

by adding at the end of the section a new paragraph (q) to read as follows:

“§ 1.02 Definitions.

“Except as otherwise specifically provided in these rules, for purposes of this Part:

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“(b) *Covered employee.* The term ‘covered employee’ means any employee of:

- “(1) the House of Representatives;
- “(2) the Senate;
- “(3) the Capitol Guide Service;
- “(4) the Capitol Police;
- “(5) the Congressional Budget Office;
- “(6) the Office of the Architect of the Capitol;
- “(7) the Office of the Attending Physician;
- “(8) the Office of Compliance; or
- “(9) for the purposes stated in paragraph (q) of this section, the General Accounting Office or the Library of Congress.

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“(h) *Employing Office.* The term ‘employing office’ means:

- “(1) the personal office of a Member of the House of Representatives or a Senator;
- “(2) a committee of the House of Representatives or the Senate or a joint committee;
- “(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;
- “(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; or
- “(5) for the purposes stated in paragraph (q) of this section, the General Accounting Office and the Library of Congress.

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“(q) *Coverage of the General Accounting Office and the Library of Congress and their Employees.* The term ‘employing office’ shall include the General Accounting Office and the Library of Congress, and the term ‘covered employee’ shall include employees of the General Accounting Office and the Library of Congress, for purposes of the proceedings and rulemakings described in subparagraphs (1) and (2):

- “(1) Any proceeding under section 215 of the Act. Section 215 of the Act applies to covered employees and employing offices certain rights and protections of the Williams-Steiger Occupational Safety and Health Act of 1970.
- “(2) Any proceeding or rulemaking, for purposes of section 9.04 of these rules.”

PROGRESS IN BOSNIA

Mr. BIDEN. Mr. President, one of the most important foreign policy issues with which the Congress must deal in the coming months is continued American involvement in Bosnia and Herzegovina.

Last December, President Clinton announced his decision that the United States should maintain ground troops in an international force that will replace SFOR, whose mandate expires in June. Soon, he will ask the Congress for the funding to support this operation.

I support the President’s decision as being squarely in the national self-interest of the United States. As I have said on many other occasions, the stability of southeastern Europe depends

on the ability of the Bosnians, working with the international community, to create a self-sustaining, peaceful, democratic system in their country.

Failure to achieve this goal would inevitably restart the violence that produced the worst bloodletting in Europe since World War II, and would almost certainly ignite the ethnic tinderbox that is smoldering in neighboring countries. Other potential Radovan Karadzics cannot be encouraged to believe that they can get away with similar crimes. The devil’s work of the mass murderers, ethnic cleansers, and rapists in Bosnia must not be allowed to stand in that country or, worse still, to be repeated there and elsewhere.

Moreover, as President Clinton said in his State of the Union address, staying the course in Bosnia is a test of American leadership in Europe in general, and in NATO in particular. It was American military involvement in the fall of 1995 and our diplomatic leadership in crafting the Dayton Accords that ended the carnage in Bosnia.

Make no mistake about it: we are the indispensable country in the European security equation, as Bosnia demonstrates. Although our alliance partners are shouldering the lion’s share of the economic and military burden in Bosnia, without our participation on the ground and in the air, SFOR and any post-SFOR force would be impossible.

The task in Bosnia is complex and will take several more years to complete. President Clinton himself admitted his error in thinking that nearly four years of horrific violence could be remedied in one year, or even two-and-a-half years.

But our commitment to assisting the Bosnians, of course, is not open-ended. Rather than tying our exit to an artificial date, we should—and will—link it to the completion of clearly defined criteria, such as the establishment of a functioning national government and other national institutions, seated elected local governments, free media, and a free-market economy. I have every confidence that the Administration will spell out these benchmark criteria in detail in its request for U.S. participation in the international force after this June.

I had the opportunity to accompany the President to Bosnia before Christmas—my fourth journey in recent years to that troubled land. The trip confirmed the impressions that I gained in a longer trip last summer: we have made significant progress in implementing the military and civilian provisions of the Dayton Accords.

I scarcely need to add the caveat that much still remains to be done to put Bosnia back on firm footing. Today I have several concrete policy proposals to further that end.

To put them into context, I would like to review in some detail the significant progress that has been made in the last nine months in implementing both the military and civilian provisions of the Dayton Accords.

Mr. President, I believe that even the most skeptical observer has to admit that the situation in Bosnia has improved greatly since Dayton, and with an increased tempo in the last nine months.

Thanks to our magnificent troops in IFOR and SFOR and those of allied and partner countries, a stable military environment has been created and the warring parties separated. No fewer than three hundred thousand troops from all sides have returned to civilian life.

Nearly seven thousand heavy weapons have been destroyed, and an additional two thousand six hundred put into supervised cantonments.

A joint Muslim-Croat Federation Defense Force has been created, although below the top command much more integration remains to be accomplished. The American Train and Equip Program to create a defensive Federation capability is in full swing. I visited its headquarters last summer, and was impressed with its trainers and its Muslim and Croat students.

Progress has also been made in creating non-political local police forces, both in the Federation and in the Republika Srpska. Integrated police forces are operating in eight major locations around the country, including the pivotal northern town of Brcko, whose future will be determined in March by an international arbitrator.

The International Police Task Force or IPTF has had its share of problems, perhaps unavoidable given the fact that no fewer than forty countries are contributing officers to it. Recent reforms, however, in which Americans have played a prominent role, have strengthened its professionalism. A new Federation Police Academy has been opened near Sarajevo to train new recruits from all religious groups.

Last fall, I called for our European allies to contribute forces from their paramilitary formations to create a gendarmerie in Bosnia as a vital middle layer—under SFOR control—between the local police and SFOR. Although there was an initial, predictable negative public reaction from Europe, I am told that several of our partners are now actively considering the idea. These European gendarmes could provide the security for newly elected municipal governments, guarantee safety for minority refugee returns, and take over the lead-role in capturing indicted war criminals.

In fact, slowly but surely the indicted war criminals are already being rounded up. Nearly one-third of the seventy-nine individuals under open indictment have been taken into custody in the War Crimes Tribunal in the Hague.

Last month, for the first time American SFOR troops carried out a capture operation, seizing a notorious Bosnian Serb who as the sadistic commander of a prison camp called himself the “Serb Adolf” and reveled in his grisly murder of Muslims. He is one of only a handful

of individuals in Bosnia indicted for genocide.

NATO Secretary-General Solana has publicly pledged to arrest such war criminals when NATO troops find them, but proceeding with careful preparation so as to avoid undue risk. I welcome his statement and urge an acceleration of the process, to be taken over as soon as possible—as I just mentioned—by a European gendarmerie.

Contrary to popular belief, Mr. President, many refugees and displaced persons have returned home—more than 400,000 in fact. The number of minority returnees represents only a small fraction of the total, but even here there has been notable progress in several cities in the past few months.

Mr. President, there are other positive signs emanating from Bosnia. Thanks to pressure from SFOR, the Bosnian media have been restructured. The hate-filled television broadcasts of the Karadzic forces have been put under the oversight of the High Representative, and the Organization for Security and Cooperation in Europe (OSCE). Equally important, the internationally funded Open Broadcast Network now reaches eighty percent of Bosnia and Herzegovina.

The economic life of the Federation is rapidly improving, although a huge amount remains to be rebuilt. GDP grew by 53% in 1996 and 35% last year, and unemployment has been cut in half, from 90% to 44%.

A central factor in the economic resuscitation of the Federation has been international assistance, and our USAID is generally acknowledged to have been the most efficient national agency in delivering emergency assistance in a variety of ways. I have personally seen the targeted programs of USAID contractors helping minority refugees to return and rebuild their own houses. Moreover, USAID assistance has created over 11,000 jobs and provided sixty-eight million dollars in loans to one hundred forty medium-sized Bosnian enterprises.

From all international sources more than 230 miles of roads have been rebuilt throughout Bosnia and twenty-one key bridges repaired and made functional again.

Economic progress in the Republika Srpska has lagged far behind that of the Federation, primarily because the Karadzic-dominated government in Pale obstructed implementation of the civilian parts of the Dayton Accords. I will return shortly to the issue of how best to assist the Republika Srpska to get back onto its feet.

Progress has been uneven in fleshing out the institutions of government mandated by Dayton. While all national and entity-level institutions have been created, the joint presidency is a fractious and hamstrung organization, and tax, customs, and banking bodies are still not fully functioning.

We clearly must put more pressure on the various parties to make the system work, and recent events give me

some confidence that this is beginning to happen. The High Representative for Bosnia, the impressive Spanish diplomat Carlos Westendorp, has been given additional powers by the international community, and he is using them. Last month, fed up with stalemate among the representatives of the three major religious groups, Mr. Westendorp imposed a common currency on the country. When the three groups seemed deadlocked on a common national license plate, he forced the issue, and an agreement was reached. Most recently, when they failed to agree on the design of a national flag, Mr. Westendorp made the choice and imposed it on them.

In contrast to the grudging pace of reform at the national level, there has been quite remarkable progress at the entity and local levels of government.

Democratic elections have been held with turn-outs averaging more than seventy percent. The trend has been toward marginalizing the ethnic extremists, who have either been voted out of office or removed by the High Representative from positions in towns in both the Federation and the Republika Srpska.

Then last month, Mr. President, a stunning and heartening development took place in Bosnia. A non-nationalist Bosnian Serb named Milorad Dodik was elected Prime Minister of the Republika Srpska.

I met Mr. Dodik last August in Banja Luka. He seems genuinely to believe in a unified, multi-ethnic Bosnia, and his behavior during the four years of violence was exemplary. In fact, his razor-thin victory in the Republika Srpska parliament was made possible by the support of sixteen Muslim and several Croat deputies.

Nominated for his position by Republika Srpska President Plavsic, Prime Minister Dodik has crafted a program that goes beyond that of his patron:

He has pledged to implement Dayton fully, including completing the unification of the police forces of the Republika Srpska and of the Federation.

He has said he will seek an equitable solution to the refugee problem.

He has said that when he is firmly in power he will turn over all Serbs suspected of war crimes to the international tribunal in the Hague. In fact, the tribunal may soon open an office in Banja Luka.

He has guaranteed equal rights for all citizens.

He has called for the separation of religion and politics.

He has come out for independent media, pledging publicly to reorganize Bosnian Serb Radio and Television "in accordance with the requirements of the Office of the High Representative . . . to develop into a professional, independent, and responsible network, open to everybody."

Moreover, Prime Minister Dodik—himself a successful businessman—has

set as a top priority the privatization and restructuring of the economy of the Republika Srpska. Central to this is his determination to eliminate the widespread corruption that has kept the Karadzic gang in power by eliminating their ability to tax, to impose customs duties—and then to siphon off the money for their personal use. He has already replaced the corrupt Karadzic appointees who ran the state-owned industries.

In an immediate measure to exert his control, Dodik is moving the Republika Srpska capital from Pale to Banja Luka, a measure that was officially approved by the Republika Srpska Parliament on January 31st by a wide margin.

Moreover, the Republika Srpska Parliament has voted to annul thirty-three laws passed by the Karadzic-dominated parliament after President Plavsic dissolved that body last summer.

My colleagues should understand that we must keep a sharp eye on Dodik—if for no other reason the fact that he is also being supported by Yugoslav President Milosevic—but there is no doubt whatsoever that Dodik is a vast improvement over the Pale gang that is actively resisting him.

The jury is still out as to who will emerge victorious, but, Mr. President, the very facts of Dodik's record, his parliamentary victory, and his reform program are an eloquent rebuttal to the many superficial and utterly erroneous statements about Bosnian history that we have often heard in this country, even on the floor of this chamber.

We have repeatedly heard the refrain of how "those people in Bosnia have never gotten along," how "they have fought each other for five hundred years," and how "they are incapable of living together."

I hope that as we go forward in Bosnia, we can finally dispense with these tired cliches, which, in essence, have been an excuse not to deal with the real world.

Mr. President, in my twenty-five years in the Senate my colleagues have called me many things, but "starry-eyed" is not one of them. In taking note of the progress that has been achieved in Bosnia, I do not for one minute believe that we are on the edge of victory, or even that the final goal of a multi-ethnic, democratic, free-market Bosnia is certain to be achieved.

But I do think that a sober, objective reading of the current situation gives cause for some optimism that we have turned the corner.

In conclusion, I would like to offer a six-point plan to correct some missteps—steps and to keep up the positive momentum in Bosnia.

First, in the very near future we must secure the commitment of several of our allies to contribute troops to create the European paramilitary

gendarme force for Bosnia, which I described earlier, to handle a variety of civilian security tasks. This is eminently do-able and would provide a tremendous boost to Dayton implementation.

Second, although we will almost certainly reduce the size of the American troop commitment in the post-SFOR force from the current eight thousand five hundred, the President must make clear to the American public that he is prepared to raise that number again if our commander on the ground in Bosnia certifies that the security situation warrants it.

Third—and this may not sit well with some of my colleagues—I believe that if a continued American troop presence in Bosnia is an important national interest, as it manifestly is—then I think this priority should be reflected in a supplemental appropriation that does not reprogram other military funding. In other words, we should not sacrifice readiness elsewhere to pay for Bosnia. Both are essential, and we can afford both.

Fourth, we should support Republika Srpska Prime Minister Dodik by speedily providing assistance to his central government and to localities that implement Dayton, but not provide it in an indiscriminate way. What do I mean by that?

I mean that henceforth in order to receive American USAID assistance, all Bosnian municipalities, both in the Republika Srpska and in the Federation, by a reasonable date-certain would have to join the Open Cities Program to welcome returning minority refugees, seat their municipal councils that were legally elected last September, and deny sanctuary to indicted war criminals.

I would also design USAID reconstruction projects that designate for returning minority refugees housing units or jobs in rebuilt factories.

Let me underscore, Mr. President—and this is key—my plan means not providing assistance to localities until they comply. The date-certain must be reasonable, but firm.

The restrictions I propose are not intended to undercut Prime Minister Dodik, whom I support. But we must be clear: the American policy goal is not just to have a rhetorically friendlier Republika Srpska government, but is rather to help build a multi-ethnic, democratic Bosnia.

Fifth, as a specific corollary of this last point, we should force the Bosnian Muslim SDA Party, the senior partner in the Federation government, to welcome returning Bosnian Serb and Bosnian Croat refugees back to Sarajevo and to enact legislation to enable non-Muslims to reclaim their former apartments in “socially owned,” that is, public housing.

I have advocated these steps for months. Last week, under pressure from our talented Special Envoy Ambassador Bob Gelbard, Bosnian President Izetbegovic finally agreed to

admit twenty thousand Serbs and Croats and to introduce the property legislation. We must now hold him to his word, using assistance as a lever.

The Bosnian Muslims, the principal victims of the carnage of the last four years, know that they have no stronger defender in Congress than me. But they must also realize that all groups in Bosnia—Muslims, Croats, Serbs, and others—deserve equal treatment as the country is rebuilt and made healthy again. I cannot stress this point enough.

Sixth, in the preparations for the pivotal Bosnian national elections next September we should greatly increase our support for the non-nationalist, multi-ethnic parties in the Federation and the Republika Srpska.

Until now, this task in the field has been handled principally by the U.S. National Democratic Institute, which has done superb work.

We should now pressure the OSCE to involve the multi-ethnic parties in the work of the Provisional Election Commission, which sets the ground rules.

For example, until now, incredible as it may sound, only the nationalist parties have had access to voters' lists!

Mr. President, Bosnia has come a long way since the horrifying days only two-and-a-half years ago when daily mortar attacks and snipers terrorized Sarajevo and Mostar, when thousands were brutally murdered in Srebrenica and elsewhere, and when women were degraded in bestial rape camps.

Much work remains to be done, but there is light at the end of the tunnel. A peaceful, democratic Bosnia is central to the peace of Europe, and therefore to America's national interest. And American leadership is absolutely essential to the rebuilding of the country.

For all these reasons, I am confident that in the coming weeks when the Congress is called upon to support an extension of the American commitment to Bosnia, it will respond affirmatively.

I thank the Chair and yield the floor.

COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

Mr. HATCH. Mr. President, my good friend and colleague Mr. COBLE, the Chairman of the House Judiciary Intellectual Property Subcommittee introduced in the House today the Copyright Compulsory License Improvement Act. I had intended to introduce similar legislation in the Senate today, but have decided to allow some of my colleagues on the Judiciary Committee time to review this important legislation and join me in presenting legislation to the Senate.

Let me first thank Mr. COBLE for his leadership in this area. He and his staff have worked tirelessly to develop the bill he introduced today. It is legislation that will set the stage for increased competition in the multi-channel video delivery market, and that

means greater viewer choice in getting television. It is always a pleasure to work with Chairman COBLE, and I look forward to working with him as we perfect this legislation and move it to enactment. I have also worked with the ranking member of the Senate Judiciary Committee, Senator LEAHY, who has provided valuable input into the Senate legislation.

I must also acknowledge the input of the Register of Copyrights and Copyright Office staff. They worked along with congressional staff in creating this legislation.

Let me say that I believe the legislation that Chairman COBLE and I have worked on effectively balances the various interests affected by the legislation. While I look forward to perfecting the legislation, I expect it to undergo revision as it moves through the process, I believe that the essential balance must be maintained for this legislation to move this year. And it is important that we enact legislation this year allowing satellite carriers to provide local carriage of broadcast signals within a broadcaster's local market. No reform is more important to making satellite competitive with cable for the long term. I believe the other reforms also set the stage for vigorous competition between satellite and cable, with adequate protections for the other interested parties whose works are delivered by them to viewers, which should result in lower prices and increased choices for viewers. This is important legislation for all of our constituents, but particularly for those in states with rural or mountainous areas such as my home state of Utah. I hope my colleagues will help work to enact these reforms this year so that the next generation of satellite television delivery can become a reality in the very near future.

I welcome input from all interested parties and my colleagues. And I look forward to introducing a companion to Mr. COBLE's bill when we return from our President's Day recess.

INNOCENT SPOUSES NEED RELIEF

Mr. KYL. Mr. President, I want to commend the chairman of the Senate Finance Committee, Senator BILL ROTH, for the very thoughtful and determined way that he has handled the Internal Revenue Service (IRS) reform effort.

Had he simply bowed to calls from some on the other side of the aisle to sweep problems with the IRS under the rug and rush the IRS reform bill to a vote, we probably would not have had the chance to shed light on the serious abuses that innocent spouses have experienced at the hands of the IRS. And we certainly would not have the chance to ensure that an effective fix for innocent spouses is included in the IRS reform legislation.

I think it is important to say at the outset that most IRS employees are law-abiding and professional, and most