Compliance with the dietary guidelines will have a real impact on the health of children who participate in the school meals program. It should be aggressively pursued. At the same time, however, I appreciate the effort it takes to implement such an extensive rule as well as the importance of providing schools sufficient time to comply with it. I realize that not all schools may be able to comply with the dietary guidelines by 1996.

In an effort to make the 1996–97 school year date achievable for compliance, Public Law 103–448 provides that schools may elect to use a food-based system of menu planning and preparation. It also offers an exemption from the requirement. Schools that encounter difficulty with the 1996 compliance date will be able to apply for a waiver from their own State departments of education. If compliance is truly problematic, the State may grant a 2-year extension.

Our objective is not to force compliance at any cost. Rather, it is to encourage aggressiveness on this initiative and make clear that Congress is serious about delivering healthy meals to our youth. Schools that have the ability to implement the dietary guidelines before 1998 should do so.

One organization that has been particularly closely involved in the development of these regulations is the American School Food Service Association [ASFSA]. ASFSA members are on the front lines of the effort to provide nutritious meals to school children.

On July 19, 1995, the ASFSA executive board passed a resolution that emphasizes the organization's commitment to encouraging and assisting schools in the implementation of the dietary guidelines and that underscores ASFSA's view of the importance of USDA providing maximum flexibility for local food authorities in meeting the guidelines. I commend ASFSA's commitment to promoting timely implementation of the dietary guidelines and support their call for flexibility, as long as that flexibility serves the objectives outlined above.

Mr. President, I ask unanimous consent that the ASFSA executive board resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, AS FOLLOWS:

Whereas: the Dietary Guidelines for Americans represent a consensus of scientific thought on dietary advice for the general population, including children;

Whereas: diet has been identified as a risk factor for five of the ten leading causes of death in Americans, including coronary heart disease and some types of cancer;

Whereas: Healthy People 2000 established the implementation of the Dietary Guidelines for Americans in at least ninety percent (90%) of the schools by the year 2000 as a national goal;

Whereas: the American School For Food Service Association has supported the Dietary Guidelines for Americans since their inception in 1980;

Whereas: the Healthy Meals for Healthy Americans Act (P.L. 103–448) requires schools participating in the National School Lunch Program and School Breakfast Program to implement the Dietary Guidelines for Americans; and

Whereas: the Congress of the United States is considering legislation that would reduce the amount of federal financial support provided to school nutrition programs: Therefore be it

Resolved: That ASFSA shall make its best effort to encourage and assist schools to implement the Dietary Guidelines for Americans; and be it finally

Resolved: That the ASFSA shall seek from the U.S. Department of Agriculture the maximum flexibility on how local food authorities may achieve the Dietary Guidelines for Americans so as to minimize any cost impact associated with the implementation of the Dietary Guidelines for Americans.

FRENCH NUCLEAR TESTING

Mr. KERRY. Mr. President, on Thursday, August 10, the distinguished Senator from Hawaii, Mr. AKAKA, offered an amendment—number 2406—to the fiscal year 1996 Defense appropriations bill expressing concern regarding France's decision to conduct further nuclear tests in the South Pacific, and strongly encouraging France to abide by the current international moratorium on nuclear testing and to refrain from proceeding with its announced testing intentions. As a cosponsor of the similar freestanding resolution the Senator from Hawaii had earlier introduced, it was my intention to speak in favor of the amendment. But in their energetic efforts to expedite Senate action on this legislation, the managers of the bill quickly indicated their approval of the amendment, and it was approved by a voice vote before I was able to speak.

Even though I cannot speak prior to the Senate's favorable action on this amendment, I nonetheless would like to provide my endorsement of this amendment and to explain my reasons for supporting it.

In May of this year the world took an important step toward stopping the spread of nuclear weapons and reducing the future threat from these weapons, when the Nuclear Non-Proliferation Treaty was indefinitely extended.

The next step will be negotiation and ratification of a Comprehensive Test Ban Treaty to finally and permanently end all nuclear testing. When we reach this goal, the world will breathe a collective sigh of relief as the era of nuclear explosions becomes part of history.

I hope and believe that we can complete such a treaty by the end of next year.

Unfortunately, the recent French decision to resume their nuclear testing program with eight explosions in the South Pacific flies in the face of the world's nonproliferation efforts. The French decision, coupled with the continued Chinese testing program, makes it extremely difficult to convince nonnuclear states of the sincerity of promises by the nuclear powers to end testing and reduce stockpiles.

The Chinese demonstrated the height of arrogance by detonating a nuclear explosion four days after the Non-Proliferation Treaty was indefinitely extended. Now the French have decided to abandon the self-imposed testing moratorium to which they, Russia, the United States, and Great Britain have adhered since 1992. This is a huge mistake.

The French argue that they need these eight tests to guarantee the safety and reliability of their deterrent forces. These are the same arguments always used to justify continued testing. The idea that without testing reliability will decrease enough to affect deterrence is absolutely absurd.

Warhead designs for the nuclear powers are proven and reliable and no nation would dare to test that reliability in a way that would risk nuclear retaliation. Deterrence will not be undermined by the absence of testing.

If this argument had merit we would not need to worry about North Korea, Pakistan, or India possessing nuclear weapons because they have never had a test program. Obviously the horror of nuclear weapons and the fear of their use is enough deterrence. It is not necessary to constantly test in order to engender that fear.

The question of safety is an important one but relying on this rationale means a nuclear state can never stop testing. There will always be some level of uncertainty, some new safety measure or some new technology that the weapons builders would like to incorporate.

In reality the current level of stockpile safety is adequate even though the United States, Great Britain, France, and Russia have refrained from testing since 1992. If continued safety requires computer simulation, then we should complete the development of such programs.

But the 2,000 tests conducted by the five nuclear powers, including more than 200 by the French, provide a more than adequate empirical data base to move this technology forward. If the French need additional data, as they claim, or other assistance in developing their own stockpile stewardship program, then the United States should offer that assistance.

This is no excuse for continuing nuclear testing.

It is all too easy to rationalize additional tests or different types of tests, such as the hydronuclear tests proposed by some here in the United States, as necessary for reliability or safety. In doing this we focus to narrowly on technical questions and miss the larger point that as long as the nuclear powers insist on continuing their programs the nuclear specter will hang over the world, and other nations will feel compelled to pursue development of their own weapons.

It is disingenuous for the nuclear powers to say to the rest of the world

that after more than 2,000 tests over 40 years, we are finally going to negotiate a comprehensive test ban and then immediately begin more tests.

The real threat facing the world is not the lack of safety and reliability of nuclear stockpiles, it is the threat of the continued spread of nuclear weapons.

The French decision is a mistake for other reasons as well. The eight proposed tests will take place in the colony of French Polynesia far from the French homeland and without any regard for the feelings of the residents or the neighboring states. Australia, New Zealand, and nations all around Pacific Rim have condemned the decision.

Earlier this month, 2 days before the 50th anniversary of the bombing of Hiroshima, the Japanese Diet joined other Pacific nations in calling for France to stop the testing.

Studies repeatedly have detected contamination from the test site despite French claims to the contrary. Radioactive iodine, cesium 134, and plutonium all have leaked from the lagoon at the test site.

By ignoring the concerns of the natives and neighbors, France invokes the memory of the worst of the colonial period. The people of this region do not want their backyard used as nuclear test bed and waste dump.

The amendment offered by the distinguished Senator from Hawaii reflects the concerns of the citizens of his State, but also reflects the concerns of many others. I supported his amendment, and am pleased the Senate acted to add it to the Defense appropriations bill.

MESSAGES FROM THE PRESIDENT

Messages from the President were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President submitting a nomination which was referred to the Committee on Labor and Human Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

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

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Senate of the United States:

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

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

The allies of the United States in the U.N. Protection Force for Bosnia (UNPROFOR) have made it clear that a unilateral lifting of the arms embargo by the United States would result in their rapid withdrawal from UNPROFOR, leading to its collapse. The United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, thereby putting thousands of U.S. troops at risk. At the least, such unilateral action by the United States would drive our allies out of Bosnia and involve the United States more deeply, while making the conflict much more dangerous.

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

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

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

Unilaterally disregarding the U.N. Security Council's decision to impose an arms embargo throughout the former Yugoslavia also would have a detrimental effect on the ability of the Security Council to act effectively in crisis situations, such as the trade and weapons embargoes against Iraq or Serbia. If we decide for ourselves to violate the arms embargo, other states would cite our action as a pretext to ignore other Security Council decisions when it suits their interests.

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

Finally, the requirements of S. 21 would impermissibly intrude on the core constitutional responsibilities of the President for the conduct of foreign affairs, and would compromise the ability of the President to protect vital