

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.