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

AUTHORIZING TROOPS IN BOSNIA

Mr. FEINGOLD. I, too, am about to speak about the situation in Bosnia and am glad to follow on the remarks of the majority leader and the Senator from West Virginia, both of whom have expressed a concern about the role of Congress as we go forward with this possible commitment of troops into the situation in Bosnia.

This week, administration officials testified before the Senate Foreign Affairs Committee, the Senate Armed Services Committee, the House International Relations Committee, and the House National Security Committee on the issue of the deployment of United States troops as a part of NATO's implementing force in the Republic of Bosnia and Herzegovina.

While the testimony laid out some of the proposals the administration is contemplating, it opened up many, many questions for consideration, some of which the majority leader just listed. The most constructive forum, in my view, to debate those issues, though, is through the constitutional process embodied by the War Powers Act by which Congress is required to authorize the deployment of troops into imminent hostilities. For that reason, I am pleased that just today the President has indicated that he will seek congressional approval of the mission, as Senator BYRD just reported. I am not completely satisfied, however, that the President will request authorization prior to the time that he has actually made a commitment. I want to be sure that he does not sign a peace treaty with that commitment in it and then come back and say, ''By the way, I need your approval to go forward.''

If Congress is going to really be a partner in the process envisioned under the Constitution then we should either vote on an authorization prior to the commitment to deploy is made, or alternatively, the President should clearly state that any commitment he makes for U.S. troop deployment during negotiations is contingent upon congressional approval. One way or the other, the President has in effect rendered Congress' role meaningless.

To ensure that this most necessary exchange takes place in the most constructive sequence, Mr. President, I am going to introduce a sense-of-the-Senate resolution today which would express our intention to vote on a resolution of approval prior to the commitment to introduce United States forces in Bosnia as a part of IFOR. My resolution does not approve or disapprove of the administration's proposal. Rather, it requires the Senate to debate and vote on it before we are presented with a commitment to deploy. What I am trying to avoid, Mr. President, is being presented with a fait accompli to authorize a deployment, and therefore undermine the important debate that we should have had.

Mr. President, in many respects this is a bit of a rehash of the war powers debate, the debate about whether this body has the right and the responsibility to authorize the use of American troops. Indeed, the mere fact that this resolution is needed indicates the institutional crisis we face in this country about how we make the gravest of decisions—the decision about whether to send American men and women in harm's way overseas.

This is a debate we face every time American troops are called to active duty. Unfortunately, it is not a question we have seriously sought to resolve. Instead, we seem to muddle through each crisis and try to work out sort of a case-by-case understanding between the Congress and the President, somehow hoping that the skeleton of war powers will stay hidden in the closet just until the current crisis goes away, as if there is not going to be another crisis in the future.

Mr. President, the issue of war powers will not go away because its purpose really makes too much sense to ignore. While the War Powers Act has certainly failed as a mechanism for implementing article I of the Constitution, its intention should be heeded, and Bosnia is a perfect example of why.

The Constitution and the War Powers Act were both crafted to take advantage of the collective wisdom and power of both the President and the Congress in making some of the most serious decisions we face. Our democracy does not vest in one person so much power that he or she alone can use military force to accomplish their own goals. Rather, our system splits such an awesome power by charging the President with commanding the Army, the Navy, and giving Congress both the power to declare war and the responsibility to appropriate funds for military action.

Mr. President, Congress is not simply supposed to be consulted on such matters or just be a rubberstamp for such actions. Congress is supposed to be an active partner in this process.

Mr. President, I think this is shared power worth protecting. While I have no doubt of President Clinton's motives in committing 20,000 troops to Bosnia, I want to ensure that some other future President does not have the unilateral authority to send 80,000 troops for some reason that she or he alone supports. We have to remember that how we proceed here can and will set a precedence on how troops are deployed for other peacekeeping or peace-enforcing missions.

Mr. President, this process is also important for marshaling public support for any military operation—which, as any of our veterans will tell you, is a critical element for success for any mission. It is through the authorization process that the mission is explained and refined to the American people generally, and specifically for those folks that are asked to serve their country and risk their lives. The questions are answered, fears are alleviated, and the American people are given an opportunity to air their views on what the mission means and is worth to them.

In this case, in this case of Bosnia, there are many, many, unanswered questions at this point, many good questions that the President will want to answer in building support for this mission.

Mr. President, these are very, very crucial questions. They are fair questions. Their answers hold great consequences for this country, for NATO, for the Balkans, and perhaps for the world.

Certainly, if we are going to do something as drastic as deploy U.S. troops, we have to create a process by which the Congress and the executive work together to forge a workable and attainable mission.

Mr. President, my main point is that consultations are not going to be enough. Authorization that comes just after a commitment to the parties has already been made is not sufficient, either. Congress has to have this debate before the President is authorized to commit troops, and any commitment he makes prior to congressional approval, I believe, has to be explicitly conditioned upon subsequent congressional consent.

This is the only way to ensure that article I of the Constitution is respected and that the awesome decision of placing U.S. troops into imminent hostility is one that is jointly made by the executive and the legislative branches. Our troops must have the confidence that, if they are going to be sent to Bosnia, they are doing it with the support of the American public through their elected Representatives. If they cannot get that, then perhaps we may actually say that their mission may not be worth the risk.

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

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The assistant 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.

NATIONAL ENDOWMENTS

Mr. PELL. Mr. President, I find it both ironic and disheartening to be standing here 30 years after the establishment of the National Foundation on the Arts and the Humanities—30 years distinguished by success in preserving and nurturing the arts and scholarship of our Nation—defending the very principles upon which the legislation was created. As one of the founding sponsors of the legislation authorizing the National Endowments, I am deeply concerned about the future of these extraordinary agencies.

I am told that the old arguments no longer work. Opponents dismiss the overwhelming evidence that a national infrastructure results in greater public access to our culture. They gloss over the fact that American creative excellence influences the way we are perceived as a Nation and remembered when the history of our civilization is documented. They ignore the many studies which demonstrate how the arts have stimulated local economies by revitalizing downtown areas, attracting tourism and providing jobs and taxable income.

Yet, who can deny that Americans of all ages from every corner of the country have a tremendous thirst to learn, enjoy and participate in the great diversity of our Nation's culture? The public is aware that the Endowments have brought a great value to millions of Americans. The voices acknowledging this are no longer silent, but are being heard in increasing numbers. And what the people seek is not to be found in the commercial marketplace. Throughout the ages, the great legacies of art and scholarship have been created, sustained and preserved with some form of patronage. They should not now be expected to pay for themselves.

I am proud when our American artists are recognized for their excellence with invitations to demonstrate their work abroad. I am equally proud when a child remains in school and improves his grades as a result of the positive experience he has had with a school-based arts program. The National Endowment for the Arts fosters American creativity just as the National Endowment for the Humanities stimulates learning. I firmly believe that regardless of our differences of wealth, race, religion and political belief, our cultural development binds us together, develops our character as Americans and establishes our common heritage.

The Endowments were founded and have been sustained over the years with bipartisan support. Hearings before the full committee earlier this year demonstrated that the trend can continue. What has happened to this bipartisanship elsewhere in Congress? Why has the divisive tactics of a few led to so much time being devoted to such a small amount of money?

While critics eager to further polarize our parties have focused on a very few controversial grants, perhaps they have missed the fact that the Arts Endowment Design Program led the way in convening a design panel to plan the post-bombing redevelopment of downtown Oklahoma City. Perhaps they did not know that a world-class American dance company performed in their home town or that young members of a string quartet gave a series of workshops in their schools. Perhaps they are unaware that many grateful constituents remember the role of both Endowments in bringing hope, joy, inspiration, knowledge and healing to their own communities.

Perhaps, too, the critics did not notice the valuable changes in the agency's procedures instituted by National Endowment for the Arts Chairman Jane Alexander last year that go a long way toward addressing the public's concerns by strengthening the Chairman's oversight of Endowment grantees and making the Endowment respond more effectively to the needs of the people. I fully understand that many Americans are troubled when they hear of works distasteful to them that are funded (or rumored to be funded) in part with their tax dollars. Nevertheless, while the Endowment has awarded well over 100,000 grants, fewer than 40 have resulted in any controversy. The remaining 99.96 percent of all grants made are testament to the Endowment's success.

As each of my colleagues know from their own constituents, the public's investment in a relatively small Endowment grant is often the key to stimulating the release of large amounts of State and local funds and private contributions. Unlike most Federal programs, the National Endowment for the Arts initiatives leverage 12 non-Federal dollars for each Federal dollar invested. Similarly, the National Endowment for the Humanities stimulates an average of $70 million in private support annually. In all probability, this money would never have become available to the recipients without the initial Endowment recognition. Donors look to the Endowments for leadership when they decide how to allocate their funds, and it is these private funds that guarantee the survival of the best of our country's arts and scholarship. In short, removal of the national recognition and the stimulation of partnerships offered through Federal grants will dramatically reduce all forms of State and local cultural support.

Can we not move beyond the ideology of a few? Last July, the Committee on Labor and Human Resources voted 12 to 4 in favor of an amendment in the nature of a substitute to S. 856 to improve and extend the National Foundation on the Arts and Humanities Act of 1965, the Museum Services Act, and the Acts and Artifacts Indemnity Act. The committee report reaffirms the Government's commitment to, and interest in, supporting arts and humanities projects throughout the Nation well into the future. After four hearings and lengthy debate, the committee determined that the agencies do provide valuable service to the American public and should be maintained.

October is National Arts and Humanities Month. Let us use the occasion to reflect upon the eloquent words of President Kennedy delivered shortly before the Endowments were founded:

> I see little of more importance to the future of our country and our civilization than full recognition of the place of the artist. * * * I look forward to an America which will reward achievement in the arts as we reward achievement in business and statecraft. I look forward to an America which will steadily raise its standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of its citizens.

I believe that the National Endowment for the Arts has been remarkably successful in furthering this ideal. Arts is no longer the privileged domain of a relatively few practitioners and connoisseurs; it no longer exists in a remote and rarefied atmosphere. It can no longer be considered as incidental or peripheral to our way of life. It is central to the life we cherish and to the beliefs we hold; for as a nation we are reaching toward maturity, and the surest sign of maturity lies in the growing expression of an indigenous and creative national culture.

The Arts Endowment provides critical assistance in creating and presenting our Nation's music, theater, dance, literature, painting, sculpture, photography, film and video, design arts and folk arts. Without this funding, many popular programs would simply not exist, let alone be made available to millions. Even the very limited funds appropriated for the Endowment help keep ticket prices reasonable, thus enabling lower income citizens, young people, the elderly and the disabled to gain access to our common culture.

The Humanities Endowment has supported and preserved the work of an extraordinary group of scholars and historians, and stimulated a wide array of new scholarship—all of which has served to expand our Nation's collective knowledge of history, literature, philosophy, languages, and religion. Many know of the agency's role in sponsoring thrilling interpretive exhibitions and informative films on public television. It has also helped to fund such diverse projects as a dictionary of American language, an encyclopedia of bioethics, the publication of George Washington's papers, the distribution of the ''Civilization'' series to 2,000 colleges, the microfilming of over 600,000 brittle books and repair of 100,000 additional volumes, training for conservators, summer seminars for teachers, the introduction of various new technologies to the classroom, and repairs to museum, library, and school collections damaged by Hurricane Andrew and the Midwest floods.

Parents and teachers know the importance of arts and humanities curricula; and studies confirm that they teach young people creativity, increase self-discipline, develop analytical and communication skills, and are a critical means of passing on an understanding of American culture and civilization to the next generation.

I urge my colleagues to stop using the Endowments as pawns in an ideological war and move to reaffirm the Government's support of the arts and humanities. It is very important that we act on the reauthorization of the National Foundation for the Arts and Humanities Act of 1995 this year and I fervently hope that our leadership will

schedule a time to consider bill S. 856 as soon as possible.

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 referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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. 2425. An act to amend title XVIII of the Social Security Act to preserve and reform the Medicare Program.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, October 20, 1994, by the President pro tempore [Mr. THURMOND]:

S. 227. An act to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions and for other purposes.

S. 268. An act to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes.

S. 1111. An act to amend title 35, United States Code, with respect to patents on biotechnological processes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2425. An act to amend title XVIII of the Social Security Act to preserve and reform the Medicare Program; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 20, 1995, he had presented to the President of the United States, the following enrolled bills:

S. 227. An act to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, and for other purposes.

S. 268. An act to authorize the collection of fees for expenses for triploid grass carp certification inspections, and for other purposes.

S. 1111. An act to amend title 35, United States Code, with respect to patents on biotechnological processes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 929. A bill to abolish the Department of Commerce (Rept. No. 104–164).

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. ABRAHAM (for himself, Mr. HEFLIN, Mr. LOTT, Mr. NICKLES, Mrs. HUTCHISON, Mr. CRAIG, and Mr. KYL):

S. 1346. A bill to require the periodic review of Federal regulations; to the Committee on Governmental Affairs.

By Mr. COATS:

S. 1347. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Captain Daryl*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1348. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Alpha Tango*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 1349. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for the vessel *Old Hat*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 1350. A bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, and for other purposes; to the Committee on Governmental Affairs.

By Ms. MOSELEY-BRAUN:

S. 1351. A bill to encourage the furnishing of health care services to low-income individuals by exempting health care professionals from liability for negligence for certain health care services provided without charge except in cases of gross negligence or willful misconduct, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1352. A bill to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. DORGAN (for himself, Mr. BUMPERS, Mr. DEWINE, and Mr. LAUTENBERG):

S. 1353. A bill to amend title 23, United States Code, to require the transfer of certain Federal highway funds to a State highway safety program if a State fails to prohibit open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Res. 187. A resolution to express the sense of the Senate that Congress should vote on the deployment of U.S. Armed Forces in the Republic of Bosnia and Herzegovina; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM (for himself, Mr. HEFLIN, Mr. LOTT, Mr. NICKLES, Mrs. HUTCHISON, Mr. CRAIG, and Mr. KYL):

S. 1346. A bill to require the periodic review of Federal regulations; to the Committee on Governmental Affairs.

THE REGULATORY REVIEW ACT OF 1995

● Mr. ABRAHAM. Mr. President, I rise in support of the Regulatory Review Act of 1995, which I introduce today on behalf of myself and Senators HEFLIN, LOTT, NICKLES, HUTCHISON, CRAIG, and KYL.

It is only common sense that the utility of a rule may change as circumstances change. Under current law, however, a rule enjoys eternal life unless the agency that promulgated it takes affirmative steps to terminate it. And in fact agencies rarely choose to burden themselves with the task of reexamining the rules they have promulgated. As a result, our rulebooks are littered with rules that are obsolete, inconsistent with other rules, or just plain unnecessary.

The weight of this heap of outdated rules rests most heavily on the small businesses of this country. Unlike larger firms, small businesses cannot spread the costs of regulation over a large quantity of output. Nor can they pass their regulatory headaches on to an accounting department, legal counsel, or human resources division. Instead, in case after case the entrepreneur himself must spend innumerable hours attempting to comply with the mandates of Federal regulators. It comes as no surprise, then, that problems relating to regulation and Government paperwork were the fastest growing areas of concern in a recent survey conducted by the National Federation of Independent Businesses.

The Regulatory Review Act would solve the problems caused by unnecessary rules. Under the act, the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget would coordinate and supervise agency reviews of covered rules, which largely would be rules that impose annual costs of $100 million or more. Covered rules not reviewed by the end of their review period would terminate. The duration of review periods under the act would be up to 7 years, plus a possible extension of 6 months. Finally, the act itself would sunset after 10 years.

There are several reasons why OIRA should be given supervisory authority over the regulatory review process. Obviously, the review process will involve determinations as to whether the rules