[All figures in millions of dollars budget authority]

Agency/Program	Key	R&D** FY 1995 estimated	R&D FY 1996 es- timated	R&D FY 1997 es- timated	R&D FY 1998 es- timated	R&D FY 1999 es- timated	R&D FY 2000 es- timated	R&D FY 2001 es- timated	R&D FY 2002 es- timated	R&D*** FY 2002 constant dollars	Constant dollar difference 1995- 2002 (percent)
Total Commerce R&D .....		1,284	783	784	787	782	777	787	797	642	-50.0
Total EPA R&D .....	(9)	619	554	554	554	554	554	554	554	446	-27.9
Total Education R&D .....	(10)	175	5	5	5	5	5	5	5	4	-97.8
Total AID R&D .....	(10)	314	0	0	0	0	0	0	0	0	-100.0
Total Veterans R&D .....	(3)	297	297	297	297	297	297	297	297	239	-19.5
Total NRC R&D .....	(3)	82	82	82	82	82	82	82	82	66	-19.5
Total Smithsonian R&D .....	(3)	135	135	135	135	135	135	135	135	109	-19.5
Total TVA R&D .....	(5)	89	0	0	0	0	0	0	0	0	-100.0
Total Corps R&D .....	(3)	55	55	55	55	55	55	55	55	44	-19.5
Total Labor R&D .....	(11)	62	26	26	26	26	26	26	26	21	-66.0
Total Other R&D .....	(12)	164	164	164	164	164	164	164	164	132	-19.5
Total nondefense R&D .....		34,303	29,911	29,261	28,901	28,621	28,467	28,476	28,487	22,939	-33.1

House Budget Committee Policy Assumptions: Fiscal Year 1996 Budget Resolution prepared by the House Budget Committee, May 10, 1995 and Conference Report for Concurrent Resolution on the Budget for Fiscal Year 1996, June 26, 1995.

\*\* Source: AAAS Report XX: Research and Development FY 1996.

\*\*\* Expressed in FY 1995 dollars. Adjusted for inflation according to GDP deflators.

Key of assumptions:

<sup>1</sup> Based on specific program reduction in House resolution, assuming R&D as percent of appropriation remains constant.

<sup>2</sup> Elimination of account in House resolution.

<sup>3</sup> Not specifically mentioned in either House or conference resolution; assumes freeze at FY 1995 level.

<sup>4</sup> Based on specific program INCREASE in House resolution, assuming R&D as percent of appropriation remains constant.

<sup>5</sup> Planned privatization in House resolution; would no longer be federal R&D.

<sup>6</sup> Reductions in Forest Resources and Management Research and Ecosystems Research in House resolution.

<sup>7</sup> Assumes \$150 million reduction each year from elimination of Intelligent Vehicle Development R&D.

<sup>8</sup> Elimination of \$20 million in R&D High-Speed Rail in House resolution.

<sup>9</sup> Elimination of \$85 million in R&D for ETI; all other R&D frozen at FY 1995 level.

<sup>10</sup> Assumes elimination of all programs containing R&D within agency based on House resolution detail; Howard University R&D added back in conference.

<sup>11</sup> Elimination of ETA R&D in the House resolution; all other R&D frozen at FY 1995 level.

<sup>12</sup> HUD, Justice, and USPS R&D frozen at FY 1995 levels.

<sup>13</sup> Based on specific program reduction in concurrent resolution, assuming R&D as percent of appropriations remains constant.

<sup>14</sup> Conference added \$2 billion over seven years to general science above House level; distributed over NASA and NSF research activities (excluding facilities).

Deflators: 1995-1.30; 1996-1.34; 1997-1.38; 1998-1.42; 1999-1.46; 2000-1.51; 2001 est.-1.56; 2002 est.-1.61; 1995-2002-1.24. Deflators from OMB, Budget of the United States Government FY 1996 until FY 2000, then 3.5 percent inflation thereafter.

## EXHIBIT 3

PUBLIC SURPRISES POLLSTERS, BACKS  
FEDERAL R&D

(By Ken Jacobson)

Public opinion researchers went to the districts of some leading House Republicans in April expecting to hear condemnations of federal spending on R&D. Instead, recalls Steve Wagner of Luntz Research & Strategic Service, participants in focus groups they moderated tended to rate R&D an "above-average priority" even though many stood behind efforts to reduce the federal deficit.

"We went looking for things that didn't pan out," says Wagner, whose groups were recruited in New Orleans, the district of House Appropriations Committee Chairman Bob Livingston, and Houston, home of House Majority Whip Tom DeLay and Ways & Means Committee Chairman Bill Archer.

"We went looking for the degree to which government investment in R&D was seen as corporate welfare, and we didn't find it. We went looking for the degree to which concerns about the deficit cast such a pall over everything that R&D should take a disproportionate or even a proportionate cut, and they told us 'no.' It's fair to say," Wagner admits, "that I was surprised by the extent of support" for R&D that was in evidence.

That's not to say that the 10- to 13-voter groups, which met for two hours each, had a very detailed picture of how the federal government spends its R&D dollars. And that's true even though they were chosen to take part in the research—commissioned by IBM, Hewlett-Packard, Kodak, and Genentech—in part of their level of education and their interest in current affairs.

According to Public Opinion Strategies' Neil Newhouse, in charge of groups in House Science Committee Chairman Bob Walker's Lancaster, Pa., district and the Columbus, Ohio, district of House Budget Committee Chairman John Kasich, participants showed awareness that federal R&D encompasses the fields of space, health, and defense, but had little knowledge of specific programs.

Nonetheless, they staunchly defended the federal R&D function. "We pushed people hard in terms of trying to get them to move away from support from R&D. But their support was broad and had a level intensity," Newhouse says, that "contradicted what we saw as the current political environment."

Behind their attitudes may be the fact that, as Wagner puts it, "people are very pragmatic." Far from being greeted with what he regards as "ideological" stances, Wagner says, the researchers heard messages he encapsulates as: "'Jobs are a priority, finding a cure for AIDS is a priority, and if it takes the government to do it, the government should do it.' If they think government involvement will make the situation better, people will not hesitate to say that that's a legitimate function of government."

Still, that doesn't imply an absolute faith in government, or even much faith at all. This mistrust, however, is also directed toward the private sector, and what emerges, according to the researchers, is a preference for public-private R&D partnerships.

"Neither the government nor private industry is completely trusted to make these investment decisions," states a summary of their findings that the two polling organizations issued jointly. "The government remains the agency of the common interest. Private business is seen as more efficient, more disciplined, but also self-interested."

"These perceptions cannot be changed in the short run, but they can be used: Let the private sector say what is feasible, which technologies offer the promise of payoff, and [let] the government say what is in the national interest to develop. A partnership of both entities looking over each other's shoulder will likely be the most satisfying to the voters."

WAS CONGRESS IRRESPONSIBLE?  
LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us have "another

go," as the British put it, with our little pop quiz. Remember. One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds \$4.9 trillion.

To be exact, as of the close of business yesterday, Tuesday, July 18, the total Federal debt—down to the penny—stood at \$4,929,786,301,717.48, of which, on a per capita basis, every man, woman, and child in America owes \$18,713.55.

Mr. President, back to the pop quiz: How many million in a trillion? There are a million million in a trillion.

## AFFIRMATIVE ACTION

Mr. LIEBERMAN. Mr. President, I want to speak for just a few moments in reaction to the speech made this morning by President Clinton on the subject of affirmative action. The principle that every individual should have an equal opportunity to rise as high as his or her ability will take them, regardless of race, gender, religion, nationality, or other group characteristic, is a defining ideal of our society. We must be very wary of any deviation from that principle, no matter how well intended. That is why it is clearly time to review all Government affirmative action programs in which an individual's membership in a group, whether defined by race, gender, national origin, or other similar characteristics, may determine whether he or she will be awarded a Government benefit.

Mr. President, while America has clearly not yet realized the national



ideal of equal opportunity for all, it is important to note that we have made considerable progress over the three decades since President Johnson issued the first Executive order calling for affirmative action to end job discrimination. I think we should be proud of that progress—long overdue as it may have been. Every President since President Johnson, and every Supreme Court since then, has acknowledged that affirmative action programs were intended to be temporary. In the debate that is ongoing now, and on which the President made a major statement today, I believe we should pause to acknowledge not only our continuing commitment to equal opportunity and the work we still have to do to realize it for all Americans, but also to acknowledge our success in overcoming what was not only a legally sanctioned system of discrimination in our country but also ingrained biases about race and gender which were extremely widespread in our country. We have come a long way from those days. Today, poll after poll shows a very high and broad national consensus about ensuring equal opportunity for all, which, of course, was what the civil rights movement was all about.

Unfortunately, Mr. President, some poorly conceived and implemented affirmative action programs have done more to disturb and confuse that broadly accepted national consensus about equal opportunity than they have done to help their intended beneficiaries. Affirmative action is dividing us in ways its creators could never have intended because most Americans who do support equal opportunity, and are not biased, do not think it is fair to discriminate against some Americans as a way to make up for historic discrimination against other Americans. For, after all, if you discriminate in favor of one group on the basis of race, you thereby discriminate against another group on the basis of race. In discussing this subject the other day, a young man offered me this simple wisdom that we all learned from our mothers and fathers: "Two wrongs," he said, "don't make a right."

President Clinton deserves our praise for his willingness to wade into this fray and examine whether affirmative action programs are advancing our goal of equal opportunity in a manner that is consistent with our ideals and our Constitution. In particular, I am encouraged by the President's expressed commitment to implement the Supreme Court's recent *Adarand* decision on affirmative action. The Department of Justice has informed all Federal agencies that every program employing race-based or similar criteria must be rigorously examined to ensure that it is narrowly tailored to meet a compelling governmental interest that cannot otherwise be achieved. If a program does not meet that test, it must be significantly changed, or it must be eliminated.

In my own view, Mr. President, most Government programs in which race, gender, or similar status are dominant factors, will not survive the Supreme Court's new *Adarand* test. If that is in fact the case, we must work together to find new and, I would hope, more broadly acceptable ways to achieve the goal of promoting equal opportunity for all—particularly our poorest neighbors. I accept the premise, as I believe most Americans do, that there is still much work to be done. We must be prepared to devote more resources to enforcing our civil rights laws vigorously. We need to direct our attention, energy, and money to helping poor people, regardless of race or ethnic background, by making greater investments in education and job training, economic opportunity, and empowerment. Doing so would not only be more effective in achieving our national ideal of equal opportunity for all, but I think would restore a sense of traditional American fair play to this field that, sadly, for too many has been lost.

Some critics of affirmative action are simultaneously urging the dismantling of programs that are keys to helping poor people gain the education and skills that will make equal opportunity real for them. I will join the President, as I have before, in fighting both to preserve and reform, where necessary, those programs, and in finding ways to address the profound problems faced by those who are victims not only of discrimination, but of poverty.

I invite all our colleagues within this Chamber, in the House, and all people of good will throughout the country, who are committed to making our society as fair as possible—whatever their party affiliation or views on affirmative action—to join this important effort in the months and years ahead.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1977. An act making appropriations for the Department of the Interior and relat-

ed agencies for the fiscal year ending September 30, 1996, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1977. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1206. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a notice of a violation of the Antideficiency Act, case number 92-68; to the Committee on Appropriations.

EC-1207. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a supplemental legislative environmental impact statement with respect to the START II Treaty; to the Committee on Armed Services.

EC-1208. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 1994 financial statements of the United States Mint; to the Committee on Banking, Housing and Urban Affairs.

EC-1209. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes; to the Committee on the Judiciary.

EC-1210. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to amend title 17, United States Code, title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

EC-1211. A communication from Commissioners of the United States Commission on Civil Rights, transmitting, notice of errors in the transmittal of the report "Funding Federal Civil Rights Enforcement"; to the Committee on the Judiciary.

EC-1212. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to enable the United States to meet its obligations to surrender offenders and provide evidence to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia and to the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of Humanitarian Law Committed in the Territory of Rwanda and Citizens Responsible for Genocide and other such Violations Committed in the Territory of Neighboring States; to the Committee on the Judiciary.

EC-1213. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting, pursuant to law, the Attorney General's Report on Risk Exposure of Private Entities Covered by the Federally Supported Health Centers Assistance

Act of 1992; to the Committee on Labor and Human Resources.

EC-1214. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the NSF report on women, minorities and persons with disabilities in science and engineering; to the Committee on Labor and Human Resources.

EC-1215. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Older Americans Act Amendments of 1995"; to the Committee on Labor and Human Resources.

EC-1216. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "ERISA Enforcement Improvement Act of 1995"; to the Committee on Labor and Human Resources.

EC-1217. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Individuals with Disabilities Education Act Amendments of 1995"; to the Committee on Labor and Human Resources.

EC-1218. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the 1995 annual report of the Board on the financial status of the railroad unemployment system; to the Committee on Labor and Human Resources.

EC-1219. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to persons with mental illness in the criminal justice system; to the Committee on Labor and Human Resources.

EC-1220. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the impact of the National Voter Registration Act of 1993; to the Committee on Rules and Administration.

EC-1221. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a proposed regulation relative to "express advocacy"; to the Committee on Rules and Administration.

EC-1222. A communication from the President of the Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of the Kennedy Center for 1994; to the Committee on Rules and Administration.

EC-1223. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

EC-1224. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, pursuant to the order of April 11, 1986, referred jointly; to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Banking, Housing and Urban Affairs; the Committee on Commerce, Science and Transportation; the Committee on Environment and Public Works; to the Committee on Finance; to the Committee on Foreign Relations; to the Committee on the Judiciary; to the Committee on Labor and Human Resources; and the Committee on Small Business.

EC-1225. A communication from the Director of the Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the budget submitted earlier in the year, pursuant to the order of April 11, 1986, referred jointly; to the Committee on Appropriations and to the Committee on the Budget.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-231. A resolution adopted by the Greater Sitka Chamber of Commerce of the City of Sitka, Alaska relative to the timber industry; to the Committee on Energy and Natural Resources.

POM-232. A resolution adopted by the New Jersey State Federation of Women's Club relative to the New Jersey Highlands; to the Committee on Energy and Natural Resources.

POM-233. A resolution adopted by the Minnesota Division of the Izaak Walton League relative to waterfowl production areas; to the Committee on Energy and Natural Resources.

POM-234. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

#### "SENATE CONCURRENT RESOLUTION NO. 15

"Whereas, many local groups, local governmental bodies, and interested citizens have shown interest and a keen desire for continued economic opportunity and development in Rapides Parish; and

"Whereas, the opportunity for such continued development could result from the construction of a Job Corp Center at Camp Claiborne; and

"Whereas, there has been great community and political support for such a project; and

"Whereas, the Kisatchie National Forestry Service, which is part of the U.S. Forestry Service, has as of March 14, 1995 deadline, made an application for construction of a Job Corp Center to be located on Camp Claiborne in Rapides Parish; and Therefore, be it

*Resolved*, That the Legislature of Louisiana does hereby show its support and endorsement of the Kisatchie National Forest Service as the sponsoring agency for a Job Corp Center to be located in Rapides Parish; be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional Delegation."

POM-235. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

#### "SENATE JOINT RESOLUTION NO. 7

"Whereas, the people of the State of Nevada have a long history of being productive and successful ranchers and farmers; and

"Whereas, the money received from the production and sale of livestock, crops and other agricultural products contributes millions of dollars each year to the economy of Nevada; and

"Whereas, because of Nevada's arid climate and lack of abundant supplies of water, large amounts of land are required to graze cattle and sheep effectively; and

"Whereas, much of the land needed for grazing livestock must be leased under permit from the Federal Government, thereby making many of the ranchers and farmers in

Nevada involuntarily dependent upon the Federal Government and its regulations governing the use of the rangelands located on the public lands of the United States; and

"Whereas, the Secretary of the Interior has adopted major reforms to the existing regulations of the Federal Government concerning the management of the rangelands located on the public lands of the United States which will become effective on August 26, 1995; and

"Whereas, such proposed reforms are extremely broad and extensive, and seek to impose numerous changes in the administration of the public rangelands which are not necessary or reasonable in order to maintain the public rangelands in a healthy and productive condition;

"Whereas, a bill has been introduced in the Senate, S. 852 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior and would establish reasonable provisions relating to the proportional ownership of improvements made on the public rangelands by ranchers in cooperation with the Federal Government, the requirement of compliance with state law relating to water rights, the clarification of the types of violations of federal law relating to the management and administration of the public rangelands which are subject to civil or criminal penalties and other matters relating to the management and administration of the public rangelands of the United States; and

"Whereas, an identical bill has been introduced in the House of Representatives, H.R. 1713 of the 104th Congress, 1st Session (1995); Now, therefore, be it

*Resolved* by the Senate and assembly of the State of Nevada jointly, That the Nevada Legislature hereby expresses its support for the ranching and farming industries in Nevada; and be it further

*Resolved*, That the Nevada Legislature opposes any extensive and unreasonable reform of the existing regulations of the Federal Government concerning the management of the public rangelands in Nevada; and be it further

*Resolved*, That the Nevada Legislature hereby urges the Congress of the United States to pass S. 852 or H.R. 1713 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior concerning the management of the rangelands located on the public land of the United States and establish reasonable provisions relating to the management and administration of the public rangelands of the United States; and be it further

*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Committee on Energy and Natural Resources, the Chairman of the House of Representatives Committee on Natural Resources and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage and approval."

POM-236. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

#### "Senate Joint Resolution No. 11

"Whereas, the present demand on the limited supply of water in the State of Nevada is threatening the vitality of the lakes in western Nevada including Pyramid Lake and Walker Lake; and

"Whereas, millions of acre-feet of water flow from the rivers of the northwestern United States into the Pacific Ocean each year and are lost to reclamation; and

"Whereas, the water lost to reclamation could be used beneficially in the State of Nevada to preserve the vitality of the lakes in western Nevada including Pyramid Lake and Walker Lake; and

"Whereas, the interregional transfer of water is technologically feasible; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, jointly,* That the Nevada Legislature urges the Congress of the United States to investigate the utility of importing water to Nevada from sources outside Nevada; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage and approval."

POM-237. A joint resolution adopted by the Legislature of the Commonwealth of Northern Marianas; to the Committee on Energy and Natural Resources.

"Whereas, through its approval in U.S. Public Law 94-241 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Congress agreed to a program of financial assistance to help the Northern Marianas' economy develop sufficiently to meet the financial responsibilities of self-government and to raise the standard of living of the islands' people; and

"Whereas, this policy has been highly successful, resulting in a five-fold increase in the gross domestic product of the islands between 1978 and 1992, a level of economic growth that produced sufficient local revenues to support the operations of the Northern Marianas government and raised median family incomes by more than 40%; and

"Whereas, this policy has had long-term support, beginning in 1976 with Ford Administration's approval of the original schedule of grant amounts and continuing with approval in 1986 of U.S. Public Law 99-396 adopting a revised schedule recommended by the Reagan Administration; and

"Whereas, because the U.S. citizens of the Northern Marianas have no representation in the national legislative process, the Congress approved a process of decision-making with respect to changes in the program of financial assistance that required consultations between the federal government and the Northern Marianas; and

"Whereas, agreement was reached in 1992 by the Special Representatives of President George Bush and the Governor of the Northern Marianas for a third schedule of financial assistance, terminating in the year 2000, that features a continuing decrease in federal expenditure from the fiscal year 1989 high of \$40 million to \$9 million in the agreement's final year, and that also adds a new condition of dollar-for-dollar matching of local funds with federal grants over the life of the agreement; and

"Whereas, the Congress has made appropriations in amounts that conforms to this new schedule of assistance since it was negotiated, and the Northern Marianas, likewise, has annually signed grant pledge agreements adhering to the terms of the 1992 agreement; and

"Whereas, these terms include a match of all federal funds by local funds, that none of these funds will be used for the operation of the northern Marianas government, and that

these funds will all be invested in infrastructure to ensure the long-term economic health of the islands; and

"Whereas, the need for federal assistance in building basic infrastructure is apparent, for instance in the intermittent nature of residential water service and that, even when available, water is not safe to drink, and in the contamination of beaches critical to the tourism sector of the economy by fecal coliform bacteria present in near shore waters because of the lack of adequate sewage treatment facilities; and

"Whereas, this new agreement would replace the mandatory appropriation authorized by U.S. Public Law 99-396 in which federal funding is fixed, and would thereby assist in efforts to reach a balanced federal budget by the year 2002; and

"Whereas, the Clinton Administration has arbitrarily and without formal consultation proposed a premature termination of the assistance policy, an action that could freeze economic growth in the Northern Marianas or reverse the progress already made, risking, thereby, a situation in which the Congress might have to step in and correct—an awkward and potentially costly responsibility; Now, therefore, be it

*Resolved, by the Senate of the Ninth Northern Marianas Commonwealth Legislature, the House concurring,* That the Legislature hereby requests the Congress of the United States of America to complete the transition to full financial responsibility for self-government in the Northern Marianas by fulfilling the terms of the already-negotiated schedule to phase out federal aid for investment in infrastructure; and be it further

*Resolved,* That the President of the Senate and Speaker of the House of Representatives shall certify the Senate Legislative Secretary and the House Clerk and shall attest to the adoption of this joint resolution and thereafter transmit certified copies to the Honorable Frank Murkowski, Chairman of the Senate Energy and Natural Resources Committee; the Honorable J. Bennet Johnston; the Honorable J. Bennet Johnston; the Honorable Don Young, Chairman of the House Committee on Resources; the Honorable George Miller; the honorable Elton Gallegly, Chairman of the House Subcommittee on Native American and Insular Affairs; the Honorable Eni F.V. Faleomavaega; the Honorable Ralph Regula, Chairman of the House Subcommittee on Interior Appropriations; the Honorable Sidney Yates; the Honorable Slade Gorton, Chairman of the Senate of the Senate Subcommittee on Interior Appropriations; and the Honorable Robert C. Byrd."

POM-238. A resolution adopted by the Assembly of the City and Borough of Juneau, Alaska relative to the Federal Clean Water Act; to the Committee on Environment and Public Works.

POM-239. A resolution adopted by the Minnesota Division of the Izaak Walton League relative to the Great Lakes Initiative; to the Committee on Environment and Public Works.

POM-240. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Environment and Public Works.

#### "RESOLUTION NO. 258

"Whereas, the United States Environmental Protection Agency is considering a number of new environmental regulations that will affect the oil and gas industry; and

"Whereas, the United States House of Representatives has approved risk assessment and cost benefit analysis legislation that is pending before the United States Senate; and

"Whereas, a study by the American Petroleum Institute estimates that compliance

expenditures required by these new regulations could reach \$45 million dollars and result in a reduction in oil and natural gas production in Alabama; and

"Whereas, Alabama is a significant energy producing state, producing in excess of 460 billion cubic feet of natural gas and more than 18 million barrels of crude oil and condensate per year; and

"Whereas, revenues from oil and gas industry operations generate more than \$100 million dollars annually in severance taxes and royalty income to the state; and

"Whereas, more than 20,000 Alabamians are employed in the state's oil and gas industry; Therefore be it

*Resolved by the House of Representatives of the Legislature of Alabama,* That we hereby urge the United States Senate to approve legislation returning reasonableness to the environmental regulatory process and urges the Environmental Protection Agency to employ sound scientific principles, risk assessment, and cost benefit analysis before enacting new regulation."

POM-241. A joint resolution adopted by the Legislature of the Senate of Colorado; to the Committee on Environment and Public Works.

#### "HOUSE JOINT RESOLUTION 95-1031

"Whereas, the federal "Intermodal Surface Transportation Efficiency Act of 1991" (ISTEA) was designed to be the comprehensive solution to federal surface transportation funding since it replaced the "Surface Transportation and Uniform Relocation Assistance Act of 1987", which marked the end of the interstate era; and

"Whereas, the purpose of ISTEA is "to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner"; and

"Whereas, when it was proposed, ISTEA was designed to give states and local governments flexibility as to how federal moneys were to be spent in their regions but, in fact and practice, the new federal program specifies how these moneys are distributed as well as how they can be spent by states and local governments; and

"Whereas, examples of the distribution categories of ISTEA moneys that have assigned percentages include, but are not limited to, safety, enhancements, population centers over 200,000 people, areas with populations under 5,000 people, transportation projects in areas that do not meet the Clean Air Act standards, and minimum allocation, reimbursement, and hold harmless programs; and

"Whereas, for the six year duration of ISTEA, Colorado will receive an estimated \$1.31 billion in federal moneys, compared to \$1.43 billion received in the previous six years; and

"Whereas, before the enactment of ISTEA, Colorado was permitted to use a portion of Interstate Maintenance Funds to increase vehicle carrying capacity, but under ISTEA, capacity improvements are limited to High Occupancy Vehicle (HOV) lanes or auxiliary lanes; now, therefore, be it

*Resolved by the House of Representatives of the Sixtieth General Assembly of the State of Colorado, the Senate concurring herein:* That the Colorado General Assembly requests the 104th Congress of the United States to:

"(1) Amend the federal "Intermodal Surface Transportation Efficiency Act of 1991" to provide more flexibility and local control without the interference and mandates of the federal government.

"(2) Allow the 4.3 cents per gallon fuel tax added by the United States Congress in 1993

to be added to the Highway Trust Fund for distribution to the states as opposed to being assigned to the General Fund.

"(3) Allow the 2.5 cents per gallon fuel tax added by the United States Congress in 1990 to be added to the Highway Trust Fund given the demonstrated need for moneys for transportation systems, and be it further

*Resolved*, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation."

POM-242. A resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 4.

"Whereas, the state of New Hampshire has made, and continues to make, great efforts to implement the 1990 federal Clean Air Act Amendments; and

"Whereas, modifying the 1990 federal Clean Air Act Amendments and the federal regulations for the act would assist the state to better comply with the law; and

"Whereas, modification would improve air quality and would not impede economic development; now, Therefore, be it

*Resolved* by the Senate and House of Representatives in General Court convened: That the general court urges the United States Congress and the United States Environmental Protection Agency to modify the 1990 federal Clean Air Act amendments by:

"(1) Reducing the \$450 auto emissions repair waiver for at least the first test cycle;

"(2) Implementing a 49-state car emission standard, including that inherently low emission vehicles (ILEVs) should be counted as zero emission vehicles (ZEV) when calculating fleet average and to satisfy the technology advancement component;

"(3) Not requiring California's reformulated gasoline;

"(4) Granting state implementation plans (SIPS) maximum credit for voluntary actions and programs which result in documented lowered levels of emissions; and

"(5) Considering offering incentives for purchasing low emission vehicles (LEVs), ultra low emission vehicles (ULEVs), ILEVs and ZEVs; and That copies of this resolution, signed by the speaker of the house, the president of the senate, and the governor be sent by the house clerk to the President of the United States, the Director of the United States Environmental Protection Agency, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and to each member of the New Hampshire Congressional delegation."

POM-243. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"JOINT RESOLUTION NO. 35

"Whereas, the Humboldt National Forest includes approximately 2,500,000 acres in Humboldt County, Elko County, White Pine County, eastern Nye County and Lincoln County; and

"Whereas, the residents of these counties have a long tradition of ranching and farming, the results of which contribute greatly each year to the economies of these counties and to the State of Nevada; and

"Whereas, because of the arid climate and scarcity of water in these areas, large amounts of land are required for grazing,

much of which must be leased from the United States Forest Service in the Humboldt National Forest, thereby making many of the ranchers and farmers in these areas dependent on the use of the Humboldt National Forest; and

"Whereas, herds of wild horses and elk are in constant competition with domestic animals for the available forage and water; and

"Whereas, the extensive paperwork requirements of the National Environmental Policy Act and other federal laws further divert resources of the Humboldt National Forest from activities that would directly improve range conditions, promote compliance with grazing permits and lead to the establishment of sustainable conditions; and

"Whereas, conservation groups have now initiated litigation against the Chief of the U.S. Forest Service and the Supervisor of the Humboldt National Forest, requesting the federal court to prohibit the U.S. Forest Service from authorizing grazing permits in the Humboldt National Forest until certain alleged violations of the National Environmental Policy Act and other federal laws are resolved; and

"Whereas, this litigation threatens the livelihoods of farmers and ranchers, polarizes the various users of the public lands, limits constructive dialog directed toward solving actual problems and further diverts resources of the Humboldt National Forest from activities that would directly improve range conditions and promote compliance with grazing permits; and

"Whereas, the multiple-use concept requires all the various recreational, agricultural, educational and scientific users of the public lands to coexist, cooperate and compromise to their mutual benefit; Now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the members of the 68th session of the Nevada Legislature urge the Congress of the United States to support legislation that recognizes and preserves the value of ranching and farming to the economy and to the very fabric of rural communities; and be it further

*Resolved*, That Congress is also urged to support legislation that streamlines the paperwork requirements of federal laws affecting the use of the national forests, such as the National Environmental Policy Act, especially legislation that would make the renewal of grazing permits categorically exempt from the requirements of the National Environmental Policy Act; and be it further

*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage and approval."

POM-244. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"JOINT RESOLUTION NO. 26

"Whereas, the recent debates concerning certain resolutions may have been construed by those living outside Nevada as disagreement among Nevadans regarding whether the Federal Government should place an interim or permanent repository or other facility for the storage or transportation of high-level radioactive waste and spent fuel in Nevada; and

"Whereas, throughout the debate there was one principle that never varied and was agreed upon by an overwhelming majority of Nevadans and that principle was Nevada's

forceful and unyielding opposition to the permanent storage of high-level radioactive waste and spent nuclear fuel in Nevada and any amendment of the Nuclear Waste Policy Act which would allow the siting of an interim storage program or monitored retrievable storage program in Nevada; and

"Whereas, the State of Nevada has studied the economic, social, public health and safety and environmental impacts that are likely to result from the transportation and storage of high-level radioactive waste and spent nuclear fuel and has conclusively determined that transforming this beautiful state into a nuclear waste disposal area would pose a severe threat to the health and safety of the current and future generations of Nevadans and have devastating consequences on the tourist-based economy of the State of Nevada; and

"Whereas, the environmental wonders of this state, from the rim of the Red Rock Canyon, the dramatic depths of the Lehman Caves, the lush alpine meadows and the clear mountain streams of the Great Basin National Park to the heights of the spectacular Ruby Mountains, through the wondrous Black Rock Desert to the emerald shores of Lake Tahoe Basin, through the plethora of wonderful wilderness areas to the glimmering waters of Lake Mead, are far too special a treasure to be spoiled by high-level radioactive waste and spent nuclear fuel; now, therefore, be it

*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the Legislature of the State of Nevada hereby reaffirms its vehement opposition to the permanent storage of high-level radioactive waste in Nevada and its adamant opposition to any amendment of the Nuclear Waste Policy Act which would allow the siting of an interim storage program or monitored retrievable storage program in Nevada; and be it further

*Resolved*, That this Legislature hereby urges the Congress of the United States to take such actions as are necessary to ensure that the current practice of on-site dry cask storage of high-level radioactive waste is continued until such time as the available technology will allow for the recycling and reuse of high-level radioactive waste; and be it further

*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

*Resolved*, That this resolution becomes effective upon passage and approval."

POM-245. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 12

"Whereas, the Aquatic Resources Trust Fund (Wallop-Breaux) was enacted by the U.S. Congress so that the safety and education of the nation's boaters would receive funding similar to that provided for fish and wildlife programs; and

"Whereas, Aquatic Resources Trust Fund monies are not general funds, but rather trust funds derived from the tax boaters pay on marine fuel and, therefore, represent a prime example of the user fee concept, i.e. user pays, user benefits; and

"Whereas, in Tennessee, these funds have helped to steadily decrease boating fatalities so that the past three years have been the lowest on record; and

"Whereas, the loss of these funds will be devastating to Tennessee's boating program by reducing the education and enforcement programs by nearly half; and

"Whereas, the current administration did not ask for these funds as a part of the proposed federal budget, thereby ending an enormously successful program engineered through the cooperative efforts of the American League of Anglers and Boaters, Fish and Wildlife Agencies, Congress, and others; and

"Whereas, these funds cannot be used for budget deficit reduction but rather will transfer to the Sport Fisheries account of the Aquatic Resources Trust Fund, thereby bypassing the intent of the enabling legislation; and

"Whereas, there was bipartisan support in the 103rd Congress in the form of HR 4477 to reinstate this vital funding on a sustained basis; and

"Whereas, there appears to be movement to address this same boating safety funding dilemma in the early days of the 104th Congress; now, Therefore, be it

*"Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring,* That this General Assembly hereby memorializes the United States Congress to enact legislation which would reinstate Aquatic Resources Trust Fund (Wallop-Breaux) monies on a sustained funding basis to assure the continued proven success of Tennessee's as well as other states', boating safety and education program, and be it further

*"Resolved,* That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation."

POM-246. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

#### "SENATE JOINT RESOLUTION NO. 11

"Whereas, the quality of Tennessee's water resources is critical to maintaining good health and maximizing recreational opportunities on our streams and reservoirs; and

"Whereas, there exists legislation on both the federal and state level which helps to maintain water quality by controlling the discharge of sewage from vessels; and

"Whereas, enforcement of Tennessee's marine sanitation law is threatened due to ambiguity of the language contained in the federal statute regarding "preemption" of state laws; now, Therefore, be it

*"Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring,* That this General Assembly hereby memorializes the U.S. Congress to enact an amendment to the "Federal Water Pollution Control Act" (popularly known as the "Clean Water Act") providing that the several states may enact and enforce their own marine sanitation laws, provided that such laws are consistent and uniform with the federal standards on marine sanitation set out at 33 U.S.C. Section 1322, and be it further

*Resolved,* That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Speaker and the Clerk of the U.S. House of Representative; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation."

POM-247. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

#### "JOINT RESOLUTION NO. 40

"Whereas, the State of Nevada has a very strong commitment to protecting the public

health and safety and the natural environment; and

"Whereas, the Nevada Legislature has proven this commitment in the area of solid waste management by enacting legislation and authorizing administrative regulations which are necessary to carry out the provisions of subchapter IV of the Resource Conservation and Recovery Act of 1976, as amended; and

"Whereas, the Nevada Legislature, nevertheless, finds the federal requirements in subchapter IV of the Resource Conservation and Recovery Act of 1976, as carried out through the regulations contained in 40 C.F.R. Part 258, too onerous, inflexible and unreasonable in this arid state, with many small population centers and agricultural operations situated far from urban areas; and

"Whereas, excessively stringent federal regulations, short time frames for compliance, small populations and a lack of technical and financial assistance have created an impossible situation for many of Nevada's small rural communities; and

"Whereas, in the absence of financial assistance to carry out the provisions of subchapter IV of the Resource Conservation and Recovery Act of 1976, the federal requirements truly represent an unfunded mandate which reorders valid local priorities; and

"Whereas, the President of the United States, in Executive Order No. 12866, dated September 30, 1993, recognized that the legitimate role of government is to govern in a focused, tailored and sensible way; and

"Whereas, the President of the United States, in his memorandum dated March 4, 1994, relating to the regulatory reform initiative, called for permit streamlining and paperwork reduction and directed federal agencies and departments to "determine whether states can do the job as well; reward results, not red tape; and negotiate with the regulated community"; now, therefore, be it

*"Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the members of the 68th session of the Nevada Legislature urge the United States Environmental Protection Agency to extend by at least 2 years the deadline for small, remote landfills in arid areas to comply with the federal regulations contained in 40 C.F.R. Part 258; and be it further

*"Resolved,* That this Legislature urges Congress to amend subchapter IV of the Resource Conservation and Recovery Act of 1976 as it applies to small, remote landfills in arid areas by establishing a ground-water monitoring exemption, requiring the United States Environmental Protection Agency to identify, with state participation, minimum performance standards and providing states the authority and flexibility to manage such landfills in a manner consistent with those performance standards; and be it further

*"Resolved,* That this Legislature urges Congress to appropriate money for grants to the states to carry out the mandates of subchapter IV of the Resource Conservation and Recovery Act of 1976; and be it further

*"Resolved,* That this Legislature urges the Division of Environmental Protection of the State Department of Conservation and Natural Resources to assert Nevada's authority and discretion over solid waste management programs within this state, propose reasonable regulations for the management of the smallest solid waste landfills and carry out a vigorous technical assistance program for small towns, rural areas and agricultural operations; and be it further

*"Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the State Department of Conservation and Natural Resources of the State of Nevada, the Vice

President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

*"Resolved,* That this resolution becomes effective upon passage and approval."

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURNS, from the Committee on Appropriations, with amendments:

H.R. 1817. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104-116).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself, Mr. CRAIG, and Mr. HELMS):

S. 1050. A bill to promote freedom, fairness; and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. STEVENS, Mr. COCHRAN, Mr. PELL, Mr. MOYNIHAN, and Mr. REID):

S. 1051. A bill to authorize appropriations for the American Folklife Center for fiscal years 1996, 1997, 1998, and 1999; to the Committee on Rules and Administration.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Res. 154. A resolution expressing the sense of the Senate that the United States Government should encourage other governments to draft and participate in regional treaties aimed at avoiding any adverse impacts on the physical environment or environmental interests of other nations or a global commons area, through the preparation of Environmental Impact Assessments, where appropriate; to the Committee on Foreign Relations.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. CRAIG, and Mr. HELMS):

S. 1050. A bill to promote freedom, fairness; and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

THE FREEDOM AND FAIRNESS RESTORATION ACT

● Mr. SHELBY. Mr. President, I am proud to announce the introduction of the Freedom and Fairness Restoration Act in the Senate of the United States of America. Two years ago, the flat tax was not even considered as an alternative in the tax reform debate. One

year ago, thanks to the able House majority leader, the flat tax was introduced in the House of Representatives and took the country by storm. Today, I am here to tell the American people the flat tax has found a home in the Senate and the flat tax is not only a legitimate proposal for tax reform, it is the leading candidate.

When considering any proposal for tax reform, one has to ask the question, "Should the Federal Government coerce free individuals by means of tax policy?" I believe the answer is a clear and resounding "No." In other words, tax policy should neither encourage nor discourage the personal decisions of free individuals in America. If one accepts this premise, one has to conclude the best alternative for tax reform is the flat tax. No other tax proposal, not the sales tax, and especially not the Gephardt un-flat tax, has the attribute of neutrality.

The Arme-y-Shelby flat tax taxes every dollar in the economy once and only once—all at the same rate. As a result, the Arme-y-Shelby flat tax does not coerce free individuals into making decisions to take advantage of a special interest tax break or to avoid some tax penalty. The basic premise of the Freedom and Fairness Restoration Act is that free individuals know best how to spend their hard-earned dollars.

The current Tax Code, while serving its purpose of revenue collection, has many problems. It contains high marginal rates as well as a hodgepodge of special interest deductions. In addition, the complexity of Federal tax laws cost taxpayers approximately 5.4 billion hours, or \$150 billion, just to comply with the current Internal Revenue Code.

As a result, the time has come to abolish the old, inefficient tax system and adopt a new, strict flat tax—20 percent for the first 2 years, and 17 percent thereafter. Generous personal allowances—\$31,400 for a family of four—will cut taxes for families and provide a level of progressivity many find essential for tax reform. The flat tax will eliminate the double taxation of savings and promote jobs and higher wages. These attributes of the Arme-y-Shelby flat tax are the keys that will unlock the door to economic prosperity and assures freedom and fairness for all.●

By Mr. HATFIELD (for himself, Mr. STEVENS, Mr. COCHRAN, Mr. PELL, Mr. MOYNIHAN and Mr. REID):

S. 1051. A bill to authorize appropriations for the American Folklife Center for fiscal years 1996, 1997, 1998, and 1999; to the Committee on Rules and Administration.

#### THE AMERICAN FOLKLIFE CENTER RE-AUTHORIZATION ACT

● Mr. HATFIELD. Mr. President, as the Chairman of the Joint Committee on the Library of Congress, I am introducing legislation today to reauthorize the Library's American Folklife Center

for fiscal years 1996 through 1999. I am pleased to have all the members of the Joint Committee on the Library and Senator REID join me in this effort as cosponsors.

The American Folklife Preservation Act of 1976 established the American Folklife Center at the Library of Congress with a mandate to "preserve and present American folklife." This remarkable institution contains the nation's foremost collection of folklife materials, including over 1 million manuscripts, sound recordings, photographs, films, videos, periodicals, and other printed information which chronicle the grassroots cultural traditions of the American people. No other public or private establishment can compare to the Folklife Center's extensive accumulation of American folklife.

In addition to maintaining a comprehensive record of our Nation's diverse culture, the Folklife Center is also an interactive and widely used institution. The folklife reading room is the largest reading room in the nation with public access to folklife collections and publications. During 1994 the folklife reading room assisted nearly 9,000 researchers. Additionally, the Folklife Center is well known for its popular public exhibitions and presentations, such as the summer folklife music concert series in front of the Jefferson Building. This year the series opened with a performance of cajun zydeco and will close with the Argentine tango. The Folklife Center is also well known for its programs which have traveled throughout the United States. For instance, the Folklife Center's photographic exhibit "Generation to Generation: Sharing the Intangible," which depicts grassroots culture bridging the differences between older and younger individuals, had a brief stay at the Hood River County Historical Museum in Hood River, OR.

Mr. President, the American Folklife Center accomplishes its broad mandate with minimal funding and through the efforts of creative individuals. The Folklife Center has a staff of only 15 and their authorization level has been frozen since 1992. However, in 1994 they raised \$330,000—3 times the amount raised in 1990—in private funding and they have a multi-year plan to increase private funding. Consequently, the legislation I am introducing today provides a modest increase in their annual authorization from the current level of \$1,120,000 to \$1,187,000 for the next 4 fiscal years.

The American Folklife Center is an important investment in preserving our Nation's cultural background that will serve future generations as a historical reference and educational guide. I hope my colleagues will continue to support the Folklife Center by approving this legislation.●

● Mr. REID. Mr. President, I am pleased to join Senator HATFIELD as an original cosponsor to legislation which will reauthorize the American Folklife Center. The Folklife Center provides

our country with the invaluable service of preserving the diverse cultures which makeup American folklife.

Folklife is defined as the grassroots cultural traditions maintained at the community level and expressed through family, ethnic, occupational, religious, and regional associations. It includes a wide range of creative forms including music, verbal traditions, crafts and dance. It is my strong belief that the preservation of America's heritage is worth funding.

The American Folklife Center contains by far the Nation's preeminent folklife collection comprising over 1 million items in every medium: manuscripts, sound recordings photographs, films, videos, periodicals, and other printed materials. No other institution, public or private, contains such a vast and comprehensive collection of folklife. Further, it is the sole institution in the Federal Government authorized to preserve and present American folklife.

The American Folklife Center's authorization level has been frozen at \$1,120,000 since 1992. On this budget, the Center has maintained the largest reading room in the Nation with public access to folklife collections and publications and with formal public reference services, assisting nearly 9,000 researchers in 1994. The Center has provided for programs, presentations, field research projects, publications and exhibitions which strengthen public education about America's heritage and benefit hundreds of thousands of Americans annually. I believe it is time to increase the Center's funding, therefore, our amendment provides for the modest increase in authorization to \$1,187,000 a year for the next 4 years. This money will allow the Center to continue with their important work in preserving America's heritage.

In 1976, the American Folklife Center was established with bipartisan support. However, the Archive of Folk Culture has been a part of the Library of Congress since 1928. This long history is evidence of our country's commitment to preserving its heritage.

The Center maintains a unique collection with items from all 50 States. My State of Nevada has diverse folk traditions which are preserved by the Center. Among its unique recordings are Ute, Northern Paiute, Wasoe, and other native American music recordings made by Omer Stewart in 1938 and Willard Rhodes in 1949. There are cowboy songs and stories by "Powder River" Jack H. Lee of Virginia City and oral histories and stories of traditional life made by Duncan Emerich in 1942 and 1950.

Between 1978 and 1982, the Center conducted the Paradise Valley Folklife Project to document and analyze the traditional life and work of a ranching community in Nevada. The project was developed in conjunction with the

Smithsonian Institution and the National Endowment for the Arts. Documentary materials from the project include field notes; sound, motion picture, and video records; and 30,000 black and white negatives and color transparencies. The project also resulted in a book, "Buckaroos in Paradise: Cowboy Life in Northern Nevada," an exhibit of the same name at the Smithsonian Institution, and a videodisc, "The Ninety-Six: A Cattle Ranch in Northern Nevada."

In 1989 and 1990, the Center conducted a field research project documenting the culture and traditions of Italian-Americans in the West, which culminated in a traveling exhibition and companion book of essays. The documentary material created during the project includes recordings, photographs, architectural drawings, and other documents from central Nevada. These are just some examples of the work that the Center does in my State of Nevada. However, the Center provides this sort of work for each State's unique history.

The Center is not only a place where history is preserved, it is also a viable working institution which provides a wealth of information from where American artists can draw upon and use these valuable resources. Micky Hart, drummer for the Greatful Dead, has found unreleased and forgotten world music in the archives. This past spring he released his second CD of such sounds, "Music of the Gods," a collection of gamelan music acquired from the Fiji Islanders just before World War II.

The Center is heavily used by artists, historians, and people who simply enjoy learning about our country's cultures. It has successfully performed its duties on minimal funding over the years, and has made great efforts in generating private funds. The Center has demonstrated its dedication to the preservation of American folklife and culture, and greatly deserves the reauthorization our legislation provides.●

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. LIEBERMAN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 21, a bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

S. 607

At the request of Mr. WARNER, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from New York

[Mr. D'AMATO] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 847

At the request of Mr. GREGG, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 955

At the request of Mr. HATCH, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 959

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 1000

At the request of Mr. BURNS, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1000, a bill to amend the Internal Revenue Code of 1986 to provide that the depreciation rules which apply for regular tax purposes shall also apply for alternative minimum tax purposes, to allow a portion of the tentative minimum tax to be offset by the minimum tax credit, and for other purposes.

S. 1006

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

#### SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

#### AMENDMENT NO. 1801

At the request of Mr. LIEBERMAN the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Amendment No. 1801 proposed to S. 21, a bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

#### SENATE RESOLUTION 154—RELATING TO ENVIRONMENTAL IMPACT ASSESSMENTS

Mr. PELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas in 1978 the Senate adopted Senate Resolution 49, calling on the United States Government to seek the agreement of other governments to a proposed global treaty requiring the preparation of Environmental Impact Assessments for any major project, action, or continuing activity that may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area;

Whereas subsequent to the adoption of Senate Resolution 49 in 1978, the United Nations Environment Programme Governing Council adopted Goals and Principles on Environmental Impact Assessment calling on governments to undertake comprehensive Environmental Impact Assessments in cases in which the extent, nature, or location of a proposed activity is such that the activity is likely to significantly affect the environment;

Whereas Principle 17 of the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in 1992, states that Environmental Impact Assessments as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of the competent national authority;

Whereas on October 7, 1992, the Senate gave its advice and consent to the Protocol on Environmental Protection to the Antarctic Treaty, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica; and

Whereas the United States is a signatory to the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, a regional treaty that calls for the use of Environmental Impact Assessments as necessary tools to minimize the adverse impact of certain activities on the environment, particularly in a transboundary context: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States Government should encourage the governments of other nations to engage in additional regional treaties, along the lines of the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, regarding specific transboundary activities that have adverse impacts on the environment of other nations or a global commons area; and

(2) such additional regional treaties should ensure that specific transboundary activities are undertaken in environmentally sound ways and under careful controls designed to



avoid or minimize any adverse environmental effects, through requirements for Environmental Impact Assessments where appropriate.

Mr. PELL. Mr. President many of my colleagues know of the interest that I have long had in the protection of the global commons. As early as 1967 I introduced resolutions containing draft treaty language that eventually resulted in treaties banning the emplacement of weapons of mass destruction on the seabed floor and the use of environmental modification techniques in warfare.

In 1978, a resolution that I had introduced in 1977 was adopted by the Senate, which called on the U.S. Government to seek the agreement of other governments to a proposed global treaty requiring the preparation of an international environmental assessment for any major project, action, or continuing activity which may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area—Senate Resolution 49, May 18, 1978, Report No. 95-990, July 17, 1978.

My proposed Environmental Impact Assessment Treaty did not aim to prohibit a state from carrying out activities, but rather required it to make a detailed assessment of the impact this activity would have, and to communicate this information to the affected countries. As such, it would play a crucial part in ensuring that the United States would not be negatively impacted by the activities of another state. Alternatively, when the activity was to have an impact on a global commons area, the United Nations Environment Programme [UNEP] was to be the recipient of that information.

The United Nations Environment Programme was created in the aftermaths of the United Nations Conference on the Human Environment, held in Stockholm in 1972. This conference represented the first concerted effort on the part of all nations to integrate human development and the protection of the environment and natural resources for future generations. UNEP has now become the legal entity where most international environmental programs are either initiated or hosted and, as such, is widely recognized as a useful and efficient arm of the United Nations.

The United States has truly been a visionary in this respect, as the ideas embedded in my 1978 resolution were later endorsed in a number of international environmental legal instruments. The United Nations Environment Programme itself endorsed this view when its governing council adopted a series of goals and principles that specify how important these assessments can be, and how and when they should be carried out.

Building on these goals and principles, the U.S. Government, along with other members of the United Nations Economic Commission for Eu-

rope, signed the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland on February 25, 1991. While my 1978 resolution initially called for a global treaty applying to all activities worldwide, much of the reflection that followed led to a breakthrough in thinking with which I agree, namely that a regional approach would be more suited.

The Espoo Convention is a perfect example, as it embodies the commitment by member states to the U.S. Economic Commission of Europe to act in a precautionary manner when dealing with transboundary activities. The convention highlights how and when environmental impact assessments need to be carried out, and an annex to the convention lists the activities that will trigger their application. Because different countries in different areas of the world carry out different activities, separate regional conventions, along with specific lists of triggering activities, are more appropriate than one global treaty.

Even after the Espoo Convention was signed in 1991, other international legal instruments highlighted the need for Environmental Impact Assessments. In 1992, at the conclusion of the United Nations Conference on Environment and Development—the Rio Earth Summit—more than 180 participating nations adopted the Rio Declaration of Principles on Environment and Development. Principle 17 of the declaration states that environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

This was but the latest indication of the endorsement by the whole international community of environmental impact assessment as a means to ensuring that human activities with a view to enhancing human betterment are undertaken in environmentally sound ways.

On October 7, 1992, the Senate gave its advice and consent to the protocol on environmental protection to the Antarctic Treaty, signed in Madrid on October 4, 1991—Treaty Doc. 102-22. This protocol builds upon the Antarctic Treaty to extend and improve the treaty's effectiveness as a mechanism for ensuring the protection of the Antarctic environment. Among other obligations, it requires application of environmental impact assessment procedures to activities undertaken in Antarctica for which advance notice is required under the Antarctic Treaty. Annex I of the protocol sets out different environmental impact assessment procedures that apply according to whether the proposed activities are identified as having less than a minor or transitory impact, a minor or transitory impact, or more than a minor or transitory impact. This is a very rational approach to environmental im-

pact assessment, an approach to which the Senate gave its advice and consent, and the same approach that my 1978 resolution embodied.

As previously noted, the United States has pursued the objectives of my 1978 resolution—Senate Resolution 49—by becoming a party to the Espoo regional convention of the United Nations Economic Commission of Europe. This convention represents the consensus between the United States and its industrialized allies that the best way to proceed is to require environmental impact assessments before transboundary activities are carried out. As I have explained before, regional treaties are the best possible approach because they allow taking into account the particularities of the region at hand. What the United States and its allies have achieved must now be duplicated by other states, in other regions, so that the adoption of environmental impact assessment truly becomes a standard precautionary measure.

Consequently, the resolution I introduce today builds upon my 1978 resolution—Senate Resolution 49—by urging the administration to encourage other states to pursue the negotiation of appropriate environmental impact assessment requirements in other regional treaties. My resolution acknowledges the history of international efforts carried out since 1978 and allows the Senate to endorse once more these important goals.

#### NOTICE OF HEARING

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. ROTH. Mr. President, I would like to announce that the Subcommittee on Post Office and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on July 26, 1995. The Postmaster General of the United States will present the Annual Report of the Postal Service.

The hearing is scheduled for 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Pat Raymond, staff director, at 224-2254.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COHEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 19, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 8:30 a.m. The purpose of this meeting is to consider S. 852, the Livestock Grazing Act.

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

## COMMITTEE ON FINANCE

Mr. COHEN. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 19, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on Medicare.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. COHEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 19, 1995, at 2 p.m.

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

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COHEN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, July 19, at 9:30 a.m., for a hearing on the subject of criminal debt collection efforts.

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

## COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COHEN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, July 19, at 2 p.m., for a hearing on the subject of criminal debt collection efforts.

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

## COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COHEN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, July 19, 1995, at 9:30 a.m.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. COHEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 19, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

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

## SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COHEN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Wednesday, July 19, at 9:30 a.m., on section 404 of the Clean Water Act.

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

# TRIBUTE TO THE OUTGOING PRESIDENT OF THE AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE

• Mrs. MURRAY. Mr. President, I would like to take a moment to recognize the invaluable contributions that Dana Duzan, outgoing president of the

American Society for Clinical Laboratory Science (ASCLS), has made to the clinical laboratory science profession.

In her leadership role with the Society, Ms. Duzan has dedicated herself to promoting the clinical laboratory profession and helping guarantee that the public has access to quality laboratory services. She has strengthened ASCLS's tradition of proactive involvement in government affairs and led the Society in its efforts to ensure that health care reform measures recognize laboratory testing as an integral part of health care delivery. During her tenure, ASCLS worked to maintain the integrity of the Clinical Laboratory Improvement Amendments (CLIA) and protect the laboratory and the public from potentially damaging reform measures such as co-insurance and competitive bidding. And in her efforts to promote the interests of the laboratory profession, she has remained an undaunted champion of patient interests, believing that all Americans have the right to quality, accessible laboratory services.

Ms. Duzan's leadership style reflects the team approach she takes in managing the hematology laboratory at the Sacred Heart Medical Center in Spokane, WA. Her dedication to coalition building can be seen in ASCLS's involvement with a variety of colleague health care organizations, in the Society's commitment to bringing the clinical laboratory industry together as a united front, and in ASCLS's unique partnership with industry leaders.

As president of the Society, Ms. Duzan has worked to further the mission of the Society, including promoting high standards of practice in the workplace, advocating professional autonomy, ensuring professional competence, supporting continuing education, and enhancing the public's understanding and respect for the profession and its practitioners.

In conclusion, Ms. Duzan's love of science, her tireless service to ASCLS and the laboratory profession, and her dedication to making laboratory services available to all make her an inspiration to her professional peers. She is to be commended for her valuable contributions and personal commitment to her work.●

## TRIBUTE TO JUDGE MacKINNON

Mr. LEVIN. Mr. President, I rise here today to pay tribute to Judge George Edward MacKinnon. Judge MacKinnon died at his home on May 1, 1995, at the age of 89. In life, Judge MacKinnon was a model public servant, and in death, his work will be remembered and his efforts continued.

Judge MacKinnon served on the U.S. Court of Appeals for the District of Columbia for 25 years. He was named to the appellate bench in 1969 by President Nixon, where he served until shortly before his death. Judge MacKinnon was a dedicated jurist. He spent 6 years serving on the U.S. Sen-

tencing Commission, contributing to the creation of the national uniform-sentencing laws for convicted criminal offenders.

My own association with Judge MacKinnon stemmed from his work as presiding judge of the special court that oversees the independent counsel law. In the 7 years he presided over the three-member court, Judge MacKinnon was instrumental in the successful enforcement of the independent counsel law and helped establish its constitutionality.

Equally important, the judge made the law work on a day-to-day basis, from setting up filing systems and getting a court clerk, to working out conflicts-of-interest for independent counsel and suggesting legislative improvements to the law. Judge MacKinnon ran the court efficiently and effectively. He worked with Congress in an open and constructive manner. In an age of political gamesmanship, he was a civil, bipartisan, and warm spirit. It was his evenhanded, commonsense approach which resulted in great public confidence and the ultimate success of the independent counsel law.

Judge MacKinnon's career in public service did not begin with his 1969 appointment to the bench. Prior to his term as a judge, he served as Assistant to the U.S. Attorney General, U.S. attorney for the District of Minnesota, a Minnesota Representative in the U.S. House, and a Minnesota State representative.

Judge MacKinnon is survived by his wife, Elizabeth MacKinnon; his daughter, Catharine MacKinnon, a noted professor of law at the University of Michigan; two sons, James and Leonard MacKinnon, both of Minneapolis; and four grandchildren.

Judge MacKinnon devoted his entire career to public service. And his lifelong actions for the good of the American people will not be forgotten. It is with this in mind that I pay tribute to Judge George Edward MacKinnon and his family.

## ORDERS FOR THURSDAY, JULY 20, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Thursday, July 20, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, 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 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator THOMAS, 30 minutes; Senator DASCHLE or his designee, 30 minutes.

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

## PROGRAM

Mr. DOLE. Let me again just quickly recap: The legislative branch appropriations. We hope we can get a waiver on the military construction appropriation bill. We hope that we will be closer to some agreement on S. 343. I know there have been good-faith negotiations throughout the day by different groups, and we hope that could be concluded successfully.

As I indicated earlier, I visited with the President by telephone about Bosnia, and I indicated to him I would discuss that with the Democratic leader tomorrow morning and see if we could not reach some agreement.

For the information of all Senators, it is my intention to turn to the consideration of H.R. 1854, the legislative branch appropriations, at 10 o'clock tomorrow, unless there is objection.

## ORDER FOR RECESS

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of the Senator from Wisconsin, Senator FEINGOLD.

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

## BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

Mr. FEINGOLD. Mr. President, my comments are about support of this resolution concerning the arms embargo. I know the hour is late, but this is a very, very important subject that has concerned me, as it has concerned so many Members of the Senate, for several years. I am hoping that we come to some resolution of this matter on this occasion.

I understand the majority leader's desire to consider the President's request. I look forward to the results of that discussion and the decisions that come from it. But I do rise tonight in support of the Dole-Lieberman resolution. Let me begin by mentioning three reservations I have about taking this position.

First of all, I think the truest words of the day were those of Senator COHEN of Maine who said, "No one can predict with complete confidence whether our action in this case or inaction in this case will turn out the way we want." This is a situation that requires the greatest humility on the part of a Senator because we cannot know for sure and because it does involve what is obviously life or death for many, many thousands of people in the former Yugoslavia. The facts are about as complex as they can get in a foreign policy situation.

My second reservation in supporting the resolution is that basically I think the President should be our leader in conducting foreign policy, with the assistance of Congress in certain cases; in

some cases only with congressional approval. I happen to believe, under the War Powers Act, and article I of the Constitution, that we have a pre-eminent role in making sure that we do not commit troops without congressional approval. But, generally speaking, I prefer to defer to the President, especially Democratic Presidents, on this kind of an issue.

Third, although I have tremendous respect for the majority leader, I have generally preferred the foreign policy approach of our current President. This President has kept American youth out of wars. He has resisted the temptation to send us into adventures and to take every opportunity to police the world as, unfortunately, other Presidents have failed to do. The President has shown a steady hand and does not believe that we can afford or want to shed the blood to be the policemen of the world.

But, despite these reservations, and while I think the majority leader is a great Senator and I hope he continues in that capacity for many, many years, I have long supported his view that we should lift the arms embargo on Bosnia and we should do so unilaterally, if necessary. I do think it is necessary, and I do think the time is now.

In fact, my hope has been and continues to be that this will truly be a strong bipartisan vote. In fact, when I first got here, Mr. President, long before I realized the majority leader's position, before he was the majority leader, my first resolution as a United States Senator made one simple request: That the arms embargo be lifted for the Bosnian people. That was in March 1993.

Even prior to the election in 1992, before I was a Member of this body, I followed the work of the Senator from Delaware, Senator BIDEN, who had already, before almost anyone else, understood that the key to this situation was not talking about certain American air raids or sending American troops to Bosnia, but giving them the ability to defend themselves.

One of the most stimulating comments of the day, and I listened to a lot of the debate, was that of the Senator from Massachusetts, Senator KERRY, who spoke of lifting the arms embargo, and indicated, as I have heard him say on many occasions, that he supports lifting the arms embargo if we can. But the Senator from Massachusetts indicated that lifting the arms embargo is not a policy.

I am not so sure. In fact, after scores of conversations with people, experts in foreign policy, and the military, my constituents, and especially the leaders of Bosnia itself, I feel, with all due respect, that all signs point to the conclusion that lifting the arms embargo unilaterally is not only morally right, but a very sensible policy, both for the United States and for Bosnia.

I am sure the opposition to lifting is in good faith. But after 2½ years I almost stopped asking questions on the

committee where we serve together, the Senate Foreign Relations Committee. I grew weary at the committee meetings and the briefings of the constantly shifting series of excuses for not doing what is right in Bosnia.

The opposition to lifting the arms embargo has been done in a very clever way. It is opposition by question, hundreds of questions, hundreds of scenarios, always the worst-case scenario. It is the most amazing variety of reasons I have ever seen. There are too many reasons being given, too many shifting back and forth, and sometimes contradicting each other. It does not seem credible.

We even heard in the Senate Foreign Relations Committee at a hearing the claim that lifting the arms embargo would lead to an Islamic jihad. Some of these arguments are just way beyond the pale. We are subjected to an astonishing parade of "horribles." But, Mr. President, what is actually happening—not what is projected—is what is horrible and actual unending inhuman horror.

We are urged on the floor today to try one last time. We are told that lifting the arms embargo is just like giving up. But to many Americans, it just makes sense. It looks like to many Americans that we never even got started helping the Bosnians if we could not do the most simple thing, which is to lift the arms embargo. We have never taken the first step and the most important step. We have never lifted the arms embargo so that we have the opportunity not to work with a captive and defeated Bosnia, but with an increasingly viable country, an increasingly viable military, working to defend itself and working perhaps to push back the Serbians to the lines where they were before.

In fact, Mr. President, the comments that I have heard most from all of my constituents is, "Why in the world don't we simply let these folks try and defend themselves?"

Mr. President, other Members of this body did a very good job today answering some of these objections. But I think we ought to reiterate it a little bit. I want to give again the scope of all of the excuses being given for not lifting the arms embargo. Naturally, we have a tendency to want to defer to those who have military expertise. But in some of these cases the answer is very easy and obvious.

For example, there is the claim that lifting the arms embargo will mean that the United Nations will be put in a position where none of its resolutions will be respected; the claim that this is, in effect, thumbing our nose at the United Nations and the Security Council. But the Senator from New York has made the point well that no other situation, no other resolution is in this status. This one involves the violation of article 51 of the U.N. Charter which calls for the right of self-defense for all countries. That is legally superior

under the U.N. charter to any particular resolution of this kind.

In other cases, such as Rwanda or Angola or the Sudan, there are arms embargoes but those involve civil wars, internal strife. They do not involve a clear situation of one sovereign entity being involved in attacking another. Mr. President, that argument does not hold water.

Another argument that I have heard and the question that is constantly asked is, "Well, if they get the arms, how are they going to get trained? How are they going to know how to use the guns?"

I sat in a private briefing a couple of weeks ago with a number of Senators and with the majority leader. And the majority leader asked that question of Haris Silajdzic, the Prime Minister of Bosnia. He said, "We know how to use these arms. We are trained. We are not asking for the most sophisticated aircraft." They are simply asking for the normal weaponry of a ground war.

I have here a list of what has actually been requested—certain kinds of defense arms, means of communication, electric power, health, satellite links, various types of vehicles, generators, clothing, surgical equipment. These are the kinds of things that are being requested. The notion that somehow massive special training is necessary is not valid.

Another argument that comes up: "How are the arms going to get there in this difficult situation?" Well, it is a difficult situation. But arms are already getting there despite the embargo to some extent. How do people think the Bosnian Muslims are fighting? Some have gotten through, and particularly with the alliance between Croatia and Bosnia, that sealane. The necessary access to the sea through Croatia would be available to provide the arms.

Another argument made: "We will have to pay for all these arms. It is going to be expensive." It is true. If we want to supply the arms, it will cost something. Senator BIDEN's amendment a few years ago provided for 50 million American dollars. But there is nothing in this resolution that says we have to supply the arms. Other countries are ready to do it. I think it is a good idea if we participate. It is not a choice that it is an open checkoff. It simply says they are permitted to obtain arms. There is nothing in this resolution that requires that.

Mr. President, in addition to these examples of sort of legal or tactical questions, there has been very heavy emphasis today on two other arguments. One is, "This is not the right time." And the other is, "This action will 'Americanize' the war." To me, these are probably the two most troubling arguments I have heard lately. They remind me of double talk, or maybe worse. They remind me, in George Orwell's words, of "double speak."

First of all, this notion that it is not the right time—I was told the first

time I mentioned this issue in early 1993 that if we would just hang on, "The change is right around the corner; we are going to work this out; we should not lift the arms embargo; it will cause a terrible problem." But after each tragedy we get the same excuse, the same flutter of activity. Things die down for a while, and we are told again that we should wait.

It is also troubling to me that we learn the names of these little towns in Bosnia and witness the tragedy, and then a few days later we do not even remember where the last tragedy occurred. But we are still told, "Wait a little longer; wait until a few more towns go down the tubes."

It has been 30 months. How can someone talking in any way that would be considered straight say that we have to wait longer? How many times must U.S. Senators speak until the message gets through?

I just had my staff tally up how many speeches have been given on this subject since 1993. Just in the U.S. Senate alone, there were 210 speeches by Senators. Almost, I say, the vast majority of them were in favor of lifting the arms embargo.

Mr. President, what are we waiting for? Are we waiting for perfect weather conditions? This is not a moon shot. This is an ongoing, horrible tragedy. And anyone can construct a reason why we should wait. But you cannot wait any longer when you witness every day on the television what can only be described as genocide.

What about this second argument, this mantra, "This is going to Americanize the war"? This one really bothers me. It is a slogan. People say we are committed, we are obligated to send 25,000 ground troops into Bosnia if we lift the arms embargo. When do we vote on that? When did Congress authorize 25,000 troops going into Bosnia? Under my view of the law and the Constitution, the Chair and I should have had a chance to vote on that. We did not do it. We did not make that commitment.

And again, it is the ultimate in double speak to suggest that giving people the right to defend themselves is the thing that will cause us to have to go and defend them. That is what we are being told, that somehow giving them some guns or making sure they can buy some guns is the way to guarantee that all the rest of us would have to go over there and get involved. That is just nonsense. It is the opposite. Lifting the arms embargo is the best way to ensure that American men and women will not have to spill their blood. This is a lesson that the State of Israel has understood very well since 1948.

The one thing that Israel always said is, "We want help in terms of arms, logistical help, but we do not want American men and women to come here and fight on our soil." We always appreciated that sentiment, but it is not just to be nice. It is because the Is-

raelis know that if we send troops onto Israeli soil and American men and women die, the obvious result will be probably a reduction in American support for that effort. That it will turn people off. They will say, "Why help Israel?"

All you have to do is reference Somalia. It is exactly what happened in Somalia. People had compassion. They cared about the people in Somalia. They wanted to help them eat. But when it came to American men and women dying, they really had to question whether we could police the entire world.

Well, the Bosnians understand this. And that is why they are sincere when they say that they did not want our troops. They wanted some help or at least not have us prevent them from getting the arms to defend themselves. Why can we as a nation say in some instances, "This we can do. We can do no more. But we will do this."?

We do not want to police this situation. The American people will not support this as the absolute core of our national security. We probably are not ready to say in the case of Bosnia that we will bear any burden. But we are ready to do something as a people. We do want the Bosnians to be free. We do want them to be able to turn back Serbian aggression.

So, Mr. President, this is the opposite of the Americanization of the war. This is how Bosnia determines its own destiny.

Mr. President, maybe what has bothered me even more than these more convenient arguments is my problem with the position that the administration has taken when it says over and over again, "We support lifting the arms embargo, but only multilaterally." But they are against unilateral lifting. And time and time again there have been statements from the administration indicating support, not for unilateral but for multilateral lifting of the arms embargo.

A relatively recent example was March 20, 1995, where Mr. Richard Holbrooke stated:

Only a negotiated settlement has any chance of lasting. This administration is committed to pursuing that goal. What we must not do is worsen the situation by unilaterally lifting the arms embargo. We have always believed the embargo is unfair and worked to end it multilaterally.

This has consistently been the statement of the administration. They oppose unilateral, but they are for the multilateral lifting of the arms embargo. But usually when you look at the actual reasons why they are against the unilateral lift, they are just as true of the multilateral lift. Again, it is halfhearted arguments to justify a policy.

And I know why the administration wants to do this. It is not a bad reason. They do not want to break faith with their allies, the British and the French, in particular, and even our relationship with the Russians, who do not want us

to lift the arms embargo. That is the real reason. What they say is they are for lifting the arms embargo if only they could get the French and the British to go along.

Well, Mr. President, it does not hold up. For example, they say if you lift the arms embargo unilaterally, the allied troops will be in danger. Well, what is going on right now? Multilateral action there. And my figures indicate May 28, 377 peacekeepers taken hostage. Just last week at Srebrenica, the attack on the Dutch peacekeepers.

The fact is that under either scenario, unilateral or multilateral, these folks are in danger. They are in danger now, and they would be then. At least if the Bosnians were properly armed, maybe those Serbians who like to go into the safe havens and attack peacekeepers and civilians would think twice if they knew there was a force to oppose them, not just a bunch of U.N. peacekeepers who are not allowed to do anything about them.

Second, it is said that a unilateral lift would upset the Russians. My feeling about that is that that is a completely disingenuous argument because everyone knows the Russians can veto a multilateral lifting request. So the administration knows that is not going to happen. And certainly the Russians did not pay any attention to our feelings about this type of issue when they did their actions in Chechnya.

A third argument is, if you lift the arms embargo, the Serbians will get arms too. Well, they may. But the fact is, they are already very well armed. They were the beneficiaries of the fifth largest stockpile of arms in all of Europe because of this foolish arms embargo.

How would this be different with a multilateral lift? Surely, if there is a multilateral lift and the Serbians want to get more arms, they will get it that way just as they will with the unilateral lifting of the arms embargo.

Finally, the incredible claim that under the unilateral lifting, the war will spread, and to somehow suggest that the war will not spread if we have a multi-lifting of the arms embargo. Why? Why is that the case? Surely it would spread either way to some extent.

So I do not understand how the administration can claim that there is a difference between unilateral and multilateral. And that is deeply troubling to me. I think the administration simply opposes lifting the arms embargo and should be straightforward about it so that the Bosnian people and the Members of Congress could know where they really stand.

So, Mr. President, why? Why have we been subjected to this avalanche of arguments, this manufacturing of arguments to stop lifting the arms embargo? It is to block the lifting of the arms embargo, obviously. But I think it is a symptom of what I like to call the all-or-nothing attitude about the military role of the United States in

this world. Either we have to do everything, that our credibility says that if we do one thing we have to send in troops later on or our credibility is shot. I do not buy that. In some cases that may be true. In an alliance with NATO, you bet. That is the pledge. But America cannot and certainly has not signed on to the notion that every time we help somebody do something to defend themselves, we therefore have to commit the entire force of our country. That is not the case. And I do not think it is what the Bosnian people expect.

What is our end game? Are we going to just defend Bosnia and somehow broker a peace agreement and then leave this morsel of a country with no defense, to do what? Are we going to have a permanent U.N. force there? Are we just going to leave someday and hope the Serbians are nice to them?

There is a better scenario, and that scenario is, let these folks continue to learn to defend themselves, to actually defend themselves, to have the pride of having protected their nation. You know, that is how we got started. That is how Israel got started in 1948, and it made all the difference that they won their own freedom. Yes, maybe with other people's arms but with their own strength and courage—and, of course, sacrifice.

What is our plan? To make Bosnia one big safe-haven forever? A country that is going to be free has to be able to defend itself and it has to know how to defend itself. And you need arms in order to do that.

Mr. President, I think lifting the arms embargo is the key to the permanent freedom of Bosnia.

Finally, Mr. President, the question for me more than anything else is, where did anyone get the idea that we have the right to stand in the way of a self-defense of a free people that we have recognized as an independent country? What did we do in 1776? We were not even free. We were supposedly pledged in loyalty to the King of England. We decided we wanted to make our own self-determination. Somebody helped us get some help and some arms because we were standing for our own freedom.

Mr. President, what is the second amendment all about, the U.S. Constitution? I happen to be a believer that that second amendment of the U.S. Constitution is important. I think we do have a right in this country or a reasonable opportunity to defend ourselves. And the reason for that amendment more than anything else was that the right of a people to keep and bear arms is necessary for a free people. That is what this is about, too. It is not just Americans who feel this way about self-defense. It is people in every country, including Bosnia.

Mr. President, do we not remember appeasement in Europe? Do we not remember the constant embarrassment that we were taken in by the Nazis, that we actually believed—speaking

here more of Britain than ourselves, of course—but we actually believed they were going to take this much space, just the Sudetenland, just Czechoslovakia, just Poland.

What we are dealing with here are people who—apparently the leaders of Serbia—who want a greater Serbia. They will not stop if we continue to appease them.

Mr. President, do we not remember the Warsaw ghetto? We acknowledged the 50th anniversary of the uprising of the Warsaw ghetto against the Nazis. Did we say, would it not be better if they had not resisted? There would be less bloodshed if they had not taken up arms against the Nazis. That is not what we said. We commemorated the heroism and the courage of people in a concentration camp who, knowing they were going to die, decided to die with dignity.

Mr. President, when I was a teenager I was given a book called "While Six Million Died." The book told a tough story for a young kid who was a Democrat, and still believes that Franklin Roosevelt was the greatest President in this country. It told of how that administration knew of some of the things that were going on to the Jews and others in Europe. It told how we did not really do everything we could do.

Mr. President, I recently toured the Holocaust Museum again, and they talked about the difficulty of President Roosevelt's decision not to, for example, bomb some of the concentration camps. Well, at least in that case Franklin Roosevelt knew what he was trying to do. He believed, for the greater good of this world, that he could win the war and defeat the Nazis. He had a plan. And with Winston Churchill and others the plan was effective.

But, Mr. President, we cannot use that excuse here. We have no plan. We have no intention of actually stopping Serbian aggression. So it is not understandable why we sit back and wait.

Finally, Mr. President, when all is said and done, should not we ask the Bosnians themselves what they want? Should we impose upon them the notion that we are going to just keep these U.N. forces there for their own good?

I think it is condescending, humiliating, and patronizing to the Bosnian people to suggest that we know better, that it is for their own good that we not lift the arms embargo.

Let me conclude by just reading three statements from the Prime Minister of Bosnia that I think symbolize this issue better than anything else and the need for lifting the arms embargo.

The prime minister has said first that:

If the Serbs' aggression continues, we prefer military help over food for dead people. The aggression, plus the arms embargo, plus the nondelivery of aid means death to Bosnia.

And he said in March 1993:

We would prefer doing it ourselves, but for that we need arms. The arms embargo is what is humiliating. The humiliation is to be slaughtered like an animal and not be able to defend yourself like a man.

Finally, Mr. President, very recently, May 28, 1995, Mr. Silajdzic just laid it on the line, as he has tried time and time again to do. He means it. He does not want American soldiers there. He does not want the Americanization of the war. This is what he wants and this is what he will do. He says:

The Army of the Republic of Bosnia and Herzegovina is perfectly willing and able to defend our country and our citizens. We do not now, nor have we ever, asked for any ground forces from any country in the world to do our fighting for us. We have the men. We have the courage. But we do not have the means.

That is all they are asking, Mr. President, a chance to protect their own lives, their own women, their own children, and to do something about this heartless Serbian aggression.

So, Mr. President, although I again am eager to hear the outcome of the talks between President Clinton and others in the Congress, I do believe we should move forward as soon as possible to pass this resolution to unilaterally lift the arms embargo.

I thank the Chair and everyone for their patience.

I yield the floor.

#### RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m., July 20.

Thereupon, the Senate, at 9:01 p.m., recessed until Thursday, July 20, 1995, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 19, 1995:

##### DEPARTMENT OF EDUCATION

THOMAS R. BLOOM, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE JAMES BERT THOMAS, JR., RESIGNED.

##### COMMODITY CREDIT CORPORATION

JILL L. LONG, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF COMMODITY CREDIT CORPORATION, VICE BOB J. NASH, RESIGNED.

##### THE JUDICIARY

SIDNEY R. THOMAS, OF MONTANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE DOROTHY WRIGHT NELSON, RETIRED.