SENATE—*Monday, August 10, 1992*

(Legislative day of Wednesday, August 5, 1992)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Honour all people.—1 Peter 1:17.

Eternal God, infinite in all Your ways, help us in our Nation to recover the self-evident truth which inspired our Founders in framing the Constitution and the Bill of Rights. Awaken us to the infinite value of each person. We have become unthinking in our judgment of others. We have become stereotypic in our estimation of persons. We squeeze everyone into a category and label them as a stereotype; the image of which is a caricature. All politicians are the same. All lawyers. All doctors. All CEO's. All educators. All preachers. All conservatives. All liberals. And so on ad infinitum. We have forsaken discernment and become tragically indiscriminating. Forgive this mindless attitude. Grant us our forbears' wisdom in appreciating the equality of all and the glorious diversity of persons.

Deliver us gracious God from systems which contribute to this pernicious practice of pigeon-holing people. Endow us with reason in viewing each person according to individual worth and honoring each as God, in His infinite wisdom, has created each human as unique.

In the name of truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 10, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the time for the two leaders is reserved for their use later in the day.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a 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.

There shall now be 15 minutes under the control of the Senator from Texas [Mr. BENTSEN].

TAIWAN'S MILITARY MODERNIZATION

Mr. BENTSEN. Mr. President, President Bush recently came to Texas, and he proclaimed that if there were a Clinton-Gore administration, thousands of defense workers would be laid off. It brought back a lot of memories. It brought back 1988 and the Presidential campaign then.

I can remember Chuck Yeager coming before the defense workers at General Dynamics and telling them, "if you vote for a Dukakis-Bentsen administration, thousands of defense workers, thousands in this plant will be laid off."

Well, I voted for a Dukakis-Bentsen administration and Chuck Yeager was absolutely right: Thousands of defense workers have been laid off.

I really found President Bush's statement ironic for two reasons.

First, the very day that George Bush arrived in Texas, General Dynamics announced a cut of 5,800 workers at its F-16 fighter aircraft manufacturing facility in Fort Worth—5,800 well-paid, good jobs.

Second, President Bush himself could have saved at least 3,000 of those jobs by reversing an out-of-date policy toward Taiwan.

Mr. President, the cold war's demise and subsequent disintegration of the Soviet Empire have made a substantial reduction in defense expenditures certain. We know that. And cuts in both defense spending and the defense industrial sector of our economy have been underway for some time. But the end of the cold war and the Soviet Union's exit from history also call for a reassessment of our China policy of the last 20 years.

Let us look at that policy. Beginning in 1972, and throughout most of the 1980's, mainland China was rightfully regarded as an essential geostrategic counterweight to expanding Soviet military power. We understood that. China was a checkmate.

The so-called China card, so brilliantly first played by the Nixon administration in the early 1970's, and subsequently reaffirmed by the Carter and Reagan administrations, contributed significantly to the Soviet Union's exhaustion and ultimate extinction. As long as growing Soviet military power threatened both United States and Chinese security, the two countries enjoyed a shared strategic interest in much the same way that the United States and Stalinist Russia did against Hitler in the 1940's.

For the United States, however, the price of this marriage of convenience to Beijing was acceptance of Beijing's demands vis-a-vis Taiwan; namely, that Beijing, and not Taipei, be recognized as the legitimate government of mainland and offshore China, and that the United States eventually end any military relationship with Taiwan, including the sale of armaments. Acceptance of these conditions, expressed in three major United States-Chinese communiques in 1972, 1978, and 1982, cost the United States virtually nothing strategically or commercially. Through the early 1980's, Taiwan remained a politically isolated, economically insignificant country, still ruled dictatorially by the aging leadership of the old Kuomintang.

Mr. President, a policy of coddling Communist China, while treating Taiwan as a pariah, might still make sense if the Soviet Union and its threatening military power were still around. But a world without the Soviet Union is a world in which Communist China's military strategic value to the United States is virtually nil unless we anticipate a rerun of Japanese militarism in East Asia. And we have seen, certainly, no indication of that.

There is no more reason now to accommodate Communist China than there was to continue to accommodate Saddam Hussein's Iraq once the Iran-Iraq war ended in 1988. Indeed, the administration's apparent conviction that we still require Beijing's good graces for one reason or another, and therefore that the United States should say or do nothing that might offend the last Communist empire on Earth, has become a source of embarrassment.

Let us remember, Mr. President, just who this crowd is in Beijing. This is

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

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the same crowd that butchered hundreds of prodemocracy students in Tiananmen Square in 1989; that tortures political prisoners; that employs slave labor to manufacture products exported to the United States and that proliferates nuclear and ballistic missile technologies in the Middle East.

Why does the administration welcome communism's demise in Eastern Europe and the old Soviet Union but continues to regard the morally bankrupt Government of Communist China as an indispensable friend?

Let us also recognize, Mr. President, that the Taiwan of today is not the Taiwan of yesteryear. Taiwan has engineered an economic miracle that has transformed that country of only 21 million people into the world's 13th largest trading state, and possessor of $80 billion in foreign exchange reserves. Though Taiwan's population is less than 2 percent that of mainland China, Taiwan has put together a GNP that represents as much as 40 percent of the GNP of mainland China. Politically, Taiwan has also abandoned authoritarianism for democratic institutions, in sharp contrast to Beijing's continuing totalitarianism.

Mr. President, you may well ask what all of this has to do with defense industry jobs back in Texas and the General Dynamics layoffs in Texas. Well, I will tell you. Each year, for the past decade, Taiwan has requested United States permission to buy from 60 to 150 F-16's as a means of modernizing its obsolete tactical fighter force. The request is militarily legitimate. Taiwan's Air Force continues to rely on the now hopelessly outclassed F-5 and F-104 aircraft technologies of the 1960's and this at a time when Communist China is rapidly modernizing its huge air force and they are buying, at bargain-basement prices, such Soviet state-of-the-art combat aircraft as the SU-27 and Mig-31.

Indeed, to those who claim that a sale of F-16's to Taiwan would upset the East Asian military balance, I would simply point out that that balance, if anything, is already being threatened by Communist China's rapacious military modernization and naval expansion into the western Pacific and especially the South China Sea. Even more ludicrous is the notion that Taiwan could or would pose an offensive military threat to China. The disparity in military power between the two countries is so great—consider, for example, China's 5,000 combat aircraft versus Taiwan's less than 500—that would make any Taiwanese military action against China an invitation to suicide. Maybe they have some of the old Kuomingtang warriors still left in Taiwan who dream about restoring themselves on the mainland. But that is a dream and nothing more than that.

But I would say this is the kind of a deal that we should be looking for. This is not the kind of a deal that South Korea was talking about where they wanted to do joint production. This is paying cash. This is helping an imbalance of trade. This is continuing good-paying jobs in this country.

The Taiwanese prefer the F-16 over any other military aircraft. It is a legitimate defensive need in the modernization of their air force.

During all of this time when they have been wanting to modernize, they have deferred it as they have tried to get agreement on the sale to their country by the United States, and get an affirmative answer.

The issue is who is going to modernize the Taiwanese Air Force? We know it is going to be done in a country sitting there with $80 billion in cash in surplus reserves, with an air force that is outnumbered 10 to 1 by their old adversary, but also a country who has listened to us say "Take a hike" each time they have approached us for trying to negotiate that kind of a purchase. So what have they done? They are now negotiating with France, serious negotiations with France.

France is proposing a sale to Taiwan of 120 Mirage 2000-5's valued at up to $7.2 billion. The sale would be part of a much larger Franco-Taiwanese deal involving the sale to Taiwan of French nuclear reactors and high-speed railroad equipment valued at an additional $18 billion.

I cannot help but remember the embargo in the Reagan years put on sales from Russia, which was trying to develop a natural gas pipeline coming to export gas directly from Russia into Europe, and how that embargo hurt Caterpillar because of the prohibition on exporting earth-moving equipment to Europe, to the Germans, and to the Russians. What did they do? They went over and bought that equipment in Japan, and Japan developed economies of scale in the production of that kind of equipment, and took much of that market away from us and have continued to hold it to this day.

I cannot help but remember the embargo on the sale of soybeans to Japan in the Nixon years. What did the Japanese do? They went down to Brazil. They spent over $1.5 billion putting in soybeans, buying land, leasing land, developing land.

Who is our biggest competitor in soybeans today? It is Brazil. We did it to ourselves. And here we are talking about doing it again in the defense industry.

It does not seem to bother the French. They are not concerned about possible retaliation from the Chinese. It seems to me that Paris has shown a lot more political guts than has Washington.

Mr. President, the time has come to place our relations with the aging group of totalitarians in Beijing on a purely pragmatic basis, on a self-interest basis, and to develop a new relationship with the new Taiwan. United States courtship of mainland China is no longer a militarily strategic imperative and in Taiwan major commercial opportunities now beckon us. We must learn to "just say no," at least once, to Beijing and to "just say yes," at least once, to Taiwan. What, after all, can Beijing do? Are they going to threaten to terminate its $20 billion-a-year trade surplus with us, they have with this country? Of course, they will not do that.

We still want to get along with Communist China, but on a pragmatic basis. Self-interest governs Beijing's policy toward us, just as it does France's new and intense interest in Taiwan.

I note that the Taiwan Relations Act of 1979, which was the Congress' response to the Carter administration's severance of diplomatic recognition of Taiwan, permits the United States to provide Taiwan sufficient arms for its own self-defense. I also note that the United States has already sold hundreds of F-16's to no fewer than 15 countries overseas, including the East Asian States of Indonesia, Singapore, Thailand, and South Korea.

Mr. President, a sale of F-16's to Taiwan would threaten nothing other than the administration's outdated and economically penalizing policies toward Communist China and democratic Taiwan.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. There will now be 30 minutes under the control of the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, before I start my remarks this morning, I would like to compliment the chairman of the Finance Committee for what I think is a very important speech. I hope that all of our colleagues will read what he had to say, and I hope that they will read it down at the White House, because he is absolutely correct.

In my view, we would have better relations with the People's Republic of China if we treat our long and trusted allies in the Republic of China as the friends that they are and have been to this country, and out of that will come, as the chairman says, a pragmatic relationship based on trust and respect. And it can do nothing but to encourage our relationship with the People's Republic of China as well as with our friends on Taiwan.

I think he is exactly right. And I hope we do move forward. We should lift that. We should sell those F-16's to our friends in the Republic of China. And, frankly, my advice to them is if we will not do it, they should go buy them from the French.

Mr. BENTSEN. Will the Senator yield?

Mr. SYMMS. I am happy to yield.

Mr. BENTSEN. I thank my good friend for his very generous remarks. I think that is the pragmatic approach. I think that is the self-interest approach and that is what we should pursue particularly in the incredibly imbalanced trade we have.

I say to my friend from Idaho, who has been a good friend and a valued member of the Finance Committee, that he will be sorely missed in his decision to return to his home State.

Mr. SYMMS. I thank my colleague.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 3159 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

GOODBYE TO VINCE MURPHY

Mr. BINGAMAN. Mr. President, the August recess will soon be starting and during that period my staff and I will say goodbye to the director of State operations in my office, Vince Murphy.

Vince, has called our State his home since coming to our State to attend the College of Santa Fe. He fell in love with New Mexico, and with a wonderful woman, and stayed to make his home.

He has spent most of his adult life in public service, with continuing interest and involvement in education marking his career. When he came to work for us 8½ years ago, he left his job as director of the Oil Field Training Center in Roswell to jump enthusiastically into the maze that is the Senate.

It is a job that all Senators and most of their staffs can fully appreciate. A State director needs to know legislation, both national and local; politics, both national and local; and people, both national and local and be able to speak and act for a Senator on everything under the Sun. There is outreach to do, and there are fires to put out. All of this must be done with great skill, as well as a certain sense of timing and appropriateness.

Those of my colleagues who have had occasion to deal with Vince know how difficult a time I will have in finding a successor. He has done an outstanding job for me, my staff, and most of all, for the people of New Mexico. We are all in his debt, and wish him the very best as he leaves us at the end of this month for a position in the private sector.

THE PASSING OF FORMER SENATOR McINTYRE

Mr. BYRD. Mr. President, I was saddened on Sunday to learn of the death of a former colleague, Senator Thomas J. McIntyre from New Hampshire. According to the obituary in the Washington Post, Senator McIntyre had suffered from Alzheimer's disease and died of pneumonia.

A native of New Hampshire, Senator McIntyre was elected in 1962 to fill out the unexpired term of the late Senator Styles Bridges. That was the first time in 30 years that a Democrat had won a Senate seat from New Hampshire. Subsequently, Senator McIntyre was reelected by sizable majorities for full terms in 1966 and 1972.

In 1978, however, Senator McIntyre lost his bid for reelection.

A moderate, thoughtful man, Senator McIntyre was also a man of courage and conviction, and I know that I speak for all of our colleagues who served with him in the sixties and seventies in recalling the appreciation that I felt for his friendship and my admiration for his service as a Senator, a citizen, and a patriot.

Further, I know that I speak for all our colleagues in extending to Senator McIntyre's wife of 51 years, Myrtle Ann, our sympathy on her loss of a dear husband, and our sincere respect for Senator McIntyre's conduct as a Member of this institution during his tenure here.

Mr. President, I request that the obituary from Sunday's Washington Post be printed in the RECORD in honor of Senator McIntyre's passing.

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

[From the Washington Post, Aug. 9, 1992]

T. McINTYRE DIES; SERVED IN SENATE

(By Richard Pearson)

Thomas J. McIntyre, 77, a New Hampshire Democrat who served in the Senate from November 1962 until January 1979, died of pneumonia Aug. 8 at a hospital in West Palm Beach, Fla. He had Alzheimer's disease.

He was elected to the Senate to fill the unexpired term of Sen. H. Styles Bridges (R), who had died in office. Sen. McIntyre won reelection in 1966 and 1972, then was defeated in a race for a third full term in 1978 by Republican Gordon J. Humphrey.

During his years in the Senate, Sen. McIntyre's committee assignments included Government Operations; Banking, Housing and Urban Affairs; and the District of Columbia committees. But he probably was best known for his service on the Armed Services Committee, where he was chairman of the research and development subcommittee and was regarded as a thoughtful, middle-of-the-road senator and a swing vote on crucial issues.

His election to the Senate marked the first time in 30 years that a New Hampshire Democrat had won election to the upper house. He won election with 54 percent of the vote in 1966 and 57 percent in 1972. His defeat six years later by Humphrey, a former commercial airline pilot who was regarded as a political neophyte and right-wing activist, was considered a major upset.

The race foreshadowed the upset defeats of incumbent Senate Democrats two years later and that party's loss of the Senate. Humphrey raised large sums of money, campaigned extensively on television and attacked Sen. McIntyre for his support of treaties transferring control of the Panama Canal to Panama. Humphrey also attacked Democrats in general, and "liberals" in particular. This seemed to hurt Sen. McIntyre despite the fact that he was regarded by many as one of the more conservative northern Democrats.

Sen. McIntyre, who had homes in Tequesta, Fla., and his native Laconia, N.H., was a 1937 graduate of Dartmouth College and a 1940 graduate of Boston University law school. He practiced law in Laconia before entering the Army during World War II.

During the war, he served in Europe in Gen. George S. Patton's 3rd Army and attained the rank of major. His decorations included the Combat Infantryman's Badge and the Bronze Star.

After the war, he returned to Laconia, where he practiced law and worked in real estate. He was mayor of Laconia from 1949 to 1951 and city solicitor in 1953. He was an unsuccessful candidate for the U.S. House of Representatives in 1954, losing a race with Republican Chester E. Merrow by less than 400 votes.

Survivors include his wife of 51 years, the former Myrtle Ann Clement, of Laconia and Tequesta; a daughter, Martha G. McIntyre of Gilford, N.H.; and a grandson.

DEFENSE TRANSITION

Mr. HATCH. Mr. President, I am pleased to join with Senators DODD, DOLE, RUDMAN, and PELL in supporting this effort to give our defense industries the opportunity to make a viable transition from reliance on domestic defense purchases to a mixed commercial and defense market footing.

This bill is the right way to help our defense firms and their workers and, I hasten to add, our allies.

First, DOD would be required to set up an Export Loan Guarantee Program funded at $63 million, which could yield $1 billion in sales.

Second, sales could only be made to the countries that are now our major customers and/or allies: NATO, Australia and New Zealand, Japan, and Israel.

Let me comment on each of these features of the bill.

One billion dollars of sales would create between 22,000 and 30,000 directly related jobs. Another 15,000 jobs would follow from indirect employment through subcontracting and ancilliary activities. An estimated $250 million of tax revenues would also follow. I want to add that no Export-Import Bank moneys are used, and the list of customers is clearly in keeping with our arms control policies.

This bill goes beyond that mere retraining of laid-off defense workers. It allows for continued work while the conversion to commercial operations and markets is underway. And its military arms features facilitate the takeover of military functions by NATO and other regional allies as the U.S. presence is reduced abroad. Providing U.S. equipment for this interoperability of equipment.

TODAY'S "BOXSCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina

recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Boxscore."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $4,003,544,666,897.24, as of the close of business on Thursday, August 6, 1992.

On a per capita basis, every man, woman, and child owes $15,586.55—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of S. 3114, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3114) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Sasser/Bumpers/Jeffords modified amendment No. 2918, to reduce the amount provided for the Strategic Defense Initiative. (By 43 yeas to 49 nays (Vote No. 182), Senate earlier failed to table the amendment.)

(2) Bumpers modified amendment No. 2919 to amendment No. 2918, of a perfecting nature.

AMENDMENT NO. 1918, AS MODIFIED

AMENDMENT NO. 1919, AS MODIFIED

Mr. WARNER. Mr. President, parliamentary inquiry. What is the pending business within the bill that the chair has announced?

It is my understanding that it is the amendment offered by the Senator from Arkansas and the Senator from Tennessee, which was voted on in the nature of a motion to table. That motion having failed, that amendment, in the judgment of the Senator from Virginia, would be the pending business.

The ACTING PRESIDENT pro tempore. The tabling motion which failed is the pending amendment, and a second-degree amendment is pending thereto.

Mr. WARNER. Mr. President, I have been in consultation with the Republican leader and the distinguished chairman of the Armed Services Committee who, in turn, it is my understanding, has been in discussion with the Senators from Arkansas and Tennessee.

Speaking for our side of the aisle, it is absolutely essential that we have the opportunity to revisit, by way of a vote, the amendment that is the pending business, both the underlying and the second degree. The leadership will address that issue during the course of the day. I am confident that we will see the opportunity whereby the leadership of the Senate can determine a time which is mutually convenient to all.

Assuming that can be done, it is my hope that the Senator from Arkansas and the Senator from Tennessee would allow the distinguished chairman and myself to go forward with other matters—other amendments, to be specific—relating to this bill.

I see the chairman now approaching, Mr. President. I yield to the chairman.

Mr. NUNN. Mr. President, if I could get the attention of my colleagues. As I think most people who followed this debate recognize, what we have, procedurally, is an SDI amendment offered by the Senator from Tennessee and the Senator from Arkansas, which was the pending business and which has been subjected to a motion to table. The motion to table failed, therefore, indicating at this stage that the Senate is disposed toward that amendment.

That is the way I read it, and I think that vote was 49–43. The motion to table having failed, the amendment itself is pending. Procedurally, there would be a chance for reconsideration of that motion.

All of us know we have 3 days and 3 nights before we adjourn for the Republican convention. And all of us know that the majority leader and many others in the body are intending to bring up the tax bill. It makes no sense at all to me to see us sitting here for several hours today not coming to conclusions on that amendment and not having any other amendment considered.

So what I hope is that our colleagues on both sides will agree to getting a time certain to vote on the Sasser-Bumpers amendment on SDI up or down, which I think they are entitled to, a motion to table having failed. If we can get a time certain on that, as far as I am concerned, it could be 30 minutes from now or 20 minutes from now. But if that is not possible, if we can have a time certain this afternoon, or whenever both sides can agree, then I hope that both sides would agree that we would move on to other amendments.

If we can move on to other amendments, there is a real chance we can debate several amendments today and dispose of them, including the B–2 amendment, and including the amendment relating to abortion. There is an abortion provision relating to access to foreign hospitals by military personnel in the bill, and I understand the Senator from Indiana [Mr. COATS] will have an amendment relating to that subject.

We also have an amendment sponsored by the Senators from Florida [Mr. MACK and Mr. GRAHAM] on Cuban democracy. It is my understanding that they have had a discussion on that one with the Senator from Connecticut, and although there is not agreement on the amendment, there is an agreement to have some framework for debate. If that is not the right understanding, I would like to be informed. There is a possibility that amendment might come up now.

It is my hope that if we set this amendment aside temporarily and have a time certain to vote on the pending amendment, we can move to the Cuban democracy amendment, or the abortion amendment, provided they have a framework and a time limit. I see no need whatsoever to set aside this amendment, which is causing delay and get another amendment up which is also going to cause delay.

As far as I am concerned, if we have nothing but delay and cannot move amendments forward, we might as well stay right where we are now. Understanding that, it is my recommendation to the leader that if we are not going to make progress, we move to the tax bill. I would not recommend to the leader that we stay on this bill several hours today with no hope of progress. I would much prefer to move to the tax bill and let people address this bill in the next 2 days, or address it in September.

Mr. MACK. If the chairman will yield, I have discussed this matter with my colleagues on Friday evening and with my staff this morning. I am under the impression that there has been a general agreement between Senator GRAHAM and Senator DODD to limit debate on the Cuban democracy amendment to an hour and a half.

Mr. NUNN. Total hour and a half?

Mr. MACK. Total hour and a half. At that time, I think acceptance of that time agreement was pending on your part. I have not had an opportunity to speak with Senator DODD or Senator GRAHAM this morning. I am hopeful that within a few minutes we can come to some conclusion on that and be prepared to offer the amendment.

Mr. NUNN. Mr. President, I say to the Senator from Florida, that is very encouraging. I certainly recommend we accept whatever time agreement the Senators from Florida and Connecticut can agree to. That would get us off to a good start, if we can get the parties to set aside the pending amendment and move to that one. With the pending amendment recurring as the pend-

ing business once that was disposed of, then that would give us some progress and, I think, justify staying on the bill.

It is not my wish to get off the bill, but it is certainly not my wish in the 3 days remaining to stay on the bill that is bogged down because of one amendment at the expense of the Senate considering other important business. If we do not get back on this bill until September, who knows what is going to happen in August. But my experience is a lot of things happen in August around the world, and I think a lot of moods change and a lot of minds shift. It seems to me that all parties would be better off dealing with the bill now. Certainly we would.

If anyone believes we are going to get through in early October for the election, which I think everybody wants to do, but come back for an authorization bill with no time limits in September and move everything else in September, I think they have not thought through it.

So it would be my hope that we would make some progress, and I ask the Senator from Florida if he would check on that and let us know. At this stage I could not tell him that we are ready to move to the amendment, but I can tell him if he can get that kind of time agreement it would be my strong recommendation that the current amendment be set aside with a time certain to vote on it followed immediately by this amendment coming up. That would be, I think, some progress.

Mr. President, unless there are other questions, I yield the floor.

Mr. WARNER. Mr. President, I see the presence of our colleagues from Arkansas and Tennessee. Do they wish to pose a question?

Mr. SASSER. Mr. President, last Friday we voted on a motion that would table the Sasser amendment to reduce SDI funding in the bill to $3.3 billion. That motion to table failed. It failed by the margin of 43 to 49, as the distinguished chairman recounted just a moment ago.

Frankly, in this circumstance, the typical order of business when the will of the body has been so clearly expressed would be to move to the underlying question and vote on it up or down. In fact, quite often and frequently that is done by voice vote. And certainly that could be done here.

I am aware that this is a contentious issue and it is a significant issue, and I suspect there were efforts made all during the weekend to persuade Senators perhaps to change their votes or change their minds, from the way they voted Friday.

Now, we have had a vote to table the underlying Sasser amendment, and that is going to be the issue we have to resolve before we can move ahead to other matters related to the bill. We have debated this at considerable length. We debated it 4 hours Friday. There were no intervening quorum calls at that time.

The distinguished minority leader indicated Friday that we had enough debate on this issue, that enough had been said about it, and we needed to go ahead and dispose of it.

Frankly, Mr. President, that would be my view here this morning, that we ought to go ahead and dispose of the underlying Sasser amendment and then move on in the logical order to take up other amendments on this bill.

Mr. WARNER. Mr. President, if I could reply to my distinguished friend, eight of our colleagues, because of the lateness of the hour, were simply not able to vote. And it so happens there were four on each side of the aisle. So in fairness to them, and given the premise that the Senator addressed to the Senate, this is the second important vote, they would want to be recorded on this issue. So let us talk in terms of fairness of eight colleagues who, for various reasons, were not able to be in attendance at the late hour on Friday. That, to me, is sufficient reason alone to think that a vote should recur on the motion to reconsider.

So, I am perfectly willing, and I think the chairman suggests this is a leadership decision—only the chairman and I can make suggestions to our leaders that it would be a up-or down vote. But, again, that is a leadership decision. So I would suggest that we acknowledge that Senators are waiting to go forward with amendments and, in the spirit of cooperation, recognizing the leadership has to make an estimate of the time when all Senators could be present, let us go forward with amendments, recognizing that this amendment will be the pending business, it would recur at the conclusion of debate or other resolution of the amendments which intervene.

So in the spirit of fairness to the eight absentees, why do not we try to move forward on this bill and make some progress?

Mr. President, I yield for a question from the Senator from Arkansas.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. BUMPERS. Mr. President, the Senator from Virginia makes an interesting point. But my question would be this. He points out that a number of Senators would not be here to vote on this, and it is obviously a very important issue.

But if we were to agree to set this amendment aside, the distinguished chairman of the committee tells me that he would like to go to B-2 and abortion. Those are not inconsequential amendments either. I would assume anybody absent would also like to be here, too, and vote on those. What is the difference?

Mr. WARNER. Mr. President, I agree with the distinguished Senator. Again, the leadership will determine what time today we would vote on such issues as that, or perhaps even tomorrow. I am not going to be presumptuous enough to suggest to either of my colleagues what time the vote occur. But the chairman of the committee said we are prepared now with two amendments to go forward and have them fully debated in accordance with the practice here, stacking those votes at a time when Senators can be present.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I have always done my very best, certainly, to accommodate the majority leader and, to the extent it was consistent, also accommodate the minority leader. But I must say there is also a little underlying thing here that troubles me and that is that it seems to me this is a fairly volatile subject, I guess, but it seems to me that when we win one over here, suddenly the place is going to be brought to a halt, and if other people win, then the Lord's purpose has been served and we move onto something else.

This is not something that the Senator from Tennessee and I just conjured up overnight. This is a very important issue. I do not want to revisit the entire debate, unless we stay on the bill and we will start debating it again. But if you consider the fact that when we go to conference with the House and split the difference on my and the amendment of the Senator from Tennessee and what the House has in their bill you are talking about a 21-percent increase for SDI over 1990. And a lot of people in Government are not getting a 21-percent increase.

In addition to that, when you look at some of the things that Senator PRYOR is going to point out here in an amendment subsequent to this, you are going to find that SDIO is not the most efficiently organized and run organization in Washington, either.

I make those points—and I know a lot of arms are going to be twisted between now and the time we vote on this. That is fair game. I have no problem with that. I just want to make sure that we do not agree to something that is going to jeopardize our ability to keep this amendment. The Senator from Tennessee and I have talked about this two or three times, as I say.

Mr. WARNER. Mr. President, I am perfectly willing to be joined by the chairman to guarantee that it will be the recurring business each time an amendment is concluded either in terms of debate or the statement of a time to vote on a particular amendment. Let us be absolutely candid with one another. The Senator is in the driver's seat as it relates to this amendment. Let us continue to make

progress on this bill, recognizing every right the Senator has preserved, because it will be the recurring amendment. And let us also recognize that you could not have a vote now if you wanted it, and the Senator knows the reason why. Given the practicalities of the situation, the way the Senate operates, let us get underway and have this pending business and lay it aside.

Mr. SASSER. Mr. President, I am not convinced that we could not go forward with a vote at the present time. Indeed, this amendment could be accepted by voice vote. I do not wish to be uncooperative with my good friend from Virginia and the distinguished chairman of the committee, but we have had a vote on this particular matter and this vote that we had Friday is a culmination of a whole series of votes over the years that we have had on this particular issue.

The Senate, I thought, spoke its will clearly on Friday, and my able friend from Virginia concedes that of the eight Senators who were absent, they would be split down the middle on how they would have voted on this particular issue.

Mr. WARNER. Mr. President, I did not concede that. I simply recognized eight were absent, four for each side of the aisle. For the record one or two on the Democratic side have voted on the proposition that I and others advocate.

Mr. SASSER. Mr. President, however you slice it, I do not think the outcome would be changed if all Senators who were absent had been present and voting on Friday. As a matter of fact, I think we all know, through no fault of their own, there are going to be some Senators who cannot be present to vote today, tomorrow, or the next day, because of illness or some other pressing business.

So, if you want to move forward on this bill, and certainly I do not want to be an obstructionist on it, but if we want to move forward on this bill it appears to me that the quickest way to do it is either have an up-or-down vote on the Sasser amendment or accept it by voice vote and move on to deal with the rest of the bill.

The Senate, it appears to me, has spoken on this issue and any delay here—let us be clear about it—any delay here is going to be time used in an effort to try to change the result. And I have no fault with those who wish to do that.

But, as my able friend from Virginia said, we are in the driver's seat at this juncture. Senator BUMPERS and I have worked hard to get in the driver's seat, at least on a temporary basis here. We do not intend to voluntarily relinquish that driver's seat. We may be pushed out of the driver's seat, but we are going to stay in it here until we can get, I think, a satisfactory solution of our amendment.

Now, I would be pleased to sit down and try to work something out here with the distinguished ranking member, the chairman, the majority leader and the minority leader. But I want to be absolutely sure that all of our rights are protected here and the amendment that we succeeded with on Friday is not wallowed around here until it picks up so much hair on it that it become inconsequential and Senators' minds can be changed.

We all know what happens when you have a whole series of votes and we all know what happens when you stack votes. And I, frankly, think that if we want to move this matter forward, the way to do it, I say to my friend from Virginia, is to simply have an up or down vote on our amendment or let us just accept it by voice vote and move on. And then we can cut some hay while the sun shines.

Mr. WARNER. I can quickly respond to my friend.

A voice vote on a matter of this consequence is not in the interest of the U.S. Senate. Second, the time at which the Senate votes, out of custom, is left to the majority and minority leaders. You know the disposition of both of those Senators as of the moment we speak. The Senator is in the driver's seat, I acknowledge that. Painfully, I acknowledge it. Do you want to drive this bill into the ditch or do you want to allow us, in an orderly way, to proceed?

For that purpose, I ask unanimous consent that the present amendment be laid aside without prejudicing the rights of the proponents of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. I object.

Mr. President, I ask unanimous consent that the pending BUMPERS second-degree amendment be withdrawn and the Senate proceed, without intervening action, to vote on the Sasser-Bumpers first degree amendment.

Mr. WARNER. Mr. President, I object.

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

Mr. NUNN. Will the Senator withhold that?

Mr. WARNER. Yes.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have just been informed by the Senator from Colorado [Mr. WIRTH] that there has been an understanding between the Senator from Colorado and the Senator from Indiana [Mr. COATS] on a motion to strike the abortion provision in the bill and they would be glad to have a time agreement of 1 hour. I have asked them to write that out.

So I wanted to inform my colleagues if we did set aside this amendment, we could complete the debate on one amendment, the abortion amendment, within an hour, an hour and 15 minutes, and we could come right back to this amendment and nothing would be lost.

So I hope that we could at least consider doing them one at a time so that Senators would know, and they would be protected in the sense that they would be only undertaking the unanimous consent in that respect and we would revert right back to their amendment after that. That is not the same as just setting it aside.

I have asked the Senator from Colorado and the Senator from Indiana to put that in writing so we would have a unanimous consent to be propounded, but that is the nature of the unanimous consent if it is propounded, and I ask the Senator from Tennessee and Senator from Arkansas and the Senator from Virginia to at least contemplate that.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. BUMPERS. Does the Senator know that that would be agreed to on the other side of the aisle?

Mr. NUNN. I have been told that he has an understanding with the Senator from Indiana, who is the person who would be proposing the motion to strike.

What we have in the bill is a provision, sponsored by Senator from Colorado, giving overseas uniformed military members and their dependents the right to have an abortion in military facilities on a reimbursable basis where there is no other facility available in that country. That would be the subject of a motion to strike by the Senator from Indiana, to take the provision out. It is my understanding it would be agreed to on both sides and there would be 1-hour time limit, equally divided.

I am not propounding that now. I am simply discussing it and serving notice.

Mr. WARNER. Mr. President, in response to the question, that is the request in line with what I have been endeavoring to do this morning. Therefore, I would recommend it to my leader, if I can check with him momentarily.

But I draw to the attention of the Senate that the unanimous-consent request would have to be adjusted so as to allow flexibility of the respective leaders to determine if a vote would occur in 1 hour from now.

Mr. NUNN. I understand. I would have to check with Senator MITCHELL on that also.

I yield to the Senator from Maine.

Mr. COHEN. Let me indicate to the Senator from Georgia that I am prepared, some time during this morning or early afternoon, to move forward on my amendment dealing with nuclear testing. I think we could have a reasonably short debate, given the extensive time we had on that debate last week. So any time that the moment presents itself, I am prepared to move forward.

Mr. DECONCINI. Will the Senator yield?

Mr. NUNN. I will in just a minute.

It would be helpful if the Senator from Maine could check with the Senator from Oregon [Mr. HATFIELD] and maybe check with Senator MITCHELL's office to determine if there would be any objection to entering into some kind of a time agreement on that debate also.

I yield to the Senator from Arizona.

Mr. DECONCINI. I want to tell the Senator from Georgia that I regret to have to inform him, but after Friday, working about 12 hours with a number of Senators on both sides of the aisle regarding the resolution on Bosnia-Hercegovina, we have not been able to reach a time agreement nor have we finally reached the language.

So I am prepared to go after this amendment and intend to do anything I can today to get this amendment before the floor. It is not my interest to debate it forever, I would enter into any time agreement, 1 hour, 2 hours to a side and to permit it to be amended. It does not have to be just the amendment I will offer, presumably, with the Senator from Connecticut. I feel very strongly today is the last day we really have to debate this issue, amend it, and do whatever we want to do with it.

I hate to spoil the Senator's plan today for the Senator from Tennessee. I support the position of the Senator from Tennessee to go on and get a vote on this. And that is what, to me, is the best interest, to move this thing instead of having to lay it aside.

Mr. WARNER. Mr. President, if I could ask the Senator from Arizona a question. Obviously, this amendment has been the subject of a lot of attention on both sides. I originally objected to the 1-hour time agreement, I believe on Thursday, feeling that the Senate needed more time.

I would hope circumstances would permit that I, at some point, could join the distinguished Senator from Arizona, because this is an important signal the Senate would be sending.

But I wonder if he would not revisit the decision that it has to be today for the following reason: Tomorrow the Senate Armed Services Committee will have two panels of witnesses who are recognized experts worldwide. Indeed, one of the witnesses is General McKenzie, who has most recently commanded the U.N. forces in that area.

This would enable the Senate, I think, to make a better judgment as to the complexity of this situation. All of us agree, President Bush time and time again this weekend expressed the complexity of the situation. I would feel better if the Senate was given the opportunity to become fully informed on this measure, at least better informed, and that perhaps that vote could take place tomorrow after the hearing. I presume the chairman and I would then be able to acquaint the Senate with the findings—not necessarily the findings, but the evidence that is brought forth.

Mr. DECONCINI addressed the Chair.

Mr. NUNN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. Mr. President, I will be glad to yield.

Mr. DECONCINI. I thank the Senator from Georgia.

Let me tell the Senator from Virginia, I appreciate that offer. There are two concerns.

One is the United Nations may move today, the Security Council of the United Nations may move today on something. I would like to do what I could to see that this body at least had a chance to debate it, hopefully to vote on some resolution.

But notwithstanding that, understanding the position of the Armed Services Committee and the sincerity of the Senator from Virginia wanting to know more about it—if in fact we got a time certain to vote tomorrow, I would certainly consider that. And the time—I guess it would also have to have a time certain for debate on our two—what have you. But not being able to get that, and I know of no other way to confront this issue, and I regret having to do that, I see no other way but attempting to find some pressure point this morning or today or tonight that we could at least get some debate on this.

If somebody wants to filibuster, we can catch on real quick. It is not my interest that we spend days on it because it defeats the purpose of the resolution.

Mr. NUNN. Mr. President, can I say to my friend from Arizona: He has been patient, he has been understanding, he was anxious to get his vote on Friday and we were not able to do that. It would be my hope that the parties on this could have a meeting off the floor, could sit down and frame some kind of time agreement on the debate, a time certain to vote—perhaps tomorrow, as the Senator from Virginia has expressed, with the right of 1 second-degree amendment.

If we could do that, you would have a time certain, you would have absolute knowledge that the parties who do not agree with the wording as it now stands on the amendment would have a right to vote on that with a limited time on the second-degree amendment and with a limited time on the amendment of the Senator from Arizona, and then we could move forward.

I would say to the Senator from Arizona I understand the desire for a pressure point. The curious thing is I am not sure whose pressure is being pushed here, in terms of an objection on the motion to set aside this amendment. Because as long as this amendment is pending the Senator from Arizona cannot get his amendment, and as long as this amendment is pending it is very likely we are not going to have any time agreement at all.

But I would say in comforting my friend from Arizona, he is in no way disrupting a well-laid plan that we have all laid out here. We do not have a plan. There is no plan agreed to. So he can comfort himself with the assurance he is not disrupting anything that would otherwise be smooth.

Mr. DECONCINI. Will the Senator yield?

Mr. NUNN. I will be glad to yield.

Mr. DECONCINI. I just want to respond to the Senator. The Senator was very helpful Friday. He did everything he could to attempt to facilitate and adopt some consideration from the Senator from Virginia and the majority leader and six or seven Senators here, ranging from myself to experts in foreign policy.

Quite frankly, everybody thought every moment around the next turn we were going to find something we could agree on. We cannot. I think that is clear, although I am never adverse and I never say never to sitting down off the floor, or on the floor, and talking about it again.

My concern is that if you proceed with the amendment of the Senator from Tennessee, that is well and good, that is what I would like to do. If you are going to set it aside, I want to be part of any setting aside. I do not say I would not agree to an abortion amendment or something but I would like to be part of that because I may be able to build in some time for the amendment of the Senator from Arizona. I thank the Senator for his consideration.

Mr. NUNN. I understand the position of the Senator. I have not propounded that unanimous-consent agreement. We are just simply discussing it. But I would say to the Senator, if he has concluded, there is not going to be an agreement on the substance. What I suggest is there be an agreement to vote on his resolution and on a second-degree. Then the body, the Senate, would be able to reflect its will on both of those—if you can get a time agreement. I do not know what can be more fair to both sides.

Mr. DECONCINI. I have no problem today. Friday I did, but today I have no problem, although I expressed that Friday also, and I believe at the point in the day I was exasperated, I have no problem having it amended. It was my hope to have a vote on everything I could agree to, or Lieberman-Dole, or anybody else who gets on it, and I am prepared to let anybody offer an amendment. What I want to do is get a resolution before this body, have some debate on it, let somebody second-degree it, water it down or toughen it up, and then have a vote on it. That is my interest.

Mr. NUNN. Perhaps the Senators from Arizona and Virginia could have discussion on that and then have some sort of framework on this matter.

Mr. WARNER. I very much appreciate the willingness to consider the importance of allowing the Senator to become better informed as a consequence of a very important hearing tomorrow morning. I then urge we focus on perhaps a specified time tomorrow afternoon, subject to other business of the Senate, at which time we would have a time agreement, get the amendment up, it would be subject to such other amendments and brought forward, and we have action here in this body.

Mr. DECONCINI. Let me say to the Senator, I am prepared today to accept a unanimous-consent agreement that we would vote on this resolution, the Lieberman-DeConcini resolution, and there would be permitted to be a second-degree amendment before we voted on it. And to vote on it at 2 o'clock tomorrow afternoon or 4 o'clock tomorrow afternoon. I am prepared to do this today as reluctant as I am with the Security Council meeting today because I think it so important we do that. So I am willing to go that far, even put it off another day. But I am not willing to stay around here all day and take up a lot of other amendments when this amendment cannot be considered or a time set tomorrow.

Mr. WARNER. Mr. President, we will work this out. But I would have to say in fairness I would not allow it to be voted on today. I want to make certain this body has the opportunity to be fully informed about the complexity of any military operations that could become involved as a consequence of our resolution, the U.N. resolution, or whatever may take place.

I want to see the American people have as full a story as they can.

Mr. DECONCINI. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. WARNER. That objection would be withdrawn the moment the Armed Services Committee has concluded.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. I yield.

Mr. DECONCINI. I just want to say if the Senator from Virginia is going to dig in his heels, we will not vote on it today, then the Senator from Arizona is put in a very difficult position. I hope he understands, and he will have to do whatever he can to attempt to get it up today or an agreement for tomorrow. I do not like doing that because I understand the interest of the Senator from Georgia in moving this bill, but I am stymied. I do not know where to go. I cannot get anybody who wants to talk about a time agreement or time certain. If the Senator from Virginia can facilitate that, I know the Senator from Georgia already attempted to do that most of the day Friday. But I am in a difficult position now, wanting to get some debate and vote and I want to do it today. I am willing to extend it to tomorrow under some time certain that we would vote on it. I will not bother the Senator anymore.

Mr. WARNER. I will work with the Senator to accommodate him.

Mr. NUNN. Mr. President, let me say to the Senate right now, forgetting the broader scope of things and world events and even the next 4 hours and even the next 12 hours; just getting down to the next 1 hour which is about the scope of our capacity here, I think at the moment, could we agree that for the next 1 hour instead of having a quorum call for an hour we would have an abortion amendment for an hour with the status quo reverting exactly where we are now, everybody would have the same rights they have right now? We would be setting aside one amendment, pending amendment, 1 hour for a limited purpose, abortion amendment, motion to strike; there would be a time agreement. It seems to me our choice is narrow. We can do nothing for an hour or we can do something for an hour.

That is not going to solve the bigger problem. This is not a major dose of medicine but it is a minor prescription for taking care of at least the next hour.

Would that be agreeable?

Several Senators addressed the Chair.

Mr. WARNER. If I might address the chairman?

Mr. NUNN. I yield to the Senator from Virginia.

Mr. WARNER. We are not entirely sure the Senator on this side who would be active on that debate is ready at this moment. I suggest to the Senator from Georgia we have a brief quorum call within which time we ascertain precisely when Senators on both sides are ready to address this issue, and precisely draw up a unanimous-consent request which protects the rights of the Senators from Arkansas and Tennessee and, indeed, begins to accommodate the important interests of the Senator from Arizona.

Mr. NUNN. I yield to the Senator from Tennessee.

Mr. SASSER. Mr. President, I believe there is a pending unanimous-consent request, is there not?

Mr. NUNN. I believe that was objected to.

The PRESIDING OFFICER. There was no formal request, the Chair would state to the Senator from Tennessee, at the moment.

Mr. WARNER. Mr. President, under those circumstances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. I believe I still have the floor. Does the Senator from Tennessee desire I yield further?

Mr. SASSER. No. Just let me say to my friend from Georgia that I would not be agreeable to setting aside the pending amendment in order to take up a subsequent amendment on the armed services bill, with no time certain having been set for a vote on the Sasser-Bumpers amendment.

I understand the majority leader is here at the present time and it might be the better part of valor to secure his counsel on this issue as to how to proceed. As I understand my friend from Arizona, he has now lodged an objection to setting aside the pending amendment, if I am correct.

Mr. DECONCINI. That is correct.

Mr. SASSER. Mr. President, it appears to me we are at an impasse. We can either move forward on the pending Sasser-Bumpers amendment or we are at a loss for business to take up.

Mr. NUNN. Mr. President, I will try one more effort in order not to simply waste the Senate's time for the next hour because that is apparently where we are heading.

The Senator from Arkansas [Mr. PRYOR] has an amendment relating to SDI. Without setting aside the amendment of the Senator from Tennessee, would it be agreeable to have the Senator from Arkansas come over and at least debate another amendment, or do we want to simply waste the next hour in an effort to preserve everybody's perfect rights?

The problem is right now everybody wants the pressure point but there is nobody being pressured. Leverage only works if you have a leveragee. And there is no leveragee except the Senate itself in terms of moving.

The Senator from Virginia has made it clear that there is going to be no vote on the amendment of the Senator from Tennessee. The Senator from Arizona understands full well there can be no vote on the resolution of the Senator from Arizona until this amendment is disposed of. We can take care of no other business until this business is disposed of.

So here we are. We can put in a quorum call or we can make speeches we made last week in case somebody out there in the United States has not heard them.

Mr. WARNER. Mr. President, we are ready on this side to go forward with the abortion amendment as of now. If the Senator so desires to have a stipulated period of time within which that amendment should be debated and then consultation with the leaders as to what time there will be a vote.

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

Mr. BUMPERS. Will the Senator withhold for just a moment?

Mr. NUNN. Yes.

Mr. BUMPERS. Mr. President, I just make this observation to my good

friend from Virginia. It would be this: If we were to vote on the Sasser-Bumpers amendment and we prevailed, that amendment is still open.

My amendment, for example, is a second-degree amendment to the Sasser amendment. If we vote on it and we prevail, that amendment is still open to amendment, and even if you set Bumpers-Sasser aside, you have all the time in the world to offer all kinds of amendments to try to dilute the effectiveness of it. But you do not have to be a rocket scientist to understand that if we start setting our amendment aside and you start doing the bill, the first thing you know is we come to the conclusion of the bill and the Sasser-Bumpers amendment is still out there and then the filibuster starts.

We do not have 60 votes to kill a filibuster. Then the pressure placed on the Senator from Tennessee and the Senator from Arkansas in almost irresistible. You either drop this whole thing or we have a continuing resolution, which is a sorry resolution.

So my whole point is, and the point the Senator from Tennessee and I have been making all morning is, we won this one fair and square. Under the Senate rules, we took a vote and the motion to table our amendment was defeated by a six-vote majority. There may be enough pressure on that side, you may get enough arms twisted out of their sockets, to reverse that. That is your prerogative.

But what we would like to see is a vote on our amendment, do it right now, and as I say, if we prevail, it is not the end of the world. You can offer all kinds of amendments to try to undo it. But I do not understand the hesitancy in voting on it, that is what the Senate is supposed to be doing: Voting to pass or defeat.

Mr. WARNER. Mr. President, I may not be a rocket scientist but I have climbed a few rocks and I know when you fall down, it is difficult to get back up and start again. We will not on this side be able to vote on the SDI amendment at this time, plain and simple.

Mr. DECONCINI. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. DECONCINI. Will the Senator yield?

Mr. NUNN. I will yield to the Senator.

Mr. DECONCINI. Do I interpret the position of the Senator from Virginia that we will not vote today on the Sasser-Bumpers amendment?

Mr. WARNER. Mr. President, that is the decision the leadership has to make as to when this institution will vote on that, but it is my understanding that most Senators can be accommodated with this important vote if it were to take place tomorrow sometime.

Mr. DECONCINI. Mr. President, if I still have the floor, talk about pressure points, and I am taking nothing away from what I said about pressure points. Here we have the Republican side of the aisle refusing to go ahead on a pending amendment and have a vote. Talk about shutting down this place—there is no reason that the Senator from Tennessee ought to not proceed. It is not like we are waiting for a hearing to be held in the Armed Services Committee on SDI, or there is some committee that is worried about jurisdiction. We have had all the hearings. We have had all the debate, and they won the first vote. And now the other side of the aisle says, hey, we are not going to go ahead.

The Senator from Georgia is stuck. The distinguished chairman has to try to find somebody to lay over the amendment, and the pressure is on these people. The pressure should be over there. That is what this is getting down to. There is not even a legitimate argument that we should not vote on the amendment of the Senator from Tennessee today.

On mine, though, I disagree with the argument, at least there are planned hearings on the Bosnia-Hercegovina problem. Somebody has to call it like it is, as difficult as it is, I say to my distinguished friend from Virginia. He knows how much I respect his judgment and some of that is not his doing, I suspect.

But to indicate to us that we are just not going to vote on this is really foolish. I only suggest to the Senator from Georgia, maybe we better put this whole thing aside and go to the tax bill or an appropriations bill and see what we can do because it appears to me, as long as the Republican side is saying we are just not going to vote on the pending amendment—talk about a pressure point, there it is.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I want everybody to know that I would like to get this bill passed, but I understand we will be back here in September. It is fine with me if we come back and spend a week or 10 days on it. I just hope everybody understands when we get around to the first of October, when the majority leader is under great pressure from us to go home, people will understand and look back to August. This is when we decide to get out of here. If you want to spend 10 days in September, that is fine.

I agree with the Senator from Arizona, I see no need to stay on this bill today or tomorrow if we are not going to do some business. If we are not going to have votes and if we are not going to have amendments disposed of, we are making no progress at all.

In a few minutes, when I meet the with the majority leader, it will be my recommendation that unless something changes that we go on the tax bill and we understand this bill is drawn down until the majority leader decides to bring it back. I hope he will not do that until we seem to have more cooperation on both sides than we do not.

Let me just suggest again, without looking forward to September, a week 10 days or 10 hours, that the Senator from Arkansas [Mr. PRYOR] is on the floor. He has an amendment on SDI, the very subject we are talking about.

While under the present situation it could not be the pending business because the present amendment has not been disposed of, perhaps we could begin the debate on the amendment of the Senator from Arkansas [Mr. PRYOR] and at least go ahead and begin that debate which is going to occur at some point during the course of this anyway. We, therefore, would not be wasting time. It seems to me that would be the only suggestion I have at this point.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I want it to be crystal clear that the Senator from Tennessee and the Senator from Arkansas are not delaying the forward progress of this bill. We have stated this morning that we are ready to go to a rollcall vote, up or down, on the Sasser-Bumpers amendment that was adopted by a convincing margin Friday, at least the motion to table failed by a convincing margin on Friday.

The Senate has expressed its will on this particular issue. It expressed it, I thought, convincingly Friday. We are willing to go forward and finally dispose of that amendment, and then join with the distinguished chairman and the very able ranking member to try to move this bill forward as expeditiously as we can.

But I do feel, Mr. President, it is not an entirely reasonable request to ask myself and the Senator from Arkansas to set aside our amendment that we worked so long and hard on and let various and sundry amendments come up later and this very important amendment simply gets shunted aside. I would like very much to accommodate my friend from Georgia as well as my friend from Virginia, but it is very easy to move this bill along. We do it simply by disposing of the pending amendment and then taking up the subsequent amendments in order as we agreed to in the unanimous consent Friday.

Mr. President, on another matter, I am advised that today is the birthday of the distinguished staff director of the Armed Services Committee, Mr. Arnold Punaro, and on behalf of myself and his counterparts on the Senate Budget Committee, we want to wish him a happy birthday.

Mr. NUNN. Mr. President, Mr. Punaro cannot speak on the floor of the Senate, but he wanted to convey first his expression of gratitude to the

Senator from Tennessee, and certainly he would like me to express there are certain presents he would like to get from the Senator from Tennessee in terms of expediting this bill. But he does appreciate his thoughtfulness.

Mr. President, I see the Senator from Arkansas [Mr. PRYOR] on the floor, and perhaps we could take up his amendment in terms of debating it. From what I understand of the amendment, I am going to be in favor of the amendment. But I have not heard from the Senator from Virginia and others about it.

Mr. WARNER. Mr. President, we would be perfectly willing to proceed with that amendment reserving the right to have a second-degree amendment to the amendment of the Senator from Arkansas [Mr. PRYOR].

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. NUNN. Mr. President, I will yield to the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I want to observe that certainly there is nothing to preclude my good friend and distinguished colleague from Arkansas from proceeding to debate his amendment.

Mr. NUNN. Mr. President, if the junior Senator from Arkansas desires to be heard, I would, of course, yield the floor so he can be recognized. If not, I will suggest the absence of a quorum, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have not been privileged to listen to the debate this morning. I just got to the office, turned on the monitor, and saw basically what was happening.

I will be very glad to discuss my amendment, understanding there will be no vote until we have worked out some agreement on time or whatever. But I do not, Mr. President, I say to my distinguished friends from Georgia and from Virigina, in any way want to jeopardize the position nor the strategic concept of how the Sasser-Bumpers amendment is going to be ultimately voted up or down. I do not want to compromise their position in any way.

I would be glad to begin debate on my amendment in a few moments but, once again, I do not want to compromise my friend from Arkansas and the Senator from Tennessee.

Mr. BUMPERS. Will the Senator yield?

Mr. PRYOR. I will be glad to yield.

Mr. BUMPERS. Mr. President, we would object to our amendment being set aside so the amendment of the Senator from Arkansas could be offered, but we certainly not only would not object but encourage him to begin debate on the amendment. Frankly, I think his amendment validates the rollcall vote Friday evening on SDI. At least it goes a long way toward it. We are more than happy to hear his debate.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, also, I would like to add that I want to participate in assisting the Senator from Arizona [Mr. DECONCINI] in whatever effort he is involved in to have brought to this floor the resolution on Bosnia.

Mr. DECONCINI. Will the Senator yield.

Mr. PRYOR. I will be glad to yield.

Mr. DECONCINI. I thank the Senator from Arkansas.

I know he is a strong supporter of the amendment the Senator from Connecticut and I are trying to get before the body. As the Senator from Arkansas knows, there is a stalemate here, and we are trying to locate a pressure point so that we could move this bill along. Of course, what the Senator is suggesting in debating his amendment is a very worthy cause, but I am afraid it is not going to find the pressure point. At least it takes some time and we get the eloquence of the Senator from Arkansas and his knowledge of the amendment. I hope in the spirit here we will see some pressure put on the other side of the aisle to let the Senator from Tennessee have a vote on his amendment.

Mr. NUNN. Mr. President, if the Senator from Arkansas will yield, I think it is a good suggestion. I believe the amendment of the Senator from Arkansas is not simply taking up time, though; I believe it is an important amendment in its own right, and we should consider carefully what he has to say.

I suggest we proceed in this direction. I would also say in the search for a pressure point, I hope everyone will appreciate that in the beauty of the Senate rules, the beauty and all-encompassing nature of the Senate rules, all of these amendments are in order to the tax bill. You do not have to have a military matter up to put an SDI amendment on it. You can do that on a tax bill. We can have an abortion amendment on the tax bill. I understand the Senator from Ohio [Mr. METZENBAUM], has an amendment relating to homosexual rights and that will also be eligible for the tax bill.

We have amendments relating to Cuban democracy which would be eligible for the tax bill.

Perhaps Senator BENTSEN will be able to handle these things with more adroitness than the Senator from Georgia.

Again, if we do not make progress, it would be my recommendation to the majority leader in just a few minutes when we meet that we go off this bill and go to the tax bill and let Mr. Punaro go home and celebrate his birthday with his family. That would be my recommendation. So it is going to be up to Senators. But I can assure them I am prepared to move off this bill and on to something else.

I thank the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have been used as a filler many times before, so I do not think I would mind being used as a filler a little bit this morning. It is kind of a nice morning in Washington. If we are looking for a pressure point, and if the distinguished chairman of the Armed Services Committee is talking about bringing up abortion and Bosnia and SDI on the tax bill, I imagine that pressure point would be walking through that door in about 4 minutes, and that would be the distinguished senior Senator from the State of Texas, who would be, of course, managing the tax bill this afternoon beginning I assume at 1 o'clock.

Mr. President, also, I am a little bit—not concerned. I am very pleased, I might say. But it also concerns me that the distinguished Senator from Georgia, the chairman of the Armed Services Committee, has just stated he is going to support my amendment. I have offered a lot of amendments on the floor, but I do not know that he has ever supported one of my amendments. I am fearful that I have not asked for a large enough cut in a particular area. So I hope something is not too badly influenced or wrong with my amendment.

Mr. NUNN. I will be glad to review it again.

Mr. PRYOR. If the Senator from Georgia would give me a few minutes, I might have brought in a couple of charts that I need. I am going to need those before I can begin the discussion of the amendment. I might say, if any Member of this body wants to interrupt me at any time during my filler period, I would certainly be glad to yield to them.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRYOR. 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. PRYOR. Mr. President, may I have order in the Senate Chamber, please?

The PRESIDING OFFICER. The Senate will please be in order. Conversations will cease in the Senate.

Mr. PRYOR. Mr. President, I thank the Chair.

Mr. President, all day Friday, and again today we are debating at great

length the appropriate funding levels for star wars, SDI, for the fiscal year 1993. On Friday we heard a lengthy debate and, I must say, a very good debate on whether or not we should spend $3.3 billion or $4.3 billion on SDI. We heard debate on whether or not the threat still exists that justifies spending billions on a strategic defense program. We heard about the collapse of the Soviet Union, and our long-neglected domestic needs. We heard about Saddam Hussein's growing nuclear threat in the Middle East and elsewhere. We heard from the Senators on the floor on Friday who asked, and I think very eloquently, if we could truly today afford to build this costly star wars program. We heard from others who asked if we could afford not to build and to go forward with SDI.

Mr. President, whether we spend $3.3 billion or $4.3 billion on star wars this year, there is a simple fact remaining, that we are still going to have this program or some program at least for another year and probably in the out years to be certain.

A large sum of money is going to be spent during this next year, in the out years, and my question this morning that I raise is how is this money to be spent?

When we drive into the service station and ask the attendant to fill our gasoline tank in our automobile with gasoline, or do it ourselves, at least we know that a certain portion of that dollar we are spending—or whatever the cost of the gallon of gas might be—that at least a portion of that money we are expending for that gasoline is going toward building a highway upon which we ride and upon which we travel.

But how is the money being spend today, and how has it been spent for star wars in the past several years?

It appears that for some reason we do not have a very good monitoring system to know where those dollars are being spent, and who is the recipient of those dollars.

This is the question that was explored recently at a Governmental Affairs Committee that I chaired just a few weeks ago. This hearing explored the role of contractors, Mr. President, in the star wars program.

Specifically the hearing took a closer look at the SDI initiative organization which we will refer to and which is commonly known as SDIO, the entity that manages the star wars program, to determine who is actually running this office. Who is making the decisions as to where these billions and billions of dollars are being spent?

Very disturbingly, this hearing revealed that we have contracted out many of the most basic management functions in the support service of contractors. These are the private sector companies, Mr. President. These are the private sector individuals who provide professional, administrative, and management support services, special studies, as well as analysis.

Mr. President, I rise today to propose an amendment that would limit to $100 million the amount that SDIO, the administrative office, could spend on these support service contracts for fiscal year 1993.

You say, well, that seems like an awful lot of money to spend for private service contracts, for consultants, and for management services and administrative support. Mr. President, this is an enormous amount of money, $100 million. But should we adopt this amendment, we will be capping at $100 million. If we do not, we will be expending $160 million to $200 million for administrative support in the SDIO administrative office.

At our Governmental Affairs Committee hearing on SDI, Ambassador Henry Cooper, who is Director of SDIO, testified that it costs about one-third more to contract out for these services than if the work were performed by Government employees. His remarks, I think, were consistent with the finding by GAO and the DOE, Department of Energy, and Department of Defense Inspectors General, who indicated recently that contracting out for support services cost between 25 percent more and 40 percent more than performance by the Federal staff.

Ambassador Cooper also said something very interesting, Mr. President. He was testifying there that morning, and he testified that the monthly reports submitted by SDIO support service contractors, to justify their expenses and to justify the progress that they are making, was "puffery." This was his word, his description, not mine.

Mr. President, the American taxpayer should not have to foot the bill for "puffery" or for contracts inflated by as much as 40 percent.

Mr. President, if I might, I would like to direct your attention to this particular chart that I have on the floor of the Senate. We see the red lines, which indicate private contractors in the main general office of SDIO. The blue figures and lines represent the traditional Federal Government employee.

Our staff went out to the SDIO and spent several weeks researching how these dollars were being spent, who was making the decision, and exactly what the contractors in the SDI Office were actually doing, what work were they performing, and what mission were they challenged to accomplish.

Mr. President, first, we will see that at random days beginning January 8, January 15, on through February 26, where we just went out and did a random check, and we found that about 60 percent of all of the work force in the SDIO administrative office were not Federal employees; they were contractors. Many times, they were sitting side by side with the Federal employee. And we might just imagine what the morale factor might be, especially if that private contractor was making 25 to 40 percent more in salary than the Federal employee.

This amendment that I am offering this morning, we should realize, is not about whether we should continue or discontinue SDI. This amendment tries to get a handle, once again, on who runs the SDI program. These contracts that we are talking about are not for advanced research, they are not for technology development. The support service contractor performs a basic management responsibility that I believe should be performed by Federal employees, not necessarily or only because it would cost less, but because it would help avoid any potential conflict of interest.

Mr. President, also, we would like to state, in addition to showing, that 60 percent of the work force of SDIO is today the private contractor, the consultant. Also, we would like to demonstrate that many of these consultants are making $100 an hour, or $800 a day.

I have another amendment that I am not offering at this moment, but I will be offering it at the appropriate time, perhaps on this particular DOD authorization bill. That amendment addresses these contractors who get these millions and millions of dollars worth of private contracts from the SDIO program, and do we have a licensing system for them to find out who else they represent? How do we police the potential conflicts of interest? We have no real system except, as the Director of SDIO, Ambassador Cooper, maintains, we have a self-policing mechanism whereby the contractors themselves make certain that they have or at least state they have no conflict of interest.

Mr. President, I have another chart. This chart is somewhat, in my opinion, very alarming. I would like to pose the question to my colleagues: If we write a letter to SDIO, to the office, relative to a star wars mission or to a star wars contract, or to a star wars program of any sort, who answers the letters that Senators and Congressmen send to SDI? Answer: Contractors. Not Federal employees. Not necessarily Ambassador Cooper or his staff. But private contractors are today fielding and answering our letters.

Who is preparing the questions and answers today, Mr. President, for congressional testimony on the 1993 budget? The answer: Private contractors, who have most to gain, who have dollars to make, and who, in my opinion, have a direct conflict of interest.

Who has prepared letters for the signature of SDIO Director, Ambassador Cooper, when Ambassador Cooper writes us or other agencies of government? Answer: Private contractors.

Who represents the SDIO during a GAO audit as SDIO's corporate mem-

ory, Mr. President? Not the Federal employee who might have been there many years, but, once again, the private contractor.

Who is assisting the SDIO management staff as a stand-in during the project manager's vacation? When the Federal employee goes on a vacation, who is the stand-in, the substitute? The answer, Mr. President: It is a contractor or a consultant who many times is making $800 a day.

Mr. President, last, but certainly not least, let us look at this expenditure for a moment, the expenditure of thousands and thousands of dollars to a private consulting firm near Washington, DC, to try to look at different options on how the unobligated funds in 1990 and 1991 and through the 1997 budgets can be expended. In other words, Mr. President, we have not spent all the money in SDI programs. We have to hire a private consulting company to show us how we spend these dollars before the fiscal year ends.

Mr. President, what else do these private contractors do? These private contractors today are developing new military descriptions for the SDIO reorganization. In the SDI program today we are seeing the contractors have prepared all internal security directives such as the SDI security policy directive, foreign disclosure, foreign visits, and accreditation and information security policies.

All of this work, Mr. President, is being done not by the institutional Federal employee but once again by the consultant and the private contractor. Does that private contractor have security clearance? We are not certain. Does that private contractor have a license to operate or engage in certain missions for the Federal Government? We are not certain, Mr. President.

I do not have to have a license to be a contractor. I do not have to have a license to be a consultant for the Federal Government. To be a barber on the Air Force base in Little Rock you have to have a license. To be an architect you have to have a license. To be a physician, or a dentist, for the military, for the Government, you have to have a license, Mr. President, but to be a consultant and participate with your arm deep in this open money sack drawing money from the SDI program no license is required; no basic capability requirement is asked of you.

And very few times I would say, Mr. President, are these contracts in my opinion actually competively bid. They maintain that most of them are competitively bid, but I think to the contrary.

Mr. President, also what else do these contractors do? They are preparing congressional responses on program funding support. They have prepared a letter from the director to Congress. They have assisted SDIO in preparing a brief to the congressional overview committee on what SDIO has done in the last 6 years. In other words, Mr. President, the contractors themselves, the consultants themselves, have basically been stating to the Congress in policy directives as to what they have been doing and what their stewardship has amounted to.

We can rest assured as to the millions of dollars we are spending for these contractors they are going to give themselves an A-plus. They are going to give themselves a grade that does not require any further scrutiny, because it is going to be a perfect score on the test, because they are grading their own test results.

Now, Mr. President, what has happened here just since 1989? This is by the way 1989, when President Bush came into office and President Reagan had just left. This has nothing to do with Democratic or Republican politics or Republican Presidents, who is in or who is out. But, Mr. President, the fact is simple. It is very simple. We have seen an overall percentage change upping the percentage of private consultants and private contractors in the SDIO program for a 46-percent increase just since 1989. In 1989, $111 million of these dollars were expended for the private contractor and the private consultant. Today, Mr. President, we are seeing a request for $162 million for private consultants and contractors to help run the SDI Program and to help set the policy for the SDI Program.

Mr. President, once again my amendment would take the usage of private contractors and consultants no longer to the $162 million figure: it would take it down and cap it at the $100 million figure that we were having some time in the year perhaps of 1988.

Mr. President, there is another whole issue with regard to SDI that I would like to discuss at this time. I would like to discuss who is actually making the decisions as to how these billions of dollars are being expended, and this is not a very pretty chart. It is all in black and white. But I can tell you what it represents.

What this chart represents is something that I would very, very clearly call, and I hate to even use the word on the floor of the U.S. Senate—what this chart represents is incest. When I say "incest," Mr. President, I mean incest to the extent that this particular advisory board composed of roughly 15 individuals and individual companies who advise the Director of SDIO and the other officials of SDIO.

Mr. President, this advisory commission consists—and we have just taken some examples. Let me back up a moment, Mr. President. Who is the advisory Commission that tells the SDI Program how to expend these billions of dollars? Well, one of the participant-advisers is Booz Allen, another is Nichols Research, the other is McDonnell Douglas, and the other is Lockheed. They are members of the advisory committee. How are members of the advisory committee doing these days with SDI? Last year, one of the advisers, Lockheed, did pretty well. They got $393 million out of the deal. McDonnell Douglas did pretty well. They are on the advisory board. They are advising the SDIO staff how to spend the money. They advised themselves to get $308 million.

Nichols Research, I do not know who Nichols Research is, but they have done pretty well. They are sitting here on the advisory committee, and last year they pocketed a nifty $68 million from their activity. Here is Booz, Allen & Hamilton, they are throughout the entire system of Government. And you think, well, they did not get all that much out of sitting on the advisory board. They only got $6 million last year. But we are going to talk about them a little bit later, because they are going to show up down here in the other part of the chart.

Mr. President, here are the R&D contractors for SDIO. Here is McDonnell Douglas. Here they are again. They had already gotten $308 million. And now they are down here in the R&D contracting business. They advise up here as to where to expend, and here they are getting some $308 million as an R&D contractor.

SDI support contractors. Here is Booz Allen. Well, Booz Allen is getting another $2.2 million last year for their advice and consultation. Nichols Research, here they are, Mr. President, up here on the advisory committee member. Nichols Research pocketed another $9.8 million. So they are doing pretty well. They are advising how to spend the money and here they become a support contractor.

Again we find the SAIC subcontractors. Well, now here, Mr. President, is where the money really is. Booz Allen. Here is Booz Allen. They are into another $2.2 million.

Here is Nichols Research, once again an adviser, a research support contractor, and now a subcontractor for some of these other companies. Nichols Research gets another $304 million, in addition to the $68 million here and the $9.8 million. Here they are getting another $304 million as a subcontractor to these other companies here.

McDonnell Douglas. They are a fine company, Mr. President. They do a lot of good work. But they have another $100 million down here. I think that is certainly something that is worth their time and effort.

Here is Lockheed, once again. Lockheed is sitting here on the advisory panel. They have gotten $393 million here. Now they get another $115 million as a subcontractor.

So, Mr. President, when I label this whole system incestuous, it is incestuous, because the same people, the same companies that are advising how to

spend this money they are the recipients of the expenditure of that money.

I do not know why we have not brought this fact out before. I do not know why for the life of me, Mr. President, we have not been able to basically go over to the SDIO Office in the past, look at how these decisions are made, look at who these companies are recommending these dollars and how these dollars are being expended. I do not know, Mr. President, for the life of me, why we have not in the past done a better monitoring job on how the decisionmaking functions have been established within the SDIO Office.

Mr. President, also, we had another bout with the SDIO Office and that was when we talked about the travel of some of these contractors and some of the Federal officials who worked for that particular SDI Program.

I am going to put those travel figures in the RECORD. I may talk about them a little more.

As we know, I am serving as sort of the time-filler this morning until we decide what else to do here on the Senate floor.

But I am going to talk about perhaps some of these companies who travel at the Government's, the taxpayers', expense, and we are going to be discussing those as we discuss this particular amendment.

Mr. President, I see my distinguished friend, Senator COHEN from Maine. I have been talking here a lot longer than I normally talk.

Mr. President, for the moment, I am going to yield the floor and perhaps the Senator from Maine can illuminate us a little further on some of these concerns that I have expressed.

Mr. COHEN addressed the Chair.

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

Mr. COHEN. Mr. President, I would like to respond briefly to the charts that have been presented by my friend Senator PRYOR.

First, I submit for the RECORD a letter dated July 28, 1992, addressed to Senator PRYOR from Henry Cooper, the Director of SDIO. I believe he is referring also to the same charts that are currently placed before the Senate.

Let me summarize, if I can, what Director Cooper has stated. He suggests that the chart—and again I am assuming it is the same chart we are now looking at—he is suggesting the chart is factually wrong in that there is no current connection whatsoever between the 11 current members of the advisory committee that he appointed at the beginning of 1990, and the 4 contractors that are cited in the chart.

He indicates, for example, that "one of the current members consulted for Booz Allen in 1987 and 1989. No current member has ever been affiliated with Nichols Research. One of the current members consulted for McDonnell Douglas in 1988, and one of the current members consulted for Lockheed from 1987 to 1989. Three former members, of the advisory committee serving under other directors, also had a relationship with the named contractors."

So Director Cooper is suggesting that none of the current members of the advisory committee is in fact connected with any of the organizations laid out in that chart.

Second, he points out, even assuming they were connected—which they are not—that there are very serious conflict of interest laws and disclosure provisions that would preclude members from using their private positions to benefit these companies.

I ask unanimous consent that the letter be printed in the RECORD.

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

STRATEGIC DEFENSE INITIATIVE ORGANIZATION,
Washington, DC, July 28, 1992.

Hon. DAVID PRYOR,
Chairman, Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: We appreciate your leaving the record of your July 24 hearing on SDI use of contractors open to allow us to respond to the specific issues raised in the hearing. One of the charts you presented (attached) is factually wrong and extremely misleading. While we will provide the details for the record, I felt it was important for you to understand the facts. The chart alleges a direct connection between my SDIO Advisory Committee (SDIAC) and four major SDIO contractors: Booz Allen, Nichols Research, McDonnell Douglas, and Lockheed and is clearly meant to imply that this is a bad situation.

The chart is factually wrong in that there is no current connection whatsoever between the eleven current members of the SDIAC that I appointed beginning in 1990 and the four contractors you cite in the chart. One of the current members consulted for Booz Allen in 1987 and 1989. No current member has ever been affiliated with Nichols Research. One of the current members consulted for McDonnell Douglas in 1988 and one of the current members consulted for Lockheed from 1987 through 1989. Three former members of the SDIAC, serving under other directors, also had a relationship with the named contractors.

The implication intended by the chart is also very misleading. Even if such affiliations were current, the formal strict conflict-of-interest and disclosure provisions of the formally chartered SDIAC would preclude members from using their appointment to further private interest under penalty of law. These provisions are important to allow SDIO access to critical expertise in the strategic defense arena, even when the individual is affiliated with an organization doing business with SDIO.

As I testified at the hearing, I share your concern about the level of contract support I am required to use to execute my mission. Until I am able to expand my federal manpower, which I am working to do, I will continue to do my very best to insure that contractors are not performing inherently governmental functions in my organization.

Sincerely,

HENRY F. COOPER,
Director.

[NOTE.—Chart not reproducible in the RECORD.]

Mr. COHEN. Second, addressing myself to the larger issue raised by the Senator from Arkansas, I think that the Senator from Arkansas raises a valid point in the sense that there are types of work that can in fact be performed by Government employees as opposed to the private sector.

But I would like to at least point out that there are two types of work involved. The first kind of work is general office support work, such as drafting correspondence and testimony, doing program planning, writing reports to Congress, writing congressional budget justification material. I agree—I think all of us could agree—that this type of work could be done using Government employees and it may save as much as $15 million, probably more.

So I think that we could join the Senator's amendment to that extent by pointing out we could do this by Government employees.

The difficulty is that most of the contractors doing this type of work are small contractors or disadvantaged businesses. They are not large hardware contractors, the so-called Beltway Bandits. These small contractors, many of which are operated by section 8–A businesses, owned and managed by women and other minorities, as such, would be completely excluded from this work.

But it can be done, and perhaps it should be done, and that is something that perhaps we can agree upon.

The second type of work is very specialized technical knowledge. It requires detailed and unique types of expertise. These people are needed for a relatively short period of time to support the kind of procurement work that is involved with theater missile defense or other types of programs that we are pursuing right now.

Afterward, after utilizing these personnel for this period, there would be no work left for them. So what we have to do is call upon people who have very detailed knowledge in things such as phased array radar module technology, tests of lethality on foreign threat systems, relative maturity of optical focal-plane technologies, and the list goes on and on.

So what we could do is to ask Government employees to do this work. The only downside to doing it this way is we would have to tell them they would be employed for a very short period of time and then they would be laid off, because as soon as we moved beyond the procurement stage here they would be dismissed.

So I think that we can agree with the objective of the Senator from Arkan-

sas. If he is willing, in fact, to increase the staff level at SDIO in order to accomplish this work, move it out of the private sector, move it onto the Government payroll and provide for additional employees to do the work, I think perhaps we could agree to support the amendment of the Senator from Arkansas, at least this Senator could.

So I think with some amendments perhaps saying we are going to take it out of the private sector, put it back in the government sector, add the employees to do the work, add the cost of the salaries and pensions and other types of benefits that would go with public employees, then perhaps we could agree upon this particular approach.

Mr. President, unless the Senator would like to respond, I am going to move on to a different area, because we have some time while the leaders are negotiating in the leader's office.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Arkansas.

Mr. PRYOR. Mr. President, if I may respond to my good friend from Maine, a fellow member of the committee.

The letter of Mr. Cooper that the Senator entered into the RECORD is a letter and a position I am very familiar with.

I would like to make certain that I do not wish or desire to impugn the integrity, nor am I alleging any fraud or any legal wrongdoing, of any member of the advisory committee, the SDIO.

I have referenced this and we talked about this with Ambassador Cooper during the course of the hearings last month.

But I say to my friend, the period since the creation of the SDI program and ultimately the SDIO office, that during that period of time, whether it was 8 or 9 years, there have been some 30 members of the advisory committee. And during that time, we have taken some 30 of these members, we have looked at them. We are only pulling these 4 out during that period of 8 or 9 years' existence to show how they can be on the advisory panel and then ultimately end up being the recipients of the expenditures of SDI.

Mr. President, the Senator has basically entered his prepared statement, the letter of Admiral Cooper himself. And by the way I am going to—I do not have it with me—but I am going to place a particular page or two of testimony into the RECORD at an appropriate point. Because Ambassador Cooper said, when I was reading him off some of these justification reports and how they were paying each month all these huge contracts for these consultants, Ambassador Cooper himself looked at one of these I was reading and said, "This is puffery. This is puffery on the part of the contractors."

He did not apologize for it. He did not say we are going to straighten it out. He did not say that we are going to have the taxpayers go back and recoup some of this money that was paid due to the puffery of the contractor. He never said that.

In fact, I did not even sense any remorse. It sounded like it was just kind of a way of doing business. They are going to puff up their contracts and we are going to write them a check for it. I have seen nothing to the contrary. I have seen no cause of action against these contractors for puffery in their requests for taxpayers' expenditures—and I am appalled, as a matter of fact, at that.

Another point the distinguished Senator from Maine has talked about is the need for contractors and consultants who have a particular or a detailed expertise. I can understand in some instances we might need a contractor for a short period of time for detailed, expert testimony—experts in scientific fields, experts in research. I understand this. I have been a strong supporter of this concept.

But what we have done now, especially over the last dozen years—this did not start with any Republican President or Democratic President. It has just been a growing way, I guess you would say—a mindset that has become set in and become more and more entrenched within the Federal bureaucracy. That is, the Federal bureaucracy is saying we need more and more contractors to do our business. We need more and more consultants. We see the President getting up on the State of the Union Message and saying we are going to freeze the number of Federal employees. What he is also saying is we are going to increase the number of contractors and consultants.

One of the fastest rising expenses of the Federal Government is the cost of private contractors to do the work of the traditional Federal employee. So when we say we are going to freeze the cost of Federal employees, that means absolutely nothing except, if the past is prologue—except we are going out to hire private contractors to perform these services and these duties.

I call them the unelected government. Some call them the Beltway Bandits. Some call them the shadow government. Whatever the case may be, however we refer to them, they have done very, very well—very, very well indeed. In the past decade or so they have far outstripped what the Federal employee has been receiving in remuneration. But, more than anything else, we have drained the expertise of the traditional Federal work force and we have basically said, by our statements, if you want to make some real money, if you do not want to be under the ethics code of the Federal employee, if you do not want to be under the Hatch Act that most of these Federal workers are covered under—then you become a consultant, you be a private contractor, you get with one of these companies because you are going to make from 25 to 40 percent more. Many times you are not going to have to even competitively bid these particular jobs and these missions you want to perform for the Federal Government.

Mr. President, I have been preaching for a long time about this, in fact some 13 or so years, on the floor of the Senate, about the use of contractors and consultants. To be honest, I have not made any headway. I have seen OMB redefine the definition of what a consultant is. I have seen the departments out there and the agencies of Government time and time again try to get by the definition of what is a consultant, what is a contractor. I have seen them justify sole-source contractors to the extent today, throughout the Federal Government, over 60 percent—over 60 percent of all the private contracts that we have are no longer competitively bid. They are sole-source contracts.

We have seen time and time again this mentality that has taken hold of our federal system of Government, saying no longer do we have the capabilities and the expertise in our Federal work force to perform what are, many times, the most mundane of services and we have gone out and reached out within the beltway and we have said come in, you do this work for us. And ultimately we are seeing the expertise of our Federal work force decline.

Once again I have an amendment, another amendment, that is going to really send some shock waves, I think, through the consulting-contracting world. That is going to be an amendment that is going to require a license for all of the people that do work for the Federal Government—it is going to require a license. It is going to set up—yes, I hate to say it—another bureaucracy. I hate to call it that, but I will admit it will be restrictive. Because we should restrict the number of Federal contractors that we have in the Federal Government. We should be very selective about who we hire; do they have a conflict of interest; are they representing a country whose policy might be contrary to the policy and to the national defense and to the best interests of the United States of America? We have no checks and balance system now, Mr. President, with regard to finding out who else they work for.

I know who we are going to hear from first. We are going to hear from a lot of my good friends who are lawyers downtown. They will say, wait a minute, we do all this work for the Federal Government, we do all this work for the contractors. Do you mean to tell us that to get a license to be able to work for the Federal Government that we are going to have to reveal who our other clients are?

Mr. President, the answer is yes. We are going to require that. Because we

think under the sunshine efforts that we have been able to come forward with and be successful within in the last several years in this Federal system of ours, we think it is our business to know who else these people represent when we are hiring them to do the work of the United States of America. We think that is very basic to the integrity of our system and also to make certain the conflicts are not there.

Mr. President, I have made my statement. I think there may be others on the floor. At this point I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND].

Mr. THURMOND. Mr. President, the Strategic Defense Initiative Office [SDIO] is staffed by only 269 personnel, who must execute a $4.3 billion program. In order to manage contracts and oversee contract execution, SDIO must hire contract support personnel. This is sound management.

To reduce the number of contract support personnel means a reduction in the management and oversight of contracts awarded by SDIO. It would also result in increased cost due to delays in awarding contracts.

The Pryor amendment provides for no increase in SDIO personnel to offset reductions in contract support personnel. If an equal number of personnel were added to SDIO, it would be eliminated by the Pryor amendment, perhaps some savings could be achieved by reducing the need to buy the services of contract support personnel.

As a practical matter, SDIO is unlikely to ever bring into Government service all of the expertise needed to effectively manage a complex program. Furthermore, good government requires that program managers tap into the external, nongovernmental points-of-view to avoid too narrow a look at such a complex acquisition program as SDI.

Mr. President, I cannot support this amendment in its present form.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I appreciate so much the distinguished Senator from South Carolina, my friend, Senator THURMOND, for injecting another part of this argument that I should have included. He has stated that it is very necessary, with an agency like the SDIO which has some 269 or so Federal workers, to hire outside contractors in order to complete the mission of SDIO.

The Senator from South Carolina has brought up a valid point and, just to touch on the tone and a couple of other of those points, I think it will be necessary for me to remind the Senator from South Carolina and my colleagues that today basically the contracts that are awarded by SDIO are awarded by contractors. Contractors are giving the awards to other contractors.

Then, if the SDIO says we are not certain that we need all of these numbers of consultants and contractors, how does SDI decide who should make the decision whether we have too many contractors or consultants?

Ironically, Mr. President, the SDIO hires a contractor, they hire a consultant to perform a study to determine whether or not we have too many contractors or consultants or too few. What do we think the result is going to be under that system, Mr. President? Of course, it is going to demonstrate that we have to hire more contractors, we have to hire more consultants. The reason is, it is a conflict of interest. It is a pure, unabashed, raw conflict of interest, Mr. President, that, in my opinion, we should correct. And the only way to begin this correction—and by the way there is still a lot of fat I am leaving in there, I regretfully say—is to put some cap on the number of dollars we can use for contractors outside of the Federal work force. Perhaps it will make the Federal work force and the Director of SDIO and the other officials more conscious that there cannot be just an open money sack that continues any longer without any ceiling whatsoever.

Mr. President, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, if I might, I would like to move on to a different issue, at least for purposes of discussion this morning, while the leadership is continuing to negotiate—although those negotiations may have just concluded—about how we intend to proceed for the rest of the day. I would like to take a few moments to at least alert my colleagues to an issue that we discussed last week but did not fully and finally resolve.

Mr. President, the issue of nuclear testing has become so polarized and politicized that I am afraid it is all too easy to lose sight of both our objectives and some basic facts. We have made, in fact, remarkable progress in negotiating substantial reductions in nuclear arsenals. While we have made substantial reductions, we are not yet on the verge of eliminating nuclear weapons from our inventories. We are going to have to live with nuclear weapons for some time to come, so we have to ask ourselves the question: Exactly what kinds of nuclear weapons do we want to have during that time?

For years, a number of people argued that we need to stop developing new, more lethal nuclear weapons, and that the only way to do this was by imposing a ban, through congressional fiat, if necessary, on all nuclear testing. I think, given the changed security environment, most of us would agree that we do not need to develop new, more lethal nuclear weapons. The administration now agrees with that position, as well. So the argument which, for decades, has formed the cornerstone of the case for test ban, I think, now is irrelevant.

But what remains relevant is the fact that many of these nuclear weapons which we intend to keep in our stockpile for the indefinite future are dangerously unsafe. Equally relevant is the fact that we can make these weapons much safer if limited testing is allowed to be conducted. So, when crafting our policy regarding nuclear testing, this should be our principal objective: To make the weapons we retain safe. Closely tied to this should be our other priority objectives: To promote arms control negotiations and to strengthen the nonproliferation regime, most notably through the 1995 review conference of the Nuclear Nonproliferation Treaty. Proposals for a congressionally imposed moratorium on U.S. testing ought to be evaluated on the basis of whether and how well they make progress toward those goals.

The amendment that was adopted last week on the energy and water appropriations bill, while certainly far better than the measure that was originally proposed by the Senator from Oregon, does not meet this test. It does not even address the nonproliferation efforts, and it would not permit the Department of Energy to conduct the necessary testing to make our weapons safe.

What I hope to do today, assuming we can resolve the issue of time agreements and order of proceeding, is to offer an amendment that I believe will go a long way toward correcting the deficiencies in the measure that was adopted last week. I would like to take just a few moments to describe this amendment in some detail.

My amendment would impose an interim moratorium on all U.S. nuclear testing in order to put us back on a track of negotiations to achieve a strengthened nonproliferation regime and reciprocal, verifiable testing restrictions that would lead to a comprehensive test ban.

So my amendment would require the President to report on the following:

A date for resumption of the nuclear testing talks with Moscow during fiscal year 1993. Not just a vaguely worded report that they intend to proceed. This would require a specific date for the resumption of those talks in Moscow in the next fiscal year.

It would include the U.S. strategy to expand those talks to include the other nuclear weapons states with the objective of achieving a verifiable comprehensive test ban by 1998. There is some notion that, if we only deal with Moscow, that is going to be sufficient to have a comprehensive test ban. That is simply not the case. Given the fact that we have witnessed a proliferation

of nuclear weapons in the past, we are likely to see some in the future as well.

The President would also be required to report on U.S. strategy to achieve renewal and the strengthening of the Nuclear Nonproliferation Treaty at the 1995 review conference. Again, nothing really is mentioned on this in the amendment that was adopted last week.

The President also would have to report on the Test Ban Readiness Program, which is intended to improve our ability to maintain a small nuclear stockpile with only limited or even no testing.

A number of people have claimed that the administration has not been aggressive enough in pursuing negotiated restrictions on testing and really has not been focused on the tremendously important objective of extending and improving the Nonproliferation Treaty.

My amendment would force the administration to get serious on these matters by prohibiting all nuclear testing until we receive the administration's strategy for achieving these arms control and nonproliferation objectives. That ought to be one of the major goals of this Congress, to force this administration or the next administration to deal seriously with the subject of countering the proliferation of nuclear weapons and to strengthen the regime for that control.

That should be the purpose of the interim moratorium, not simply to impose a moratorium and let the clock run for 9 months or a year as, in actuality, the amendment that was adopted last week would require. We ought to be striving to impose a moratorium in order to force the administration to promote those negotiations and nonproliferation efforts.

If my amendment is adopted, after that moratorium period is over, we will have made demonstrable progress on these objectives, much more progress than would result from the Hatfield amendment that we adopted last week. Then once that initial moratorium expires, testing could resume but only under very restrictive circumstances.

My amendment would permanently prohibit testing to develop new, more lethal nuclear weapons, including so-called third-generation weapons such as new Earth-penetrating warheads and microwave weapons, which earlier this year the weapons laboratories indicated they wanted to pursue. So no new nuclear weapons. We are going to permanently prohibit the testing for any new types of weapons.

Under the amendment that I am proposing, the nuclear testing program would be focused on incorporating safety features into the existing types of weapons, with a strictly limited number of tests to be allowed to assure the reliability of those weapons and the survivability of systems against nuclear weapon effects.

My amendment would write into permanent law an annual cap on the number of nuclear tests of five per year, no more than three of which could exceed 35 kilotons. Of those five tests per year, no more than one could be used for nonsafety purposes. The total number of tests permitted before the 1998 cutoff date, as opposed to 1996, regardless of the purpose of the test, would be 20. So we are looking at a regime that would allow for five tests per year, only one of which could be for nonsafety purposes and only three of which could be in excess of 35 kilotons. And the total number of tests could not exceed 20, including the British, I might add, during that entire period of time.

Sixty days before each proposed test, the President would have to certify the nature and purpose of the test and why the test is necessary. During the time of that certification period, Congress would have an opportunity to examine the certification of the President and to express its disapproval, if it should choose to do so. So it would give us, Members of Congress, ample time to examine the certification of the President as to why we have to conduct a test and then to express our disapproval, if necessary, in order to seek to prohibit the President from pursuing that test.

Under my amendment, the U.S. testing program would conclude, as I indicated, by the fiscal year 1998. This would provide the Department of Energy with a realistic amount of time to do the research, engineering, and testing needed to incorporate into our nuclear weapons the kind of safety devices and features that I think all of us agree we need to have.

A decision to halt our testing program obviously cannot be divorced from the testing practices of potential adversaries or the negotiations on testing limits or a comprehensive test ban. The Senator from Oregon [Mr. HATFIELD] acknowledged this fact, and he wrote into his amendment a waiver that would lift the U.S. testing halt if Russia subsequently tested.

Mr. President, by limiting that waiver to Russia, we certainly are excluding a host of other potentialities. It may be that Russia, in fact, will be an ally of the United States and not an adversary as it has in the past. We might face a different threat in the future, from Kazakhstan, Iran, China, or some other nation. So the way in which the amendment was written and approved last week would simply say at the end of 1996, if Russia resumes testing, all bets are off; the United States can go forward without any restrictions.

I think that would be a critical mistake for us to make. We cannot predict what is going to take place in the future. A year ago many Members of this body voted against allowing the President to use force to intervene in Kuwait. A year later, here we are looking at an entirely different world picture. We are looking at a situation in which we have one Germany now and two Czechoslovakias. We are now looking and talking about the possibility of using military force to intervene in the civil war currently raging in what used to be Yugoslavia.

None of us can safely predict what is going to take place in this age of future shock when time is accelerated by events. So for any of us to think or profess that we somehow have the perspicacity to look 3, 4, 5, and 6 years into the future and make a determination now with absolute categorical assurance these are the circumstances that will prevail and on that basis we will mandate an absolute cut off of testing unless Russia resumes nuclear testing, I think would be a serious mistake.

Mr. President, if we want to get a comprehensive test ban, we should leave the President with some flexibility in his negotiations. It may be that at that very moment when U.S. testing is to be cut off he may be seeking and on the verge of achieving a comprehensive test ban, not just between Russia and the United States, but with many other nations, and we ought to at least leave him some flexibility.

So my amendment would allow the testing halt to be suspended for a year if the President were to certify that he was actively engaged in negotiations and that a statutory ban on testing undermined that negotiating position.

I might point out that suspending that halt for a year would not necessarily mean we were going to test, just that the statutory ban would be lifted for a year. But in either case, Congress would have an ample period of time to review and, if Members so desired, to act to reject the President's certification.

So if the President in the year 1998 certifies to Congress that "I need to have the opportunity to test, at least the flexibility to conduct that test," we would have the opportunity to say, "Mr. President, we reject that proposal and pass a resolution of disapproval."

Now, Mr. President, I believe that this procedure which would mandate a cutoff by 1998; allow a total of 20 tests, including that of the British, during that period of time; and then ultimately give the President a modicum of flexibility, which we in turn could reject, would be sufficient to protect the interests of this country and to achieve our goals of striving to end nuclear testing once and for all, to achieve a comprehensive test ban treaty, and to stop the proliferation of nuclear weapons.

So I hope that during the course of today we will have an opportunity to discuss this at some length. I wanted only to take the floor for the moment to alert my colleagues of the content of the amendment I will be offering.

I might point out that last week I did in fact represent to my colleagues that I would offer this amendment, because many people who supported the Hatfield amendment last week also indicated they would like an opportunity to further refine the testing ban that was passed last week. I believe this amendment comes very close to achieving our mutual objectives.

Mr. SEYMOUR. Mr. President, I rise in opposition to the pending Bumpers amendment because it would deeply harm the administration's ability to enforce the bipartisan Missile Defense Act of 1991. This carefully crafted bill resolved several decisions about the future of America's ability to defend itself against ballistic and intercontinental missile threats that could arise in any region of the world.

It prescribed a prudent and measured timetable for the President to determine whether the provisions of the Antiballistic Missile Treaty make the strategic defense initiative an ongoing dialog among laboratory researchers or a credible program to deter future military threats to the United States and its allies.

And it finally blended the three major components of SDI into a coherent whole by calling for a system that incorporates ground-based interceptors at home, theatre missile defense weapons abroad, and workable interceptors based in outer space.

On a larger scale, Mr. President, it cast aside the chains of the cold war in the debate over the ultimate feasibility of SDI. The Missile Defense Act no longer upheld as sacred policy a treaty that this country concluded almost 20 years ago with a very different Soviet Union.

As we debate the SDI amendments, we should no longer fear the fact that the chains of the ABM treaty have loosened. Today, the Soviets have neither the political unity nor the technological capability to keep the ABM treaty intact for all time. President Gorbachev recognized this fact in 1990 when he told the United States that he would be open to discussing changes in this document if new security threats to the superpowers warranted it.

He saw a different world unfolding before him, yet some Members of the Senate seem blind to it today. This world is now full of tyrants—both existing and potential—who did not sign the ABM Treaty and who do not conduct their foreign policies by any treaty. They are unbounded by the constraints negotiated in the halls of international diplomacy. The CIA, among other agencies, informs us that their ballistic missile capabilities—both tactical and strategic—will grow rather than diminish by the year 2000.

The Missile Defense Act opened a window on this new world by urging the President to pursue a renegotiation of the ABM Treaty with the Soviets to allow additional ground interceptors, ABM sites, and space-based interceptors.

But in looking toward this new world, the committee did not leave the one in which we now live.

The Soviet Union still stands as the only nation on Earth capable of visiting massive destruction on the United States within 30 minutes. We still have no certain idea of who will control the Soviets' modernized strategic nuclear arsenal in the long run.

Now to those who say that a robust American SDI would only prompt the Soviets to build bigger and better missiles, I reply that technology and democracy have caught up with the Russians.

They cannot afford an expensive, sophisticated arms race, and so the President was able to sign a new nuclear weapons agreement with Boris Yeltsin this June. Furthermore, Yeltsin has said time and again that the Kremlin's military expenditures must fall under control because the economic frustrations of his own people cannot be contained forever.

An amendment, therefore, that deeply cuts the SDI program would deprive us of new opportunities to stabilize the United States-Russian nuclear balance of power. It would also sap our ability to combat the emerging strength of third world dictators thirsting after a new generation of ballistic, chemical, and nuclear warheads.

I therefore urge my colleagues to reject the pending measure.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. I thank the Chair.

Mr. President, in this hiatus of Senate action, I would like to take the opportunity to indicate my intention, with my colleagues Senator MACK and others, to offer an amendment to the defense authorization bill relating to yet another of the aspects of the collapse of the Soviet Union on United States national security and defense policy.

That remaining aspect to which this amendment will be directed, Mr. President, is Fidel Castro. Fidel Castro has been maintained in power for almost a third of a century, largely through the military, economic and political support of the former Soviet Union. At one time, the former Soviet Union was providing to Cuba an amount estimated to be in excess of $5 billion a year of economic assistance, substantial military aid, and political collaboration. All of those forms of support now are beginning to wither. Thus, the question for the United States becomes what steps should we take in this post-cold war era in order to facilitate and accelerate the transition of Cuba to a democracy, Cuba to a country that respects human rights, Cuba to a country with which the United States can have normal political and economic relations, to a Cuba which will no longer be a nation which sees as its manifest destiny the export of revolution not only within this hemisphere but also around the world.

Mr. President, I have spoken previously as to legislation I have introduced which has been described as the Cuban Democracy Act. The bill that will now be offered as an amendment is essentially the same legislation. The principal changes that have been made are changes that will conform it to technical alterations that have been made in the course of the bill's consideration in the House of Representatives; also, a deletion of tax measures at the request of the Finance Committee.

I would alert the Senate of my intention to offer these tax measures as part of the comprehensive tax bill that we will shortly be considering.

Mr. President, the amendment that I will offer has broad bipartisan support. It has been cosponsored by 51 of our colleagues. President Bush has endorsed this legislation. Governor Clinton has endorsed this legislation. The House Foreign Affairs Committee, after extensive hearings and markup, has reported almost identical legislation. The Foreign Relations Committee has had a day of hearings on this bill for which I express my appreciation to Senator DODD. Indeed, the Senate itself has already expressed itself not once but three times on one of the major provisions of this amendment, a provision which would close a loophole in the current economic embargo against Cuba. The Senate last voted on this measure, Mr. President, on July 20, 1989. It passed this provision to eliminate what has become a major opportunity for the avoidance of the United States embargo against Cuba.

That loophole-closing provision passed 82 to 13. The amendment which we passed was introduced by my colleague, Senator MACK, who has continued to give strong leadership to that provision within the Cuban Democracy Act. Since then the Senate has approved this provision by a voice vote on two subsequent occasions.

Despite the Senate having been on record in support of this key provision three times since the summer of 1989, here we are still trying to enact this provision into law. Mr. President, it is my hope that this time in 1992 we will be successful. By every measure therefore this provision, the amendment of which it is a part, represents a consen-

sus view that has broad bipartisan support.

Mr. President, this Senate has provided leadership at a number of pivotal points in debating this country's relationships with authoritarian governments. From South Africa to Chile, from China to Serbia, this Senate has shown leadership and resolve. Cuba should not be an exception to the Senate's proud record in standing up to authoritarian governments that abuse their people.

Mr. President, this amendment is based on several premises. The first is that Castro is as weak today as he has ever been. This is no time to take steps, even inadvertent steps, that might strengthen his hand. Rather we continue to hear from dissidents inside Cuba to keep the pressure on, to take all possible peaceful steps to end the repression and violence once and for all.

Mr. President, I draw to the attention of the Senate a recently published book by Pulitzer Prize-winning author Andres Oppenheimer entitled: "Castro's Final Hour: The Secret Story Behind the Coming Downfall of Communist Cuba." This book, published by Simon & Schuster, provides detailed analysis of what has occurred in Cuba in the last few years, and the implications of those events on the coming downfall of Fidel Castro.

One of the events which the book suggests is the collapse of what support Fidel Castro has had around the world.

Mr. President, I ask unanimous consent to enter in the RECORD immediately after my remarks an article from the Wall Street Journal of August 7, 1992, entitled: "Cracks Appear in Cuban Government After Castro's Ill-Starred Tour of Spain."

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, this article recounts the chilly reception which Fidel Castro has just received both by the leadership of governments in this hemisphere as well as in Spain itself, and by the people of Spain. But more ominous are the implication which this reception has received in terms of future actions inside Cuba itself.

Quoting from the Wall Street Journal article:

* * * human rights activists are convinced Mr. Castro plans to oust reform-minded Cuban officials.

"There is a purge of reformers coming," says Ramon Cernuda, a Miami based human-rights activist who keeps in daily contact with activists on the island. Mr. Cernuda says Cuban state security agents have told human-rights activists to prepare for a wave of repression. "Our people are very worried about it."

"There are rumors," says Jesus Yanes Pelletier, a human-rights activist in Cuba, in a brief telephone conversation. "We don't know."

Mr. Cernuda says he's convinced Mr. Castro is preparing to jettison reform-minded officials who'd been useful to him in placating Latin American and European governments that have been pressing Mr. Castro to democratize Cuba. The reasoning, says Mr. Cernuda, is that with the debacle in Spain, Mr. Castro feels the reformers have outlived their usefulness. The possibility of political reform appears dead, so he no longer needs to keep closet reformers who oppose his policies.

Mr. President, we may be on the verge of yet another bloodbath in Cuba. We have the opportunity to take action which will demonstrate our revulsion at those types of actions, and our willingness to strengthen the economic and political isolation of Fidel Castro as a means of accelerating the demise of his regime and therefore the lifting of the people of Cuba from the siege of terror with which they have lived for better than three decades.

The second premise of this amendment, Mr. President, is that we should do all that we can to increase the flow of information to the Cuban people.

This amendment for instance would expand mail and telephone service. It will increase pressure on Castro, while humanely expanding the means for the tens of thousands of families on the island to remain in touch with their loved ones who have fled.

As we know, Mr. President, it was exactly that approach, the use of satellite television, fax machines and other means of pouring information into the former Soviet Union and its satellites in Eastern Europe, which proved such an important factor in finally toppling the authoritarian regimes in those countries.

Third, we should call on our allies to support our efforts. By no means do we try to punish countries doing business with Castro. Instead we simply state that countries which are conducting subsidized trade with Cuba should expect no help from us. After all, if it was the intention of the United States of America to subsidize Cuba we could do so more effectively directly.

We give the President discretion to make these decisions that will apply to our allies a standard that says: If you choose to engage in subsidized trade with Cuba, there will be an economic consequence in terms of your relationship with the United States.

Fourth, Mr. President, our Government's policy toward Cuba seems to be one of letting events run their natural course. I am not certain what the natural course of events are in Cuba today. What I do know is this: If we are to achieve a peaceful transition to democracy, we must have in place a coherent and comprehensive policy that will help achieve that goal.

In a real sense, the American people are being given a reprieve. We had an opportunity to play a positive role in shaping the future of the postcolonial Cuba after the Spanish-American War. From 1898 until 1905, we were heavily involved in Cuba. We exercised tremendous influence and could have laid in place foundations that would have contributed to a long-term democratization, an economically strong Cuba.

However, Mr. President, I am afraid that what we did was clumsy, ill-planned, and contributed to a series of tremors which eventually led to the earthquake of Fidel Castro. We missed our opportunity at the end of the last century and the beginning of this century. That was bad enough. To miss it twice would be an outrage.

Mr. President, specifically, the amendment which I intend to offer at the appropriate time contains the following details. It closes a critical loophole in the Cuban embargo. Under the current embargo, subsidiaries of United States companies are still allowed to trade with Cuba. This amendment would close that loophole.

I might point out that since 1989, since the fall of the Berlin Wall, the amount of trade under that loophole has increased dramatically.

Second, it will establish civil penalties for organizations engaging in illegal trade with Cuba. Currently, only criminal penalties are provided, making it unnecessarily difficult to punish violators.

A third specific of this amendment, Mr. President, will authorize United States funding for nongovernmental organizations in Cuba. We want to accomplish in Cuba what we achieved in Eastern Europe, in the former Soviet Union, and in Nicaragua. We want to support labor leaders and human rights activists.

A fourth provision would require our Government to establish strict limits on remittances to Cuba by United States citizens. These remittances, for instance, finance the travel of Cubans to the United States. The Treasury recently placed a $500 ceiling on travel remittances to Cuba. We support that level. We believe it is important enough to have it in law.

Fifth, it expands phone service between Cuba and the United States. Existing service is of very poor quality. Cuban-American families pay 5 to 10 times the normal rate to place calls through Canada or other countries which do not limit phone service to Cuba.

Next, Mr. President, this amendment would direct the United States Postal Service to provide direct mail service to and from Cuba. Although Cuba now opposes direct mail service, our Postal Service has never been encouraged to aggressively try to negotiate such an agreement. Lack of postal service causes great hardship for divided families. We hope those in power in Cuba acknowledge the interest of the Cuban people at least in this instance.

Mr. President, finally, the amendment outlines a policy toward post-Castro Cuba. I consider this to be one of the most important elements of the

amendment, because it essentially provides the open door. Yes, provisions in this legislation will increase the economic hardships in a nation that is already suffering from severe deprivation. That portion of the amendment states to the Cuban people what would be the consequence of continuing to tolerate its current authoritarian leadership.

The provision relative to United States policy toward a post-Castro Cuba represents the other path, the open door toward a new hand of friendship. If the Government of Cuba is freely and fairly elected, the United States would grant full diplomatic recognition. The United States would provide emergency relief during Cuba's transition to a viable economic system. The United States would encourage debt rescheduling or cancellation. The United States would end the embargo. These steps will be taken only after the fall of communism. Any shipments of food and medicine in the meantime will be granted for humanitarian reasons and will benefit only the Cuban people, not the Cuban authorities.

Mr. President, the day when we will be dealing with a post-Castro government is fast approaching. We must adopt a policy that hastens that day and prepares for the day after. This amendment will advance us toward that goal.

Mr. President, we are debating a defense authorization bill. Many of the changes that are the subject of the amendments and debates that will occupy our time are focused on changes in U.S. policy which have been driven by the fact that our adversary for almost a half century has largely disappeared. We are dealing with the reverberations of that collapse of the Soviet Union. I believe, as I said in the beginning, that one of those reverberations to which we should heed and pay attention is in our own neighborhood, a country which has, for 30 years, been denied the democratic wave of freedom and prosperity that has come to so much of this hemisphere. I believe, therefore, that, at an appropriate time, the Senate should turn its attention to what should be the policy in the post-cold war era in order to bring a new day of democracy and freedom and respect for individual rights to those long-suffering neighbors of ours in Cuba.

Mr. President, I look forward to that opportunity and hope that it will soon be available to us. Thank you.

EXHIBIT 1

CRACKS APPEAR IN CUBAN GOVERNMENT AFTER CASTRO'S ILL-STARRED TOUR OF SPAIN

(By Jose de Cordoba)

MIAMI.—More isolated than ever and demoralized after Fidel Castro's disastrous trip to a summit of Spanish-speaking presidents in Spain last month, Cuba's government is showing signs of strain.

For the first time in 33 years, Mr. Castro has indefinitely postponed Cuba's most important political ceremony, the 26th of July speech in which Mr. Castro traditionally gives a state-of-the-revolution address. The date marks the anniversary of Mr. Castro's attack on a military barracks in 1953 and the birth of his movement.

Officials at the Cuban Interest Section in Washington—which acts as Cuba's embassy in the absence of diplomatic relations between Cuba and the U.S.—said yesterday they don't know when the ceremony, scheduled for the city of Cienfuegos, will be held. "They don't know what to say," says Carlos Alberto Montaner, a Madrid-based leader of the Cuban Democratic Platform, a Cuban exile opposition group.

Separately, some human rights activists are convinced Mr. Castro plans to oust reform-minded Cuban officials.

"There is a purge of reformers coming," says Ramon Cernuda, a Miami-based human-rights activist who keeps in daily contact with activists on the island. Mr. Cernuda says Cuban state security agents have told human-rights activists to prepare for a wave of repression. "Our people are very worried about it."

"There are rumors," says Jesus Yanes Pelletier, a human-rights activist in Cuba, in a brief telephone conversation. "We don't know."

Mr. Cernuda says he's convinced Mr. Castro is preparing to jettison reform-minded officials who'd been useful to him in placating Latin American and European governments that have been pressing Mr. Castro to democratize Cuba. The reasoning, says Mr. Cernuda, is that with the debacle in Spain, Mr. Castro feels the reformers have outlived their usefulness. The possibility of political reform appears dead, so he no longer needs to keep closet reformers who oppose his policies.

"If they can't persuade international opinion, and are an irritant domestically, then they become a net loss," says Mr. Cernuda. He expects a number of high-ranking officials known as reformers to be accused of corruption or similar charges, and removed from their posts.

Mr. Castro's visit to Spain, Cuba's most important Western trading partner, which Mr. Castro hoped would be a triumphal tour that would gain him political breathing room and perhaps financial aid and foreign investment, turned into a fiasco. Mr. Castro was mocked in the Spanish press, which made fun of everything from the Cuban leader's concern for his security to his human-rights record.

For instance, El Pais, Spain's most influential newspaper, referred to him as a "dying star" whose trip to the region of Galicia, where Mr. Castro's father was born, "can only be understood as part of the magical surrealism of those lands."

Instead of large friendly crowds, Mr. Castro's every step, from the moment he landed in Madrid, were dogged by small groups of determined Cuban-exile demonstrators whose protests on occasion kept him from speaking. In Galicia, however, he did get a friendly reception at his father's ancestral village.

Worst was the icy treatment Mr. Castro received from his hosts. In a direct reference to Cuba, Spanish Prime Minister Felipe Gonzalez said, "We don't want either political prisoners or political exiles in our community." To underscore his alienation from Mr. Castro, Mr. Gonzalez met for almost two hours with Mr. Montaner and other Cuban exiles, the day after Mr. Castro left for home.

Mr. WARNER. Mr. President, I would like to join in continuing what I deem absolutely essential in vigorous opposition to the amendment of the junior Senator from Arkansas [Mr. PRYOR]. I was in the majority leader's office, together with the Republican leader, working on scheduling at the time my colleagues gave their important rebuttal. I wish to reinforce what they said and add a few of my own observations.

First, a major portion of the defense authorization bill, a portion that was in large measure fashioned by the distinguished Senator from Georgia, deals with defense conversion. In other words, we recognize the numbers of individuals being put out of work in the defense industry.

The Pryor amendment goes right against that whole concept of the bill, because what the Pryor amendment is designed to do is to put people in the private sector out of work and build up the numbers in Government. It has an extraordinary appeal, when we all try to sit around here working on building greater efficiencies in the Federal Government, to come to the floor and say it is now time to build up the numbers of Government employees.

It is a clever amendment, because the Senator from Arkansas recognizes full well the personnel ceilings imposed by the Department of Defense. Let me give you one example. Would the Senator put that chart up showing the numbers? I see the Senator coming back on the floor. If I understand that chart, those numbers represent some statistics that the Senator got from the guard that checks people in and out as they go to and from the SDIO offices. Is that correct?

Mr. PRYOR. I will respond to my friend from Virginia that I do not know if a guard furnished these statistics or not. I do not think any guard furnished these statistics.

Mr. WARNER. My understanding, through a staff contact, is that the——

Mr. PRYOR. I will be glad to give my friend the precise answer as to how these statistics were obtained. I have always felt that we got these statistics from the SDIO office. These are not our figures. These are figures from SDIO.

Mr. WARNER. Fine. But my understanding is that they were provided from the logs maintained by the security guards who check individuals as they come in and out the doors.

My point is that, obviously, the contractors are not resident. They do not have desks in there. They are resident in private sector offices outside, and they have to come with great frequency to and from the SDIO offices to perform the work. I urge my colleagues to look into that, because I am deeply concerned, as the Senator from Maine and the Senator from South Carolina said, that we are going to first rivet into this a reduction in the 8(a) type of contractors, which are largely owned

by women, areas where this body has, from time to time, put great emphasis to try to give them encouragement.

Let me give some statistics to my friend. My staff will provide him with the documents from which I am about to read so he has the opportunity to fully understand the point I wish to make.

Let me look at just one segment of these contracts. CTI, Inc. That is a contractor that will be hit right head on by this amendment. It does publishing and graphic support. The cost is $4.3 million a year to the Federal Government. It is an 8(a), minority owned.

Second, Harris Co. Support for program management, draft correspondence, and budget input, $3.8 million. Female or minority owned. Right into this chart right here.

CTI, Inc. Support for POM and program management agreements. Develop SDIO management. Info system. Provide briefing, meeting, graphics, publication support; $21 million, 8(a).

This is an anti-8(a) amendment. Make no mistake about this. Make no mistake about it.

SEMA, Inc.: Support Office of Technology Applications, maintain technology data base system, analyze SDI programs for technology transfer, $7 million.

RJO, Inc.: Acquisition, programmatic support, $21 million. Develop award/fee guidelines, draft proposal evaluation plans, scoring methods, independent cost estimates. Another 8(a) firm, $21 million.

We can go on.

So I would like to have an opportunity to hear my good friend from Arkansas, what is it he wishes to do about all the 8(a) contractors who are already petitioning this Senator and others for the inability of the Department of Defense to get even greater amounts of the work allocated to these very deserving people who need this type of support in order to maintain a viable part of our society and to gain that experience to go on to even greater heights?

A second type of service being performed by the outside contracting world, which is the target of this amendment—at any time I will yield for comments by my good colleague—and that is the expert advice being given by engineers who have spent their careers studying a certain type of engineering. For example, phased radar model technology, test of lethality on foreign threat systems, relative maturity of optical fulcrum technologies.

Do we want to begin to build up a whole laboratory system, with permanent Government employees, civil service, pensions? This is what we are going to have to do in order to maintain this SDI Program as a viable part of our R&D. We would have to build up a whole laboratory bringing these individuals in and recognizing when we do that it is unfair to them as professionals, because we only need them for 6, 8, 9 months or even less periods of time within which their expertise is applied to their program, the answers are resolved, and we go on to another technical problem. We have to hire a whole new group of technicians to come in and answer that series of technical problems.

Let me give you another example: Evaluation of secret performance, architecture for Middle East theater defense, test, and evaluation systems analysis for kinetic energy, develop natural test bed, analysis of natural and perturbed environments.

Why should we build up a whole civil service structure to get answers, if we are going to vote—which I hope eventually it will be—$3.3 billion or even the $3 billion that the senior Senator from Arkansas wishes, $3.3 billion? We have to have a viable program. And this effort goes right to the heart of the ability of the SDIO office, the Federal Government, and the Secretary of Defense, to perform the programs which the Senate is directing them to perform at whatever level of funding is ultimately decided upon.

When I look at that situation in contrast to the major thrust under this bill to have defense conversion to try and protect people from being thrown out of jobs in the private sector who have given so much of their lives and careers toward building up our defense, I say to myself I cannot rationalize what is the objective of the junior Senator from Arkansas. I will be happy at any time to yield, because I am very anxious to engage in a colloquy.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, first, I am a little bit flabbergasted in taking part here in just a moment by my friend from Virginia, Senator WARNER, when he said—he said it twice—this is an anti-8(a) contract amendment. The 8(a) contract, of course, we know was reserved for minority firms and minority individuals. And, Mr. President, I had absolutely no idea whatsoever that the Senator from Virginia nor any one else nor any 8(a) contractor would ever think for a moment that this particular amendment was an anti-8(a) contract amendment. It is not. That is not the purpose of it, whatsoever. And this is absolutely camouflage to throw into the debate at this time that this is some sort of amendment to keep minorities from getting Federal contracts, and I resent it, Mr. President. It has nothing to do with this amendment.

There is another point of this debate I resent, Mr. President, and that is the implication that the so-called Pryor amendment to the SDI approach is going to increase the number of Federal employees. That is the mindset around here.

Mr. President, all this amendment does is say we are going to cap at $100 million what we expend in the SDIO office for private contractings. It does not say that we are going to allow the SDIO office to increase the number from 269 Federal employees to 369 or 469, or what have you. It has nothing to do with that. They are going to take the same number of Federal employees, but at the same time going to get back with fewer dollars to run their private consulting contracts.

Mr. WARNER. How does the Senator propose to do the work that was done by these employees that would be deleted?

Mr. PRYOR. I answer my friend from Virginia, it is very simple. If the Bumpers-Sasser amendment prevails, there is going to be $1 billion fewer in contracts. Does it not stand to reason if you have a $1 billion fewer in contracts you are going to need fewer contractors to oversee the contracts, fewer Federal employees to oversee the contracts, because there are going to be fewer contracts to oversee?

In my opinion I wish we could cut it by $2 billion and then we could really make some reductions in the administrative costs of SDIO. We are going to have fewer contracts to go at.

Mr. WARNER. I ask my good friend—we will have eventually a vote, which is being decided by the distinguished majority and Republican leader at this time, on the Bumpers amendment—if that amendment fails will the Senator from Arkansas withdraw his amendment?

Mr. PRYOR. Mr. President, I did not hear the question.

Mr. WARNER. I am happy to repeat it, perhaps a little more forcefully. If the amendment from the junior Senator from Arkansas is predicated on the amendment of the senior Senator from Arkansas prevailing, when we vote once again the funding level as posed by the series of amendments from the senior Senator from Arkansas, the Senator from Tennessee, and should those amendments fail, would the junior Senator from Arkansas be prepared to withdraw his amendment?

Mr. PRYOR. Mr. President, I answer my distinguished friend with a loud and resounding "no." This amendment is not predicated on the amendment that was failed to be tabled, offered by the Senator from Tennessee and the Senator from Arkansas on Friday. This amendment stands on its own. It is an attempt to cut out the fat, the bureaucracy, the contracting bureaucracy, I might add, of the SDIO office. It is that pure and simple.

We stated here, I say to my friend from Virginia, that contractors today are awarding the contracts; contractors today are answering the letters that we send to SDIO; contractors are asserting the policy of SDIO. And I would say if I could, Mr. President, to

my friend from Virginia, we are not talking about adding to the Federal payroll; we are talking about subtracting from the consultant's and the contractor's payroll. It is that simple. It does not do any more than that. We take them back to a level of about 2 years ago and say, "Sure you can have $100 million in this one little office; $100 million in private contracts if you want to. But, you are not going to have $162 million. You are going to tighten it up. You are going to become a little leaner and you are going to make certain that these consulting and contracting dollars hit the target."

And today I think that the Senator from Virginia would actually agree with me that there is a great deal of this work being done that is not necessary and we are paying far too much for these particular services.

Mr. WARNER. Mr. President, I wonder if I might reply to my good friend by going into some detail here as to precisely what it is the employees, who are subject of this amendment, are performing. I do not wish to be redundant, even though I have not had the opportunity to be on the floor throughout the entire debate.

I am advised that I should return to the majority leader's office momentarily. But I would like to cover this one point.

Has the Senator given the details as to what these employees who would be the object of this cut, what form of work they perform?

Mr. PRYOR. I say to my friend from Virginia, I have. I have stated some of the points for the record, and I would be glad to go further.

One thing they do is they monitor congressional hearings. They write congressional statements. They write letters on behalf the SDIO Director. They are setting security policy for the SDI initiative. They are doing everything, but they are not covered under the ethics law. Most of these contracts, in my opinion, are sole-source contracts.

And I have stated to my colleagues that we have what I call an old buddy system here. There it is. That is the old buddy system. This is where the advisory committee is up here, sitting there with some 14 or 15 companies and individuals, they are the ones that are getting all the money. They are advising how the money is to be spent, and they are the ones receiving all the money.

I wish I had a deal like that, Mr. President. I would love to have a deal like that. It is foolproof.

Mr. President, I know that the distinguished Senator has to leave for a meeting possibly with the majority leader. I would be glad to engage in this discussion later if he desires to leave the floor.

Mr. WARNER. Mr. President, I desire to leave the floor, but in my absence the Senator from Maine is here and he is as familiar with this program as am I.

But I have not been satisfied with the Senator's response in how this is not an anti-8(a) program. I have given the Senator the names of a half-dozen firms. I hope at some point the Senator would address those firms as to whether or not they would be the object of this cut.

Mr. PRYOR. Mr. President, SDIO is going to have $100 million. They can hire every 8(a) contractor in the United States of America with that $100 million, should they do desire—$100 million. How many other agencies or departments of our Government have consulting contracts and consultants hired to the tune of $100 million?

I must say once again, Mr. President, I resent the accusations that this amendment is an anti-8(a) contractors' amendment. It is not. It has nothing to do with this.

I hope I can convince my good friend from Virginia of that fact as the afternoon goes on.

Mr. President, I guess the afternoon is in fact going to go on, but I am going to sit down. I see my good friend from Nevada and others desire to speak.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I see the comanager of the bill now is my friend from Maine. I am wondering if anyone would have an objection to my speaking as if in morning business?

If not, I ask unanimous consent that I be allowed to do so.

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

(The remarks of Mr. REID and Mr. GRAHAM pertaining to the introduction of S. 3160 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. 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.

BOSNIA

Mr. LIEBERMAN. Mr. President, earlier this morning, I gather that my friend and colleague from Arizona, Senator DECONCINI, took the floor to indicate his continuing concern, agitation, anger about events that are occurring in the former Yugoslavia, and his impatience with the fact that the Senate has not yet scheduled the amendment that he and I and many others of both parties have cosponsored which would express our outrage at what is happening there and would support the use of military force to guarantee the delivery of humanitarian relief, as well as to enforce any decision that the Security Council may take to gain access to these detention camps to determine exactly what is happening there.

Essentially, this resolution supports what the President is already negotiating with our allies, particularly Britain and France, and which the Security Council apparently will take up later in the day. He calls on the Security Council to consider certain other actions but leaves it to them, such as suspending the arms embargo, with the hope that the civilized world may decide that it is only fair that we begin to give the Bosnians some opportunity to defend themselves; that the U.N. Security Council consider convening a war crimes tribunal for the Serbian leaders, and so on.

Mr. President, my friend and colleague from Arizona apparently indicated this morning that until there is some agreement that makes clear that there will be a time certain during which this Senate will debate our resolution or some other resolution on Bosnia before we depart from this Capitol on Wednesday evening, that he intends to deny any unanimous-consent agreement to proceed further on the bill.

I come over to the floor to indicate that I intend to stand with him in that denial of a unanimous-consent agreement because, no matter how important matters are, procedural concerns, the differences between Members in the Chamber, there is a crying need for us to speak out and to speak out with strength to support what the President is doing and support what the Security Council is doing and to give some support to the people of Bosnia and warning to the leadership of Sebria that is carrying out this horrendous onslaught.

Mr. President, I looked at this morning's New York Times. Do you want to know why there is an urgency? Front page story:

> Serbian forces are tightening a noose around northwestern corner of Bosnia and Hercegovina, cutting food deliveries and escape routes for 300,000 increasingly desperate residents.

Ibrahim Kozlica, described as a Moslem who operated a cafe in Bihac in this area says:

> They are trying to clear this area of Moslem people. I wanted to send my wife and children out, but there is no way. We are waiting for God to save us.

Further in the article, Cedric Thornberry, civilian affairs director for the U.N. peacekeeping force in former Yugoslavia says:

> It's a human and political calamity that's just waiting to happen. It will require a major change in policy on the part of the Serbs if that calamity is not to occur. Many of us have nightmares about it.

The commander of United Nations military mission here, Maj. Ziaul Haider of Ban-

gladesh, met with the local Serbian leaders. * * * They said they want to move all Moslems out of Bosnia and replace them with Serbs, he recalled. They really don't have any military objective. The shelling is directed to civilian areas to terrorize people. * * *

Evidence of the growing isolation of this region is clearly visible in the Bihac Hospital, where doctors have begun treating severely malnourished infants.

Lars Neilsen, a Danish relief worker is quoted as saying:

They looked like victims of the Ethiopian famine. Pediatricians tell us that in many cases, they don't even make it to the hospital.

Mr. President, if we, knowing what we know is happening, listening to the reports from the U.N. personnel there, eyewitness reports of the intention of the Serbs to strike at civilian populations, to remove people forcibly from their homes simply because of their religion, which in this case is Moslem, do not debate and I hope adopt resoundingly a strong statement of concern and support for the use of force, at least to bring humanitarian relief to these people, then really what are we and who are we and what is the purpose of our service here?

Leaders around the world, our allies in Europe, the President of the United States, the U.N. Security Council, responding to the evidence of what is happening in Bosnia, are all working with speed and devotion to express their outrage and make something happen. It is time, certainly before the Senate breaks this week for the rest of August and into September, that we join this chorus of moral outrage and strength.

Remember what Cedric Thornberry of the United Nations says here:

It will require a major change in policy on the part of the Serbs if that calamity is not to occur.

And what is it that can possibly bring about that change of policy on the part of the Serbs, who have been moving with recklessness, with viciousness, throughout Bosnia? We are not sure what will stop them. But one thing I know: The possible fear of allied military force against them holds a better hope than anything else we have tried up until now of getting them to stop their aggression, their brutality, and get to the peace table.

I think it is critically important that before we leave here this week, the Senate makes clear on behalf of the people of the United States we are ready to send that message of force to the Serbs. We leave it to the Commander in Chief, the Security Council, and our allies in NATO to determine exactly what form that message takes. but let us not be stymied with 101 reasons why we should not act. Let us give the President and the Security Council the power to act.

So again, finally, I am going to stand with Senator DECONCINI respectfully in objecting to any unanimous consent agreement on this bill until there is a time certain set for debate on a resolution concerning Bosnia.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if the Senator from Connecticut will remain a few minutes. Perhaps we can together have a colloquy on this important issue.

I have stated earlier today that my objection today to try to vote is that tomorrow morning the Senate Armed Services Committee, under the leadership of the Senator from Georgia and myself, is going to have a very thorough hearing by two panels of recognized military experts, and hopefully they can shed some light, in addition to some excellent articles that have been written and statements by experts particularly over this weekend, on the military implications of each type of assistance that might be rendered under a proposed U.N. resolution.

So it would be my hope that whatever vote the Senate wishes to make would take place after that hearing, so that at least that information is a matter of record before this body.

But I would like to just ask my good friend several questions. I am still searching for information as to whether or not the type of persecution we have now witnessed through the television, taking place in camps conducted by Serbian interests, is not in some manner to be found in comparable situations of internment maintained by Croatian interests, perhaps Moslem interests, perhaps Bosnian interests.

In other words, if we were to rush and bomb Belgrade, as Mrs. Thatcher, the former Prime Minister, said, cut the bridges, hit the ammo supplies, take the risk of killing innocent civilians in and around Belgrade and other places, then all of a sudden, if we do get the International Red Cross in, we might find that comparable situations, equally deplorable to the outside world, are taking place in other camps under the control of other forces.

This is a civil war, three parties fighting each other: Croatian, Moslem, and Serbian. What assurance do we have, if we launch out into some type of military action, as advocated by some—Mrs. Thatcher, notably, the former Prime Minister—what proof do we have that we do not turn and find, in due course, that same type of problem is existing in other camps?

I ask the question of my friend.

Mr. LIEBERMAN. Mr. President, in responding through the Chair to the Senator from Virginia, I am reminded of something said over the weekend, which is that we can find 101 reasons not to do something here. But we have plenty of reasons to do something. The question now is what is appropriate.

I do think there is a danger—I say this respectfully to my friend and colleague—of a certain moral neutrality as we look at what is happening. This is a complex situation. We know that there are historic conflicts between the various ethnic and religious groups there.

But if I may say so, the record is clear about where the preponderance of evil, of unacceptable behavior over the last year has rested. The record shows, from the time that Yugoslavia began to dissolve, a steady course of Serbian aggression, first into Croatia, now into Bosnia, and many fear, if we do not stop it here, into Kosova, Macedonia, and perhaps wider.

But second, and equally clear, again in testimony from U.N. officials that I have read today, the course of action by the Serbs is unacceptable and outrageous. Yes, there are historic conflicts between the Moslems and Bosnia, the Serbs, and the Croatians. But there is no evidence that the Moslems or the Croatians are doing to anyone what the Serbs are doing. They are hitting civilian populations, ethnically cleansing regions—an antiseptic term that belies what it is. It is the beginning of a genocide.

I use the term hesitantly. It is not a genocide. But it is the removal of almost 2 million refugees from Yugoslavia—not voluntary, not economic refugees. That is two-thirds of the State of Connecticut forced out of their homes by the Serbs, tightening a noose around Sarajevo.

Here is the testimony of the U.N. officials, having spoken to the Serbs, saying: "They"—the Serbs—"really do not have any military objective. The shelling is directed to civilian areas to terrorize people." They said they want to move all Moslems out of Bosnia and replace them with Serbs.

So it seems to me that the evidence is clear and justifies this statement of policy.

If I may, just for one moment more, respond to the Senator——

Mr. WARNER. Mr. President, the Senator is verifying my second point. Thus far, the resolution which I understand is being pursued in the United Nations is that all necessary means—which implies the use of military force—will be used to get relief to those injured persons in Sarajevo and into the camps, presumably, although those camps, as I pointed out the other day, are quite distant from the port where the supplies would have to be brought.

But in listening to the Senator from Connecticut, he is understandably greatly concerned about the shelling, the war. But that is a civil war. Is it the Senator's thought that we should intervene in that civil war to stop the firing of the cannons and the mortars? What is the extent to which the Senator wishes to have the United Nations participate?

The resolution, as I understand, now being drafted is narrowly crafted because of the concerns of Great Britain, France, and many other nations about getting relief in, in support of certain people being damaged in many ways, in the camps and otherwise, by this aggression but not to stop the origin of the aggression.

Mr. LIEBERMAN. Mr. President, responding to the Senator from Virginia, the resolution to which my name is attached has limited purposes, which are to ask the President to go the Security Council for an authorization by the Council for the use of force to enforce Security Council decisions to deliver humanitarian relief, and to gain access to the camps.

Those are the two limited purposes.

Now, it is quite possible——

Mr. WARNER. Mr. President, how does that stop the shelling and the civil war?

Mr. LIEBERMAN. If I may, Mr. President, it is quite possible that second purpose, with regard to the camps, will not be necessary because I gather—and it will remain to be seen whether this actually occurs—that the Serbs have said they would open the camps now to the international Red Cross for Inspection.

But I told the story because the Senator from Virginia seems to be suggesting that we should not act until we are certain that the Moslems or the Croatians are not doing acts against the Serbs that are equally as reprehensible as the Serbs. That is the kind of moral relativism or neutrality or passivism that does not relate to the facts. No one has alleged that the Moslems or the Bosnians or Croatians are running the kinds of detention camps that the Serbs are running. No one has alleged they are trying to remove Serbs from the areas of the country. So action is justified here by the uniquely horrible acts taken by the Serbs.

The direct answer to your question: The resolution, again, does not call for involvement in a civil war. I personally feel that we may come to a point where the civilized world, having tried to deliver humanitarian relief, may feel that it is necessary, as Mrs. Thatcher has said, to impose some pain on the Serbs, perhaps by hitting the military depots or the bridges or the like to show our seriousness. But we are not at that point now. That is not the point of the resolution.

Mr. WARNER. If I may ask my friend another question, because my main concern is for the American people to understand as many of the facts and the implications as we can possibly provide in the brevity of time that exists: If we are to provide all necessary means, military forces, to escort, presumably, the United Nations food trains and relief trains and medical supplies up to the camps, they are going to pass through areas in which, although not subject to confinement in camps, the people are suffering to just as great a degree as those with the misfortune of being in the camps. Along the road will be the ravaged villages and other suffering people. Do we not help them, will we proceed along these narrow paths up to the camps? What do we do? This problem is so complex, as our President has pointed out time and time again in the last 48 hours when people are critical of him for not acting more aggressively.

Well, as I look into this thing, to me there is good reason why our President has been very cautious, as have other world leaders, in reaching such decisions as they may in the next 48 hours. One of them, as the Senator promised, raise the hope that you are going to carry relief supplies using military force to drive up the narrow path to get to them. Expectations of many are raised. I want to make certain we understand what the goal is we are trying to achieve. The specific question is do we ignore the plight of the people in the villages who are not in the camp, many women and children, because of their extraordinary separation of male and female, as a part of the intrinsic baffling nature of this conflict over there? What do we do with those people as we go up through the villages on the way to the camp?

Mr. LIEBERMAN. Mr. President, the questions being raised now by the Senator from Virginia are ones that he might well raise with President Bush himself and our allies from France and Britain because the President is calling for the use of military force, all necessary means including military force, to guarantee the provision of humanitarian relief.

Again, the Senator from Virginia and I stood together here on this floor when it came to Operation Desert Storm. It is important to try to know as many of the implications of a very serious, profound act such as that and this, but ultimately, I think we understood that in that authorization resolution we adopted in January 1991 we could not deal with every potential military contingency. What we were doing was expressing a policy, which is that the Iraqi invasion of Kuwait demanded a response, which was the use of force.

Here in this resolution, we are asking for an expression of policy, which is that the suffering of these people, because of their religion and nationality, at the hands of the Serbs demands a response, probably now requires the use of force, and we will leave it to the Commander in Chief and to the generals as to what should happen, how that should be carried out.

Mr. WARNER. I say to my good friend, we simply cannot make a political judgment and then toss this into the hands of military experts unless we make quite clear what are the goals that we wish to achieve.

Let me ask another question of my friend. Indeed, we did stand side by side on this floor through one of the historic debates in this Chamber on the Iraq resolution. So I know my good friend comes with a clear conscious, and I think the root of some of his deepest concerns reflect back to the tragedies of World War II when the world did stand idle.

I am all in favor of having some type of action, but I want to make sure we understand what it is. This brings me to the question of ground forces. How do we get this supply train, this relief train up through this extraordinary terrain, mountains, valleys, where very few military forces poised on the top of the hill can hold up a very substantial military force trying to work its way up through a narrow path. If we have to deploy ground troops—and that will be brought out tomorrow in the course of our hearing in the Armed Services Committee—from whence do they come?

I find some concern in having our President take this leadership that is being clamored for by many who are criticizing, and then saying, "Oh, no, the heavy lift, the real heavy lifting of the ground troops has to be done by others." I find it somewhat inconsistent that you take the leadership, you get the United Nations resolution, and then you say, "Oh, the high-risk element of this has to be done by others." How do we answer that question?

Mr. LIEBERMAN. Mr. President, I am not here today to criticize the President. I see this resolution as an expression of support for what I gather he is doing now. And, again, let us distinguish here. The use of the term "ground forces," I do not think anyone in this Chamber, certainly not the Senator from Connecticut, wants the United States or our allies—but this is the United States Senate, let us talk about the United States—to intervene on the ground in the war that is going on in Yugoslavia. However, to be true to the goal that the President has stated and that this resolution embodies, the delivery of humanitarian relief to these people who are being chocked off may require the use of some personnel other than in the air and in the waters of that area. I think we have to acknowledge that.

But let me say directly, I am willing to acknowledge that here, and to say that I accept the responsibility that goes with that. The exact dimension——

Mr. WARNER. Excuse me. Let us define that responsibility as implicit in this operation of "all necessary means" to get relief supplies to these remote areas, ground forces of some nation or nations will be involved.

Mr. D'AMATO. If the Senator will yield——

Mr. LIEBERMAN. I will add one point and then I will yield. The Sen-

ator from Virginia referred to the clamor, the concern of many of us, and said that he thought he had an understanding of the origins of my concern going back to what happened in World War II. I want to say respectfully that is part of our concern. I presume that is part of all of our concern.

Mr. WARNER. I assure the Senator it is part of the concern of all on both sides of the aisle.

Mr. LIEBERMAN. Absolutely. Let me just add that I am motivated equally by not just the sense of moral responsibility that we all fear because we worry that this is the beginning of a genocide happening, at least a torture and forcible removal of people simply because of their religion, Moslem in this case. But I feel that this is a defining moment in the post-cold-war world, and that, if the civilized world does not get tough here with Serbian aggression, there is not going to be any order to the new world order, that the post-cold-war world in its way will be more insecure than the cold war. There we had definable lines, the conflict was clear, and we had a standoff.

(Mr. WELLSTONE assumed the Chair.)

If we turn away from this kind of aggression here in Europe, there is an enormous danger that all the other pools of ethnic hatred and national tension will break loose and there will be a wider conflict in Central and Eastern Europe. None of us want that.

Again, I fear that history tells us twice in this century that we turned away from conflict in its early stages in Europe only to be drawn in later at an enormously greater price in the blood of Americans. I do not want that to happen again. That is what motivates me to ask for this expression of force.

Mr. WARNER. Mr. President, I do not disagree with those statements. I could have easily made them myself, and I have, I think, throughout my career. Let us have a narrower question.

Look in the eye of Hometown, U.S.A., from whence our soldiers, sailors, airmen, and marines come—the men and women that will be called on to do this job. Are we implying that America will commit ground forces if we seize the high ground, seize the leadership and say, march on, and with all necessary means get those relief supplies up through the various areas of Bosnia? A simple question: How do we answer Hometown, U.S.A.? Are our troops to be involved or not on the ground?

Mr. LIEBERMAN. I think what we say to Hometown, U.S.A.—obviously, I have thought about that, because that is the moment of truth, the confrontation that we all think about and have to be prepared for. What we say is that in the interest of our stature as the moral leader of the world, in the interest of the security of a world post-cold-war, in the interest of avoiding a wider conflict in Europe in which Mr. and Mrs. America—more Americans would be drawn in, this is the time for the measured use of force.

I gather from stories that I have heard and read that what is being contemplated in the plans that are being drawn up is American involvement in air strikes and Western European involvement on the ground. I do not know that, I say, in all fairness and completeness, to the Senator from Virginia. Again, I feel very strongly that the role of the U.S. Senate is to gather as much evidence as it can and express policy. It is the role of the Commander in Chief to carry out that policy. The President did it ably in Operation Desert Storm, and I have confidence in him and the leaders of the allied nations to do the same here.

Everyone understands the complexities. Nobody reasonably will rush into a wider conflict in Yugoslavia. We are talking about limited, measured, sequential use of force. And the problem here is, What is the alternative?

The alternative is to stand by, read the stories I have read today—another 300,000 Moslems trapped, starving, babies malnourished—and simply say there is nothing we can do. We have an obligation to do whatever we can reasonably and appropriately do. I have confidence, once again, in the President as Commander in Chief to determine exactly what that use of force is.

Mr. WARNER. Mr. President, should we not be likewise willing to accept—the Senate of the United States, the Congress of the United States—the responsibility of telling our people, as does the Commander in Chief at some future time, that ground forces may be involved and they may come from Hometown, U.S.A.? Should we not accept that commensurate responsibility as we make these policy enunciations?

Mr. LIEBERMAN. Mr. President, absolutely. In proposing this resolution, I accept that responsibility. In recognizing the authority of the Commander in Chief, I do not intend to put all the responsibility on his shoulders. I do so in what I think to be the appropriate constitutional delegation of responsibility.

Mr. WARNER. Well, I thank my good friend. We have had many opportunities to debate together. I know he feels as keenly as I, that the men and women in the Armed Forces likewise need some protection in the form of making certain they understand what is involved if they are called upon, what are our goals if they are called upon, and what are the associated risks.

Only history can dictate those associated risks, the answers to that, because there is a great deal of history, not only World War II, but going back 1,000 years in this most unusual part of the world. The strife between these factions emanating from differences of religious belief has been persistent in bloody warfare for 1,000 years. And the uniqueness of this terrain renders less effective so many of our weapons which are high tech, and comes back to the simple foot soldier.

Mr. McCAIN. Will the Senator yield?

Mr. D'AMATO addressed the Chair.

Mr. WARNER. Parliamentary inquiry. Does the Senator from Virginia have the floor?

The PRESIDING OFFICER. Yes.

Mr. WARNER. I yield to the Senator from New York.

Mr. D'AMATO. I am wondering why it is—and I understand that the Senator is attempting to point out the various ramifications of how this situation could possibly deteriorate into the United States being required or committing land troops. I do not think anybody who has worked on this resolution is asking that to be the case. But I do believe what we are saying is that it is time for more than just rhetoric. It is time to demonstrate and to commit to the world community that we are ready and willing, under the leadership—yes, of the United States, because the United Nations has failed to provide the moral leadership—to do what must be done to bring about the kind of pressure that those in Belgrade will understand.

Here is Belgrade. I do not believe that we should seek out, nor that anyone would attempt to persuade a course of action, or bring about a course of action, which is a cessation of the bombing and entrapment of people in Sarajevo, and a new town that comes to our attention, Bihac, where there are 300,000 people now being besieged. How do we get Milosevic and the Serbs to stop this kind of killing? It is not just by attacking targets in the mountains, but there are economic targets close to Belgrade. There are fuel depots, there are railroads, there are powerplants; there are any number of those that, if hit—and they can be rather easily hit—will bring to the people in Belgrade a message that we are not going to allow their government to continue the slaughter and entrapment of the innocent.

Why should we look at this as if someone who proposes this amendment, or his solution, is saying to go into surrounding Sarajevo and dig these people out. We are not saying that.

Mr. WARNER. The resolution says, "use all necessary means to get relief trains up to those geographic areas" which, incidentally, I brought in that very map and pointed that out 2 days ago.

Mr. D'AMATO. Let me suggest to you that probably one of the areas is Novi Sad, which is miles away. But you knock out those gas lines, you knock out—and tell them we will continue to increase the pressure—those powerplants in Belgrade, you knock out

those rail depots, which they need to provide not only munitions, but also in terms of keeping their own industry going, and then you will begin to get the 9 million Serbs to say: What is taking place? They are hurting us; our electric does not go on; we do not have power and water; and we are going to face famine and pestilence, and the world community does not sit by; it is not just by sending troops in to dig them out of the mountain passes.

That is the absurd argument being put forth that suggests that the Senator from Connecticut and the Senator from Arizona and the Senator from New York are saying, go in and dig them out. No; we are saying use whatever means necessary and, of course, when we say that, we are not saying to have the death march into the valley, as we have heard in that famous poem over and over. We are not saying that.

We are not saying that. But we are saying hit them economically. You will have that option. You have the option to build the pressure so that finally their own people will say we have to cease, and if they cease then we can come to some terms.

Mr. WARNER. The Senator's hypothesis presupposes what we call in military parlance a clear command and control; namely, that if you were to inflict painful damage to Serbia that that government in turn controls the belligerent forces now wrecking devastation within Bosnia. It is quite clear that that command and control is a matter of great dispute among the experts who have been into that area and the U.N. forces themselves.

Mr. D'AMATO. I suggest it is naive really to think that these forces that have come from these ethnic Serbs who may have lived in Bosnia, they have not had this firepower and not had the kind of volume of weapons and supplies had it not been coming from Belgrade and coming from Bihac. It is naive. To say they have day-to-day acknowledged every act they take in the field, no. No, we cannot prove that kind of thing. But it is just not realistic to suggest that the guerrillas in the field, so to speak, are carrying this kind of activity on themselves; that there is not coordination now when they look to cut out Bihac's 300,000 people. It is not coordinated—of course coordinated to that extent—to the extent they are directing when the mortars are going to be fired; of course; no one is suggesting that. To suggest that Belgrade does not have incredible influence and has not created this and they are not part of a greater plan for greater Serbia is just not believable.

Mr. WARNER. Mr. President, I suggest that the good Senator come to a hearing tomorrow at which time the military experts will address that question of naivete, and I assure him that the testimony, credible on both sides of the issue—there is not the tight command and control that the Senator imagines between Serbia and the insurgent forces.

I yield for a question from my colleague from Arizona.

Mr. McCAIN. I ask my friend from Virginia, if in the immortal words of the famous beloved Yogi Berra, this debate may be dejà vu all over again. With all due respect to my friend from New York and my friend from Connecticut, the argument we have just heard is almost the exact same argument that was used in 1965 to commence the bombing of North Vietnam. The argument was that if we bomb those powerplants, if we destroy those bridges, they will stop supplying the Viet Cong in South Vietnam. I wonder if the Senator from Virginia does not find such an argument eerily reminiscent.

Mr. WARNER. Mr. President, I was there in the Pentagon at the very time the distinguished Senator from Arizona was on those bombing missions and later incarcerated in prison camps. He knows firsthand the answer to that question.

Mr. McCAIN. If I might follow up with another question to my friend from Virginia, does he remember that we became involved in a civil war in Vietnam, a war between the north and the south, in which we felt the use of air power could somehow decisively end the conflict? I am very pleased, by the way, that the Senator from New York does not contemplate the use of American ground troops in this effort, but also I wonder if the Senator from Virginia remembers that bombing targets in rough terrain in Vietnam, where we could not separate friend from foe or military from civilian, was very different from bombing fixed positions in the desert and Kuwait?

Does he remember the Korean war—in which the Senator from Virginia served with great distinction—where we deployed enormous amounts of air power and bombed all the supply lines, and emplacements that we knew of in both North and South Korea and failed to decide the outcome?

We all share a common concern, compassion, sorrow, anger, and frustration over the terrible tragedy that is unfolding in Bosnia and the other parts of what once was Yugoslavia.

All of us are enraged when we see these terrible atrocities taking place.

The question is what can we do to affect the outcome of this tragedy? I would suggest to the Senator from Virginia, and I have a very long statement about this at the proper time, that the Europeans are the ones who should bear the primary responsibility for solving the problem. It is our European friends who have excellent military capability and who have fine armies and air forces in place. I would suggest that to contemplate sending American young men and women into combat without a U.N. mandate for a multilateral force without Europe agreeing to provide most of the forces, and without a clear-cut strategy to determine both where we are going to begin, and what the end game is, is a recipe for failure or the kind of symbolic success that will have no long-term meaning.

Further, before we go in we must consider the cost of getting out. If American pilots are shot down and captured, how will we get them returned, much less ground troops? How are we going to combat a guerrilla war if we do halt the use of heavy weapons? How in the world, as the Senator from Virginia well knows, we are going to identify targets that we can bomb? A few scattered highly mobile artillery weapons are not only hard to target, Serbia guerrillas can easily shift to mortars, rocket launchers, anti-tank weapons and other weapons we cannot target at all? And, what good does it do to cut off the electricity in Belgrade when there are people in the mountains surrounding Sarajevo shooting children as they try to get to the airport on a bus?

Noble words and well-intentioned rhetoric are not enough. We have to deal with the reality of this situation, and focus on what we actually can accomplish and achieve here. I have heard time after time during this debate about comparisons with our success in Kuwait and the Persian Gulf war. There is another comparison I would ask my friend from Virginia about. Does he remember Beirut? The Senator from Virginia and I remember all too well when Marines were sent into the airport in Beirut in order to secure that airport. They were sent for much the same reasons as we are attempting to secure the airport in Sarajevo. Tragically, more than 200 of those young Marines gave their lives in a terrible tragedy, because we had no strategy, no end game, and no way to use military force to achieve our objective.

I would like to say to my friend from Virginia that I think that he is correct. We need to listen, and to pay close attention to General Powell, the heads of the military services, and the men and women who will be required to do the sacrificing if we become militarily engaged. I think it is of the utmost importance that we should not forget to use our heads, as our emotions react to the very real atrocities we are seeing. We will have very different emotions the first time the bombing raids that the Senator from New York contemplates cause a bomb to go astray and strike a school, a hospital, an apartment house. We will have different emotions the first time innocent civilians are killed, whether it be outside Belgrade or outside Sarajevo. We will have a different view on the efficacy of the use of air power.

Mr. WARNER. Mr. President, I congratulate the Senator, he speaks with a voice of authority and experience.

I would like to ask one question before the Senator departs the floor. Sensitive though it may be, it bears on this. But if we do not learn from the lessons of the history that the Senator has so vividly recounted we may well in the famous words of a person a lot more intelligent than I be doomed to repeat them. I do recall at the time that we intensified the bombing on Haiphong and Haiphong Harbor in the fall of 1972, and as we did so I ask the Senator, what happened to those Americans and others who were incarcerated? I find it difficult to think that if we launched the type of attacks which the Senator from New York describes as painful to the Serbian government, painful to the Serbian people that they in turn would not bring about some of that pain on the very people who are incarcerated in these camps, which is the object of so much discussion today and concern.

Mr. McCAIN. I believe that the Senator is correct in that statement. Further, we already know that the Serbians have already threatened reprisals. We cannot bow to such threats, but the recent months have proved we cannot ignore them.

I also want to emphasize what the Senator from Virginia has been saying in such a articulate fashion. Let us have our military leadership tell us how we can use force in a beneficial fashion. If they can give us a plan, as they did in Desert Storm where we can see a light at the end of the tunnel, that it is not a train, we face a different situation. If that light is the same light we saw in the Vietnam conflict, then I think the Senator from Virginia is all too correct in his warnings to the Senator from New York.

If we have expert military advice to prove military action will achieve the right, results, that is one thing. But, for us to sit here in this body and decide to bomb this place or bomb that target, et cetera, is quite another. In my view, we have no base of knowledge, background or experience to make such judgments.

I would also remind my friend from Virginia of another thing he knows all too well. If we send those young men and women into a conflict which turns into a quagmire, their military leaders will be the ones who will be held responsible, and not the Members of this body. At an absolute minimum, we ought to listen to what their views, and to how they think we can best end this tragedy in a beneficial fashion. I thank my friend from Virginia.

Mr. WARNER. I thank my friend.

Mr. PRESSLER. Will the Senator yield?

Several Senators addressed the Chair.

Mr. WARNER. Mr. President, I just want to make sure with that interruption how much I and all other Senators appreciate the insight and knowledge that the distinguished Senator from Arizona has and what thoughtful comments that he has brought to bear on an otherwise tragic situation. He has been a strong voice, strong voice of reason and patience, and a strong voice in fully informing the people of this Nation of the consequences of any action taken by the United Nations and the likelihood that it would involve men and women of the Armed Forces of United States.

I thank my friend.

I yield for a question from the Senator from South Dakota, and then I will be happy to yield for a question from the Senator from Washington.

Mr. PRESSLER. I thank my friend from Virginia.

My reason for cosponsoring this amendment and for supporting the position of the Senators from Connecticut and New York is that I think that this represents a defining moment in our foreign policy for the next 10 years. This is the same reason I voted for a similar resolution in the Foreign Relations Committee last week.

I think that in the new world order, the new order of nations that we have, the United States, Europe, and Japan, and other countries will have to be prepared on a multicountry basis to have some kind of special force or a special type of force of a limited number of highly trained volunteers who can carry out ground operations, in conjunction with the use of air power and other technologies to deal with certain situations over the next 10 to 15 years.

I think that we have a new set of circumstances facing us. If we back away from the situation in the former Yugoslavia, we will be backing away from a great many other situations that are going to happen in the next 10 years—indeed, situations that may be encouraged by the lack of a strong response here.

Let me say that this is a rather ironic debate. The two sides have traded positions, so to speak. I heard many of the same arguments used by proponents of this amendment come from this side during the Iraq debate and many of the opposite arguments coming from the other side. I guess I would not say the hawks have become doves and the doves have become hawks, because perhaps that is putting it too simply.

But I have been in Washington and in the Congress since the days of the Vietnam debate. I served in the Army in Vietnam. I was here during all the Nicaraguan debate. It is very easy for us to be carried away with accusations. And that is not my purpose. I have the highest respect for those on the other side of this issue and I shall listen to the Armed Services Committee hearing tomorrow with a great deal of interest.

However, many of the things happening today in the former Yugoslavia were foreseen. When Lawrence Eagleburger was confirmed, I predicted pretty much what was going to happen and raised questions about the future of what was then a unified Yugoslavia. I am not saying I told you so. But I believe that the State Department, mainly under Deputy Secretary Eagleburger, has done a poor job on Yugoslavian policy.

There have been warning signals from this Chamber. I know my colleague from New York has spoken many times in the last 4 or 5 years. Many others have as well. I think that we need to listen to one another and to foresee some of these things. We are no longer in a bipolar situation with two superpowers. We are in a new ball game, so to speak. I think we could have avoided the current situation in the former Yugoslavia had we taken some steps earlier.

Unfortunately, we did not act until it was too late for diplomatic means to resolve this matter peacefully. We must act now, not only in an effort to end the bloodshed, but to prevent it from expanding. For instance, I fear there is a real possibility the war could spill over into the Republic of Kosova. If that should happen, I predict three or four other countries will join the war. If war comes to Kosova, I believe Albania, Turkey, Greece, Bulgaria, and perhaps others could actively join the fighting.

So, this is not an easy question. And I respect everyone here on the floor. But it is a defining moment in the new order of world events, in a world in which we no longer have a bipolar situation. I think if we back away from this situation without taking some action with our allies we will not only lose a great opportunity to extend freedom even further, but will actually set a very bad precedent. I am not advocating—and none of us should be forced into the trap of advocating—massive ground forces. That is not what we are advocating.

Mr. WARNER. Mr. President, I say to the Senator, if we come out and support a resolution saying we are going to drive relief columns up through there, you are implying that ground forces will have to be used.

Mr. PRESSLER. I would take that responsibility.

Mr. WARNER. If I could just finish.

Twice the Senator has said this. This is a unique concept. Let us get some volunteers to do this.

Let us make sure those volunteers exist and then give us some idea how long they must train together. You cannot just gather up volunteers like mercenaries from all over the world and expect them to become a fighting force within 30 days or 2 months or 10 weeks. Give us some idea.

You drop these ideas out. It is a defining moment in history. But what I

want to define is what is involved, what is the goal, what will it take to achieve the goal, and who is going to do it, who is going to do the heavy lifting, the dying, on the ground forces getting up through those passes?

Mr. PRESSLER. First of all, I will take responsibility for advocating the use of limited ground forces.

Mr. WARNER. Does that involve U.S. ground forces?

Mr. PRESSLER. Some U.S. ground forces and those from other countries.

I cannot advocate this resolution, I feel, as a Senator, without taking responsibility for that, because I think this is what the resolution says.

I know it is easy to say we are going to do this and this and this. However, I believe that when we advocate a particular position, we must be willing to take responsibility for the outcomes in which that position may result. That being said, we do have many technological and air power options. In addition, there are in the world many people who enjoy serving in special forces from the United States and other countries. There is much a 1,000- or 2,000-manned, highly trained unit can do in terms of opening up roads. I have been part of groups in the Delta that have kept roads open.

It does not require an invasion force. There are things that can be done.

However, I say again that I will take responsibility for advocating the use of ground forces. I am mainly advocating other things, but I feel that those who vote for this resolution cannot escape the responsibility for the fact that some ground troops likely will be necessary, and I will take it.

Mr. WARNER. Mr. President, I see the Senator from Washington seeking to ask a question. I yield for a question from the Senator from Washington.

Mr. GORTON. Mr. President, I would as well like to place my comments in the form of a question, and I would like my distinguished colleague from Virginia to answer not only my question but those raised by the Senators from New York and from South Dakota, as well, on what seems to me to be three or five logical progressions of questions about this matter.

My first would be that I understand—and I hope that the Senator from Virginia will agree with me—that there is little difference among the Members of this body or, for that matter, across the United States of America with the public, or the public of most of the civilized world, over the evils, the gravity of the evils, being inflicted upon the citizens of Bosnia by Serbian forces controlled in part at least from Serbia itself but primarily made up of Serbian nationals in Bosnia itself.

I suspect though—and I solicit his opinion—that the Senator from Virginia would agree with me that this rates with Cambodia a few years ago, that it rates with the oppression imposed upon the Afghans by the Soviets and with the Soviets to send in aid, that it is comparable to the treatment of Kuwaitis by Iraq during the occupation of that country.

Mr. WARNER. The Senator is correct. I agree with exactly what he says. It weighs in, it is hard to equate or distinguish, but it is killing in the worst fashion. And I would add Somalia, I would add Armenia. I would add several other areas of the world. The Senator is correct on his first point, and I agree.

Mr. GORTON. In fact, in some respects, this is from the point of view of the announced goals of the Serbian forces, the most outrageous of all the post World War II invasions or civil wars, because it apparently seems designed to drive 2 million or more people from their ancestral homes.

Now, it seems to me, as the Senator has already answered, that there is no real disagreement in this body or elsewhere about the evil of what is taking place in Bosnia. The question, it seems to this Senator—and I solicit the comments of the Senator from Virginia—is to whether or not the natural reaction—do something; do something about this; use all necessary means to solve this challenge—is not necessarily going to lead us to appropriate public policy.

The proper questions for us to be asking ourselves seem to me, Mr. President, to be these, and on these questions I would like the views of the Senator from Virginia.

The first one for which I do not believe that I have heard a precise answer at any time during this debate—here, among the candidates for the President of the United States, or in the public as a whole—is what is the political goal of any course of action which the United States and the United Nations should take? What do we mean to accomplish?

Mr. WARNER. Mr. President, by political goal, my colleague means geopolitical vice Democrat versus Republican?

Mr. GORTON. Absolutely. I am speaking about the goals of our country in Bosnia and the remains of Yugoslavia.

Mr. WARNER. And the free world. This whole debate takes place, as the Senator from Arizona has pointed out over the weekend in his television and media appearances—it takes place against a divisive background of a political election in this Nation. And to the degree we can elevate this issue and the decisions we make to resolve it above that is the degree to which we are going to have any success.

Mr. GORTON. I fully agree with the Senator from Virginia. But to pursue that, is the goal the relief of Sarajevo? Is it limited to creating a land line by which the people of Sarajevo can be supplied with food and the other necessities of life? Is it a little more than that? Is it to secure Sarajevo by ending the artillery fire from the hills surrounding that city? I am not sure that is going to be sufficient. The pictures are of starving Bosnians in concentration camps that are outside Sarajevo, I say to the President. So, is this political goal which we are seeking to be the relief of all of these concentration camps in such fashion, either that the people who are imprisoned in them are freed to go to their own homes or to leave the country? Or simply to be fed?

Is the political goal the independence of Bosnia? After all, the justification to go to the United Nations—and I believe it is here in the first "whereas" in the resolution with which we will be dealing, "the Republic of Bosnia-Hercegovina is internationally recognized as an independent State."

OK, if it is—and it is by many countries—is our goal going to be the independence and security of Bosnia-Hercegovina? Is it going to be the disarming of all Serbs and others in that country? The restoration of everyone to the homes in which they lived before this civil war started?

Do we seriously believe that, with certain of our forces there, what had been feuds going back for 500 years will be settled and that all of these people who have been shooting one another and torturing one another will recommence their lives together in integrated communities?

Is it the partition of Bosnia and perhaps of Croatia itself? Is it the recognition of some kind of greater Serbia, which seems to be the goal of Serbia itself? Or will it require, given the brutal nature of these feuds—will it require, under our auspices, the United Nations to drive all the Serbs in arms in Bosnia out of their ancestral homes?

I do not know, I say to the Senator from Virginia. I do not know what the goals of this resolution—that of my distinguished friends from Arizona and Connecticut and New York are. They seem to be the relief of Sarajevo and of all of these camps. But by the time we have provided military relief for all of them, we will have occupied Bosnia. What is it going to require to do that?

Mr. WARNER. Mr. President, I say to my friend, that goal, for which each of the 100 Members in here I am confident would be a strong vote, is to alleviate the suffering, just the human suffering among the people of all of the various parts of the former state of Yugoslavia. That is the fundamental goal. The others, then, are secondary.

Mr. GORTON. That seems to be the goal of this resolution, simply to relieve the suffering, which we can do, presumably, by opening up a corridor to Sarajevo and to all of these camps. That implies at least that the Serbians are left in possession of 70 percent of Bosnia. But our troops, whoever is provided this relief, stay at risk on roads through mountain valleys and the like.

That does not include the independence of Bosnia itself.

The next question——

Mr. DECONCINI. Will the Senator yield?

Mr. GORTON. Not for the moment.

The next question I ask to the Senator from Virginia is, when we have defined what our goal is—and this Senator may say that anything short of allowing Bosnia to be an independent country seems to me to be a terribly intermediate goal—the next question is, what is our military strategy going to be toward attaining that goal?

The Senator from New York a few moments ago said, oh, it can be all by air. It can be all by air. We can bomb strategic points in Serbia—he was mostly talking about, in Serbia itself.

Is it not ironic, I ask the Senator from Virginia, that this specific goal in which many have shared would bomb the very city and destroy the infrastructure of the very city, the one city in Serbia in which tens of thousands of people demonstrate against their own government and its policies every week? Are we going to bomb the very Serbs who are on our side? Are we going to destroy their power plants and their bridges? In Serbia?

Mr. WARNER. Mr. President, the Senator makes a strong point and he is well taken in that observation.

Among us, I do not think, collectively is the military wisdom to explain exactly how you carry out the goals as we know them under this proposed resolution. That is the reason the Senate Armed Services Committee tomorrow is bringing together for the first time in a formalized structure two panels of witnesses to answer—not the goals, but, once the goals are set, how can they be achieved using all necessary means—which is found in all the various resolutions. That is the one thing this Senator has fought for steadfastly for days, is to try and hold the Senate in a posture so it can be fully informed before it is required to act on this resolution.

I have as much compassion for the suffering as any Member of this Chamber. I take second place to no one on that. But I steadfastly believe that having gone through the Iraq invasion and how carefully this Chamber, time after time debated that, how carefully the President consulted with the leadership of the Congress on that issue before the resolution came along—this time we are way out ahead. I think dangerously out ahead. Because whatever we do is going to send a very strong signal not only to the United Nations but all around the world. And it will be heard by the very people that are suffering, that the Americans and others are coming over here, over here. We are coming over there to help them.

I want to make certain we know how we get from here over there, to give that help. These experts will shed a great deal of light on that.

Mr. GORTON. I appreciate the wisdom of the Senator from Virginia. But I go on to remarks I have just heard from my colleague on this side of the aisle, the Senator from South Dakota—who has I think spoken perhaps with more logic than has the Senator from New York—who recognizes that what we are asked to do here is to authorize more than antiseptic air strikes. We are asked to use all necessary means, including the use of multilateral military forces, placing heavy weapons belonging to go all factions under U.N. supervision to deal with the question of war crimes and crimes against humanity, which means we have to go catch the war criminals, I suppose.

So my next question is: If we have this goal, how many troops and whose troops are we talking about? It was very easy to listen to a proposition about volunteers, apparently without nationality. But how many troops and from what countries?

It is the understanding—and I wish to be corrected by the Senator from Virginia if I am in error—that through most of World War II Serbia and Bosnia were occupied by somewhere between 30 and 45 divisions of German troops, who did not succeed in ending a civil war which was raging in Yugoslavia at that time.

We have heard a great deal from Germany, and the German Republic has been generous in taking in refugees. But does the Senator from Virginia believe Germany will provide any troops for this proposal? Does the Senator believe the Japanese will be providing these troops? Does he believe the British and French, our closest allies, will provide a sufficient number of troops to do this job? Are we going to seek Turkish troops, I ask the Senator from Virginia? Russian troops? Egyptian troops? Iraqi troops? They are all members of the United Nations.

No, I say to my friend from Virginia; if this takes place under this kind of resolution, sponsored by this Senate, they will be looking for American troops to engage in this activity.

Mr. WARNER. Mr. President, that has been my fear all along, particularly if it is the leadership of America which once again puts together this coalition that has been so often referred to in the context of the successful gulf operations.

I do not think we can suddenly say: Put together the coalition, and let us use all necessary means; and then say we will leave the heavy lifting, the foot slogging, to carry out these various goals to others.

I find that inconsistent. The Senator is correct.

Mr. GORTON. Finally, Mr. President, I ask the Senator from Virginia, how do we get out once we are in? If our goal is to relieve Sarajevo, must not our goal also be to relieve other cities with tens of hundreds of thousands of victims in them? When do we declare victory and come home? If we do this for 2 weeks, or 2 months, or 2 years, do we expect when we leave that all will be peaceful in a way that it is not been in the past history of this country?

How many casualties are we willing to suffer for this provisional relief, which presumably is something less than the complete freedom of an independent Bosnia?

If the proposals by the Senator from New York do not work, if the Serbians defy us, if we simply succeed in doing nothing more than destroying the support we have from tens of thousands, hundreds of thousands of Serbian people right now by bombing them, and by bombing their power, do we say: Well, we gave it our best; and leave and come home?

That is not the way it has happened in the past, I say to my friend from Virginia. If the first level does not work, you have to go the second level and the third level and the fourth level; and it begins to look like Vietnam, where we never were quite certain what our precise goals were in the first place.

Mr. WARNER. Mr. President, I agree again with the distinguished Senator from Washington. If we send a signal by resolution, if we get the United Nations to finally act in accordance with the resolution or in parallel, however, it may be, we are then, I think, committed for an indeterminate period.

My concern is, I want to make sure that the American people understand that, Mr. President—understand—before we march off, that we could be there for a prolonged period of time.

Mr. GORTON. Finally, Mr. President, I ask one last question of my friend from Virginia. This Senator must admit that a portion of this resolution is his own, before he listened to some of the military experts in the United States and was gripped by the same anquish which has seized every single one of us. This Senator does not understand for the life of him why we are not discussing the simplest of all solutions; and that is, allowing the Bosnians to fight for their own independence.

When Soviet troops invaded Afghanistan, we did not debate on this floor whether we should send American troops to Afghanistan to fight them. What we did was to help arm those Afghans who wished to fight for their own freedom, for their own liberty. We have done that on dozens of occasions since the end of World War II.

Now, it seems to this Senator to be a paradox that we have a United Nations resolution forbidding the sale or the importation of arms to any of these contending parties, a policy which seems to me to play totally into the hands of the Serbs. The Serbian army has armed all of the Serbian troops who are in Bosnia itself. They continue to get heavy equipment from that di-

rection. Our banning that heavy equipment from the whole area has no effect on slowing down the aggressors. But it has prohibited those who wish to defend their own homes from the effective means of doing so.

Would not the easiest of all interim solutions, in addition to a total and complete blockade, be to say that we are going to give the Bosnians the ability, the means with which to fight for their own freedom?

Mr. WARNER. On that point, Mr. President, the distinguished Senator from Washington and the Senator from Virginia may have a disagreement. I do not think it is quite as easy and simple as you point out, because if we begin to supply one side in the civil war, first, that intensifies the battle. It then begins to balance out the level of armaments on both sides, and the inclination would be and could be to fight harder and longer.

And the second point: In the middle of this civil war, namely between a reinforced, better-equipped Bosnian force and the belligerent Serbian force, are the U.N. observers who are there now trying to provide the very humanitarian relief that is desired by this Chamber, by this Senator and others, to flow to those in need.

How can you place them in greater jeopardy with an intensified battle? That is my concern.

Mr. GORTON. I must say, Mr. President, in this case, the Senator and I do disagree. I am happy that view did not prevail in Afghanistan, or we certainly would not——

Mr. WARNER. We did not have the U.N. forces in Afghanistan.

Mr. GORTON. In any event, Mr. President, I am sure that the Senator from Virginia would agree that that would risk far fewer lives than this resolution, in its present form, is going to put at risk here in the United States and among our allies.

I have essentially completed my remarks, and I really thank the Senator from Virginia for his indulgence in listening to me. But it seems to this Senator, before we get ourselves involved in a resolution like this, first, we have to know what our goals are; and second, we have to know what means we are willing to put to attaining those goals—and that means the lives of young American men and women in large numbers—how we are going to explain the inevitable casualties to our people, to the people of the United States; and how we are going to succeed in a relatively short period of time in reaching all of these goals.

Until we know what we are fighting for, how much it is going to cost us, what the responsibilities of the United States will be, and when we are going to be able to declare victory, it would seem to this Senator and, I trust, to the Senator from Virginia, as well, we would be wise to go relatively slowly into this morass.

Mr. WARNER. Mr. President, I thank my distinguished colleague. This is the very type of debate I have been endeavoring to encourage for some several days in this Chamber. It is now flowing, I think, in a very intense manner that contributes to a greater understanding of this problem.

The Senator from Washington and I agree on seven of the eight points that he makes. On the last one, I just pointed out my concerns in aiding one side in the civil war.

I yield to the Senator from Arizona.

Mr. McCAIN. Mr. President, I want to thank my friend from Washington for a very articulate depiction of the questions that this Nation faces as we proceed in our attempt to bring relief to the suffering and tragedy that is taking place in Bosnia as we speak.

I want to thank my friend from Virginia, who is taking, in my view, a courageous stand. I say that because it would be very easy for us, in light of the graphic tragedies that we have watched on television throughout the last few days, to say: Let us to in there and do something. Let us do anything to relieve this suffering, regardless of the probability of success. To say that, by golly, if we could do it during Operation Desert Storm, we can do it again.

I urge, as my friend from Virginia has urged, that we look at more than one historical aspect of U.S. military involvement. I urge that we also remember Beirut and the Vietnam war.

It is very important for us to remember what Gen. Maxwell Taylor, who was the Chairman of the Joint Chiefs of Staff under President Kennedy and later Ambassador to Saigon said: "There are several criteria that we must use before sending young Americans into combat overseas. One is that the conflict must be readily explainable to the man in the street in one or more sentences. A second is that U.S. national security interests must be clearly at stake. Third, the combat must be of short duration. And, fourth, the use of American men and women has to be extremely circumscribed."

I do not know where this scenario begins; where the middle is; what the end is, or what the result will really be. Until we can present that plan to the American people—and I think we have a profound and deep obligation to our men and women in uniform to do so—we should not act. We may need to act, but we must not do so until we have a clear plan, and a way of achieving a beneficial solution to this terrible tragedy.

I would also suggest that we must keep the events in Bosnia in perspective. As the Senator from Virginia has stated, what about Somalia? What about Ethiopia? What about several other parts of the world where tragedies are going on? Are we going to become what many of my Democratic colleagues have decried for the last 30 years? Are we now going to really become the world's policeman?

I want to point out again to my friend from Virginia that the Europeans have a much more immediate stake in these events, and much more immediate combat capability, than does the United States of America. Rather than send American troops, if troops need to be sent—or American air power, if air power needs to be sent—our European friends have excellent armies, excellent air forces, excellent navies that are deployed and ready to act. We can support them in many ways. But, we must not fall into the trap of taking the lead every time, in every contingency.

I would also remind my friend from Virginia that at the beginning of the Vietnam War, the overwhelming majority of the American people and the Congress supported United States military involvement in Vietnam. That support vanished with time. Our commitment and sacrifices did not. At the beginning of the Beirut tragedy, the overwhelming majority of the American people supported our involvement as a peacekeeping force in Beirut. Once 200-some young American marines tragically lost their lives, that support vanished overnight.

Let us not be driven by the whims of public opinion. Air power under these conditions is very imprecise, and the first time that a monastery, a school, a hospital is bombed by mistake, the public opinion could swing dramatically the other way, and we then will have no easy way out.

Mr. President, I thank my friend from Virginia again for a stimulating debate on this issue. What we are talking about now, I hope, is being discussed around every kitchen table, at every lodge, and every Rotary Club throughout America. We cannot ignore the tragedies and atrocities in Bosnia, but we must never again blunder into a military involvement where our lack of care and planning forces us to blunder out. There is nothing we can risk of more value to the American people than the lives of our young men and women, and we must not use their blood to pay for our lack of thought and caution.

I thank my friend from Virginia.

Mr. WARNER. I thank my friend from Arizona. He speaks with compassion having experienced the horrors of war himself, but he speaks also with wisdom and strength. He is quite correct. It is our obligation to the people of this country to fully explore this situation before this body is called upon to act.

I know the senior Senator from Arizona is anxious to pose a question.

Mr. DECONCINI. I wonder if the Senator will yield the floor so we could debate this a little bit.

Mr. WARNER. I am perfectly willing to respond to his question. Debate is

going on. I want to consult with my chairman before I yield the floor. Could not the Senator effect debate by——

Mr. DECONCINI. I could, but I would just as soon have the floor on my own. I do not have a sneak procedural——

Mr. NUNN. Will the Senator yield so I can give a little progress report?

I talked to the Senator from Arizona. He has been very cooperative. The Senator from Virginia, of course, has been very cooperative. I have talked to the majority leader and minority leader, and we are hoping to be able to propound in a few minutes a proposed unanimous-consent agreement.

Without getting into the details of it at this point in time, it would deal with the issues that are before us on the defense bill with a time certain to vote on the SDI amendment now pending. It would allow for a debate on the abortion motion to strike a provision in the bill today and dispose of that today. It would allow for a debate on the Graham-Mack Cuban democracy bill today with a time limit and dispose of that today. And it would also deal with the Bosnian resolution, the one sponsored by the Senator from Arizona or the one sponsored by the Foreign Relations Committee or some combination of those.

Mr. WARNER. Would the Senator also include a reference to the testing amendment which Mr. COHEN, of Maine, has been working on?

Mr. NUNN. That is certainly on the agenda, but it is not part of this initial unanimous-consent request. We do not have any time element attached to that.

Mr. WARNER. Mr. President, I would have to inform the distinguished chairman that I have a communication to the effect that the Senator from Maine is anxious to be included in this. Otherwise, he might—and I do not have exact knowledge—feel the necessity to object until such time as the situation which he has labored on very intensely for some weeks and months, as the chairman well knows, is isolated in such a way it can be resolved by the body.

Mr. BUMPERS. Will the Senator from Georgia yield?

Mr. NUNN. I will yield in just a moment. If I could finish, because I know the Senator from Arizona is interested in the Bosnian matter, what we had talked about doing—and this is not a proposal yet—would be to take the Bosnian resolution and debate it today for an hour at least and then debate it again tomorrow afternoon and then have it open to second-degree amendments and have 30 minutes of debate on any second-degree amendment, which would give the various people plenty of time to debate it and discuss it with some assurance we would have final disposition of that tomorrow afternoon. The debate on Bosnia has been taking place for about an hour, which I think is healthy, and is continuing, and until we propound this unanimous-consent request, I cannot in any way—I do not in any way object to that because I think it is healthy and perhaps everyone could take into account that debate is already started and has been making a considerable amount of progress in terms of people being able to speak on it.

So I hope we will be able to propound that kind of request later on today. I hope it will be in the next hour or so. I also want to thank all the Senators for their cooperation so far. The discussions have been fruitful so far. We have not proposed the unanimous-consent request so far. And I hope that the cooperation will continue when we do propound that. But that is where we are right now.

Mr. WARNER addressed the Chair.

Mr. BUMPERS. Will the Senator yield?

Mr. NUNN. I yield to the Senator from Arkansas.

Mr. WARNER. Mr. President, parliamentary inquiry. Does not the Senator from Virginia have the floor?

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia is recognized. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, it is the intention of the Senator from Virginia to retain the floor until such time as the chairman of the committee, myself, and others are able to resolve the unanimous-consent request. But in so doing, that is just a procedural matter, and I will accommodate this debate in any way possible, recognizing I would just like to retain the floor.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. WARNER. Absolutely.

Mr. DECONCINI. Really, a parliamentary inquiry. No amendments are in order at this time without unanimous consent. Is the Senator from Arizona correct?

The PRESIDING OFFICER. The only amendments that are allowable at this time are the amendments that would amend language to be stricken.

Mr. DECONCINI. I thank the Chair. If I can inform the Senator from Virginia—and I do not know if the Senator from Georgia feels he cannot give up the floor for 10 minutes to talk about Bosnia on my own time—I affirm to him that I will not offer any amendment to strike or do any such thing to the pending amendment on SDI. I would just like to have a few minutes to talk about the subject matter, because the Senator from Washington and my colleague, the distinguished junior Senator from Arizona, spoke on it, and I would like to speak near this particular time in the RECORD if I could.

Mr. WARNER. Mr. President, I will accord every courtesy to my good friend. I will be patiently seated for such time as he may wish, while he propounds as long a question or series as he wishes, and I will try to be responsive.

Mr. D'AMATO. If I might, just a point of inquiry——

Mr. WARNER. Mr. President, I intend to retain the floor.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. D'AMATO. I ask my friend from Virginia if I might have an opportunity, without his yielding the floor, to make some comments as it relates to Bosnia. I feel kind of hobbled. I know the Senator was attempting to give me that opportunity. But I really had to address it in the form of a question. I did not want to intrude too much on the generosity of the Senator from Virginia, but to be quite candid with the Senator, it has not enabled me to make the points I think should be made to rebut some of the contentions.

Mr. WARNER. Mr. President, I will be happy to accommodate the Senator from New York. I would like first to allow the distinguished senior Senator from Arizona——

Mr. DECONCINI. If the Senator will yield now for a question. I have no problem if the Senator will yield me a set amount of time. I just do not want to play the game of saying what I have to say in the form of a question to the Senator from Virginia.

Mr. WARNER. Very well. What period of time would be sufficient?

Mr. DECONCINI. Ten minutes.

Mr. WARNER. I am happy to yield the Senator 10 minutes within which, technically, he is posing a question to the Senator from Virginia.

Mr. BUMPERS. Reserving the right to object, Mr. President, and I hope I will not have to object——

The PRESIDING OFFICER. The Senator from Arkansas reserves the right to object.

Mr. BUMPERS. Mr. President, with the utmost deference and respect to my good friend from Virginia, I am reluctant for him to be a traffic cop all afternoon deciding who can speak and who cannot.

That really does not go to my question. My question is this: You mentioned a moment ago that you apparently have concerns about the test ban moratorium and is there some kind of alteration of that in the form of amendment.

I simply want to say that was not a part of the negotiation this morning between the distinguished Senator from Georgia, the majority leader, Senator SASSER and me. I thought that we were in the position, or almost in the position, as the Senator from Georgia said a moment ago, to propound this unanimous-consent request which dealt with allowing the vote on the amendment of the Senator from Colorado on abortion, the amendment by

Senator WIRTH, and an amendment by Senator GRAMM of Florida dealing with Cuban freedom. We agreed that those two items could be debated and voted upon, but that is all that would be voted upon between now and tomorrow afternoon at 4 o'clock. There were more elements to the UC request than that. But that was certainly the majority part.

I am curious to what amendment you are talking about on the test ban.

Mr. NUNN. If the Senator from Virginia would allow me to answer that question, I say to the distinguished Senator from Arkansas that we have not been discussing limitation on the test ban amendment. As we all know, Senator COHEN of Maine has an amendment on the test ban. That amendment has been subject to a considerable amount of discussion between the Senator from Maine [Mr. COHEN] and the Senator from Nebraska [Mr. EXON]. I have gotten in on some of that.

There is that kind of discussion underway. We have not propounded any kind of time agreement on that. I have been informed the Senator from Maine [Mr. COHEN] will be willing to have a time agreement on that. We have not contacted the Senator from Oregon [Mr. HATFIELD]. I have only discussed it briefly with Senator MITCHELL.

It would not be my view that we should tie that into the UC at this time. But that would not in any way prejudice the rights of the Senator from Maine [Mr. COHEN] to pose that amendment at any point in time he could get the floor. This is not a close-out unanimous-consent request. This is not a request we are going to propound that would in any way prejudice other amendments including, but not limited to, the Cohen amendment on test ban.

Mr. BUMPERS. The only thing that the test ban amendment by the Senator from Maine will amount to would be that he could certainly offer it, talk about it, but the only violation of the UC that we discussed this morning would be a vote on it, which we agreed we would not do.

Mr. NUNN. If the Senator from Virginia will further yield for me to answer the question of the Senator from Arkansas, this test ban amendment would not be covered by the UC. The UC, if we propound that UC, would permit two matters to come up today, and those matters would be the abortion amendment, and the democracy in Cuba amendment; that the further understanding, although this would not be part of the UC, that other amendments would not be subject to that, and that we would not vote on any amendment relating to SDI prior to the vote, up or down vote, on the Bumpers-Sasser or Sasser-Bumpers amendment.

Mr. BUMPERS. I believe the Senator has correctly stated that.

My final question to the Senator from Georgia is, is it going to be the procedure, and has the Senator from Georgia agreed, that the Senator from Virginia would hold the floor all afternoon and determine who can speak?

Mr. NUNN. The Senator from Georgia has not had any input into that decision. The Senator from Virginia has the floor. That is his privilege under the rule.

I think the sooner we get the UC agreement out here, the better off we are, because then that will ease the apprehension some Senators might have about the floor.

Mr. WARNER. Mr. President, I would like to yield to my colleague from Arizona.

Mr. BUMPERS. Is the Senator yielding the floor?

Mr. WARNER. I am not yielding the floor.

Mr. BUMPERS. Mr. President, I object.

Mr. WARNER. I have the perfect right to ask, does the Senator wish to ask a question? I am prepared——

Mr. BUMPERS. Is that the purpose of the Senator's yielding, to allow the Senator from Arizona to ask the question?

Mr. WARNER. Parliamentary inquiry: The Senator from Virginia has the floor. May he not yield to another Senator to ask a question?

The PRESIDING OFFICER. The Senator from Virginia may yield to the Senator to receive a question.

Mr. WARNER. I thank the Chair. That has been my understanding for 14 years while serving in the Senate.

Mr. DECONCINI. I thank the Senator for yielding for a question. Parliamentary inquiry. Can the Senator who has the floor, as the Senator from Virginia, yield to the Senator from Arizona and retain the floor without having to pose a question to the Senator?

The PRESIDING OFFICER. The Senator from Virginia may yield to Members to receive questions.

Mr. DECONCINI. I thank the Chair.

Mr. BUMPERS. Parliamentary inquiry. Is it not also true that when a person holding the floor yields for a question, that person must also be on his feet and not in his seat?

Mr. WARNER. Fine, Mr. President. I will acknowledge whatever he wishes. I would be happy to stand four square on my feet throughout, if that will make my good friend feel any better. And I will swing the chain and march in the aisles as he does. If I would take the amount of time that he took on the SDI amendment, we would be here for a good bit.

Mr. BUMPERS. The Senator was not deprived.

Mr. WARNER. That is right. The Senator from Arizona has observed an opportunity to ask a question.

Mr. DECONCINI. Only because, Mr. President, I want to say a few words—I do not know if anybody wants to listen—about Bosnia. I am propounding the question. But before that, I will ask the question. The Senator from Virginia may sit down during the period of time that the question is asked, and while the questioner is propounding the questions to the Senator from Virginia.

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

Mr. WARNER. Mr. President, I thank my good friend. I will exercise that option if I feel the need.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Is it proper in forming a question to ask the Senator, when time has been yielded to form a question, to give a little background as to what the question is going to be before the question actually comes?

Mr. WARNER. Mr. President, I would be happy to entertain that background.

I want to say in seriousness now, it is nice to have a moment or two of levity, but the senior Senator from Arizona has really been the one, together with the Senator from Michigan [Mr. LEVIN] and others, the Senator from Connecticut, steadfast in his determination to see that this Chamber focuses on this very important issue.

I hope my good friend, the senior Senator from Arizona, recognizes that this Senator, by nature of my desire to make sure that we have all the facts, is not trying to employ any dilatory tactics, nor is there any evidence of less concern on the part of the Senator from Virginia, about the plight of those suffering in this area of the world.

Mr. DECONCINI. I thank the Senator for yielding for a question. He may be seated. The question is going to take a little bit of time; it is a very lengthy question that I am putting together right now. I say that in seriousness. I want to talk about this issue.

I also want to assure the Senator from Virginia that I understand his efforts here. It is not to keep us from voting, except for today. But some time after tomorrow, I understand the Senator is agreeable we may vote on a resolution dealing with the Bosnia-Hercegovina subject to certain time agreements and other amendments.

Mr. WARNER. The Senator is correct.

Mr. DECONCINI. I appreciate that very much. I also appreciate the Senator's interest in controlling this. I have to tell him that I find that a little objectionable, that he would not yield the floor to someone who wanted to talk for 10 minutes even on a limited basis. But that is a personal opinion. I respect the Senator from Virginia as he knows.

Be that as it may, Mr. President, first some discussion here on this serious issue of the Serbian's outrageous actions toward the people in Bosnia-Hercegovina.

We cannot let this pass. I cannot let this pass as just another Vietnam, Beirut, or another military conflict. There is a moral obligation, Mr. President, for the United States to stand up, speak its piece, and to offer a suggestion; and that is what this is, whenever we get to it.

It is going to be a nonbinding—I will repeat—nonbinding resolution. And that resolution is going to state that the President, our President of the United States, should immediately call for an emergency meeting of the U.N. Security Council in order to authorize, under article 42 of the U.N. Charter, all necessary means, giving particular consideration to the possibility of demonstration of force to give effect to Security Council decisions regarding Bosnia-Hercegovina, including the use of multilateral military force under Security Council mandate to ensure the provisions of humanitarian relief and to gain access of the United Nations and International Red Cross personnel to refugee and prisoner of war camps.

That is not a mandate. It is a sense-of-the-Senate. Mr. President, it indicates that those who feel that the Senate of the United States should express some deep concern and send a message to the President of the United States; to the people across the world, if that is necessary, and certainly to the Serbian military leaders, and the civilian leaders of that country, that we in this body are prepared to authorize our President to go to the Security Council to ask for force for humanitarian purposes and in order to have access to the camps.

The distinguished Senator from Washington has asked a bunch of questions here about land forces, how many divisions, whether or not the Germans or Japanese would be involved. There is nothing in here about any troops whatsoever, as to numbers, a quantity, or capability. The U.N. Security Council, if they adopt such a resolution, may adopt something like this. If they did adopt one that authorized force, they would then have a plan, and the force would be decided upon by whoever was going to head up that force, and then, of course, Germany, the United States, Italy, all nations that wanted to participate could participate.

It seems to me that this is a real red herring to throw out here—this talk about a Vietnam war. It is not. We are not authorizing the United States to use land forces in Bosnia-Hercegovina today, or tomorrow when we vote on this. The Security Council may decide we do not want to use forces, and may decide that we do want to use forces but not the United States forces.

The argument that this is closer to Europe, and Europe should be the one that uses the force, begs the moral question: Where is the leadership of the United States, if we stand by and do not take some action? I have been debating this since last Wednesday trying to get a vote on a resolution that would authorize some military force, if necessary, if the Security Council so decided, for humanitarian purposes.

We are not talking about taking a side in this effort. We are not talking about winning territorial gains back from Serbia from Bosnia-Hercegovina. We are not talking about occupying Belgrade, or any part of the country, other than what is necessary to deliver humanitarian aid and inspect the camps.

Somebody will say: A-ha, that is the door we have to be careful of, because if you open the door to deliver humanitarian aid, you are going to have to take some territory. That may be, but who am I to judge that we are going to have to take territory, or what units might be necessary, for the delivery of humanitarian aid.

The Senator from Virginia points out very dramatically that this is going to be a message to Serbia. Indeed, it is a message to Serbia. It is the only message I can give, except what I say out on this floor. I would much rather have 80 or 90 Senators vote for this. If they vote against it, we would send that message, which would be that the United States will not stand up for a rule of order and a rule of law.

Then there is the fact that Serbia has committed itself to the Helsinki principles. And the CSCE has said: Serbia, you are suspended from the Conference on Security and Cooperation in Europe [CSCE] 3 weeks ago in Helsinki, because you are violating the principles that you agreed you would abide by. Those are security principles, nonterritorial gains, and they have reneged on that commitment. We are seeing human rights violations every day being reported on television, radio, and in the newspapers, firsthand reports. That is what Serbia is doing,

Besides that, this is an independent nation now. Bosnia-Hercegovina has been invaded by a neighbor, contrary to the Helsinki Final Act, the U.N. Charter, which all these nations now have subscribed to and signed to.

Where is the West? The West is fooling around, I must say. Hopefully, that will cease today, and the Security Council of the United Nations will indeed pass something that has some teeth in it, that may be used to bring some relief to the people of Bosnia-Hercegovina.

I said the other day that Margaret Thatcher had made some outstanding statements. And she was on television yesterday once again, and I did not get a chance to see her. But there is a leader who knows what it is to take a public position on behalf of a nation. She realizes the significance of the United Kingdom, or the United States, or any other nation, such as the former Soviet Union republics, which might want to take a position on that.

We cannot sit by and tolerate this, without some positive action from the United Nations, without some positive action from those nations who feel that too much history has gone by, too many atrocities have gone by, too many aggressive acts have gone by with nobody speaking up. If they speak up, they do it in a very timid way, which is often interpreted as acquiescence.

Mr. President, the time is here. Today we should vote on this. And because the Senator from Virginia feels so strongly about having the input from the Armed Services Committee, which I respect, and realizing the position he is in, or any Senator is in here, that he can keep us from having to vote today—I wish he would let us vote today, but I suspect there would be somebody else objecting even if he did decide to do that. I have, and others have agreed, including the Senator from Connecticut, to go ahead and do it tomorrow, if we can get a time certain. I am grateful to the Senator from Virginia, and I assure him that this Senator is not going to be making any references or inferences whatsoever during the debate of this tomorrow, or the next day, or whatever, about his not being concerned about the problem of those people. I know he is.

I went to Kuwait with the Senator from Virginia. I saw him concerned about the Palestinians that were still in Kuwait City that could not get out and were being mistreated by the Kuwaiti Government. So I know his credentials, and they go far beyond my visit to Kuwait with him.

That will not be part of this debate: The debate is going to be—from Senators mostly on the other side—that this resolution offered by the Senator from Connecticut and myself and Foreign Relations is in fact authorizing and directing the United States to get into a civil war, or deploy a number of troops, and there are a lot of questions as to how many? How much? When and where? What will the casualties be? What are we going to do? Who is going to pay for it? Who is going to be the commander, et cetera, et cetera. We can have that debate. I am sure General McKenzie, or whoever testifies before the Armed Services tomorrow, will lay out a good position for whatever decision they feel should be made in not even passing a sense-of-the-Senate resolution, which is a nonbinding sense-of-the-Senate resolution. I hope the Senator has other people who will testify at those hearings. I realize that is a jurisdictional matter for the committee.

Some of us—I know the Senator from Virginia is included—feel that we must make a statement. Debate is great. Time to go over these things and contemplate them is wonderful. And if we were in the position of authorizing the United States President to send troops

to Bosnia-Hercegovina, I would be standing foursquare to say: Wait a minute, let us get some more information. We will have a chance in the event the United Nations does decide to use force, and in the event the United States is called upon to be part of that U.N. force structure, to debate it and ask those questions.

It is not going to happen tomorrow or maybe even next month if they pass that resolution today in the Security Council that the troops will be called on. There would be time for that, and properly so.

I think we have to put into perspective what we are talking about here. This is the first step, the first crawl, the first crying out by a great nation, the United States, that something is wrong, we know it, and we are not afraid to say so.

We are not afraid to tell the U.N. Security Council this is what you should consider doing. We are not telling them they must do it or we are going to get out of the United Nations or we are not going to pay our dues. We would go to the United Nations if the President agreed with this and that is his decision. If we pass this tomorrow the President does not have to act on it.

So it would be his decision, and he is there through his representative today talking with our allies in Europe about a resolution that if it did not say the word "force," it would say "whatever means are necessary," which has to be force is included in that whatever means are necessary, so he is moving in that direction.

So there is no political game here, as the Senator from Washington, was, I think, alluding to, that we are trying to play politics here, we are not. I can play politics and I will. I think it is clear where I will go in November and before November to support the candidate that I choose best for President for all the reasons. That is not what we are talking about here.

To put this into a political context is really a disservice and unfair. It is a disservice to President Bush. I do not think his response over the weekend and last Friday and Thursday regarding use of force in Bosnia-Hercegovina was political. Some may say so. I believe it was not, because he firmly felt that something had to be done. No longer could the great Nation, the United States, stand by and see these atrocities occur, and it was important for the President to say that. That was the message. Just like a vote on this type of resolution will be a message to the world and particularly to the Serbian military and paramilitary units that are commiting these atrocities.

Mr. President, we have to act. We cannot wait any longer. I would get down on my knees and beg, if I could, to convince this body to vote today, certainly tomorrow. Those who feel it is too risky, I respect that, and we can have some debate on that. And I respect that they are fearful that this may launch us into some third world war or some Korean-type conflict or Vietnam conflict. But, my gosh, let us debate it. Let us talk about it and let us vote on it. Maybe I am wrong.

I know from public perception I am not wrong. The polls are clear. But I do not operate on the polls. Maybe I am wrong. Maybe we should not worry about it. After all, these are Moslems. After all, it is a long way away. After all, we do not have that much trade with Bosnia-Hercegovina or with Serbia, for that matter. After all, Austria and Germany are the major influence powers there and the Republic of Russia and maybe the United States should just say "Listen, we will play a secondary role here. We will stand back, and we will give you support, and we will give you some military weapons, technology, and intelligence. But we are not prepared to stand up with you or to lead you if necessary."

I think I am right. I think those of us who want to vote on this particular resolution or form thereof are right, because it is the right thing to do, Mr. President. It is the right thing to do for this great Nation to stand up and speak out. And we have seen when we do not do that what happens. We have seen it back in before the Second World War, and what happened to us, and we have seen recently in the Persian Gulf and maybe more so in the Persian Gulf of other nations there. We have also seen what happens when the United States does stand proud and we can be proud of those moments that we did not shirk ourresponsibility because of the potential use of force—and there is a potential. But we are all going to have ample time to debate it, to vote on that actual force, if, in fact, the United States will be called on pursuant to a Security Council resolution.

My question to the Senator from Virginia is, does not he agree with me?

Mr. WARNER. Mr. President, first, I thank my good friend and colleague for a very strong statement and one that was needed. Here is where we disagree and the value of this debate now is bringing into focus where Senators disagree.

If I copied down the Senator's statement accurately he said, we can vote this resolution today but we can change later, we can change later after we have had the Armed Services Committee hearing, after the decision is made in the United Nations, we can change later whether or not U.S. troops would be a part of any military contingent necessary to fulfill all necessary means, there is where we differ.

I feel that given the importance of this resolution, that it will send a strong signal, it will raise the hopes of these people suffering every minute we are here, the tragedy of warfare and inhumane treatment, every minute that we are here. But we have also to think about the men and women in the Armed Forces who will be subjected to equal punishment if we send them forth.

I think it is implicit, it is an obligation inherent in this resolution, that we address here and to the degree to which we participate in air, sea and land. Our President has addressed air and sea and indicated a willingness for this Nation to join. But the problem is insufficient attention has been given to the question of implementing the goals of this resolution. Whatever they may be—and we will finalize them presumably during the course of this day as it relates to ground troops. I think we will not have that opportunity later on to go back and say "The U.N. said let us use all necessary means to achieve goals 1, 2, 3." We will not have the opportunity to go back and say "We agree with the resolution but we are limiting our military participation to 1, 2," whatever the case may be.

It is now, I say to the Senator, that we have to decide among ourselves if we are going to put a restraint on our President as he goes forward and takes up the leadership role that people are clamoring.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. DECONCINI. I am going to finish and then leave it to the Senator from New York.

Would the Senator not say that this being a nonbinding resolution, certainly, does not commit us to any kind of force whether it is land, sea, or air?

Mr. WARNER. Mr. President, I say to my friend, from the fact that the sense of the Senate is nonbinding, all those little verbs, nouns, and pronouns are lost if this message goes across the ocean to those people who are suffering and those who are anxious.

Mr. DECONCINI. I thank the Senator for the answer. If that is the case, this also sends a clear signal to the Republic of Serbia that the United States is at least taking a position on nonbinding agreement that might involve force. Does not that send a clear message maybe they should straighten up and realize the greatest Nation on Earth, the Senate of that Nation, has taken a position?

Mr. WARNER. The Senator is correct. We also pose the risk if we send that message and do not fulfill it, will it not be a greater inducement for them to go on and perpetrate more wrong, will it not be an inducement for other mischief making throughout the globe?

I say to my friend, I think we have to decide now not the exact nature of all military actions but the exact nature to which this Chamber is willing to stand behind the President and the U.N. resolution and we will not have a later time to reflect on that in any way.

Mr. DECONCINI. I thank the Senator for letting me ask him those long, drawn-out questions.

Mr. D'AMATO. Will the Senator yield for a short question? And then I would like to propound a longer question.

Mr. DECONCINI. I yield.

Mr. D'AMATO. Is it not true that we had our debate, as it related to the commitment of troops, not too long ago, in the Middle East, as it related to Kuwait and Saddam Hussein's occupation and 500,000 troops had already been sent over?

I am wondering if the Senator sees the point I am trying to make. What the Senator is suggesting is that we have some kind of detailed analysis of what kind of military strategy. I find myself being drawn into the possibility I should not be talking about possible targets, and the only reason I did that was to attempt to deal with this question and of this assumption that somehow a Commander in Chief, the President, acknowledged the military would do all the kinds of things that some of my friends and colleagues are concerned about.

I could not see a President or the Commander in Chief doing those kinds of things. I could not see him sending the troops into the valley of death. I suggest that is just not factual, it is not practical, and it is not realistic.

So those of us who say let us take this resolution up, let us vote on it, I am going to analyze it, because it does very little different than has already been called upon by the United Nations point after point, including the removal and the cessation of heavy arms.

We already voted that proposal in the United Nations. What are we over here saying we are calling for something that is new? The fact is we are making it known we are not satisfied with what is taking place there.

Why is it that at this point in time those who will oppose going forward with this resolution would put us through a higher standard than has ever been placed when we are just suggesting that the United Nations reemphasize its determination to see that basic human rights are protected?

Mr. WARNER. Mr. President, in response to my good friend from New York, I would like to recount the history of how we dealt with the gulf situation. It happened in August, ironically, several years ago from this very week. And thereafter, sequentially took place careful planning, and our force levels, in fact, were built up to a half million.

The President had frequent consultation with the leadership of the Congress of the United States. We had hearings in the appropriate committees of the Congress of the United States. The Nation understood far better than the Nation understands at this moment the commitment that we were to undertake.

That is the difference of opinion that I have. And I say to my good friend, I do not believe that we can send out a signal with a resolution and then have the ability to step back and say, oh, no, we did not mean, when we sent that signal, that we will use all necessary means, that the American service person would be involved in that aspect of the all necessary means.

You cannot have it both ways. This is my point. You simply cannot have it. If you sent the message, then you have to stand behind the message 100 percent and you cannot say oh, no, we are going to back and dissect it and say we can only do this, that, and the other thing.

Mr. D'AMATO. We have sent most of this message already, and we are not backing it up. The fact of the matter is the United Nations has already said that the heavy weapons are supposed to be under control. We have not backed it up. If you go through this, you will find there is very little, with the exception of some war crimes and access to camps, that we called for.

I have to tell you again, to suggest that this Congress is going to manage any conflict is wrong. We are not suggesting that. We are not suggesting it. I suggest that those who rise in opposition have created a specious argument and that they are suggesting the exact things to attempt to keep us from standing up and making a difference here.

Sending thousands and thousands of land forces in there; nobody suggests that. We do not suggest that. This Senator has not said that I would not be willing to back up whatever the Commander in Chief and the military say is the appropriate responses to meet the objectives.

But, my gosh, to sit back and to watch this thing unfold—and it has been unfolding for 1 year—is criminal. It is wrong. It is a lack of leadership.

For us to say, go ahead, you win, do what you want, that is Europe's problem, that is not our problem, is just simply inadequate. We have failed morally to provide the kind of leadership the world expects of us—more than the world, our people expect of us.

And it is wrong and it is repugnant for those who rise and make known their concerns, to suggest that those of us who say we have an obligation to go forward, are saying we are going to commit our young men and women to a slaughter. That is not the case. If I thought that our generals and our Commander in Chief were going to do that, I would not be part of this resolution.

Why should those then stand up and make that kind of absurd argument? Is it difficult? Is it tough? Yes. But this Nation was founded for the oppressed, and most of us and our families came from oppressed situations. We have a special responsibility here and now, not only for our children here who live here, but who want to live in this world, because what we do will define what the United States stands for.

Mr. WARNER. Mr. President, will the Senator take a question from the Senator from Virginia?

The United Nations did speak to various aspects of this problem and the need to do some of the things that the Senator from New York addressed.

But I say to my friend from New York, the United Nations did not use, in any of those resolutions, the magical words "by necessary means," which implies the use of military forces. So, thus far, the use of military forces has not been specifically addressed in those U.N. resolutions.

But my question—let me make sure I understand the Senator from New York. If we act on this resolution, does that resolution limit in any way our President's authority to commit or not to commit ground forces?

Mr. D'AMATO. No, it does not. Nor does this debate limit or commit. The Commander in Chief, he is going to undertake that. But what we are urging the United Nations to do is to step forth, and our country, to say use those means necessary, which does include force.

Mr. WARNER. But I say to my friend, when I first started the debate—and I would not suggest I started it—but when other Senators started, I remember and I have the Record, in the first few days, Senator after Senator said ground forces will not be involved. Ground forces will not be involved. It was said time and time again and, if necessary, I will go back and get that Record and examine it. But Senators said time and time again ground forces will not be involved.

The Senator from New York now says there is no restriction whatsoever, and, therefore, I say there is a conflict of opinion in this Chamber, and that is a conflict that should be resolved before we vote on any resolution which will send a strong signal to the oppressed that we are coming to give you help.

Mr. COHEN. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. COHEN. I am a bit confused by the debate that has been posited so far. On the one hand, we have Members urging us to take action and, on the other hand, they say this is a nonbinding resolution.

When I left my first job, I was given a watch. On the back it has a three-word inscription in Latin. It said "Virtute, non verbis," which means "By virtue, not by words."

Yet it seems to me, we are talking essentially here about words and not deeds. Because, as I understand it, if we do pass a resolution, whatever the form it may take, we are not in fact authorizing the President to take unilateral action.

I raise this in the context of what we went through on the Persian Gulf debate. I remember, for example, that President Bush went to the United Nations first. He went to the United Nations first and got a resolution passed in the United Nations. At that particular point in time he indicated to some of us that he did not feel it was necessary, constitutionally, to come to the Congress, to the Senate, to get approval for the use of force, of committing force in an aggressive way against Saddam Hussein.

There were those of us, myself included, who said:

Wait a minute, Mr. President. I think there is a serious issue here. If you are going to commit a half million troops to a war with Saddam Hussein, that is not a conflict, that is not just humanitarian assistance, that is war, and it requires some action on the part of the U.S. Senate and the other body.

Now, as I understand it, those who are urging action on a resolution are not indicating that by passing a resolution we are sending the matter to the United Nations, and the United Nations could decide it wants to use force, including ground forces, and it wants the United States to commit some of its forces on the ground. Is my understanding correct that the Members who are supporting taking action in the form of a resolution would then insist that the President come back to the Senate at that point and say, "Ladies and gentleman of the Senate, I would like your expressed authority to commit land forces to this particular conflict"?

Mr. WARNER. Mr. President, that is precisely the point the distinguished Senator from Arizona and I disagreed on. I understood, and my notes reflect that he said, "We can change later." After the United Nations has acted, this Chamber can then, this Congress can then decide the extent to which our Commander in Chief can commit to various types of forces that we have.

Mr. COHEN. So basically this is a statement urging the President to go to the United Nation to seek a consensus that the United Nation should take action to use whatever force it might deem necessary and then the President would have to come back to us and make a presentation, be it to a joint session of Congress or to each body individually, in terms of the nature of the force that he would propose that we commit to that region before taking any action. Is my understanding correct?

Mr. WARNER. Mr. President, my colleague is precisely correct. And that is the reason for, day after taking this floor to try to clarify it.

I am now going through the RECORD, and I will search out and put into the RECORD those who have called for "by all necessary means" but who said it does not involve ground troops. And others who said we can then reflect on what we should do after the United Nation acts, to the extent our Commander in Chief can then call upon land, air, and sea of the U.S. Armed Forces.

Those are the questions that I plead with my colleagues should be resolved before we send this signal. Because the nuances of a sense-of-the-Senate—nonbinding, as the Senator from Maine points out—that will be lost. It is: "We have come to help you"; but the type of help we can give has to be, then, gone back and referred to the Congress.

Mr. COHEN. So when Members are saying, that by adopting a measure today or tomorrow we are taking action and we are encouraging the President to take action, they by no means are suggesting that he take military action which would include the use of ground forces without coming back to Congress for our approval?

Mr. WARNER. Mr. President, I say to my good friend from Maine, that question has not been answered to this Senator's satisfaction. And, I judge, to his satisfaction. I can point to many places in the RECORD where that issue is left open in the debate here on the floor.

Mr. PRESSLER. Will my friend yield?

Mr. COHEN. Mr. President, if I may just continue for a moment, that is an issue we have debated over the years, about the constitutionality of the War Powers Act. No President feels that he is under an obligation to come to us to commit troops to a conflict situation. That, we are told, is somehow an inherent power of the President as the Commander in Chief, and that the War Powers Act is unconstitutional.

So as a result of the conflict over the interpretation of its constitutionality, we have decided that the War Powers Act, indeed, is unworkable.

I see the Senator from Georgia, the senior Senator from Georgia on the floor. I think he has raised the issue that we have to revise the War Powers Act to make it somehow a relevant document.

I think we have to at least clarify this before the vote tomorrow, in terms of exactly what we would be committing ourselves to by that vote. We say: Take action. We are talking about verbal action; we are not talking about military action. We are talking about the President going to the United Nations to forge a consensus to use whatever means necessary. And if the United Nations urges that we then take military action against the Serbs at that point, that they allocate that responsibility of air, ground, and sea; and that the President come back to us before taking any action and then get our consent.

That is my understanding as I have listened to the debate today.

Mr. WARNER. Mr. President, I thank my dear colleague, because it has been a lonely point out here on the floor. The Senator from Arizona, the Senator from Wyoming, and others have joined. We welcome your precise clarification of what I regard as the central point of this debate. I have said it time and time again: What is the nature of our action? What is the message we send? And if, in fact, they are reserving the right, as we say so often on this floor, to then second-judge whatever decision is made by the United Nations, in terms of what is the nature of the participation by the United States.

I have said, as far back as Wednesday and Thursday and Friday, I felt it was wrong to challenge our President for not taking greater leadership when we ourselves have not decided the extent to which we are prepared to back the President of the United States in providing that leadership.

That is the issue.

Mr. PRESSLER. Mr. President, will my friend yield for a question?

Let me say, first of all, as a supporter of this resolution, I am not in disagreement with what has just been said.

However, I think the Senate should take action on this issue. There seems to be a great deal of resistance to having the Senate adopt anything. I do not know what the opponents of this resolution propose. I guess they propose we go home for the month of August without the Senate speaking to the issues surrounding the question of the former Yugoslavia.

But I think we have to take responsibility and step up to the plate.

I would also agree with what my friend from Maine and my friend from Virginia have just said. I do not see such support as inconsistent with my supporting this resolution.

I think the United States has to take an activist role of leadership in the United Nations, whether it is in Africa or the former Yugoslavia. That does not mean we commit ground forces. It does not mean we spend any more money—not necessarily. But I think we have to have U.S. leadership.

In regard to this amendment—it is a sense-of-the-Senate resolution. Language very similar to this amendment passed the Foreign Relations Committee. I do not know if we are going to end up with a combination of the DeConcini amendment and the Foreign Relations Committee resolution. I know a word or two was changed in the amendment yesterday.

The point is, it is the desire of many Senators for the Senate to act on this before the August recess; to put ourselves on record that the United States should take an activist role in providing the leadership in the United Nations to lay the goundwork to act.

We have had thrown around our necks here this business of ground forces. I am one Senator who has said in my interpretation of this amendment that if you vote for it, you have

to take the responsibility for some limited ground force activity. It is not authorizing that, but it certainly is suggesting it. All of us would rather say it is all going to be air strikes, but I think we have to take responsibility for the possibility that it may involve the use of ground forces.

Also, as I have said repeatedly, this is a defining moment in American foreign policy. In the next 10 years, I think we are going to need to have some kind of an international strike force. Perhaps in the United Nations, not necessarily U.S.-run, to ensure that food and medical care can be supplied in certain situations.

I also think we cannot turn our backs on the responsibility of leadership the United States has in what could become a very chaotic world. That does not mean we are going to be sending ground forces, invading armies, et cetera, et cetera into a variety of countries around the world. I would be the first to oppose that.

But I do find it strange that there is resistance in the Senate to act on the issue of the former Yugoslavia. If there is an alternative resolution, let us have it. But we will be leaving here in a day and a half, and all of this could pass without the Senate expressing its will, whatever that may be.

Currently, that seems to be the only alternative to this resolution.

So I will ask my friend from Virginia if this resolution does not pass, what course of action should the Senate take?

Mr. WARNER. Mr. President, I think the Senate has made a very valuable contribution to date through this debate. It seems to me the strong sentiments which I feel reflect every one of 100 seats: That this killing and this suffering should end. That message, indeed, has gone forth from this Chamber without a single word of dissent. It is only the need to clarify that message, to be precise, so that, as the Senator from Maine said, we are not put in a position of speaking without a clear direction to those who are listening. That is the concern I have.

I recognize the Senator from Wyoming for a question.

Mr. WALLOP. Mr. President, I thank my friend from Virginia. I begin by offering my gratitude to him for a very clear debate, representing the concerns of many of us about the desire, in a political year, to make a political statement without being able, down the road, to back it up with a political commitment to fulfill it.

Let me ask my friend, has it come up on the floor that, during World War II, the German Government had 38 divisions in Yugoslavia and never controlled the country?

Mr. WARNER. The junior Senator from Arizona made brief reference to that, Mr. President. But that is a chapter of history that I think should be further examined in the context of deciding what we should or should not do.

Mr. WALLOP. I hope, Mr. President, that during the hearing, that will come up. It has been said that merely to control the airport and the corridor—a safe corridor—would require up to as many as 100,000 armed troops.

Is that a figure that the Senator had heard?

Mr. WARNER. The precise figures have not been used here in the past 2 hours. I used the figure 3 days ago of that approximate amount; yes.

Mr. WALLOP. I think it is fair to say the precise figures cannot be known. Nor can it be known who would provide the 100,000 troops.

It is my understanding that, at least as it emerged from the Foreign Relations Committee, the resolution that the Senate would have voted on would require us to disarm the population.

Does the Senator agree with me; that is an act of war, if that is what it would have required?

Mr. WARNER. Mr. President, it clearly involved significant numbers of persons involved in armed conflict. The question of the act of war has almost faded from history. Because we have seen so many instances in which troops have been involved, yet they do not wish to characterize it as war. Yet, suffering and death occurs.

Mr. WALLOP. I agree with the Senator, Mr. President. Yet, nonetheless, Clausewitz has provided a pretty good definition of war, and that is: Imposing one's will on another side.

Disarming a population, liberating the camps, using whatever means necessary to secure the access of populations to food—all of those things involve imposing one's will, do they not?

Mr. WARNER. Mr. President, I say to my good friend, this is the language used by the Foreign Relations Committee. I think it important to recite it here in the context of our discussion. It is paragraph 3:

> When requested by the President, the Congress should promptly consider authorization for any use of United States military forces pursuant to and only pursuant to U.N. authorization described in paragraph 1.

So it is clear that the significant use of our military forces is contemplated, and, as you say, it fits the definition of war.

Mr. WALLOP. That is typically one of the behaviors of Congress, to cast itself as willing to take action so long as the President, whoever they may be, is first to take the action and can thereafter be blamed if the population has a different view.

I must say that when such an amendment comes in front of the Senate, it will be the intention of the Senator from Wyoming to offer an amendment that says the United States will be prepared, with or without the request of the United Nations, to use all necessary force to achieve these goals, and we will see then where the Senate's vote is. It will be the intention of the Senator having offered the amendment to vote against it, and I hope others do, too. That may well tell us where the real sentiment of the Senate is, whether it is a political statement that is designed to give comfort, which may later, down the road, as the Senator from Virginia has so ably pointed out, cause enormous levels of disappointment and, in fact, weaken American posture somewhere down the road when we do make a commitment that we may well intend to fulfill.

With regard to the force during World War II, is the Senator also aware that Tito, having consolidated these warring tribes composing the separate States of what was Yugoslavia, spent most of his time creating the defense of Yugoslavia by training guerrilla bands, by caching weapons, by, in fact, putting together a trained population which can operate out of the mountains with minimal requirements and resupply and other kinds of things? That would be the nature of the force that we would be confronting, would it not?

Mr. WARNER. I think the Senator postulates what would happen very accurately based on historical precedent.

Mr. WALLOP. The other thing that causes me some concern is which side would it be that the United Nations would propose to take in this civil war? The Senator is aware, I am certain, that during World War II, the various countries that composed Yugoslavia lost in the neighborhood of 1½ million of its citizens.

Mr. WARNER. Many of those casualties were taken among the factions fighting internally against each other.

Mr. WALLOP. I was about to say, three-quarters of those were Serbs killed by Croats. This Senator is not about to take a side in that war, nor does he know which side to take were he to be asked to choose.

Does the United Nations have an idea which side it will choose? Has it made an expression?

Mr. WARNER. I think the United Nations has restricted itself, quite properly, to addressing the need for humanitarian relief no matter which side it is, recognizing that all are suffering. But this resolution goes beyond that.

Mr. WALLOP. It does, indeed.

Mr. WARNER. The various drafts we have seen in the last few days goes well beyond. It may be the proponents of this resolution have retrenched their thinking and may be making it in the nature of what is before the United Nations as you and I speak here this afternoon. That in itself suggests that this debate, which has gone on for 4 or 5 days, has accomplished at least a positive result, and that is focusing the attention of this Chamber now more within the confinements of what is before the United Nations than such

things as, for example, at one point the United Nations placed heavy weapons belonging to all factions under United Nations supervision.

Mr. WALLOP. Does the Senator have any doubt at all, were we to involve ourselves in a series of air strikes, however surgical, that there would be civilian casualties?

Mr. WARNER. Obviously, we do not know which civilians will be injured.

Mr. WALLOP. Noncombatants.

Mr. WARNER. As pointed out, there are many civilians in Serbia who are fighting against their own Government, protesting that Government. To me that could well result in a misinterpretation of use of force.

Mr. WALLOP. Does the Senator have any doubt that one of the reasons why there is so much passion—and it is a legitimate, not misplaced passion—is because of the immediacy of the television coverage of those casualties?

Mr. WARNER. It certainly has focused attention on this suffering to a greater degree than suffering of a commensurate level that is taking place elsewhere in the world as we speak.

Mr. WALLOP. Or on a far greater level. I do not know if the Senator may have seen the "CBS Morning Show."

Mr. WARNER. I did see that on Somalia.

Mr. WALLOP. On Somalia. It strikes me that one of the reasons our passion is so immediate is because these are white babies, white solders, white rib cages in the concentration camps, whereas the black rib cages and the poor, pathetic little arms and other things seem not to have attracted the attention, though it has been said, I think accurately, and pleaded by the Secretary General of the United Nations, Mr. Boutros Boutros-Ghali, pleading for us to pay more attention there because, in fact, it is a far greater human tragedy. I have not brought with me the quotations, but he made a very special plea for us to pay heed to that because as much as 60 percent of the population of that country could be dead within 6 months from starvation when there is not an adequate food supply but an undelivered food supply within less than a mile of people dying.

Would that not tend to say that if the Senate has the passion that it has been so willing to speak on the issue of Bosnia-Hercegovina, that we might well spend some time with the same compassion toward Somalia, might well spend some of that time with compassion for the Kurds, might well spend some of that time with compassion for the Iraqi Shiites, might well spend some of that time back in Cambodia, might well spend some of the passion of this great body on others in the world suffering every bit as much we do not happen to be white?

Mr. WARNER. The Senator's question answers itself. Suffering knows no race, no creed, no religion. And indeed, suffering is taking place in many, many places in the world today. It seems to me that underlies the importance of what we do because, if we act in one area of the world and not in another, that poses, I think, a very serious situation.

In this instance, we are at a threshold decision with this resolution of how we begin to put to rest ethnic problems in many parts of Europe which are right there. The Senator suggests, if we do not act, this will encourage them to break out in civil war. But if we do act, then it is expected, should they break out in war, we would respond in a like manner to that area of the world.

So I think the gravity of this resolution is such that we are right in taking our time to debate it and think it through very carefully.

Mr. WALLOP. May I ask the Senator one more question?

What, in the Senator's view, is the consequence of calling on the United Nations with such specific action as may be directed in these several resolutions, and when the United Nations calls upon us to react and respond, the Senate finds itself unwilling to make that commitment? What is the consequence of that in the world?

Mr. WARNER. I think that is the worst of all consequences. As I said earlier today, if we fail to back up the actions taken by our Commander in Chief of the Nation's Armed Forces and the United Nations, then we have I think done great disservice to the history of this country. That is why I think we should think through very carefully what it is we are about to say in this resolution. It started out to be a time agreement of 1 hour when this Senator took the floor 5 days ago and objected to the time agreement of 1 hour. I am heartened that the Senator and others have joined in this debate now, and I believe we are beginning to recognize the depth of this decision we are about to make. I hope that we may make the correct decision.

I thank the Senator for framing these series of questions very precisely on the seriousness of this issue.

Mr. WALLOP. I thank the Senator.

Mr. WARNER. The Senator from Kentucky has been patiently waiting. I will yield for a question.

Mr. McCONNELL. First, let me commend my good friend from Virginia for the manner in which he has conducted this debate, if you will, today on the question of what our country's posture should be with reference to this ethnic dispute in the former Yugoslavia.

jected to the time agreement of 1 hour. I am heartened that the Senator and others have joined in this debate now, and I believe we are beginning to recognize the depth of this decision we ed States for the manner in which he has handled this crisis today?

(Mr. REID assumed the chair.)

Mr. WARNER. Mr. President, I said earlier the degree to which we can reach an informed judgment on this critical issue is the degree to which we are able to debate it, decide it, and act accordingly without the influence of the partisan political election we are now in.

Mr. McCONNELL. I say to my friend from Virginia, as a Member of the Foreign Relations Committee who opposed the resolution that came out of that committee last week, I am intimately familiar with the various changes that have occurred, both before its enactment and since. It is clear to this Senator that whatever direction the President takes, the resolution will be changed slightly in order to differ.

For example, the resolution as it came out of the Foreign Relations Committee last Thursday essentially would have authorized the United States to go in and disarm the population, something, as Senator WALLOP just pointed out a minute ago, over 30 divisions of Nazis could not accomplish in World War II. And then, upon further reflection, by Friday it had taken another form, which was to provide convoys or support for the opening up of the camps which have received so much publicity in the last week. And now, of course, on Saturday the Serbs announced that the camps would be open to the Red Cross and to others for inspection.

So I suspect, I would say to my friend from Virginia, and I wonder if he has any doubts, that this resolution will continue to be massaged to come out different from whatever the President may be doing at the moment.

Mr. WARNER. I would have to say to my good friend, the majority leader and the Republican leader are very actively involved, and the Republican leader was a cosponsor of some of the earlier resolutions. I am willing to give my colleagues the greatest degree of doubt as to what their motivations have been. I honestly believe that certainly today the debate, which I think has been the most productive to date on this whole resolution, has been a step forward in trying to contribute to a resolution of this matter.

But I am sitting here with the RECORD before me of previous debates, and I posed this question: "I say to my friend that in my mind"—this is the Senator from Virginia speaking—"and the mind of military experts, that being land forces, am I not correct, would be needed?" And one of our colleagues replied, "That certainly is not the intention of the sponsor," to implicate that land forces would be needed in fulfilling the goals of the resolution.

So we see today that the debate has been constructive and it has contributed to a better understanding of the problem.

Mr. McCONNELL. I ask my friend from Virginia if he remembers the six-point test that former Secretary of Defense, Caspar Weinberger, outlined

some years back which he felt should be met before the United States contemplated the use of force?

Mr. WARNER. No, but I think it would be helpful that the Senator from Kentucky places that in the RECORD.

Mr. MCCONNELL. I would respond to my friend from Virginia, since he is interested in that, first to say that I did not mean to imply there was not some support for the resolution on this side of the aisle. What I said was happening is the changes were coming from the other side of the aisle, not that there would not be some Members of this side of the aisle who would support the resolution. But the constant shifting of the resolution, it seems to this Senator, came from the other side of the aisle.

Nevertheless, Secretary Weinberger said that there is a six-point test which he felt should be met before the United States considered using its own troops.

First was that the objective be deemed vital to our national interest, point No. 1.

Point No. 2, if we are willing to commit the forces or resources, that is, the money, necessary to achieve our objectives. In other words, let us be sure before sending in the troops that we are willing to commit forces and the resources. I am curious as to whether any of us has given any thought to what kind of money might be involved to carry out the objective.

Mr. WARNER. There has been no suggestion of the cost of these operations.

Mr. MCCONNELL. So we have no idea what kind of cost to our Treasury, the money resources that would be involved here.

Mr. WARNER. I anticipate in tomorrow's hearing of the Armed Services Committee that and other questions will be addressed.

Mr. MCCONNELL. I say to my friend I think that is a very important thing to ascertain. Caspar Weinberger said, third, there should be a clearly defined political and military objective. I know that has been discussed, I say to my friend. Is there a clearly defined political or military objective anyone has been able to ascertain?

Mr. WARNER. No, there is only one clearly defined objective I subscribe to, as do all others, and that is the deep concern of human suffering taking place on all sides of this conflict.

Mr. MCCONNELL. Fourth, I would say to my friend from Virginia, Secretary Weinberger said the relationship between our objectives and the forces we have committed must be continually reassessed and adjusted if necessary.

I would ask my friend from Virginia if he has any sense of whether this standard might have been addressed?

Mr. WARNER. Certainly not to the degree that I think is required for such a serious decision as that.

Mr. MCCONNELL. The fifth point that Secretary Weinberger indicated should be met before contemplating the use of American troops was whether there was some reasonable assurance we will have the support of the American people and their elected representatives in Congress.

I ask my friend from Virginia, is it not true that we have seen the polls bounce all over the lot on this issue, depending upon what is seen on the evening television news, as to where the American people might be on this subject?

Mr. WARNER. I say to my good friend, speaking largely for myself, polls will not dictate whatever decision I may make. But the level of knowledge that we are able to impart to the American people and how complete that level of knowledge is is a critical factor in my determination as to how I may or may not vote on this resolution.

Mr. MCCONNELL. Finally, I ask my friend from Virginia, by way of laying down the sixth marker that Secretary Weinberger indicated should be met—Secretary Weinberger said the commitment of U.S. forces to combat should be a last resort—if in any way he could conclude at this point that all other avenues have been exhausted, there is nothing else we can do, and we should now consider the use of American troops?

Mr. WARNER. Mr. President, there has been a long history in this conflict of very serious and conscientious diplomatic efforts.

Lord Carrington comes to mind, indeed our former Secretary of State, Cyrus Vance; many individuals have put their shoulders to the wheel to try to resolve this conflict. Indeed, foremost in my judgment has been our own President and our own Secretary of State.

But I am not prepared to say that there are not additional steps to diplomacy, to the exercise of denying to Serbia and other factions in this fight the resources with which to continue this conflict, and that sanctions perhaps could be tightened. I think there are many things that can be done short of the introduction of force. But in fairness to the other side, there is always the question that the signal we have sent thus far, this debate and the actions of our President and others, may have led to the announcement by Serbian factions to open up their camps to allow the International Red Cross to step in.

So there are many sides to this issue, I say to my good friend. I thank him for coming to the floor and posing those questions that I think we must address.

Mr. MCCONNELL. I want to commend the distinguished Senator from Virginia for his leadership on this issue, and to indicate how this debate has been helpful not only for us in the Senate but for others around the world who are watching to see what can be done to help stop this bloodshed.

Mr. WARNER. I thank the Senator from Kentucky, because he has been among the few that have asked for time and further debate, further reflection before acting. I thank him.

Mr. MOYNIHAN addressed the Chair.

Mr. WARNER. Mr. President, I am perfectly willing to proceed with another question.

I see the presence of the distinguished majority leader and the Republican leader on the floor. I wonder if at some point this debate could be concluded and the leadership address what I presume is the unanimous-consent request.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. MOYNIHAN. To simply say that I would like to speak at this point. I am told by the manager of the legislation at this time that there seems to me great urgency, and I not require a great deal of time. But I want some time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I yield to the majority leader for purposes of such statement as he wishes to make.

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

Mr. MITCHELL. Mr. President, Senator DOLE and I have been in continuous meetings for most of the day today attempting to work out a process for considering the three matters on which we are trying to act which are the Bosnia resolution, the pending DOD authorization bill, and the urban aid, or tax bill.

It is my hope that we can enter into an agreement which would proscribe a period of time for debate on the Bosnia resolution, which I would like to have brought up as a freestanding measure rather than as an amendment to either of the two bills. That would involve debate later today, and some debate tomorrow as well during which time the Senator from New York could speak, and of course if we get on to the rest of the bill any Senator could speak on the subject all day.

Mr. MOYNIHAN. I simply would like to comment specifically on some of the things that have just been said in this context. If leaders want to reach some agreement for same, it is fine. I would like to continue after that with this.

Mr. WARNER. May I suggest for purposes of parliamentary procedure that the Senator from Virginia yield the floor, and that the two leaders then address the question of the unanimous-consent request?

I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, might I inquire of the distinguished

Republican leader whether he and the manager on the Republican side, Senator WARNER, are prepared to proceed with respect to this agreement?

Mr. DOLE. I think we will be very quickly. But the manager has been involved with debate on Bosnia, and I have Senator WARNER now looking at the agreement. I will be able to give the majority leader an answer in the next few minutes.

Mr. MITCHELL. Might I suggest in the interim that Senator MOYNIHAN be permitted to proceed with his remarks that are relevant to what has just been said.

I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have been puzzled to hear the resolution reported from the Committee on Foreign Relations on the subject of Bosnia-Hercegovina and Serbian aggression in that area described as a matter that somehow divides our two aisles. That was not my impression in the committee itself. The resolution was reported by Mr. PELL and Mr. LUGAR. It was bipartisan. And the debate was very much in those terms, with the tone of our debate set by the very able Senator from South Dakota, who said that this is a defining moment in post cold war era. By which he clearly meant that this is the moment at which we will find out whether the arrangements we put in place after World War II, arrangements we had hoped to put in place after World War I, for the peaceful resolution of disputes and for the forceful enforcement of international law under the U.N. Charter, which is itself international law work.

I came to the floor to speak to just that point last week. Mr. President, I came as someone who had served as our country's representative at the United Nations, had served as President of the Security Council, and had done so for a Republican President, Gerald Ford.

So I would like to use this moment to invoke the extraordinary statements made yesterday on "This Week With David Brinkley" in an exchange between George Will and Margaret Thatcher.

George Will said to Lady Thatcher about the gulf situation that "the obvious difference is oil." And he asked "What do you say to those critics who justify inaction?"

Mrs. Thatcher responded:

First, this is mainly a great moral question, and if there is one country in the world which came to life on a moral basis, it was America.

Secondly, some of the terrible things that we have seen are things we thought we would never see again in Europe, and we fought that that should not happen. We are seeing things which are just about the worst of Stalin and Hitler.

Thirdly, that is a strategic interest. There are various other minorities in Yugoslavia, unless you stop the aggression in this case, there will be aggression against the Albanians and Kosovo. They've already been attacked. There will be problems with Macedonia, and there could also be other problems as other minorities are attacked. * * * Other countries will not let that rest. Turkey is interested of course in the Muslim population of Bosnia. And Greece would be interested in Macedonia. And other countries will be interested. Albania will be interested in Kosovo. You could in fact have a great extension of the conflict that would be very damaging to us all. And the longer we take to act the worse it will be.

Mr. Will went on to say:

But what do you say to Americans who say we've spent quite enough time, we Americans have, liberating and resuscitating and defending Europe? Why should we act when the Europeans are reluctant to act?

Mrs. Thatcher responds:

If they are reluctant to act, I can only condemn that reluctance.

I, for a long time, have been almost distraught at the inactivity as I have heard of murder after murder, terrorism after terrorism, and brutality after brutality. This is a moral question and, as well a strategic question. And the third aspect is, are we in a position to do it? I think ordinary people have the right instincts about this. They are horrified at the appalling scenes we've seen on television. They think, supposing this were my family crying out to be free, and those who expect to help us withheld that help and left us to our fate. That is the way most people will look at it.

Later on, Mr. Will says:

But the question is, if * * * you have drawn your sword, and the sword of air power and giving arms to the Bosnians does not suffice, how far are you prepared to go?

Then Mrs. Thatcher said something which we ought to record. She said:

Mr. Will, I have been in government for 11½ years—

By which she meant as Prime Minister—

longer than anyone in the United States since Roosevelt. I have known much advice come to me. If you ask people what should you do, they will give you 101 reasons why you should not do anything. If you say the situation is urgent, people are being murdered, they're being invaded, now, how can we deal with it, they will give you a lot of options, which are pretty effective. You really must not be as faint-hearted as to say "What if? What if?" It is a moral case, and we must help.

Not to intrude myself after such extraordinarily powerful, cogent, experienced remarks, by saying in Mr. Will's column on Sunday morning, as it appeared in the Washington Post, he set forth some of the propositions I laid out on the Senate floor last week which anyone with any experience with the United Nations would have laid out. These are exactly the situations that were anticipated by the Charter. These situations are always ambiguous, difficult; they are rarely simple. If they were simple, you would not need a world organization. But action was contemplated. The experience of just this kind of genocidal murder was what was in our minds in helping to draft the Charter.

The first thing we did, Mr. President, as the distinguished chairman of the Committee on Foreign Relations will tell you—the chairman who was at San Francisco in 1945 and carries the U.N. Charter around with him—was to set in place in chapter VII a series of graduated responses to violations of the Charter with respect to the independence of States and the right of territorial integrity.

Article 41 says take economic measures. Turn off the telephone, stop trade, stop financial transactions, measures of that kind, to make a point.

Article 42 begins to speak of force by air, sea and naval forces. It does not say go instantly to war, send 37 divisions into the Balkans. It speaks of "demonstrations"—and the word "demonstrations" is in our resolution. It has never been used, but it is there for just this purpose.

What do you "demonstrate?" You demonstrate that you can blow up every bridge across the Danube in Belgrade. The people of Belgrade do not know how the world is responding. They are not seeing this on television. They are ruled by a former Communist, Milosevic, who will do anything at this point, clearly.

You let the people of Belgrade know what the world thinks. Students and other Serbs have been on the streets against this Government. You close down every barge of oil coming up the Danube. There is no oil in Serbia. There is a pipeline from the Adriatic which has been broken. Even so, you blockade the Dalmatian coast. We have the *Iwo Jima* Carrier Task Force in the Adriatic. You blockade Montenegro, which is essentially a Serbian port city of a sort, as everything is of a sort in that part of Europe. You could blow the side off a mountain, and you could air drop arms, as we dropped arms in World War II.

Mrs. Thatcher makes a point about the period of 1939 to 1945 when the Germans were occupying Yugoslavia and the people of Bosnia were against them, not for them. I am not arguing this would be easy. I am not even arguing a land exercise ought to be attempted. Let us make the difference between attempting to help people free themselves and attempting to free them.

Finally, Mr. President, there comes a time when individual conduct in war has to be made a matter of individual responsibility.

After the Second World War, the United States, Britain, France, and the Soviet Union established the Nuremberg tribunals. A number of Nazi's were tried, and a number were convicted; some were hanged. Rudolph Hess was put in prison for 40 years.

It was generally agreed, however, that international law at the time of the Second World War did not apply to

individuals. Only states were subject to international law.

So we went to Geneva, and over 3 long years, we drew up and codified laws against the practices that the Germans—the fascists—had carried out in the Second World War. We identified crimes against peoples, individuals, the horrors of that time, into four treaties referred to as the Geneva Conventions. And we made individuals accountable. We said these are crimes under the law of nations, and can be punished under the law of nations. You can get yourself hanged by running a concentration camp. You can find yourself on trial for your life having been the head of a government that came up with the ghastly thought of "ethnic cleansing." You could get yourself imprisoned for life. You can get yourself held up before the world as a war criminal. And that is a measure that can be communicated, because it did happen before, and it can happen again.

This is a profoundly important, strategic and moral issue.

Mr. President, I thank the leaders on both sides who clearly will make it possible for us to address this matter, standing alone as an urgent concern in this defining moment of the post-cold-war era.

Ms. MIKULSKI addressed the Chair.

Mr. BUMPERS. Will the Senator yield for a question?

I will be happy to yield to the majority leader.

The PRESIDING OFFICER. Does the Senator from New York give up the floor?

The Senator from Maryland is seeking recognition.

Mr. MOYNIHAN. The Senator from Arkansas wishes to address a question.

May I ask what his question is?

Ms. MIKULSKI. I am happy for the Senator to proceed with his question.

Mr. BUMPERS. I just found the remarks of the Senator from New York remarkable in their clarity, sensibility, and sanity. I read very similar things in Leslie Gelb's column yesterday in the New York Times. There was one suggestion that he made and did not quite make either, but the Senator will recall that we wanted the people of Japan to know that in that war the people of the homeland were also going to suffer, as the Senator will recall, that is when we equipped about 12 or 14 B-25's.

Mr. MOYNIHAN. The Doolittle raid.

Mr. BUMPERS. And conducted the Doolittle raid. And while it was not a howling success, it had the desired result of demoralizing the people of Japan. And I believe—and I am not suggesting this as a final option or as an option at all—but it seems to me that all of the things that the Senator said are a much tighter embargo against Serbia, Montenegro, the possible arming by drops, as Mrs. Thatcher suggested, to the Bosnians so they could better defend themselves, and possibly air strikes against Serbia. Serbia has escaped totally unscathed.

Mr. MOYNIHAN. We could close the Serbian-Belgrade Airport as the Sarajevo Airport was closed.

Mr. BUMPERS. Precisely. That is essentially my comment. I am just curious as to how the Senator from New York would respond. I think he agrees, and I agree, that first of all this should be conducted by a U.N. resolution, under a U.N. resolution, and those are some of the options, and that was one of the options that I thought about, and I was just curious what the Senator from New York said.

Mr. MOYNIHAN. I much agree and I think Margaret Thatcher agreed.

Mr. DODD. Will the Senator yield? I would like to raise one point.

Mr. MOYNIHAN. I yield for a question.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. MOYNIHAN. Will the Senator yield?

Ms. MIKULSKI. I yield.

Mr. DODD. Mr. President, on the last point raised by the Senator from Arkansas, the Doolittle raid of course was a wonderful demonstration of our ability to hit the homeland of Japan at the time of the war when no one thought that possible.

Mr. BUMPERS. A fundamental distinction: The Japanese people by and large supported the Japanese efforts in that war at the time. As the Senator from New York has just pointed out marginally, but I think more needs to be stated on this. The Serbian Orthodox Church universally denounced the Milosevic efforts. The University of Belgrade was shut down for a week by Serbian students who had a strike in objection to the conflict. Rallies numbering hundreds of thousands of Serbians oppose what is being done by the Milosevic government. There is a significant difference herein. And one precaution—and I am supportive of the resolution and wish to move forward—one caution here. We have to keep in mind a highly divided people, whether or not the present conflict is in their interest. This longstanding historical difference that goes back, Croatian and Serbian, most people in the body are familiar with. I hope as we contemplate the use of force we not run the risk—and I ask the Senator from New York this question—of taking what is otherwise an unpopular effort among the Serbian population and cause it to become much more popular than it is today as a result of engaging in punitive attacks, military attacks, that could in my view cause that effect. I raise that question with him?

Mr. MOYNIHAN. Mr. President, that is wise counsel. That is the kind of calculation we should be making. We must demonstrate to the people who agree with us in Serbia that we are with them and against their government. With that, Mr. President, I thank the Senator from Maryland.

Mr. WARNER. Will the Senator from Maryland allow me to set the record straight?

Mr. STEVENS. Regular order.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Maryland has the floor and the Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you very much, Mr. President.

Mr. President, I, too, rise along with my colleagues to express concern and repugnance at what is going on in Bosnia.

It is now clear that the atrocities being carried out by the Serbs against Croats and local Moslems are far more extensive and repugnant than we realized.

We are experiencing, to a lesser degree, the same kind of shock that we felt when we saw the first pictures of the Nazi death camps liberated by our American soldiers at the end of World War II.

I was a child when this country learned of the extent and brutality of the Nazi genocide. But I said then that if the world could only remember this, then we would never have to witness such horrors again.

Well, the world has a short memory.

I was a 6-year-old little girl in 1942, and I could not do anything. But now I am a 56-year-old U.S. Senator in 1992, and there is now something I can do to stop the killing and the brutality. This is why I advocate, as a minimum, passing this resolution.

I say we are past the time for diplomatic niceties. Asking the Serbs politely if we may inspect their refugee camps has not worked.

It is time for the United States to use its power and influence to convince the United Nations to take a stronger role in protecting the innocent victims of Serbian aggression, using force if necessary.

I believe when we talk about the need for diplomatic solutions, diplomatic solutions will only come about if we show we are prepared to back them up with firmness and force.

Mr. President, this is not a Senator who calls for force in an idle way. I am not somebody who thinks the United Nations should walk around the world with six-shooters strapped to the hips ready to gun sling with everybody in the world. But, the situation today is desperate enough to require drastic action.

The parallels with Nazi atrocities of the 1930's and 1940's are striking and sickening.

Mr. President, we now see the Serbs are using ethnic purification. They have established concentration camps. Victims are loaded in cattle cars for transportation. We now have seen films of men emaciated and near starvation.

We have not been allowed to see the camps, what is happening to women, and yet there are reports in USA Today about the continual rape of women and further sexual assaults that are absolutely repugnant, so repugnant that I cannot even bring myself to mention them on the Senate floor.

Serbian forces threaten to kill several Moslems for every Serb killed, torturing and murdering innocent people.

And like the 1930's and 1940's the rest of the world dithers while countless men, women, and children are being brutalized.

Here we are now debating the United States of America's Defense authorization bill. What is NATO for if it cannot deliver food to the hungry, medicine to the sick, and play a role in liberating camps and directing the type of military strategy that would force the Serbs into a cease-fire and into a diplomatic solution?

Oh, I have heard about how they held out against Hitler's two divisions. The Serbs, the Croatians, hated the Nazis and fought against them. I am not talking about NATO or NATO under the umbrella of the United Nations going in and trying to take all of Yugoslavia and ironing out every ethnic conflict.

Mr. President, where is the genius of NATO presenting ideas to the United Nations in order to bring about some type of resolution to this situation? Certainly the warriors who could bring an end to the cold war can come up with these kinds of recommendations and options on what we could do here. Should we send air strikes to show the Serbs?

Mr. CHAFEE. Mr. President, will the Senator yield right there?

Ms. MIKULSKI. No, not until I finish my remarks.

Should we send the Air Force in, air strikes, into the bridges or powerplants? How about something as benign as maybe thinking about dropping pamphlets on Belgrade with these pictures that we are seeing so that the Serbian people in the capital know what is going on?

Are we all going to set around and say "diplomacy," "be careful." I am going to be careful. I do not want to see American men or women risk their lives in a conflict. We understand this. We understand how difficult, complex, and even treacherous is the course we are embarking upon. If we do not communicate to old Europe that old hatreds and bigotry cannot be solved by savagery, then the new world order is going to come apart. We will plunge into savagery. We will plunge into barbarism. And the new world order will look far more brutal than the old world order.

Mr. President, I do not have the military options all spelled out with every detail, but I do know that the genius of the United States of America combined with the resolution of NATO should be able to come up with some type of options that are specific, immediate, achievable, with minimum threat to Allied lives, and will force the Serbs into some type of activity that they will then come to peace talks.

Let us not be overcautious in reacting to the atrocities in Bosnia. The State Department had heard reports of horrible suffering but was awaiting more concrete confirmation before doing anything. European nations rejected Germany's proposal that they each accept a certain quota of refugees. All of us bear some responsibility for letting the suffering continue.

Will we never learn?

Just 50 years ago, these atrocities—and worse—were being carried out against the Jews of Europe. We all know what happened. We all like to think we would have done something at the time to stop the horrors of the Holocaust.

Will we let the Moslems of Bosnia become the Jews of 1992? Will we ignore the atrocities committed against the Croats as we did those committed against homosexuals, Gypsies, intellectuals, and Communists in 1942?

In 1941 when the Nazis took control of Yugoslavia, Croats and Serbs slaughtered each other by the tens of thousands. We should have learned the lessons of history and been prepared for today's conflict, but we have not.

And as horrible as the suffering has been in former Yugoslavia, it has been far worse and has lasted far longer in the Horn of Africa, Mozambique, Angola, and Liberia.

Today in Somalia warring factions are preventing international organizations from delivering food to starving masses. To date, approximately 30,000 people—mostly children—have died in Somalia; 1.5 million are currently dying of starvation, and 4.5 million more are in danger of starving if food does not arrive soon. There are more than 1 million refugees.

The response to the suffering in Africa has been even less forthcoming than our response to Bosnia and Croatia.

U.N. Secretary General Boutros Boutros-Ghali has shown real leadership in urging a more dynamic response to food delivery to Somalia, but he has received little support. Here in the Senate, Senator NANCY KASSEBAUM has introduced a resolution calling on the United Nations to use security troops to see that food and medicine are delivered to the men, women, and children who are now dying.

We must do more. We must act aggressively now to end the suffering in former Yugoslavia, in Africa and elsewhere—or live with the responsibility and guilt for thousands, if not millions, of lives lost through our inaction.

I will be happy to yield to the Senator from Alaska.

The PRESIDING OFFICER. The majority leader is now recognized.

Mr. MITCHELL. Does the Senator yield the floor?

Ms. MIKULSKI. Yes.

I did note the Senator from Alaska had a question. I am happy to yield my time.

The PRESIDING OFFICER. The majority leader is now recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President and Members of the Senate, as I indicated earlier, Senator DOLE and I have been meeting for almost all day with many interested and participating Senators in determining how best to proceed on the many important matters that remain before us.

So that Senators can be aware, at 4 p.m., or as soon thereafter as I can get the floor, I intend to propound a unanimous consent agreement setting forth a procedure for moving forward on the Department of Defense bill, and a separate resolution dealing with Bosnia. Any Senator who is interested should be present on the floor at that time. That is approximately 9 minutes, at 4 p.m., or as soon thereafter as I can get the floor.

I am pleased to yield to the Republican leader for any comment he wishes to make.

Mr. DOLE. Does the majority leader intend to recite the proposed agreement now, or wait until 4 o'clock?

Mr. MITCHELL. I was going to wait until 4 o'clock. If the Senator feels it would be useful, I could do it now.

Mr. DOLE. I think it would be helpful. If other Senators knew precisely what is in it, it might save some time later.

Mr. MITCHELL. If that will be helpful, I will do so.

The request I intend to propound will be as follows:

That the Bumpers amendment, No. 2919, be withdrawn; that the Sasser amendment, No. 2918, be laid aside until 3 p.m. tomorrow; that at that time, 3 p.m. tomorrow, there be 1 hour equally divided in the usual form on the Sasser amendment; that at the conclusion of yielding back of time, the Senate, without any intervening action or debate, vote on the Sasser amendment; that no other SDI amendments be in order prior to the disposition of the Sasser amendment, other than the Pryor contracting amendment; that there be one relevant second-degree amendment to be offered to the Pryor amendment by Senator WARNER or his designee, on which there be 30 minutes for debate, equally divided in the usual form; that there be 30 minutes for debate, equally divided in the usual form, on the Pryor amendment; and that the votes in relation to the Pryor amendment and the Warner amendment thereto occur immediately, without any intervening action or debate, upon the disposition of the Sasser amendment, which would be at 4 p.m. tomorrow.

I would further ask unanimous consent that there be 2 hours of debate on a Leahy amendment with respect to the B-2 bomber to be offered today; that no amendments be in order to the amendment; and that at the conclusion or yielding back of time on the amendment, it be laid aside with a vote occurring on or in relation to the amendment on Tuesday, August 11, following the vote disposing of the Pryor amendment; and that the only amendments in order prior to the 4 p.m. votes on Tuesday be a Coats amendment with respect to abortion, a Graham and Mack Cuban freedom amendment, and relevant amendments with respect to the Graham-Mack amendment.

I will further ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time proceed today to the consideration of Calendar No. 608 (S. Res. 330), a resolution on the situation in Bosnia; that there be 4 hours and 20 minutes of debate on the resolution today, 2 hours and 20 minutes under the control of the Republican leader or his designee and 2 hours under the control of the majority leader or his designee; that at the conclusion or yielding back of time on the resolution, the resolution be laid aside until Tuesday, August 11, at a time to be determined by the majority leader, after consultation with the Republican leader, at which time there be 30 minutes remaining on the resolution, equally divided and controlled by the Republican leader and the majority leader; that Senator PELL be recognized immediately after the resolution has been called up, and that it be in order for him to modify the resolution at that time; that the only amendments in order to the resolution or preamble be the following: two amendments that Senator WARNER may offer, and one amendment that Senator DECONCINI may offer, with 30 minutes, equally divided and controlled on each of those three amendments just listed; two amendments that may be offered by Senator BYRD, the first regarding democratic elections in Romania, on which there be 10 minutes equally divided and controlled, and the second dealing with American diplomatic leadership with respect to Bosnia, on which there be 20 minutes equally divided and controlled; an amendment by Senator DOLE regarding Bosnia, on which there be 15 minutes, equally divided and controlled in the usual form; an amendment by Senator WALLOP regarding Bosnia, on which there being 40 minutes equally divided and controlled in the usual form; an amendment by Senator MCCONNELL regarding Bosnia, on which there be 30 minutes, equally divided and controlled in the usual form; an amendment by Senator BROWN regarding Bosnia, on which there be 20 minutes, equally divided and controlled in the usual form; and an amendment by Senator STEVENS. It is listed as a cost amendment regarding Bosnia.

Mr. STEVENS. Yes, the cost of the U.S. participation.

Mr. MITCHELL. An amendment regarding the cost of the United States participation in Bosnia, on which there be 2 hours, equally divided and controlled in the usual form.

That all such amendments whose content is not otherwise listed be relevant to the resolution or to the preamble; that it be in order to offer amendments to the preamble prior to the vote on the resolution; that no motions to recommit be in order; and that all amendments either to the resolution or the preamble must be filed at the desk by 12:30 p.m. on Tuesday, August 11.

Mr. DOLE. If the majority leader will yield, there will be an agreement propounded by the majority leader, maybe, say, 10 after 4 now, to give every Member an opportunity?

Mr. MITCHELL. That is fine.

Mr. DOLE. Mr. President, I would indicate the Senator from Indiana [Mr. COATS] has another problem, I think, trying to be worked out, that he will not be prejudiced by anything that has been stated. But there will be a separate agreement covering an abortion amendment that he and the Senator from Colorado [Mr. WIRTH], as I understand, may be agreeable to.

Second, I remind my colleagues that this is a Bosnia sense-of-the-Senate resolution, and we have had hours of debate. It is a very important issue. And I hope that we will not take another 4 hours and 20 minutes on that. Plus, I think, as I count, there must be at least 7, 8, or 9 second-degree amendments, and that is another 2 or 3 or 4 hours.

So, hopefully some of the problems can be resolved. I suggest that people read the resolution, because it seems to me that having read it and having tried to help put it together, and having passed other resolutions, I think, by a voice vote, that may have been more stringent than the one now pending, that perhaps a careful reading of the resolution might resolve some of the concerns Members might have on each side of the aisle.

I have no personal objection, and I do not think the managers have any personal objection to either one of the requests by the majority leader.

Mr. DECONCINI. Mr. President, will the majority leader yield for a clarification?

Mr. MITCHELL. Yes.

Mr. DECONCINI. Is it understood that on the Bosnia resolution, that there will be a vote tomorrow, even though there is no time certain? Is that the understanding?

Mr. MITCHELL. The resolution, the unanimous consent request, does not specify a vote tomorrow. But that is certainly my intention.

As the Senator knows, there are many devices by which Members of the Senate can delay matters from occurring. This gives me authority to call it up today—which I intend to do—limit the time for debate on it, limit the amendments to it, and the time on the amendments, also.

It is my intention that there be a vote tomorrow.

Mr. DECONCINI. Tomorrow?

Mr. MITCHELL. Yes.

Mr. DECONCINI. The second question is, only those amendments that are listed can be offered? No other amendment?

Mr. MITCHELL. That is correct. The request reads that the only amendments in order to the resolution or the preamble be the following, and then I listed all of the amendments.

Mr. DECONCINI. So there could be no more amendments.

The last question to the majority leader is that if everybody took their time allocated tomorrow on the amendments—I presume that is when the amendments were to be offered; or tonight?

Mr. MITCHELL. Hopefully, they could be offered tonight.

Mr. DECONCINI. Mr. President, is it the intention of the leader to do everything he can to see that the time is exhausted on all of the amendments sometime tomorrow during the working session, so there will be a vote tomorrow?

Mr. MITCHELL. It is my hope to have a vote tomorrow. I just say to my colleague, I have been trying for all day and several days last week to move this legislation forward, and I will to my very best.

Mr. DECONCINI. If the majority leader will yield, my concern is we debate 4 hours and 20 minutes today—tonight—maybe even do a few amendments, and then we go on to this after the B-2 amendment. It should be sometime tomorrow, late tomorrow, or early tomorrow evening, 6 or 7 o'clock. Then there is about 3 hours or 4 hours, at least 4 hours, of debate on amendments that could be taken if all time is taken. Maybe 5 hours. So we are talking about 10 o'clock tomorrow night or 11 tomorrow night if all that time is used.

My question is, If all that time is used, does the Senator feel that we would have that vote tomorrow night?

Mr. MITCHELL. It is my hope that we can have the vote much earlier than that late hour tomorrow evening, and I will do my very best to advance that. But, as the Senator knows very well, I cannot control the length of time which Senators speak and use, other than through this agreement.

Mr. DECONCINI. But, if the majority leader will yield, that is all the time that would be available, under the unanimous-consent request. Is that so? Just the time that is mentioned in that unanimous-consent request?

Mr. MITCHELL. Yes.

Mr. DECONCINI. I thank the Senator.

Several Senators addressed the Chair.

Mr. MITCHELL. I yield to the Senator from Maine and then to the Senator from Alaska.

Mr. COHEN. I listened very carefully to what will be the unanimous-consent request. I did not hear the words "nuclear testing." This Senator has been on the floor since 9:30 this morning prepared to offer an amendment that would raise and hopefully dispose of the issue of nuclear testing. It was so thoroughly debated last week, I wanted to indicate to the majority leader that I am ready, willing, and able to sit down with the majority leader and other members of his party and those on our side to resolve this issue rather quickly. I do not think we need much in the way of time for debate since we took so much time last week.

I do have an amendment that I think can be disposed of in a reasonably short period of time, and I hope we might be able to include that, if not in this unanimous-consent request, sometime before the end of business when we adjourn for the convention.

Mr. MITCHELL. Mr. President, I thank my colleague from Maine. It is my intention that, immediately following the obtaining of the unanimous-consent agreement—which I am now going to propound in about 8 minutes—that we could meet on the test ban subject in an effort to resolve either the substance or, at the very least, the procedure by which it would be handled, and it is my hope that we can accommodate the Senator's wishes.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Alaska now has the floor pursuant to the majority leader's granting that.

Mr. MITCHELL. Mr. President, I have the floor, and I will be yielding to the Senator. Was the Senator from Alaska addressing me or was he addressing the Chair?

Mr. STEVENS. Mr. President, I sought recognition of the Chair.

Mr. MITCHELL. Then I apologize. I did not understand that.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see others are prepared. Since the Senator from Rhode Island has had a statement, I have some comments to make concerning the history of Yugoslavia and this Bosnia dispute.

I do think, though, it is time that someone stood up on the floor and asked the Senate what it is doing. How many of us remember Hungary? How many of us really remember that people throughout the world read what we say and hear what we say? I have heard repeatedly now—and I have been listening today in my office to the proceedings on the floor—I have heard repeatedly people talk about rescue attempts and liberating the camps and being able to deliver the military muscle, I think someone did.

It is time, I think, some of us who know a little bit about defense came out here and asked, again: Do we want another false impression of what we are prepared to do?

To a great extent, what I am hearing from the other side of the aisle is political in nature. And every time we raise the question of politics, we are criticized. How many of the people who ask for us to liberate the camps were for liberating Kuwait? And how many people have said we should send forces to South Africa, or to Ethiopia, or Somalia? Are we really going to get into the position where, because we hear about brutal, brutal incidents throughout the world, we are going to call our military into action? Is this the impression the Senate wants to give to the world?

I have not yet decided whether to consent to this agreement that the majority leader has just read on Bosnia. And I do not think I will unless we can get an understanding that this political attack that is coming from the other side against what has just been described as a cold war in the White House comes to an end. If we are going to have a bipartisan concept in dealing with Bosnia—and I have before me what I think could be the basis for that, and that is the current draft of this resolution—we might have some action that the world can understand. But they certainly will not understand the statements that indicate we are about ready to send the Marines into Bosnia.

If anyone wants to debate whether we can do that tomorrow, this Senator is ready to spend the evening with them. But it is time we settled down and understood what this resolution says. I think it would be a good idea, at the beginning of the consideration of this resolution, for all Senators to be on the floor and to listen to the reading of the resolution. Apparently, some Senators are unwilling to read it themselves because the impression I get in listening to what has been going on out here is we are about ready to authorize the immediate use of U.S. force. That is not the case. And this Senator would certainly not consent to any agreement for the consideration of a resolution to do just that.

I think it is time we got a little sense into this in terms of what is going on. If Senators would like, rather than have the resolution—I will be pleased to read what I got from the library, which is about a 169-page document on a short history of Yugoslavia that will take you back to the early history of Bosnia, from its early days. It starts around 1180 and brings us through 1966. If you want to read about oppression and about liquidations and about the seeds of the enmity that exists in this region, I suggest that everyone get a copy. The library will send it to you in 20 minutes—"A Short History of Yugoslavia, From Early Times to 1966," printed by Cambridge, the University Press, in 1966.

Anyone who wants to read it will come to the conclusion we should slow down and think of what we are doing, because the animosity in this region has existed for an awful long time. There are some of us on the floor who remember World War II. And there are some of us who remember the terrible agony of World War II, of sending American forces to Europe.

This Senator is not going to vote to send American forces to Europe alone. We might send American forces to back up a well-thought-out plan of the United Nations in which we participate. But, above all, this Senator is not going to vote for this resolution if it turns out to be a political gimmick from the other side of the aisle to embarrass our President at the time he is trying to deal with this issue.

I hope I have been misreading my friends from the other side of the aisle. I am sincere in telling you, I have not made up my mind yet whether to consent to this resolution. I want some assurance it will be a bipartisan consideration of a very serious matter, and that is whether the United States should go to the United Nations and try to give rise to a U.N. solution that might deal with this problem that the world faces in the Bosnia area. But, so far, what I have heard here on the floor today is political. It is political. And I do not intend to participate in that.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, if I could have the attention of my friend from Alaska, as I said earlier I have been involved with meetings with Senator DOLE all day so I, unfortunately, have not heard the debate that has gone on, so I do not know to what the Senator from Alaska is referring. I just want to note for the record that the resolution that I was involved with was cosponsored by the Republican leader, Senator DOLE, and myself. There may be other variations, and there may have been other statements made. But from the very beginning—and I can speak only for myself on this—my staff and Senator DOLE's have been in close consultation, and we were cosponsors of a resolution that was introduced last week.

I do not know what the Senator from Alaska is referring to, but I wanted to make that clear for the record, insofar as the participation of the leaders, Senator DOLE and I have been working together on this. We jointly cosponsored with other Senators—I believe both Republicans and Democrats—a resolution last week and it is my hope whatever resolution we take up is as close to that resolution as possible.

Mr. STEVENS. Mr. President, I have that resolution in my hand. As I indi-

cated, if this is the subject matter we are going to debate, that is one issue. If it is the comments that have been made on this floor today such as those made by the Senator from Maryland, made by the Senator from Arizona, that are political in nature, then it is going to be a different debate and it certainly is not going to be one under a unanimous-consent request.

Mr. MITCHELL. Obviously, the Senator from Alaska, as each of the 99 other Senators, has the right to object to any unanimous-consent request. The hour of 10 past 4 has arrived. I would like now to proceed to propound the request.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are still some on our side who need to reflect on the unanimous-consent request. The Senator from Alaska has spoken to Bosnia. There is one on the amendments to the authorization bill. The Senator from Wyoming is now having an opportunity to look at it. The majority leader said at this particular hour he was prepared to propound this agreement.

Mr. WALLOP. I say to the leader, I do not wish to delay him, having not read it, I would like to at least have a few minutes to determine whether or not I will raise an objection to it.

Mr. MITCHELL. Certainly.

Mr. WARNER. Mr. President, may I say to all Senators, there is a conscientious effort by the leadership and the managers to move forward on this unanimous-consent request. There is a conscientious examination being done here. There is only one—the Senator from Wyoming—whom I know of on this side of the aisle, and if I am not correct, I urge Senators to bring it to my attention at this time. On the assumption the Senator from Wyoming can be accommodated under this agreement, I am prepared on behalf of the Republican leader, Mr. DOLE, to indicate our approval of the unanimous-consent request.

Mr. WALLOP. If the leader will yield, I want to correct my friend from Virginia, but is is my understanding the Senator from New Hampshire [Mr. SMITH] may have an objection. I do not know that to be the case. But I was informed it may be.

Mr. WARNER. I invite all Senators to bring it to our immediate attention so we can move forward. Either we get it or we do not get it.

Mr. MITCHELL. Mr. President, I will propound it at 4:20 or soon after. That will give the Senator enough time to read it. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, all of us are shocked and outraged by the situation in Bosnia. We have read the horrifying accounts of buses with orphaned children being fired on; we have seen the photographs of inmates with protruding ribs in Serbian detention camps; and we have read about the fighting and lack of food in Sarajevo and other Bosnian cities.

I hope that our anger and sadness, however, will not affect our ability to think clearly about the options we face. What can we do, and what should we do, to try and put an end to the violence and suffering?

Let's begin by taking a look at the map. Even a cursory review of this map demonstrates that it will be difficult if not impossible to separate the combatants. The purple areas on this map are areas in which Serbs are in the majority; the green connotes areas of Moslem majority; and the yellow shows areas in which Croats are a majority. The white areas on this map are regions in which no group has a majority. As you can see, this looks like a jigsaw puzzle. Mr. President, this situation looks to me a lot more like Lebanon, or Somalia, than it does Cyprus or the Sinai. This a situation that more nearly resembles Beirut than Kuwait City.

Mr. President, we must also consider the history of this region. The Moslem population in Bosnia is a legacy of the Ottoman Empire, so the current fighting has roots that are very deep and centuries old. In this century, the assassination of Archduke Ferdinand by a Serbian terrorist set in motion the events that led to World War I. During World War II, Hitler sent 550,000 German soldiers into Yugoslavia and they were unable to defeat the Yugoslovian resistance.

This violent history should give us pause as we consider a resolution calling on the United Nations to take steps that could result in the commitment of United States forces to Bosnia.

Today, Serbian and Croatian guerrilla groups are heavily armed and probably self-sufficient with regard to weaponry, as Yugoslavia had an extensive indigenous arms industry. Moslem forces have fewer weapons but are also heavily armed. It is likely that some or all of these groups have shoulder-fired surface-to-air missiles from Yugoslav Army stocks.

Mr. President, this map does not show the topography of Bosnia, but that is another factor that we need to consider. The 1984 Winter Olympics were held in Sarajevo, where the fighting now rages, in part because of the rugged mountains of this region. That same terrain, however, as the Serbs demonstrated during World War II, strongly favors irregular forces. Roads can easily be blocked and weapons and troops concealed. It has proven impossible to move humanitarian supplies along these roads without the cooperation of the various irregular forces operating in Bosnia.

Unfortunately, Mr. President, there is evidence that the Serbian, Croatian, and Bosnian Governments do not control these irregular forces. cease-fire agreement may therefore be difficult or impossible to achieve until one or more of these forces are defeated. Further, the political and territorial objectives of the Bosnian, Serbian, and Croatian Governments are incompatible: Serbia and Croatia both want to absorb large and sometimes overlapping portions of Bosnia. The Bosnian Government meanwhile wants both of its neighbors to completely withdraw so that it can exist as an independent country.

Mr. President, this history and these difficulties are perhaps clearer to officials in Britain, Germany, and other European countries who are much closer to the situation in Bosnia than we are. In that regard, Mr. President, I would like to read a quote that appeared in a Washington Post article on Saturday, "From London to Vienna, political and military leaders remain skeptical that any military move—whether limited to air strikes or expanded to a ground force that NATO officials believe would have to be 100,000 troops strong—would either end the conflict or save Bosnians from the miseries of war." I am not sure that this assessment differs much from that of our own Joint Chiefs of Staff.

We need to be very careful when we talk about humanitarian relief operations. The relief problem in Bosnia today does not stem from a lack of supplies or transportation. It is not a question of money. The relief problem exists because U.N. trucks and planes cannot deliver supplies while they are being shot at. So the question is, who is going to stop the shooting and how are they going to do it?

Let me also point out that this is a problem far greater than the siege of Sarajevo. There are numerous cities in Bosnia under siege by Serbian forces, and these cities are spread all over Bosnia. The city of Tuzla did not receive any supplies during the month of July. The town of Goradze has been under heavy bombardment. I understand that the city of Bana Luca only received about 2 or 3 days of supplies last month. Today's New York Times discusses the situation in the city of Bihac. So, if we want to ensure the provision of humanitarian relief, we may need to gain access not only to Sarajevo but most large Bosnian cities. How will this be done without the commitment of ground forces to these areas?

Mr. President, there has been some discussion of relying on U.S. air and naval power to ensure that humanitarian supplies reach these cities. I hope that none of my colleagues labor under any illusions about the utility of air power in this situation. This is not a war like Desert Storm in Iraq where

there was little cover, few hills and valleys to hide in.

In Bosnia, how will our pilots be able to tell the difference between Serbs, Croats, or Moslems while traveling at 650 mph at 15,000 feet? They are not going to have a convenient "S" or "M" or "B" on their foreheads. For that matter, how will we tell civilians from combatants? What are our targets going to be when there are no important lines of communication or key industrial or military targets in Bosnia?

Mr. President, we need to have specific, clear-cut objectives in Bosnia, and we need to understand what is required to achieve those objectives. We cannot effectively distribute humanitarian aid without ground forces present. This is what the United Nations has been trying to do unsuccessfully for the past several months. Therefore the question is whether we want to provide ground forces. It seems to me that is the ultimate question we have to answer.

Mr. President, I do not think anyone should believe we can have the best of all worlds—a splendid solution with somebody else's ground troops. We cannot tell the Europeans, "Here, we'll hold your coats" while your troops go into that morass and stop the fighting.

Let no one believe air power is going to frighten harassing forces away so supplies can be delivered.

I personally believe the injection of ground forces will be putting those forces into an absolute quagmire such as Lebanon or Northern Ireland. I hope those who are boldly proposing humanitarian aid realize that this effort will come with serious obligations.

Finally, Mr. President, if it is going to be the policy of the United States to intervene in any situation involving atrocities associated with ethnic warfare, we may soon find young Americans dodging bullets in such dangerous and far away places as Tajikistan, Azerbaijan, and Armenia, Somalia, Mozambique, Tibet, and northern and southern Iraq. The civil war in Somalia today is by all accounts causing even more human suffering than the war in Bosnia—and for the same reason—because of a civil war between different ethnic groups.

The suffering and starvation in both countries, in Bosnia and in Somalia, is horrifying and offends every one of us. But are we willing to take the final step?

Mr. President, it is wonderful to give speeches on what we want to accomplish, but are we willing to put the lives of young Americans at risk when it is not clear, based on our experiences in Beirut and Vietnam, that their sacrifices will end the suffering in those countries?

So, Mr. President, I strongly believe we must clearly understand what we are doing or what we might be doing. There are no easy solutions to this problem, no painless solutions.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MITCHELL. Mr. President, I had indicated earlier that I would propounded these agreements but have deferred at the request of our colleagues on the other side so the matter could be reviewed. I am now prepared to propound the agreements.

I am waiting for the presence of the distinguished Republican leader on the floor in order to propound the two agreements. They have been changed in some minor details, particularly with respect to the number and identify of amendments—some have been deleted, some have been added. But since the thrust of the agreements remains as previously stated, however, so that there can be no possible misunderstanding, it is my intention to reread the entire proposed agreements.

Mr. WARNER. Mr. President, I regret to say there are several objections on this side to the unanimous-consent agreement as it relates to the pending bill, the armed services authorization.

Mr. MITCHELL. I have not propound the agreement yet.

Mr. WARNER. I would like just a few minutes until the Republican leader returns to the Senate. He has been absent for a few minutes. I think it best that he assess the latest problem.

I thought it was clear what I said, Mr. President, that my statement related to the armed services bill.

The question of Bosnia—the Republican leader will return shortly—and perhaps that can be resolved. He is going to speak to that one.

Mr. MITCHELL. Mr. President, I intend to propound—as I said, I am going to do so, so there is no misunderstanding—both agreements. Obviously, if any Senator objects, we will not go forward. I want at that time to discuss the consequences of that and where we will proceed from here. But I will as a courtesy, of course, to the Republican leader await his presence on the floor.

Mr. President, does the Senator wish to be recognized?

Mr. COHEN. If the majority leader is going to defer until the minority leader comes to the floor, I will offer some comments on this matter.

Mr. MITCHELL. Mr. President, I yield the floor for that purpose with the understanding that as soon as the distinguished Republican leader arrives, if the Senator is agreeable, we will then proceed to propound the agreement.

Mr. COHEN addressed the Chair.

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

The Senator from Maine.

Mr. COHEN. Mr. President, in addition to the arguments that were marshaled by my friend, Senator CHAFEE, from Rhode Island, I wanted to offer, for the RECORD, a copy of a speech that was delivered by former Secretary of Defense Casper Weinberger back on November 28, 1984.

I remember when the Reagan administration first came into office that there was great fear and trepidation that the Reagan administration was engaged not only in saber rattling but was baring those sabers from the scabbards and started to engage the country in a number of wars in the name of those on the right. Secretary Weinberger gave a fairly thoughtful speech to the Press Club in 1984 on "The Uses of Military Power."

I wanted to quote several sections of it to support the thoughtful comments offered by the Senator from Rhode Island. I believe that yesterday or late last week we honored the 50th anniversary of Senator CHAFEE'S commitment to battle. Certainly, he is one who has fought in the trenches of war and knows something about combat experience.

Here is what Secretary Weinberger said back in 1984. He said:

> So today, I want to discuss with you perhaps the most important question concerning keeping the peace. Under what circumstances, and by what means, does a great democracy such as ours reach the painful decision that the use of military force is necessary to protect our interests or to carry out our national policy?

He said:

> We find ourselves, then, face to face with a modern paradox: The most likely challenge to the peace—the gray area conflicts—are precisely the most difficult challenges to which a democracy must respond. Yet, while the source and nature of today's challenges are uncertain, our response must be clear and understandable. Unless we are certain that force is essential, we run the risk of inadequate national will to apply the resources needed.

Obviously, Secretary Weinberger is responding to the fears that were expressed at the end of the Vietnam war, that once again we would rush into a conflict and find ourselves bogged down for years in a bloody war with thousands of young Americans coming home in coffins.

So Secretary Weinberger set out six basic tests that he would apply in weighing whether to use U.S. combat forces abroad.

Let me just reiterate them. I think the Senator from Rhode Island would like to have it completed.

He said:

> (1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.
>
> (2) Second, if we decide it is necessary to put combat forces into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course, if the particular situation requires only limited force

to win our objectives, then we should not hesitate to commit forces sized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.

That may be something that applies in this particular situation.

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

(4) Fourth, the relationship between our objectives and the forces we have committed—their size, composition, and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "Is this conflict in our national interest?" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes," then we must win. If the answers are "no," then we should not be in combat.

(5) Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected Representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.

(6) Finally, the commitment of U.S. forces to combat should be a last resort.

I will ask unanimous consent to include the entire speech in the RECORD. But I thought it was important to outline the six key points that Secretary Weinberger outlined as the test that he certainly would recommend to the President of the United States before committing this country, seeking to commit this country, to a wartime scenario.

As I understand it, again there is great ambiguity in terms of exactly what we seek to achieve with a resolution and, hopefully, that will be clarified during the course of this evening's debate and that of tomorrow.

If, as my friend and colleague from Maine indicated, it is simply a bipartisan resolution to urge the President to seek United Nations support to use whatever means necessary to persuade the Serbs to stop the slaughter and the inhumane treatment they are currently engaged in, then that is one matter.

If it in any way implies that we are delegating to the United Nations authority for it to commit U.S. forces into a combat situation, then I would have great reservation.

In the past, President Bush has indicated some reservations, that he would have to come back to the U.S. Congress in order to get authority to commit troops to what, I believe, would clearly be a wartime situation. There was doubt as to whether he would seek authority from the Congress before actually committing forces to combat against Saddam Hussein. Some of us went to the White House and encouraged him that, in fact, he should and must come to Congress to get that specific authority.

So I think there are some questions that remain about exactly what we are doing. Are we simply offering moral support? Are we encouraging the President to get United Nations action that would at least send a signal that the United Nations and those who participate in it are prepared to use military force if necessary?

And if that is the case, whatever the United Nations decides, to commit air power, land power, sea power, does the President then have the obligation to return to the Congress, say this is the plan we are going to take? Going to the Danube, perhaps, as the Senator from New York suggested? Whatever targets he picked, it seems to me, the President would be required to come back to this Congress and seek congressional authority before committing us to that kind of an operation. But that remains to be debated.

I do not know whether that view of mine is shared. If I were to go back and quote from the language of the debate involved in the Persian Gulf debate, I think most of our colleagues would be surprised to have their words re-read to them in terms of what was involved—No blood for oil. Why are we committing thousands of Americans to potentially their deaths? What do we tell the American people when their sons and daughters come home in body bags? And on and on—very powerful, poignant statements that were made to the Senate and to the world that was watching.

In addition, we all had mothers against the war come to our offices to say, "Don't send my son" or "Don't send my daughter" into that kind of conflict. We took 6 months virtually to debate the issue as the forces were building up, as we deployed forces in Desert Shield, evolving into Desert Storm. We had months in which to allow public opinion to build to a swell, and to know whether they were going to support us or not.

All of us were concerned about what Secretary Weinberger said. Do not commit our forces, young men and women, into a combat situation and then have public opinion shift, change, and then be forced to back out. Never again should we do that.

So I think it is important, as we continue this debate throughout the afternoon, and the evening, and into tomorrow, that we be very clear on exactly what it is we are proposing, what we are suggesting the President do in terms of seeking to encourage the United Nations to take action, and what action we would demand of the President of the United States after obtaining that particular action from the United Nations. I think all of that has to be clarified, certainly in my mind and I am sure in the minds of many of my colleagues, before we pass final judgment on that issue.

So I ask unanimous consent that the full text of the Secretary Weinberger's speech be printed in the RECORD.

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

"THE USES OF MILITARY POWER"

(Remarks by Hon. Caspar W. Weinberger, Secretary of Defense, Washington, DC., November 28, 1984)

Thank you for inviting me to be here today with the members of the National Press Club, a group most important to our national security. I say that because a major point I intend to make in my remarks today is that the single most critical element of a successful democracy is a strong consensus of support and agreement for our basic purposes. Policies formed without a clear understanding of what we hope to achieve will never work. And you help to build that understanding among our citizens.

Of all the many policies our citizens deserve—and need—to understand, none is so important as those related to our topic today—the uses or military power. Deterrence will work only if the Soviets understand our firm commitment to keeping the peace, * * * and only from a well-informed public can we expect to have that national will and commitment.

So today, I want to discuss with you perhaps the most important question concerning keeping the peace. Under what circumstances, and by what means, does a great democracy such as ours reach the painful decision that the use of military force is necessary to protect our interests or to carry out our national policy?

National power has many components, some tangible—like economic, wealth, technical pre-eminence. Other components are intangible—such as moral force, or strong national will. Military forces, when they are strong and modern, are a credible—and tangible—addition to a Nation's power. When both the intangible national will and those forces are forged into one instrument, national power becomes effective.

In today's world, the line between peace and war is less clearly drawn than at any time in our history. When George Washington, in his farewell address, warned us, as a new democracy, to avoid foreign entanglements, Europe then lay 2-3 months by sea over the horizon. The United States was protected by the width of the oceans. Now in this nuclear age, we measure time in minutes rather than months.

Aware of the consequences of any misstep, yet convinced of the precious worth of the freedom we enjoy, we seek to avoid conflict, while maintaining strong defenses. Our policy has always been to work hard for peace, but to be prepared if war comes. Yet, so blurred have the lines become between open conflict and half-hidden hostile acts that we cannot confidently predict where, or when, or how, or what direction aggression may arrive. We must be prepared, at any moment, to meet threats ranging in intensity from isolated terrorist acts, to guerilla action, to full-scale military confrontation.

Alexander Hamilton, writing in the Federalist Papers, said that "it is impossible to foresee or define the extent and variety of National exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them." If it was true then, how much more true it is today, when we must remain ready to consider the means to meet such serious indirect challengers to the peace as proxy wars and individual terrorist action. And how much more important is it now, considering the consequences of failing to deter conflict at the lowest level possible. While the use of military force to defend territory has never been questioned when a democracy has been attacked and its very survival threatened, most democracies have rejected the unilateral aggressive use of force to invade, conquer or subjugate other nations. The extent to which the use of force is acceptable remains unresolved for the host of other situations which fall between these extremes of defensive and aggressive use of force.

We find ourselves, then, face to face with a modern paradox: The most likely challenge to the peace—the gray area conflicts—are precisely the most difficult challenges to which a democracy must respond. Yet, while the source and nature of today's challenges are uncertain, our response must be clear and understandable. Unless we are certain that force is essential, we run the risk of inadequate national will to apply the resources needed.

Because we face a spectrum of threats—from covert aggression, terrorism, and subversion, to overt intimidation, to use of brute force—choosing the appropriate level of our response is difficult. Flexible response does not mean just any response is appropriate. But once a decision to employ some degree of force has been made, and the purpose clarified, our government must have the clear mandate to carry out, and continue to carry out, that decision until the purpose has been achieved. That, too, has been difficult to accomplish.

The issue of which branch of Government has authority to define that mandate and make decisions on using force is now being strongly contended. Beginning in the 1970s Congress demanded, and assumed, a far more active role in the making of foreign policy and in the decisionmaking process for the employment of military forces abroad than had been thought appropriate and practical before. As a result, the centrality of decisionmaking authority in the executive branch has been compromised by the legislative branch to an extent that actively interferes with that process. At the same time, there has not been a corresponding acceptance of responsibility by Congress for the outcome of decisions concerning the employment of military forces.

Yet the outcome of decisions on whether—and when—and to what degree—to use combat forces abroad has never been more important than it is today. While we do not seek to deter or settle all the world's conflicts, we must recognize that, as a major power, our responsibilities and interests are now of such scope that there are few troubled areas we can afford to ignore. So we must be prepared to deal with a range of possibilities, a spectrum of crises, from local insurgency to global conflict. We prefer, of course, to limit any conflict in its early stages, to contain and control it—but to do that our military forces must be deployed in a timely manner, and be fully supported and prepared before they are engaged, because many of those difficult decisions must be made extremely quickly.

Some on the national scene think they can always avoid making tough decisions. Some reject entirely the question of whether any force can ever be used abroad. They want to avoid grappling with a complex issue because, despite clever rhetoric disguising their purpose, these people are in fact advocating a return to post-World War I isolationism. While they may maintain in principle that military force has a role in foreign policy, they are never willing to name the circumstance or the place * * *.

On the other side, some theorists argue that military force can be brought on bear in any crisis. Some of these proponents of force are eager to advocate its use even in limited amounts simply because they believe that if there are American forces of any size present they will somehow solve the problem.

Neither of these two extremes offers us any lasting or satisfactory solutions. The first—undue reserve—would lead us ultimately to withdraw from international events that require free nations to defend their interests from the aggressive use of force. We would be abdicating our responsibilities as the leader of the free world—responsibilities more or less thrust upon us in the aftermath of World War II—a war incidentally that isolationism did nothing to deter. These are responsibilities we must fulfill unless we desire the Soviet Union to keep expanding its influence unchecked throughout the world. In an international system based on mutual interdependence among nations, and alliances between friends, stark isolationism quickly would lead to a far more dangerous situation for the United States: We would be without allies and faced by many hostile or indifferent nations.

The second alternative—employing our forces almost indiscriminately and as a regular and customary part of our diplomatic efforts—would surely plunge us head-long into the sort of domestic turmoil we experienced during the Vietnam War, without accomplishing the goal for which we committed our forces. Such policies might very well tear at the fabric of our society, endangering the single most critical element of a successful democracy: A strong consensus of support and agreement for our basic purposes.

Policies formed without a clear understanding of what we hope to achieve would also earn us the scorn of our troops, who would have an understandable opposition to being used—in every sense of the word—casually and without intent to support them fully. Ultimately this course would reduce their morale and their effectiveness for engagements we must win. And if the military were to distrust its civilian leadership, recruitment would fall off and I fear an end to the all-volunteer system would be upon us, requiring a return to a draft, sowing the seeds of riot and discontent that so wracked the country in the '60s.

We have now restored high morale and pride in the uniform throughout the services. The all-volunteer system is working spectacularly well. Are we willing to forfeit what we have fought so hard to regain?

In maintaining our progress in strengthening America's military deterrent, we face difficult challenges. For we have entered an era where the dividing lines between peace and war are less clearly drawn, the identity of the foe is much less clear. In World Wars I and II, we not only knew who our enemies were, but we shared a clear sense of why the principles espoused by our enemies were unworthy.

Since these two wars threatened our very survival as a free nation and the survival of our allies, they were total wars, involving every aspect of our society. All our means of production, all our resources were devoted to winning. Our policies had the unqualified support of the great majority of our people. Indeed, World Wars I and II ended with the unconditional surrender of our enemies . . . the only acceptable ending when the alternative was the loss of our freedom.

But in the aftermath of the second world war, we encountered a more subtle form of warfare—warfare in which, more often than not, the face of the enemy was masked. Territorial expansionism could be carried out indirectly by proxy powers, using surrogate forces aided and advised from afar. Some conflicts occurred under the name of "National Liberation," but far more frequently ideology or religion provided the spark to the tinder.

Our adversaries can also take advantage of our open society, and our freedom of speech and opinion to use alarming rhetoric and disinformation to divide and disrupt our unity of purpose. While they would never dare to allow such freedoms to their own people, they are quick to exploit ours by conducting simultaneous military and propaganda campaigns to achieve their ends.

They realize that if they can divide our national will at home, it will not be necessary to defeat our forces abroad. So by presenting issues in bellicose terms, they aim to intimidate western leaders and citizens, encouraging us to adopt conciliatory positions to their advantage. Meanwhile they remain sheltered from the force of public opinion in their countries, because public opinion there is simply prohibited and does not exist.

Our freedom presents both a challenge and an opportunity. It is true that until democratic nations have the support of the people, they are inevitably at a disadvantage in a conflict. But when they do have that support they cannot be defeated. For democracies have the power to send a compelling message to friend and foe alike by the vote of their citizens. And the American people have sent such a signal by re-electing a strong chief executive. They know that President Reagan is willing to accept the responsibility for his actions and is able to lead us through these complex times by insisting that we regain both our military and our economic strength.

In today's world where minutes count, such decisive leadership is more important than ever before. Regardless of whether conflicts are limited, or threats are ill-defined, we must be capable of quickly determining that the threats and conflicts either do or do not affect the vital interests of the United States and our allies . . . and then responding appropriately.

Those threats may not entail an immediate, direct attack on our territory, and our response may not necessarily require the immediate or direct defense of our homeland. But when our vital national interests and

those of our allies are at stake, we cannot ignore our safety, or forsake our allies.

At the same time, recent history has proven that we cannot assume unilaterally the role of the world's defender. We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom. So while we may and should offer substantial amounts of economic and military assistance to our allies in their time of need, and help them maintain forces to deter attacks against them—usually we cannot substitute our troops or our will for theirs.

We should only engage our troops if we must do so as a matter of our own vital national interest. We cannot assume for other sovereign nations the responsibility to defend their territory—without their strong invitation—when our own freedom is not threatened.

On the other hand, there have been recent cases where the United States has seen the need to join forces with other nations to try to preserve the peace by helping with negotiations, and by separating warring parties, and thus enabling those warring nations to withdraw from hostilities safely. In the Middle East, which has been torn by conflict for millennnia, we have sent our troops in recent years both to the Sinai and to Lebanon, for just such a peacekeeping mission. But we did not configure or equip those forces for combat—they were armed only for their self-defense. Their mission required them to be—and to be recognized as—peacekeepers. We knew that if conditions deteriorated so they were in danger, or if because of the actions of the warring nations, their peace keeping mission could not be realized, then it would be necessary either to add sufficiently to the number and arms of our troops—in short to equip them for combat . . . or to withdraw them. And so in Lebanon, when we faced just such a choice, because the warring nations did not enter into withdrawal or peace agreements, the President properly withdrew forces equipped only for peacekeeping.

In those cases where our national interests require us to commit combat forces, we must never let there be doubt of our resolution. When it is necessary for our troops to be committed to combat, we must commit them, in sufficient numbers and we must support them, as effectively and resolutely as our strength permits. When we commit our troops to combat we must do so with the sole object of winning.

Once it is clear our troops are required, because our vital interests are at stake, then we must have the firm national resolve to commit every ounce of strength necessary to win the fight to achieve our objectives. In Grenada we did just that.

Just as clearly, there are other situations where United States combat forces should not be used. I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:

First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces sized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the holocaust of World War II.

Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

War may be different today than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "Is this conflict in our national interest?" "Does our national interest require us to fight, to use force of arms?" If the answers are "yes", then we must win. If the answers are "no", then we should not be in combat.

Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.

Finally, the commitment of U.S. forces to combat should be a last resort.

I believe that these tests can be helpful in deciding whether or not we should commit our troops to combat in the months and years ahead. The point we must all keep uppermost in our minds is that if we ever decide to commit forces to combat, we must support those forces to the fullest extent of our national will for as long as it takes to win. So we must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens. And those objectives must be vital to our survival as a free nation and to the fulfillment of our responsibilities as a world power. We must also be farsighted enough to sense when immediate and strong reactions to apparently small events can prevent lion-like responses that may be required later. We must never forget those isolationists in Europe who shrugged that "Danzig is not worth a war", and "why should we fight to keep the Rhineland demilitarized?"

These tests I have just mentioned have been phrased negatively for a purpose—they are intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas. When we ask our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required.

In many situations we may apply these tests and conclude that a combatant role is not appropriate. Yet no one should interpret what I am saying here today as an abdication of America's responsibilities—either to its own citizens or to its allies. Nor should these remarks be misread as a signal that this country, or this administration, is unwilling to commit forces to combat overseas.

We have demonstrated in the past that, when our vital interests or those of our allies are threatened, we are ready to use force, and use it decisively, to protect those interests. Let no one entertain any illusions—if our vital interests are involved, we are prepared to fight. And we are resolved that if we must fight, we must win.

So, while these tests are drawn from lessons we have learned from the past, they also can—and should—be applied to the future. For example, the problems confronting us in Central America today are difficult. The possibility of more extensive Soviet and Soviet-proxy penetration into this hemisphere in months ahead is something we should recognize. If this happens we will clearly need more economic and military assistance and training to help those who want democracy.

The President will not allow our military forces to creep—or be drawn gradually—into a combat role in Central America or any other place in the world. And indeed our policy is designed to prevent the need for direct American involvement. This means we will need sustained congressional support to back and give confidence to our friends in the region.

I believe that the tests I have enunciated here today, if applied carefully, avoid the danger of this gradualist incremental approach which almost always means the use of insufficient force. These tests can help us to avoid being drawn inexorably into an endless morass, where it is not vital to our national interest to fight.

But policies and principles such as these require decisive leadership in both the executive and legislative branches of government—and they also require strong and sustained public support. Most of all, these policies require national unity of purpose. I believe the United States now possesses the policies and leadership to gain that public support and unity. And I believe that the future will show we have the strength of character to protect peace with freedom.

In summary, we should all remember these are the policies—indeed the only policies—that can preserve for ourselves, our friends, and our posterity, peace with freedom.

I believe we can continue to deter the Soviet Union and other potential adversaries from pursuing their designs around the world. We can enable our friends in Central America to defeat aggression and gain the breathing room to nurture democratic reforms. We can meet the challenge posed by the unfolding complexity of the 1980's.

We will then be poised to begin the last decade of this century amid a peace tempered by realism, and secured by firmness and strength. And it will be a peace that will enable all of us—ourselves at home, and our friends abroad—to achieve a quality of life, both spiritually and materially, far higher than man has even dared to dream.

UNANIMOUS CONSENT AGREEMENT

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, as I earlier indicated, I would propound the unanimous-consent request but delayed it to permit our colleagues the opportunity to review it and consider it in more detail. I would like now, if I might, proceed to propound the agreement. I will propound first the agreement with respect to the pending bill.

Mr. President, I ask unanimous consent that the Bumpers amendment No. 2919 be withdrawn; that the Sasser amendment No. 2918 be laid aside until 3 p.m. tomorrow; that there then be 1 hour, equally divided, in the usual form on the Sasser amendment; that at the conclusion or yielding back of time, the Senate, without any intervening action or debate, vote on the Sasser amendment; that no other SDI amendments be in order prior to the disposition of the Sasser amendment, other than the Pryor contracting amendment; that there be one relevant second-degree amendment to be offered to the Pryor amendment by Senator WARNER, or his designee, on which there be 30 minutes for debate, equally divided in the usual form; that there be 30 minutes for debate equally divided in the usual form on the Pryor amendment; that the votes in relation to the Pryor amendment and the Warner amendment thereto occur immediately, without any intervening action or debate, upon the disposition of the Sasser amendment; that there be 2 hours of debate on a Leahy amendment with respect to the B-2 bomber to be offered today with 1½ hours for debate today with the remaining 30 minutes occurring immediately following the disposition of the Pryor amendment on Tuesday, August 11; that no amendments be in order to the Leahy amendment; and that at the conclusion or yielding back of time on that amendment today, it be laid aside, with a vote occurring on the amendment at the conclusion or yielding back of time on Tuesday, August 11; and that the only amendments in order prior to the 4 p.m. votes on Tuesday, August 11, be a Coats amendment with respect to abortion, which is to be governed by a separate unanimous-consent agreement, and a Graham-Mack amendment regarding Cuban freedom, and relevant amendments to the Graham-Mack amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, there will be an objection on this side. We have had a discussion on this side of the aisle. I will yield the floor to the Senator from Wyoming, who has a reservation statement to make.

Mr. WALLOP. Mr. President, reserving the right to object and, regretfully, I shall object. I just think that what the Senate has done, and is about to do, stands squarely on the throats of the administration's negotiations being conducted now in Moscow. I think it is the wrong thing. It is no secret. The Senate knows how long I have worked on this thing—long before it was a gleam in President Reagan's eye. I had been working on it with the Carter administration. I believe where the Senate is at this moment is contrary to the interest of the United States. I shall be prepared to debate this amendment.

I regret it, but I object.

Mr. MITCHELL. Well, Mr. President, I respect the Senator's concerns. I think it is important that the Members of the Senate understand where we are. We took up the defense authorization bill on Friday. Senator SASSER and Senator BUMPERS offered an amendment which was vigorously debated. A motion to table that amendment was made and failed by a vote of 43 to 49. We were then advised by our colleagues on the other side that no vote would be permitted on the amendment at that time and, as a consequence, we discontinued consideration of the bill.

During our meetings today, again, we were advised that our Republican colleagues would not permit a vote to occur on the amendment today. A request was made that we attempt to come up with some mechanism for setting the amendment aside so that we could proceed to other matters. I asked our Republican colleagues to name the time when the vote should occur. The time of 4 p.m. tomorrow was selected by our Republican colleagues to accommodate the schedules of Republican Senators.

So we are now in a situation where we are told we cannot proceed to a vote on the pending amendment, and we cannot agree to a proposal to set the pending amendment aside. Therefore, we simply cannot proceed, because the Senator from Wyoming, with deep conviction, does not agree with the results of the vote that was had, and I take from his statement, and I inquire, that his objective is simply to prevent any further action with respect to the amendment.

Mr. WALLOP. If the leader will yield, I think it is fair to say that only half of those objections are on this side. The other objection rests with the proponents of the amendment; they do not wish to have other amendments taken up, nor to have this amendment set aside.

So my objection is to now setting a time certain to vote on this amendment.

Mr. MITCHELL. Mr. President, there is no need to belabor it, because any Senator has the right to object. I state that I was advised by Senators SASSER and BUMPERS that they agreed to this proposal and would not object to it. They are present on the floor, and I ask them whether, in fact, they object.

Mr. SASSER. Mr. Leader, I do not object to the unanimous-consent request, and we are agreeable to setting aside our amendment to allow the Senate to take up the other amendments that are outlined in the unanimous-consent request. And we simply request a vote at a time certain, 4 o'clock Tuesday afternoon, on our amendment. We have asked this morning that the Senate proceed directly to an up-or-down vote on our amendment. In fact, we asked that Friday afternoon.

That has been objected to by the distinguished ranking member of the Armed Services Committee. Of course, he is within his rights to do that, and we respect his rights. But it is difficult to know how we can proceed if we are not allowed to move to an up-or-down vote on our amendment and, at the same time, we are not allowed to set our amendment aside with an agreement that it be voted on at a time certain Tuesday afternoon. But we are certainly agreeable to this unanimous-consent request.

However, we would much prefer to have the Senate vote on our amendment today. We assumed by agreeing to a vote at 4 o'clock Tuesday afternoon that this would give the opponents of our amendment the opportunity to gather Senators in who might have been absent from the vote Friday evening, and to attempt to change the minds of Senators who voted with us on Friday. However, we are agreeable to letting this time lapse go on until 4 o'clock Tuesday afternoon.

Frankly, I cannot speak for my colleague, Senator BUMPERS. Nobody can speak for him. He speaks for himself very eloquently, as the majority leader knows. But speaking for myself, I frankly think we are disadvantaged by allowing a vote to come on Tuesday at 4 o'clock because time works against us on this amendment. But in an effort to move forward and not hold the bill up unduly, we have agreed to a 4 o'clock Tuesday afternoon vote and agreed to let our amendment be laid aside so the Senate can deal with other amendments on this bill.

Mr. MITCHELL. The second point I make, Mr. President, is the time of 4 p.m. was selected by Republicans to accommodate the schedule of Republican Senators. If that is not agreeable, if we cannot proceed to vote on the amendment now and cannot set the amendment aside to vote on it at a time certain in the future, I think that it is best——

Mr. WALLOP. Will the Senator yield for an observation?

Mr. MITCHELL. Yes.

Mr. WALLOP. This Senator has not objected to setting aside the pending amendment to consider other things. I object to the condition that it is being set aside and concluded by a time certain vote. That has been my position, and that has been the position of two proponents, that they would not agree

to set it aside absent a time certain vote on their amendment.

Mr. MITCHELL. That is correct.

Mr. DOLE. I indicate to the majority leader, I think the Senator from Wyoming indicated correctly that, as I understand, the proponents do not want to set aside the amendment, and that is the same objection the Senator from Wyoming has with a time certain to vote.

I do believe that we are in a position to go to the Bosnia resolution, which does not help the managers of the DOD bill a great deal, but we can come back to this bill if we agree to set aside the amendment on SDI. Or failing that, we can go to the tax bill.

Mr. MITCHELL. I thank my colleague, and I am pleased now to yield to the distinguished manager, Senator NUNN.

Mr. NUNN. Mr. President, first I would like to thank the majority leader for his splendid cooperation in getting the bill up, helping us schedule the bill in a very compressed time period, and also in trying all day today to work out some unanimous consent agreement on the bill and on the amendments, the key amendments, and on the Bosnian resolution.

Second, I know the Senator from Virginia and the Senator from Kansas both attempted to get a unanimous-consent agreement through, and I appreciate their efforts in that respect.

Mr. President, we have many important provisions in this bill relating to National Guard and relating to the reserve forces. We have certain transition benefits for our Guard and Reserve. We have certain key legislative proposals easing the transition that communities of America are going to face because of defense drawdown and because of the loss of jobs. We have 15-year retirement for military people who find themselves in certain surplus positions.

We have provisions in this bill that relate to giving incentives to military people to go into teaching of math and science in schools. We have key provisions in this bill relating to the intelligence community. We have, of course, the authorization for all the military services, as well as military pay and other key provisions.

We have an awful lot in here that is important to the Joint Chiefs and important to each one of the services, as well as the Department of Defense; but most of all, to the American people. We also have a number of provisions in here to save the taxpayers money, relating to inventory management.

If they do not go into effect, no matter what we do on the appropriations bill in the Appropriations Committee, key provisions to save money will not go into effect. If this bill does not go into effect, not only are hundreds of thousands of people going to be harmed, but people are going to lose jobs, are not going to have transition benefits, and also are going to have, in certain areas, some wasteful practices continue, particularly in inventory management.

It is my view that there is no use in continuing the bill when we are at a roadblock like this, because the Senator from Arkansas and the Senator from Tennessee have really been very cooperative in being willing to move to their amendments. They had every expectation they would have their amendment voted on Friday night after the tabling motion failed.

I was not with them on that agreement; I do not agree with them on the substance. But I do believe they have bent over backward to accommodate the Senate in allowing the amendment to be carried over until tomorrow afternoon; and, in the meantime, letting us proceed with our business on this bill. So I thank both Senators for their efforts.

I am disappointed. I know the Senator from Wyoming feels very strongly that this is a provision that is a key provision. And I know he has worked harder than anyone in the strategic defense initiative area.

But I would only say to my friend from Wyoming, at some point, the way democratic systems work, you have to be able to produce 50 votes, or at least half of those voting—present and voting. And if you cannot do so, then you are not going to be able to get additional money, no matter how much you think it is deserved, in the bill.

The effort to wait until tomorrow afternoon, really, from every point of view, gave those who favored the position of the Senator from Wyoming on this amendment—and I am one of those—every opportunity to change their minds and to reverse the vote.

And I say to the Senator from Wyoming, I hope he considers long and hard the consequences of what he is doing here today by the objection. I know it is heartfelt; I know it is sincere. And I know it is what he believes to be in the best interests of the country.

I also know the results of it. The results of it are we are going to move off this bill—I think we should—and we are going to take up the tax bill. There is almost no likelihood we will get back to this bill, and almost no likelihood we will get back to this bill this year. We may be able to bring it up in September, but only with extraordinary cooperation.

The consequence of that is that we will basically be in a position of trying to attach certain key provisions to the appropriations bill. And that appropriations bill is likely to come up right before adjournment, and that is likely to be right before the election. And I think the result of that will be a continuing resolution. And the result of that will be a level of funding—not in sympathy with the SDI Program, but most programs—that is going to be well below what would be otherwise the course.

I understand where the Senator is coming from. But I can draw you a diagram as to the Senator's desires, and draw another diagram as to what is going to happen. And those two do not in any way converge, because what the Senator is desiring and what is going to happen are totally different.

Mr. President, I understand where all the Senators are coming from, and I appreciate the cooperation. We have had an effort this year that I hope will be productive in the sense of giving some guidance to the Appropriations Committee in their important deliberations. We will work with them constructively where we can.

I thank all the Senators for their cooperation, and I particularly thank the staff on both sides of the aisle for a splendid effort. And we will see where we go from here.

The PRESIDING OFFICER. The Senate majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time today proceed to the consideration of Calendar No. 608, Senate Resolution 330, a resolution on the situation in Bosnia; that there be 4 hours and 20 minutes for debate on the resolution today, with 2 hours and 20 minutes under the control of the Republican leader and 2 hours under the control of the majority leader, of their designees.

That at the conclusion or yielding back of time on the resolution today, and at the conclusion of whatever amendments the Senate may dispose of today, the resolution be laid aside until Tuesday, August 11, at a time to be determined by the majority leader after consultation with the Republican leader, at which time there be 30 minutes remaining on the resolution; that Senator PELL be recognized immediately after the resolution has been called up, and that it be in order for him to modify the resolution at that time; that the only amendments in order to the resolution or the preamble be the following, and that they be in order to be offered en bloc to both resolution and the preamble prior to disposition of the resolution:

To relevant amendments that Senator WARNER may offer, and one relevant amendment that Senator DECONCINI may offer, with 30 minutes equally divided and controlled on each of the three amendments just listed. One amendment that may be offered by Senator BYRD regarding democratic elections in Romania, on which there be 10 minutes equally divided and controlled; an amendment by Senator DOLE regarding Bosnia, on which there

be 15 minutes equally divided and controlled—I should have said "in the usual form" earlier—and an amendment by Senator WALLOP regarding Bosnia, on which there be 40 minutes equally divided and controlled in the usual form; an amendment by Senator MCCONNELL regarding Bosnia, on which there be 30 minutes divided and controlled in the usual form; an amendment by Senator BROWN regarding Bosnia, on which there be 20 minutes equally divided and controlled in the usual form; an amendment by Senator STEVENS regarding the cost of U.S. participation in Bosnia, on which there be 2 hours equally divided and controlled in the usual form; an amendment by Senator MCCAIN regarding Bosnia, on which there be 1 hour equally divided and controlled in the usual form; an amendment by Senator BIDEN regarding Bosnia, on which there be 30 minutes equally divided and controlled in the usual form.

That the amendments be first-degree only; that no motions to recommit be in order; and that all amendments to either the resolution or preamble must be filed at the desk by 12:30 p.m. on Tuesday, August 11.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Will the majority leader—

Mr. MITCHELL Mr. President, will the Senator yield, while I make one correction in this?

I stated that Senator PELL be recognized after the resolution has been called up. I misspoke. That should be that Senator BIDEN be recognized immediately after it is called up.

I yield now to my colleague.

Mr. WALLOP. Mr. President, I make an inquiry of the majority leader as to how we can have necessarily relevant qualifying amendments if we do not know the nature of the resolution to be introduced, and so Senator PELL can modify it between now and tomorrow. How do we file our amendments at the desk?

Mr. MITCHELL. The resolution provides that the Senate resolution be called up at 3:30, and that Senator BIDEN be recognized to modify the resolution at that time. And then Senators have the opportunity to review that and to offer amendments thereto.

Mr. WALLOP. But the modification takes place tomorrow; does it not?

Mr. MITCHELL. The modification will take place right away.

Mr. WALLOP. I am sorry; I misunderstood.

Mr. MITCHELL. It would be the first matter.

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

The PRESIDING OFFICER. Is there objection? Hearing no objection, that will be the order.

Mr. MITCHELL. If I might make one additional change. It is a minor point. I did not state—it is implicit, but I think it should be explicit—that the 30 minutes on the resolution tomorrow be equally divided between myself and the Republican leader, as was the other time.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, and I shall not object, I am trying to move things along as the leader is trying to move things along. However, on the time agreement that we are just about to enter into, does the majority leader have any approximation as to the number of hours we are about to agree to for these amendments that were outlined?

Mr. MITCHELL. Mr. President, I have added them up three different times today, but amendments keep being added, so the time keeps growing. If all the time is used, and I am confident that, or I should not say confident, I am hopeful that all of the time will not be used because we began drafting this this morning before we had several hours of debate on the Bosnia situation today. I think it is close to 10 hours if all the time is used.

Mr. DOLE. About 11 hours and 45 minutes.

Mr. MITCHELL. It keeps growing.

Mr. EXON. It is approximately a day's work, more or less, depending on how many hours we are going to use. It is 5 o'clock now on Monday.

From what the Senator has just outlined, it seems to me pretty obvious that it is going to take today and all of tomorrow or most of tomorrow. We are scheduled to adjourn Wednesday, and we have not begun to outline many of the essential parts that the distinguished chairman of the Armed Services Committee outlined.

Can the Senator, as the leader, in conjunction with the minority leader, possibly advise the Senate where do we go from there? Are we still scheduled to adourn on Wednesday night? I can be here Wednesday night, Thursday, Friday, Saturday, Sunday, next Monday if necessary.

But it so happens, as I understand it, unless it is postponed, that there is a fairly important convention scheduled to start on Monday next. Just for the advice of all, the leader must be thinking about where we are going on the adjournment Wednesday evening. Would it be out of order to maybe give us some idea as to what is going to happen?

I will not object to this, but I certainly think we ought to have a little bit more guidance of where we are going from here, if it is possible for the majority leader to so advise.

Mr. MITCHELL. Mr. President, we all seek certainty in an inherently uncertain circumstance.

I hope we can get this agreement. That would be the first step. That will have been the culmination of about 7 hours of negotiation and discussion that will enable us to begin to deal with this one matter. It is my hope that it will not take the remainder of today and all of tomorrow, and that we can devote time tomorrow, beginning early tomorrow, to the tax bill.

Mr. President, what we have here—I think we all understand this and it ought to be stated. Senator DOLE and I regularly receive dozens of requests from our colleagues. I would say, in the past several days, there have been many more than usual. They are individual, as unique as the Senators themselves, but I think they may fairly be described as falling into two categories.

One involves legislation. And each Senator has an important measure that he wants to debate and usually at considerable length. We have heard that today. And every bill is important, every amendment is important, every Senator's statement is important. So we have that general category of all the things that Senators want done.

The other general category I will describe as having to do with the schedule. In those requests, generally Senators want to be sure that are no votes on Fridays, no votes on Mondays, no votes on Tuesday evenings, no sessions beyond a certain time.

Well, it is obvious, if I may understate the situation, that there is tension between the two categories of requests. And we are tying to reconcile those two tensions.

We are going to go on recess at the conclusion of business on Wednesday, in fairness to our Republican colleagues. The Senate was not in session for the full week prior to the Democratic Convention. In preparing the schedule for this period, we originally had planned to be in session all of next week, but it was pointed out to me, and accurately, that many of our colleagues wish to proceed to Houston for important events occurring with respect to the platform and other matters prior to the commencement of the convention.

So I think, in the spirit of fairness with which I have tried to conduct things here, we ought not to suggest that we will be in session beyond the close of business Wednesday—I do not want to limit it to a precise hour. Sometime the close of business Wednesday may mean early Thursday morning—but basically finishing at that time so that our colleagues can participate in the same manner in which we had an opportunity a month or so ago.

I think we will be in session late each of the next three evenings. I think everyone understands and expects that. I hope we can get this agreement and begin on this. In the meantime, I will attempt to consider what the next

course of action will be with respect to other matters.

I am pleased now to yield to the distinguished Republican leader.

Mr. DOLE. We have already had several hours' debate on the Bosnia general matter. Hopefully, we could shorten that debate considerably. But it is about 11 hours and 45 minutes if all time is taken, and that does not include record votes. That would add to that.

So I certainly urge my colleagues on both sides—certainly, it is a very, very important issue. A number of very important issues have been raised.

But this is a sense-of-the-Senate resolution, and I hope that we can dispose of it, if not this evening, sometime early tomorrow morning or sometime by early afternoon tomorrow, because I think, as the majority leader indicated, maybe there will be some opportunity to get back on the DOD bill or go to another measure.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, I just note on the proponents of the B-2 amendment, the so-called Leahy, Levin, Cohen, and Grassley amendment, we were prepared to go on Friday. As both sides know, we are prepared to go today, we are prepared to cut back the amount of time we originally requested to make a unanimous-consent agreement work.

We still stand prepared to go, for whatever it is worth. I note that this was an amendment prepared to go forth immediately after the SDI amendment and we were prepared to do it on as short a time as would accommodate the leadership.

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

Mr. STEVENS. Reserving the right to object, if I may inquire of the leader, is the version of the resolution still in the form that was distributed to the Members of the Senate earlier today? Has there been a change?

Mr. MITCHELL. Mr. President, I do not see the manager of the Bosnia resolution on the floor.

Mr. WARNER. Might I suggest we just read it so we all know what it is.

Mr. MITCHELL. I do not have it before me.

Mr. President, I am advised that this has been provided to members of the minority previously.

Mr. STEVENS. I have no objection. I thank the Senator.

The PRESIDING OFFICER (Mr. ROBB). Is there objection? Without objection, the unanimous-consent request propounded by the majority leader is agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, this provides for a possible total of—I think it is about 10 or 11 amendments. It is my hope that we can begin to have these amendments offered as soon as Senators are able to do so when we get to this matter, and dispose of several of these amendments this evening. So it is my expectation that there will be votes this evening, that we will proceed to take up and get as far as we can with this resolution this evening as soon as it is called up. I intend to call it up as soon as the managers of the resolution appear in the Senate.

Mr. BUMPERS. Will the majority leader yield the floor?

Mr. MITCHELL. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I rise just to express a lament on my own personal behalf, and I know I speak for Senator SASSER. The Senator from Wyoming, who has objected to a vote on the Sasser-Bumpers proposal, has a perfect right to do what he is doing. I do not know when, if ever, the Senator from Wyoming would permit a vote on SDI. Presumably, once enough minds have been changed and arms twisted, the Senator from Wyoming would permit us to vote on that.

But the present objection is not an indictment of the Senator from Wyoming as much as it is of the rules of the Senate that allow one Senator to effectively cause a bill to be pulled down, as major a bill as that is. And I think of the thousands of man-hours that have gone into the hearings, staff work, the crafting of that bill by both Senator NUNN and Senator WARNER to bring it to the floor in what they think is a very responsible way. And because one amendment was not tabled, the bill has to be pulled down.

I take it the Senator from Georgia, Senator NUNN, is prepared not to even bring it up again. It is dead, over the success Senator SASSER and I had in cutting SDI by $1 billion; from $4.3 to $3.3. And certainly in the House and Senate conference, half of that would be restored. So we are really talking about $3.8 billion, which represents a very healthy increase over 1990, though a little less than they had in 1992.

And it is incredible to me that now we wind up with the appropriations bill—in a sense, that is fine with me. I sit on the Appropriations Committee as does my colleague in this amendment, Senator SASSER. And when the appropriations bill comes up here again, if the opponents of this amendment have not succeeded in twisting enough arms to change the outcome of the vote, the vote will be the very same on the appropriations bill.

And if you do not get the appropriations bill, then you go to a continuing resolution, and the amendment will be put on the continuing resolution. So it does not profit a single soul in this body to hold up or cause to be pulled down this bill, which the Senator from Georgia and his colleagues on the Armed Services Committee have crafted.

But as I say, at some point one of these days the rules of the Senate are going to have to be changed so that every time somebody prevails with an amendment that one or two Senators object to, you do not really win at all. All you have done is just postponed the ultimate outcome.

I say to my good friend from Wyoming, with whom I sit on the Energy Committee—I have sat with him on the Energy Committee all these years. We have had an excellent personal relationship and will continue to have one. And, as I say I am certainly not blaming him for taking advantage of the rules as they exist. What I am saying is the Senate ought to reform the rules of the Senate. The idea that one Senator can put a hold on a bill and keep any bill from coming up—there are a whole host of things. The majority leader cannot take up a bill, oftentimes, or a motion to proceed to a bill, without a filibuster. If you take that up, then you have the bill up. You offer an amendment on the bill, they filibuster the amendment. If that passes then they filibuster the bill.

You know, the American people, the press keep telling us how angry they are. I think their anger may have subsided some. That may be more a wish than a fact. And they do not understand the rules of the Senate. But when they see something like the Defense authorization bill, which is critical to the country, and they see the Defense appropriations bill, being torpedoed, they know there is something drastically wrong with the way this place is operating.

Mr. President, in conclusion, I just simply say at some point we are going to vote on this. I do not know when we will vote on it again. It may be the other side will turn enough votes by the time we vote so that mine and Senator SASSER's victory will be a transient, temporary one. But to suggest that somehow or other this country is rendered defenseless because $500 million of a $4.3 billion authorization has been cut, is a strange conclusion—strange indeed.

I may offer an amendment later, Mr. President, dealing with the intelligence budget. I can say to my colleagues it is generally conceded, at least, the New York Times and Washington Post constantly tell us, that we spend $30 billion a year on intelligence. You have to be very careful discussing that on the floor of the Senate. But I think it would be fair to say, if we are spending $30 billion a year or whatever the figure is, on intelligence, and in the past I am quite sure—I am not on the Intelligence Committee, so I do not know what happens to all the money. But I know one thing. I would say the majority of it has probably been to spy on the Soviet Union, which does not

exist anymore. My guess is you could probably get 15 billion dollars' worth of what we have been paying for free, from CNN.

So I am going to make a case on that before we leave here in October, even though I may withdraw the amendment, because I just think the debate should begin. Do you know one of the reasons I think Senator SASSER and I succeeded on this, and one of the reasons Senator HATFIELD succeeded on his test ban moratorium? I will tell you why. Because if you go back home and look at the polls, you will find 74 percent of the people in this country favor a test ban. And you present this SDI budget to the American people and, while most of them favor a limited defense system as I do for accidental launches, most of them simply cannot understand how the Soviet Union can cut their defense budget by 80 percent and we are struggling—struggling to take about 3 or 4 percent off ours.

We have run out of enemies, Mr. President. Yet we continue to spend essentially the same amount of money. Nobody is suggesting that we weaken ourselves or that we disarm or that we not be able to take care of Bosnia or Iraq or whatever. But I make the same point I made in the debate the other day. The United States will spend more in 1993 on defense than the 10 top perceived enemies of the United States, including China—twice as much as the top 10 perceived enemies of this Nation. And yet when you say let us bring a little sanity to this—and as I have said 1,000 times, this deficit is a 10 times bigger threat to this Nation than the Soviet Union ever was. And the arguments continue to flow out of this body as though Joe Stalin were still running the Soviet Union.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. Mr. President, I know the frustration of the Senator from Arkansas. The Senator from Wyoming has felt the same frustration on other questions. He is complaining about the Rules of the Senate and their ability to frustrate progress of the Senate. All of us have felt that at some time.

Mr. President, let me just suggest that the rules of the Senate are the quintessential element of Jeffersonian democracy; the ability for a minority to thwart the tyranny of a majority of just one.

Rules give us a little more flex than that. The Senator comes from a small State. I come from a small State. And were it not for that little provision in our rules—and were it not for the little provision which, thank God, the Supreme Court has yet allowed that there be two Senators from each State—he and I might have senatorial districts composing several States. And California and New York and Texas might have three, four, or six Senators.

I would just say that as frustrating as it is—and it frustrates us all—it is a protection of this country that we do not allow a small majority to run away with things, especially when change is on the horizon.

Now I would say both Senators are on the Appropriations Committee, I would say in large respect the relevance of the authorizing committee was lost last year at the hands of the Appropriations Committee. We could not fight back after the Appropriations Committee appropriated for items for which there was no authorization, failed to appropriate for things that we did authorize, and superseded the authorization in other areas.

The United States has not run out of enemies, and I would just call the attention of the Senate to the absolute passion that some have expressed in this body today, having voted to cut defense at every level, now wishing to send our soldiers and airplanes and ships overseas and put them in harm's way for a purpose they cannot define, for a goal they will not define, for an end that no one can see, ignoring pain and suffering that exists in other parts of the world.

These are the same people, Mr. President, who are voting to cut this Defense budget, and failing to understand the role of the United States in the world, so far as this Senator sees it. We are a trading nation, and it is in our interest to provide stability from time to time.

We are a traveling nation. We travel for trade and we travel for science, we travel for study, and we travel for pleasure.

We are a nation that requires communication. We require communication from space. We are a nation that requires security in space and I see all kinds of Members on both sides of the aisle now willing to spend money of the Defense budget on social programs, willing to spend money of the Defense budget on hometown economics without adding to the ability of the U.S. military to project and protect U.S. interests.

This is not a debate that needs to be ended because we have a summer recess. This is a debate that ought to be carried on in full front of the American people and I for one am not ashamed to have carried it that far.

There are reasons for this country to begin to provide itself and its allies with a defense against missiles. There are reasons for this country to encourage the Soviet Union, the former Soviet Union, to move off of the ABM Treaty and into a new world of global defenses.

There are reasons for this Senate to be somewhat concerned about whether the democrats—small "d"—in Russia survive or the hardliners do. And the role that is being taken, in the mind of this Senator and I continue to argue it and will close with this, is basically to say that if the hardliners sit back in their chairs, we will solve their problems for them. Everybody says that Yeltsin may not survive. This Senator is not one, but those who do say his likely successor is some Darth Vader out of the dark reaches of the former Stalinist past of the Soviet Union; they will have benefited by the move that was sought to be made so hurriedly. That is the reason why one Senator sought to use the rules that were concocted by Jefferson and the Founding Fathers to protect minorities from sudden decisions.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, I listened with great interest to the outstanding remarks by my friend and colleague from Arkansas with regard to the rules of the Senate, and I listened also to the very eloquent statements by my friend and colleague from the State of Wyoming with regard to SDI. It so happens the SDI Program comes under the jurisdiction of the strategic subcommittee that I chair in the Armed Services Committee.

We have had these debates to one degree or another over the last several years. I think it is sad, indeed, regardless of the positions of how strongly one feels about something, that we have come to a situation that is best outlined by the Senator from Arkansas with regard to the fact that we are paralyzing action on the floor of the Senate on a tremendously important defense authorization bill. I think that we are headed for a situation of merely putting off all of the work that has been done for the last year in hearings, all of the work that was done in the subcommittees of the Armed Services Committee, all of the effort, sometimes until 1 o'clock in the morning working out the details, and coming to this floor with a $4.3 billion authorization for SDI.

The Senator from Wyoming makes a good point, and to some extent I agree with him. The problem I have with the position of the Senator from Wyoming is that it is quite apparent to this Senator that regardless of how strong the Senator from Wyoming feels about the matter, in all likelihood he is not going to prevail. I appeal to the Senator from Wyoming to change his position and allow us to proceed in some kind of an orderly fashion in the time we have left between now and Wednesday night to move ahead.

I yield the floor.

AUTHORIZATION OF MULTILATERAL ACTION IN BOSNIA-HERCEGOVINA

Mr. MITCHELL. Mr. President, pursuant to the authority granted me in the previous unanimous-consent agreement, I now ask that the Senate proceed to consideration of Senate Resolution 330.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 330) relating to authorization of multilateral action in Bosnia-Hercegovina under Article 42 of the United Nations Charter.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Who yields time?

The majority leader is recognized.

Mr. MITCHELL. Mr. President, I designate Senator BIDEN to control the time under the agreement on this side.

The PRESIDING OFFICER. Under the previous order, Senator BIDEN is to control time. The Senator is recognized to submit a modification.

MODIFICATION TO S. RES. 330

Mr. BIDEN. Mr. President, I send a modification to the desk on behalf of myself, Senator LUGAR, and others.

The PRESIDING OFFICER. The resolution will be so modified.

The modification is as follows:

Beginning at line 1, page 1, strike all through the end and insert the following:

Whereas the Republic of Bosnia-Hercegovina is internationally recognized as an independent state and is a member of the United Nations and a participant in the Conference on Security and Cooperation in Europe.

Whereas attempts to bring about a permanent cessation of hostilities precipitated by Serbia and Serbian-backed forces in Bosnia-Hercegovina through negotiations have repeatedly failed;

Whereas horrible atrocities are being committed by Serbian-backed forces against the civilian population, including the "ethnic-cleansing" of regions inhabited by non-Serbs;

Whereas the United States and other Contracting Parties to the International Convention on the Prevention and Punishment of the Crime of Genocide may, under Article VIII, "call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide" or any of the other "Acts Constituting Genocide" enumerated in Article III.

Whereas officials of the International Committee of the Red Cross have been denied access to prison camps and internment camps throughout Bosnia-Hercegovina even though such officials are entitled to access to such camps under Article 143 of the 1949 Geneva Convention;

Whereas United Nations and Red Cross relief convoys carrying much needed supplies of food and medicine are being repeatedly blocked and in some cases have been attacked by Serbian-backed forces;

Whereas the Security Council of the United Nations voted unanimously to dispatch additional forces to reopen Sarajevo's airport, and the delivery of supplies of humanitarian assistance to the city's beleagured population is taking place under the protection of these forces but with great difficulty;

Whereas the Security Council also endorsed the cease-fire plan negotiated by the European Community Envoy which would place all heavy weapons in the possession of factions in Bosnia-Hercegovina under international supervision;

Whereas the president of the democratically elected Government of Bosnia-Hercegovina has issued urgent appeals for immediate assistance from the international community;

Whereas the situation in Sarajevo and elsewhere in Bosnia-Hercegovina has reached a critical point requiring immediate and decisive action by the international community; and

Whereas the President on August 6, 1992, announced a six-point plan, to be implemented through the United Nations, the Conference on Security and Cooperation in Europe and NATO, to respond to the situation in Bosnia-Hercegovina, and to attempt to prevent the conflict's spread into Kosova and neighboring countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should immediately call for an emergency meeting of the United Nations Security Council in order to authorize, under Article 42 of the United Nations Charter, all necessary means, including the use of multilateral military force under a Security Council mandate, giving particular consideration to the possibility of "demonstrations" of force, to give effect to Security Council decisions to ensure the provision of humanitarian relief in Bosnia-Hercegovina and to gain access for United Nations and International Red Cross personnel to refugee and prisoners of war camps in the former Yugoslavia;

(2) during such meeting, the Security Council should—

(a) develop the means by which to implement the July 17, 1992, United Nations-sponsored cease-fire plan, which includes placing heavy weapons belonging to all factions in Bosnia-Hercegovina under United Nations supervision;

(b) review the effects on Bosnia-Hercegovina of the arms embargo imposed on all States in the former Yugoslavia pursuant to United Nations Security Council Resolution 713 and determine whether the termination or suspension of the application of that resolution to Bosnia-Hercegovina could result in increased security for the civilian population of that country; and

(c) convene a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of the former Yugoslavia and to accumulate evidence, charge, and prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield myself 10 minutes.

Mr. President, first, this resolution is designed to recommend that the President of the United States obtain a use-of-force resolution from the U.N. Security Council in order to help those in Bosnia who are now being starved, beaten, and slaughtered.

Our goal is to respond to this moral tragedy. There is a slaughter of mind-boggling proportions that is taking place right now. Two and one-half million Bosnians are refugees, and tens of thousands of people have already been killed.

This resolution is specific in laying out the objectives for the use of force, if any force is to be used. In fact, the language reads, "to give effect to Security Council decisions to ensure the provision of humanitarian relief in Bosnia and to gain access for the Red Cross to the refugee and POW camps."

Mr. President, the President of the United States has already indicated his military objective is to ensure the delivery of humanitarian aid. So, other than access to the camps, this resolution goes no further than where the President already is. However, I could not support—and this resolution does not support—a decision to use force with an open-ended objective such as the ending of the conflict. Such an objective would, in my opinion, result in a quagmire all of us have sought to avoid since the end of the last quagmire we found ourselves in, as the present Presiding Officer knows full well.

Furthermore, the resolution does not authorize the use of U.S. military forces in Bosnia. This is a sense-of-the-Senate resolution, and even if we wanted to authorize the use of force, it could not be done through a sense-of-the-Senate resolution.

I am sure we will hear today from some of my distinguished colleagues that we are somehow authorizing the use of force. That is not accurate. I want everyone to listen to this very clearly. Adoption of this resolution authorizes nothing.

What it does is to urge the President to go to the U.N. Security Council, which he has now said he plans to do, and seek from the Security Council a resolution authorizing, if need be, the use of U.N. multilateral forces that may, or may not, include U.S. forces.

And even if the U.N. Security Council is convinced by the President of the United States, upon the urging of the Senate, to pass a resolution authorizing the use of force togain access to the refugee and POW camps, if need be, and to continue the deliverance of humanitarian aid, the President of the United States, through his representative in the United Nations, can then decide what, if any, U.S. military forces would participate in that effort.

He has veto power. He can determine whether this body will support a resolution that will include air forces, ground forces, naval forces, or no forces. If the U.N. Security Council does authorize the use of force which encompasses any American forces, then the President of the United States must come back to the Congress under the Constitution of the United States of America—not the War Powers Act, under the warmaking clause in the Constitution—and seek authorization to use those forces.

This resolution is a Senate resolution. It is not a piece of legislation. But we may hear a lot of our colleagues, who are opposed to urging the President to go to the U.N. Security Council and seek such U.N. authorization, say we are about to vote on com-

mitting U.S. forces. Not true. One cannot vote to send U.S. forces anywhere by a vote cast in the Senate on a vehicle known as a Senate resolution. It is not possible.

So let us get that straight because we are going to hear much debate over it during the course of the next 4, or 6, or 8, or 10 hours of debate. I expect I will be repeating this time and again. This is not an authorization for the use of force. It is urging the President to seek a U.N. Security Council authorization for the use of force which may or may not include U.S. forces; and then, if it does, the President must come to the Congress under the Constitution of the United States in order to seek authorization for the use of such force.

One may well ask, if that is the case, Mr. BIDEN, why did you fight so hard to push this resolution through the Foreign Relations Committee? Why is this so important?

The reason it is so important is that the President of the United States and the United States itself must exercise leadership in dealing with the situation which, in my view, if left unresponded to, will in fact set a pattern for the remainder of this century for a new world order that is not one in which any of us should look forward to participating.

Mr. President, it does contemplate the possibility that the President of the United States come back to the Congress and ask for permission to commit U.S. forces, if need be, in opening up those camps and providing humanitarian aid. But the President must come back with some specificity.

We are not presuming at this moment to tell the President whether or not U.S. forces should be used, how many forces, what kind of forces, and in conjunction with what other forces. We are not presuming to do that.

My colleagues will say they do not want to vote for a pig in a poke; they do not want to be voting for something that may commit x number of U.S. forces. They do not have to make that decision today. This is not even a legislative vehicle that will allow that decision to be made today. They will have time to make that decision if and when the President returns to Congress with a U.N. Security Council resolution.

Now, I, for one, am prepared, if there is a multinational force with the limited objectives we stated, to vote to use U.S. forces. But I will leave that decision to the U.S. military commanders and the President of the United States, Commander in Chief, to recommend what forces, if any, should be used for the two limited purposes—not of ending the civil war, not of reuniting Yugoslavia, not of ending all fighting between Bosnia and Serbia, but of providing humanitarian aid and opening up the camps.

I am prepared, depending on what the President says would be required to vote for U.S. forces to participate in conjunction with other U.N. Security Council participants in that process.

But this is more than a one-step process, Mr. President. If we wanted to do what I heard my friend from Virginia suggest we may be doing, the proper vehicle would be a specific legislative authorization envisioned under the Constitution to seek the permission—I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator is recognized for up to 5 additional minutes.

Mr. BIDEN. We would seek the consent of the Congress—not just the Senate, the House and the Senate—to give permission to the President to take American forces to war, to use them in combat.

This is not an emergency in the sense contemplated under the Constitution, where American forces are under attack or in imminent danger, or the continental United States or any possession of the United States is under imminent danger. Arguably, in those circumstances, the President does not need the U.S. Congress to give him authorization to use forces—arguably.

I hope we will not, as years ago, when I practiced law or was in law school, generate a number of red herrings, as we used to say in this debate. Let us debate the issue—should the President of the United States be seeking an authorization, A U.N. authorization for the possible use of force if need be to open up the camps if they are not voluntarily opened up, and to provide humanitarian aid if it cannot get through other than with military escort and the use of military force.

It also contemplates, as the Senator from New York has pointed out, the possibility of the use of demonstration forces. When in fact article 43 and article 42 were debated some decades ago it was contemplated that the U.N. Security Council should have some option between doing nothing and waging war.

One of the things, a term of art, that was used was the possibility of the use of a demonstration force. That might envisage, if the U.N. Security Council authorized it, and the U.S. Congress authorized the use of American forces—doing what my friend spoke to earlier today, knocking out bridges, blowing off sides of mountains I think was the phrase he used, or a whole range of other things short of putting ground forces in, short of doing anything else that required a military action.

I used to practice law with a fellow named Sid, who is still practicing law in Delaware, a very good trial lawyer. I would sit with him when he was first trying to teach me how to try a case, and he would say to the jury at the outset of the case, "Now, ladies and gentlemen of the jury, you are going to hear the prosecution tell you a whole lot of things that have nothing to do with whether or not my client killed Mr. Jones. They are going to tell you that he is not a nice-looking fellow. They are going to tell you that he does not speak very well. They are going to tell you that he comes from an area of town that you would not like to live in. They are going to tell you a lot of things about him." And then he would say, "But do me a favor, ladies and gentlemen of the jury; keep your eye on the ball. Keep your eye on the ball."

As Sid would in Delaware, keep your eye on the ball.

The ball that is in play in this debate is a U.N. Security Council resolution that we are urging the President to seek the Security Council to draft. That resolution may or may not authorize the use of force if the President achieves the objective we are urging. If he achieves that objective, it may or may not contemplate U.S. force along with other forces. If it does, and if it passes the Security Council, then we, the U.S. Congress, the Senate in particular, will decide whether or not we are willing to, in the name of the American people, use American forces to achieve the objective outlined by the U.N. Security Council.

Let me make one last point. Assume we got that far down the line, those three or four steps. Then once we would authorize the President's use of force, the President can use the forces in whatever way he may see fit consistent with that resolution. We would not sit here and say you can use x plus 10 or x minus 17 forces.

I urge my colleagues to keep their eye on the ball.

I yield myself 1 additional minute.

I point out that in the original resolution drafted by the Senator from Delaware and passed by the Foreign Relations Committee, there was a provision in it relating to this last issue about the authorization of the use of force. It read: "When requested by the President the Congress should promptly consider authorization for any use of U.S. military forces pursuant to, and only pursuant to, the United Nations authorization described in paragraph 1."

As a matter of accommodation—and because it was argued not to be necessary, I sent up an amended version which deleted that provision, among a few other changes it made.

So I ask my colleagues as this debate begins to keep their eye on the ball.

I am happy to yield to my chairman of the full committee for 5 minutes.

Mr. PELL. I thank my colleague.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized for up to 5 minutes.

Mr. WARNER. Mr. President, parliamentary inquiry. Has the Senator indicated who are the cosponsors of the Senate resolution? There was a large list originally. I would like to know how many of those have survived.

Mr. PELL. Senator LUGAR, I know, is a cosponsor with Senator BIDEN.

Mr. WARNER. Mr. President, the question is the pending resolution. Has the Senator from Delaware enumerated the cosponsors?

Mr. BIDEN. I have not, other than Senator LUGAR and Senator PELL. I have not enumerated them because, quite frankly, I wanted to make sure everyone saw the deletion of the last paragraph. I do not know whether they have.

Mr. WARNER. Will the Senator inform us at the earliest possible time as to the cosponsors, because there was a rather large list on the original.

Mr. BIDEN. Yes.

Mr. WARNER. I am not sure how many remain on the amendment.

Mr. BIDEN. To the best of my knowledge, they all remain. But I will not presume to assure the Senator of that until we have actual assurance. I do not have that at this moment.

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. Mr. President, my colleague and friend from Delaware has succinctly expressed the pros and cons of the resolution.

The essence of it is to set forth the sense of the Senate that the President should call for an emergency meeting of the Security Council to authorize measures that may be necessary, including force if required, in order to implement a U.N.-sponsored effort to provide humanitarian relief to civilians in Bosnia-Hercegovina as well as the U.N.-sponsored cease-fire plan to place heavy weapons belonging to all factions in Bosnia-Hercegovina under U.N. supervision.

The President announced on August 6 that he will press for an emergency meeting of the Security Council. This provides for doing that. In fact, this is what is taking place at this time. To my mind, the President is handling the problem well. But it is not clear whether he will ask the Security Council to address the issue of heavy weapons such as those that are being used to devastate Sarajevo in addition to the issue of humanitarian assistance.

It may be implicit in the President's announcement that the issue of heavy weapons will be addressed since those weapons have been used to obstruct the humanitarian relief effort. It is not specifically mentioned in our committee resolution.

The resolution raises other issues that the committee as well as other Members would like to have addressed by the Security Council.

First, the Security Counsel should take steps to ensure access by U.N. personnel and International Committee of the Red Cross personnel to refugee and prisoner of war camps.

Second, the Security Council should review the effects on Bosnia-Hercegovina of the U.N. arms embargo on all the states of former Yugoslavia and determine whether we are hurting Bosnia more than we are harming Serbia.

Third, the Security Council should take steps to convene its tribunal to investigate allegations of war crimes and crimes against humanity.

The sense of the Senate embodied in this resolution is an important statement of how the United States and the United Nations, acting collectively, should respond to the tragedy that has been unfolding in Bosnia-Hercegovina. The atrocities perpetrated by Serbian forces in Bosnia have no parallel in postwar Europe. The very use by the Serbs of the word "cleansing" bears a chilling resemblance to the Nazis' "final solution" policy toward Jews and other minorities.

If we look the other way, as we did then, or as when Italy raped Ethiopia, when the League of Nations was able to wring its hands and do nothing, the cleansing will succeed with genocidal thoroughness. If that is allowed to happen, a grizzly precedent will be set for the launching of genocidal cleansing elsewhere in Europe and the world.

Thus, I would say to my colleagues it is not the kind of new world order that we want. We need just look at history for a moment for a replay here, and a little bit of remembrance of World War II when the Croats behaved very badly toward the Serbs. Now the sequence is being reversed.

We recognize the sensitive nature of the problem. That is why the resolution very specifically calls on it only to be done under a U.N. operation. If it was not done as part of a U.N. operation and under U.N. support, or under a concert of Europe or multilateral banner I know I, for one, would not be for going in there.

I yield the floor.

Mr. COHEN. Mr. President, I yield up to 20 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for up to 20 minutes.

PRIVILEGE OF THE FLOOR

Mr. WALLOP. Mr. President, I ask unanimous consent that Capt. Steve Madey, a naval congressional fellow, who is assisting me in defense and foreign policy matters be permitted the privilege of the floor during the consideration of this resolution.

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

Mr. WALLOP. Mr. President, I have to confess to a deep sense of distress at the opening remarks of the Senator from Delaware. Though not intended to be cynical, they surely remind one of the conversations that took place on this floor in 1956 with respect to Hungary, when the debates and encouragement of this country, and maybe some in Europe, led Hungarians to believe that if they resisted the Soviets, we might come and help.

We made the same speeches, the same complaints, and we provided the same distressful posturing, and then did not go.

Like all my colleagues, I am deeply disturbed by the atrocities being inflicted upon innocent civilians. The existence of death camps and the repugnant attempt at ethnic cleansing are all to reminiscent of past tragedies.

Despite this compelling desire, which we all share, to punish those responsible for these atrocities, the use of American military force, for whatever reason and to whatever extent, is not something we should casually endorse. Though we call it United Nations, make no mistake about it, the promise is American. I have been dismayed by the statements of some in the media and the political arena who imply that using force would be a quick and easy way to solve the troubling situation in Bosnia. Of equal concern, is the notion that the United Nations should somehow decide what force is needed.

Mr. President, the use of force is only justified if we have high confidence that specific military actions will achieve clearly defined goals at an acceptable cost. Neither this resolution nor the one that will emerge from the United Nations define that. The use of military force simply to satisfy an emotional sense of outrage is never justified. As we consider taking such action, there are a number of critical questions that must be answered.

So look at what American interests are at stake. Does the conflict in Yugoslavia threaten regional or global stability? We are all sensitive to the fact that the spark that ignited World War I occurred in Sarajevo. Today, however, the conflict does not threaten to spread beyond the borders of Yugoslavia. While nobody can condone the actions taken by Serbia, they are certainly not the first step in a larger plan at regional domination. Fortunately, the fate of empires no longer hang in the Balkan balance.

Obviously, there are humanitarian interests at stake, but are these sufficient grounds for direct American military involvement? The United States has never attacked another country simply out of a sense of moral outrage. If we decide to do so today, we would be setting America on a fundamentally new course in foreign policy. And if we decide to allow humanitarian concerns to serve as justification for armed intervention, then are we not required to pursue these ends consistently? Why deploy military force to Bosnia and not to Somalia where 75 percent of that nation's children may die within the next 6 months of starvation. The International Red Cross warns that if outside intervention is not forthcoming in Somalia one-third of the country's population could die of starvation. How can this Senate justify the use of American military forces on humani-

tarian grounds to relieve the agony in Yugoslavia when a much greater tragedy in the Horn of Africa has been staring us in the face for almost 2 years?

Wednesday's New York Times carried the headline: "Dawn Brings Death: One More Day of Ethnic War." Another article about Bosnia? No, Mr. President, a story about slaughter in Akwana, Nigeria. If we are to be consistent, should we authorize American military personnel to get involved in Nigeria and Somalia, as well?

Our apparent willingness to become involved militarily in Eastern Europe for humanitarian reason, when we have not done so in other parts of the world, sends the message that we are selective in what ethnic or racial groups are worth protecting. Why is starvation and brutality somehow more acceptable in the Horn of Africa than in Eastern Europe? The appearance of racism is unavoidable.

Some have argued that more is at stake than purely humanitarian concerns, that genocide begets genocide, that ethnic cleansing could spread to other parts of Eastern Europe and the former Soviet Union, and that regional stability could indeed be threatened. This may be true, but it is unclear that an American show of force in Yugoslavia will deter such actions elsewhere. It is not even clear, for that matter, that a limited show of force would deter Serbs—driven by the desire to return all ethnic Serbs to a greater Serbia—from these heinous acts.

If we conclude that American military intervention is justified, for whatever reason, the second question we must confront is what can we accomplish with what degree and type of force?

It has been asserted, on the floor of the Senate and elsewhere, that a limited number of air strikes would be sufficient to bring the Serbs to their senses, forcing all parties to cease hostilities and seriously negotiate a settlement. It is rubbish. While this presumption may turn out to be true, it may also be wishful thinking. Certainly our objectives should be to foster an enduring political settlement. But Yugoslavia's history is marked by deep divisions. Nowhere in that troubled land do borders correspond to ethnic or religious groupings. Grievances were suppressed and smoldered under Tito's iron fist.

The question we face is: How do we promote a political solution if limited air strikes do not bring the all sides to the negotiating table?

Once committed militarily, we will have an obligation to follow through. We will come limping home, as the Soviets did after Afganistan, as America did after Vietnam. Attempting limited intervention and then giving up would be worse than not having intervened in the first place. If we decide to get involved militarily, we must be prepared to use the means necessary to meet our objectives. Incremental involvement is a losing proposition on all counts.

So what does means necessary imply? On Wednesday, all Senators were invited to an intelligence briefing on the situation in Bosnia. During this briefing, it was explained that merely to secure the Sarajevo airport and one supply route would require two divisions at a minimum. But even if we secure the airport, we cannot ensure that fighting will stop. In Beirut in 1982 we tried to secure an airport, believing that this was a limited objective and that we would somehow be shielded from the violent conflict which surrounded us. This situation is all too familiar. And when fighting does not end, and when we sustain casualties, will we then be willing to expand our involvement to a wider occupation?

Let us be honest, the name of the game in Bosnia is not peacekeeping. We cannot keep peace Mr. President, when there is none to begin with, and there is none in this troubled land. The United Nations already has a 15,000-man peacekeeping force in place. To add Americans to this force without a clearly defined military objective would be irresponsible. If we get involved in Yugoslavia, we must be prepared to use decisive force.

This leads me to a third question: What is America's role in multilateral military actions? The resolution reported by the Foreign Relations Committee seems to hand planning and decisionmaking over to the United Nations. I do not believe that this is wise, nor do I believe that most Americans would support the idea of the United Nations controlling the employment of United States military forces in combat.

The approach advocated by the Foreign Relations Committee is just the opposite of that taken in the Persian Gulf war. Prior to Operation Desert Storm, the President of the United States formulated specific military objectives. Only then did the United States go to the United Nations to seek support. This does not mean that we should not cooperate closely with the Security Council.

Amidst the various prescriptions for stopping the repugnant humanitarian situation in Bosnia-Hercegovina, Governor Clinton has suggested doing "whatever it takes to stop the slaughter of civilians * * * begin[ning] with air power against the SERBS.* * *" This is the man who slipped his obligations during the Vietnam war until he reentered his name solely for the purpose of protecting a political career. This is the man who now advocates the use of military force in a situation where no one—let alone the Governor of Arkansas—has yet determined what America's goals and purposes are. War is not a game played between the lines of a political playing field. War kills and scares people as the Governor may well remember.

But since Governor Clinton is not alone in his prescription, it is worth responding with a few questions and reminders.

Some on the floor today will argue that what we are debating, is not an authorization of the use of force. The Senator from Delaware just did. To them I say, in a democracy, words have meaning. If this amendment passes, the Senate will be on record as supporting a U.N. mandate of a use of force. If and when we do so, and if and when the President returns to the Senate for the real authorization of force, it would be disarmingly dishonest to then vote differently on the real authorization than we did on this resolution. But for the sake of argument, let's say it's not an explicit authorization, per se, and only some middle ground vote to urge action. How then should it be interpreted by those involved in the fighting? Should our enemies take it as a threat upon which we are prepared to follow through? Should the beleaguered Bosnians breathe a sigh of relief that we are prepared to act? Again, I say: we are a democracy and what we say here today, through our passing this resolution, has real meaning for friend and foe alike. To those who cynically believe that this is an ambiguous statement to which we can point as proof that "we were on the right side (whatever that turns out to be)" I say: lives hang in the balance of your irresponsibility.

But since Governor Clinton has challenged America to do "whatever it takes to stop the slaughter of civilians," it is only appropriate that we understand why civilians are being slaughtered. Without such an understanding, one might mistakenly conclude, as Governor Clinton has, that limited air strikes would show the warring Serbs that America is serious and thereby cause the Serbs to cease their errant behavior.

But first let us be clear on our terms. The heinous crimes that are being committed by Serbs against Moslem Bosnians are an act of war. Were we to stop the slaughter, we would be acting in direct opposition to the will of the Serbs. That, as Carl von Clausewitz has pointed out, is war. "War is an act of force to compel the enemy to do our will." Plain and simple. What Governor Clinton and others on the floor of the Senate today are talking about is war. "Protecting civilian populations against the use of heavy weapons," undertaking an "international mission of mercy," or using "all necessary measures to deliver humanitarian assistance" are clearly nicer terms. But again, as Clausewitz explained in 1832:

> Kind hearted people might of course think there is some ingenious way to disarm or defeat an enemy without too much bloodshed, and might imagine this is the true goal of

the art of war. Pleasant as it sounds, it is a fallacy that must be exposed: War is such a dangerous business that the mistakes that come from kindness are the very worst.

Halfway measures or reluctance once having begun are deadly in themselves. And to be sure, a limited effort on our part would not end the humanitarian nightmare. What is sought by the Serbs in Bosnia is no secret. To steal enough territory, by conquest and ethnic cleansing, to create a greater Serbia, which in Milosevic's eyes is the next best thing to a Serb-controlled Yugoslavia.

Given Serbia's skyrocketing inflation, desperate unemployment, and generally doomed economy, there is not a lot of incentive for Milosevic to back down at this point, and certainly not because of a few American air strikes. We are not dealing with reasonable men. This is clear from their systematic racist aggression, their use of heavy weapons against civilians, their contempt for the international community and the repeated duplicity of Mr. Milosevic himself. And as Clausewitz again reminds us, "If the enemy is to be coerced, you must put him in a situation that is even more unpleasant than the sacrifice you call on him to make." I would assert, Mr. President, that putting the Serbs in a situation "even more unpleasant" means one thing: A committed and decisive show of force which uses the means necessary to restore peace and stability.

Mr. President, 38 German divisions were unable to do that during World War II. Since that time Tito has trained the people of the countries of Yugoslavia to do nothing but operate as guerrillas, independently and alone. These people, these Serbs, are not easily deterred. The resentments and desires they hold today are not much different than what they were at end of World War II.

The haves versus the have nots is just one of many conflicts in this region. That has not changed since the beginning of this century. The fault line between relative prosperity and sophistication of the northern republics and the more agrarian south still runs along the borders of the old Austro-Hungarian Empire. Religious conflicts—between Orthodox Christians, Roman Catholics, Moslems, and countless variations on these themes—add to the stew.

So let there be no illusions that limited involvement would be in any way decisive or would do anything to relieve the suffering of innocent civilians beyond the very immediate and cursory.

And the civilians, Mr. President, will be within sight of the television cameras when the limited air strikes kill them as well, and I ask the Senate to take a look at what our reaction may be in those days in that time should it happen, God forbid.

We have all read the accounts of Nazi Germany's doomed aggression in Yugoslavia. This should give us some idea what we are up against. And the troops today are better trained and armed that the wartime resistance was. Thousand of graves of German soldiers in the Bosnian Mountains are reminders of the iron resistance of Tito's partisans. Many have called it the most stubborn, bloody, and uncompromising guerrilla war in Nazi-occupied Europe. At the height of their involvement, the Axis strength in Yugoslavia comprised 1 million men, including 18 German, 14 Italian, 8 Hungarian, and 5 Bulgarian divisions.

Given the iron wills and a terrain suited to the vagaries of Guerrilla warfare, I cannot think of a military planner who would relish the opportunity to strategize our involvement in this Balkan quagmire. The departing U.N. commander warned that, "If the world thinks seriously of putting in an occupation force," and that is what "stop[ping] the slaughter of civilians" could well entail, "then they should be prepared for a very long stay." He told a British newspaper, "I'd say the next 20 years—and even then, who knows what would happen when they left?"

Mr. President, let me remind my colleagues, we are not looking at a simple resolution expressing simple dismay about totally repugnant and atrocious acts in one lightly inhabited part of the world. We are looking at a resolution that has consequences miles and miles and decades down the road. The United Nations is incapable of stopping centuries of conflict. The United Nations could better spend its help and its forces doing what could be done in other countries of the world, as well as this one.

Mr. President, I shall offer an amendment later to take care of some others. In the meantime, I urge my colleagues to tread very lightly on this path. It is a path that is not easily returned from.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island [Mr. PELL].

Mr. PELL. Mr. President, I yield myself 3 minutes. Could I have 3 minutes?

Mr. BIDEN. Yes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for up to 3 minutes.

Mr. PELL. Mr. President, the Senator from Wyoming touched on the case of the Hungarian Revolution, when I was at Andau on the Hungarian-Austria border. I was in Vienna at that time and placed in charge of the International Rescue Committee in their work looking after refugees and trying to help the people cross the border. There is one big difference. We were hideously upset as we knew what was going on in Budapest. The Russians were in there slaughtering the people with their tanks and heavy arms. There was nothing we could do a few miles away. Why? Because if we had, it would have started world war III.

In this case, I do not think there is any great risk of world war III emerging from what is basically a peace-contemplated U.N. operation in the former Yugoslavia.

So I would hope that the analogy would not be made because I do not think it would be correct.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN] is recognized for up to 5 minutes.

Mr. COHEN. I listened quite carefully to what my friends from Delaware and Wyoming have just said. Earlier today, it was suggested that we take action, but of course this is not taking action, this is taking words. We are doing nothing in the way of taking action, as a matter of fact.

Now, my friend from Delaware said this resolution authorizes nothing. He repeated it three times—it authorizes nothing. It does not authorize the United Nations to commit the United States to do anything. It urges the President to go to the United Nations to seek authority, which may or may not involve the use of force, which may or may not include the United States; that the President has veto power over the United Nations committing U.S. forces; and, in any event, that if he should come back to the U.S. Congress, he would have to seek authority under the Constitution for a declaration of war.

I cannot conceive of a situation in which the U.S. Senate would go on record urging the President to go to the United Nations to seek whatever means necessary to achieve the goals articulated by my friend from Delaware, I cannot conceive of a situation in which the President does that, he gets the authority, the United Nations grants authority to use some measure of force—we know that the British have air power, we know the French have air power, we know the Germans have air power, as do others. The assumption we are operating under is that if the United States is going to be committed, we will either use naval forces or use air forces, but we are unlikely to commit ground forces.

But in any event, I cannot conceive of a situation in which the President goes to the United Nations, secures a U.N. declaration that we are going to commit ourselves to the use of power, whatever it takes to open up those supply lines for humanitarian goals, that he would then come back to this body and this body would then reject the President's seeking the authority from us. I cannot imagine that situation.

Mr. BIDEN. If the Senator will yield, I agree, I cannot imagine it either.

Mr. COHEN. So when the Senator from Wyoming says, we will sit on our hands, I think it is just the opposite.

So that the Senate, unless it engages in a real act of hypocrisy at that point by sending the President to the United Nations to get the authority and coming back and rejecting it, then we will, in fact, be committing ourselves to some use of force by whatever means necessary as decided by the United Nations. I think that is clear.

There are those operating under the assumption that we are two or three steps away, that we are not anywhere near the use of force by American troops at this point. And I think the Senator from Wyoming does make a point that we may be three steps away. But we definitely are committing ourselves to a course of action which, were we to measure up to our words today, would commit us to deploying U.S. forces.

There is also the point that he makes that some feel that just by threatening to use force that is going to get the attention of the Serbian leadership at this point and they will, in fact, be intimidated by that threat.

But I think that threats are idle and empty if we are not willing to back them up. So it is clear that if we are going to make a threat, we are going to have to back up that threat and actually engage in the use of force.

I also just have a question I want to raise at this point in terms of the timing of this. If we adopt the resolution tonight or tomorrow, and whatever amendments are offered—and I am not sure how many I will support or not support—but whatever comes out of this particular debate, and we authorize the President to seek U.N. support for the use of force to achieve these noble and, I believe, worthwhile goals, there arises the question of what happens next week?

Do we have the President, who is going to the Republican convention, does he use the U.N. declaration to commit our young men and women to battle? Does he call us back into session, because we will be out now until after Labor Day? What happens between now and Labor Day? How many people will be either slaughtered or incarcerated, starved by the Serbians at this point?

What do we do for the next 3 weeks, unless the President were to come back, call us into session and seek authority to go to war with the Serbians?

So I think that it is going to raise a number of issues, it seems to me, as to whether the President would have authority to act without further participation by Congress. And if he should seek further authority from Congress, then I think it is going to place a lot of people in the same position they were in back during the Persian Gulf war.

I want to read just one statement because I think it reflects the sentiments of so many at that time. He said:

> Before we plunge into a difficult conflict which can have no simple ending, we must know, and the American people who will be fighting must know, what kind of solution we are seeking. The complex problems of the gulf region do not lend themselves to simple solutions. We must find a course which will enable our Arab allies to find their own way to peace in the region.

Then he concluded by saying:

> Until we have greater clarity of vision that war will result in a secured peace, and until we have truly exhausted all economic and diplomatic means, I cannot in good conscience vote to give the President the authority to pursue military action from which there is no turning back.

At that point, we had Desert Shield, we had deployed some 500,000 troops to the deserts of Saudia Arabia, we were on the edge of going to war against a known aggressor—someone who threatened to set 500 or 600 oil wells on fire just to demonstrate his contempt not only for the environment but for the world at large—and yet Members still, when coming to that very edge said, until our vision is more clear, they could not in good conscience support the use of military force.

So I think that it is helpful that we are debating this now because, according to the Senator from Delaware, this resolution authorizes nothing. In fact, it is three steps removed from authorizing the use of force, and at some point in the future we will have to take that action.

And so, we are not taking action tonight or tomorrow. We are taking words.

But the Senator from Wyoming said words do, in fact, have importance in this body. But at this point, I think we are going to have to await the outcome of a number of amendments to clarify exactly how this body is going to proceed. Because I think the Senator is correct, once we start down this path, encourage the President to go to the United Nations, he gets the authority, at that particular point in time, it would be unconscionable for us to reject the use of force, of American forces, participating in that particular mission.

So I think there are a lot of questions that have to be asked and answered before we can come to a final conclusion on this matter.

I reserve the remainder of my time.

I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Virginia is recognized.

Mr. WARNER. I thank my distinguished colleague from Maine. He has articulated many of the arguments that I put forward for over 4 or 5 days here.

I can remember when I was alone, perhaps the Senator from Wyoming was not more than a few steps away, objecting to the rush to have a 1-hour time agreement within which to consider a resolution very similar to the one that is before us now. Well, that 1 hour has now been followed by perhaps a dozen hours of debate and now, perhaps 10 or 12 hours under the present amendment.

So I am pleased that at least the Senate is now beginning to give careful deliberation.

Mr. President, I ask unanimous consent that I be advised when there is 1 minute remaining under my time.

I would like to get the attention of the distinguished manager, the Senator from Delaware, and I would like to propose to him a specific question.

As I understand this, we are going to authorize the President to go to the United Nations and seek authority to do two things specifically: One is to ensure the provisions of humanitarian relief in Bosnia, that is the entire territory, and second, to gain access for United Nations and International Red Cross personnel to refugees in prisoner-of-war camps.

Any realistic appraisal of that recognizes that military force will be necessary. In fact, this specifically uses the magical words, "all necessary means," which connotes—and it says here—using multinational military force.

If the President is successful in getting that, he must be convincing, as the Senator from Maine inferred, to the other member nations there that we will do our share. But if every member nation says, "Well, but you have to go back to your parliament, Congress," then they will say, "We have to go back to our parliament." Because one cannot have this kind of vote without the others.

Now, is that your intention, of how we should send a strong message, to stop this horrifying, and, really, criminal persecution of human beings? Is that my colleague's idea?

And may the response be on the time of the Senator from Delaware?

Mr. BIDEN. I will be happy to respond on my time. Let me say to my friend, as a former Secretary of Defense said, you know, the Constitution is an impediment to free action.

It is sometimes tough, I say to my friend from Virginia, that we do have a thing called a Constitution. Every member state of the United Nations knows about our Constitution. The U.N. Security Council knows about our Constitution. And I might point out at least three of the other members states have similar impediments, as you phrase it, but they can under article 43 of the U.N. charter, provide their respective military forces to participate in a U.N. Security Council action.

So, No. 1, yes. I am recognizing the inevitable, a thing called the Constitution. It is not what I prefer or do not prefer, it is what exists.

Second, we are not authorizing. We are urging. We are urging the President

to go and seek a U.N. authorization. The President may or may not decide that such a resolution, if there is one, includes U.N. ground forces, naval forces, or air forces.

So I hope that answers both questions directly.

Mr. WARNER. Mr. President, in the opening statement of the distinguished Senator from Delaware, after sort of lecturing the Senate on a freshman course in what this means—I think most of us understood what it meant—he used the word "authorized" many times: "Authorizes the President, authorizes the President does not authorize the President." That is why I elected to use the same words that the Senator from Delaware said.

Mr. BIDEN. If the Senator will yield on that point on my time, Mr. President?

I used the word "authorizing" in the context of "seek a U.N. authorization." There is a distinction here. There is a Senate authorization, which would come after, if it came at all, the U.N. Security Council authorized force.

There is, preceding, if you will, the two other steps—first, there is an urging step. We are at the urging step. But as my friend from Maine says, it is not idle urging. It is clear, it is implied that if we go on record and urge the President to seek such an authorization from the U.N. Security Council, and he then comes to us for congressional authorization to use U.S. forces, we are implying that if what he is seeking is within the realm of reason, we would be inclined to authorize it.

If he came and sought an authorization for the use of atomic weapons, we obviously would be less inclined than if he came and sought the authorization to use air power or some ground forces.

If he came seeking an authorization for 500,000 American troops in conjunction with other troops, as occurred in the Persian Gulf, we might not authorize that. If he came seeking authorization for the use of 10,000, or 1,000, or 500 American troops, we may very well authorize that.

I would like to speak to the point that my friend from Maine said. He said we are taking no action. One serious action we are taking.

Underlying this debate is the unstated, and sometimes stated, concern that this may put the President in a politically difficult position. It is designed on the part of the Senator from Delaware and others to do exactly the opposite.

The President of the United States is going into a difficult period, as all Presidents do when they seek reelection. It is now the eve of his convention and his renomination. It would seem to me, if the Democrats along with the Republicans in the U.S. Senate said: Mr. President, that which you have already enunciated, that you believe the U.N. Security Council should, under certain conditions, authorize the use of forces, we agree with you—it seems to me that takes the political sting out of what exposure he might otherwise have without a resolution coming out of a Democratically controlled U.S. Senate.

So the design is not as some have implied, to embarrass the President. I would think the President would be anxious to have us on board with him in seeking from the United Nations an authorization for a multilateral use of force. He is not seeking an authorization to use U.S. forces. The President of the United States does not have to go to the United Nations if he wants to put in U.S. forces. He comes here, to the Congress.

If the President wanted to send in American troops he does not go to New York, he comes to Washington—up the Hill. Or he does what other Presidents have done, ignore the Hill and go ahead and send them, and create a constitutional crisis. But he does not go to New York.

By going to New York, the President will take the first step in achieving what he referred to last year as a "new world order." If force does become necessary, it should be a multilateral force. That is what he said a year-and-a-half ago. That is what he is saying now.

All we are saying is, Mr. President, we are with you in seeking that.

When you get to the fine print, Mr. President, as to how many U.S. forces, if any, you intend to use, you do what was envisioned when the U.N. Charter was debated in this body, and what the Constitution demands. You come back to the Congress.

But my friend from Maine is correct. We would be being duplicitous if we said to the President: All right, you did what we asked of you. You came back. It is reasonable what you are asking. But, it is now a political hot potato and I sure do not want to be voting in this election year, to risk any U.S. lives over there. So we are not going to give you the authorization.

It would seem to me this would benefit the President. It is consistent with what he already indicated that he wants to do. And the fact of the matter is, if I am not mistaken, the distinction, by the way I might add, between Somalia and Bosnia is best stated by Brent Scowcroft. Brent Scowcroft talked about our security being involved in Europe and our national interest. Let me quote.

"First of all, there is a general example of this kind of conflict which, if it cannot be controlled by the United Nations, could be replicated in many other areas around the globe. Second, there is a danger of the widening of this conflict. There are Albanian minorities within Serbia, within Macedonia, there is concern by the Greeks," and he goes on. So it is a fundamental distinction.

One last thing while I have the floor, and I will yield in 30 seconds. We hear Hungary mentioned all the time, and we will hear it mentioned again. And "Are we doing what we did in Hungary?" I might point out to my friends there is a big difference.

The decision by President Eisenhower, whether or not to send forces into Hungary, was not just a humanitarian concern. It was a concern of possibly precipitating world war III.

There was a minor problem involving a country called the Soviet Union. There was a thing called the Warsaw Pact. Sending forces into Hungary, any rational woman or man making that decision had to sit down and say: Am I potentially engaging the United States in the start of world war III? Am I, as a consequence of the U.S. forces going into Hungary, confronting the Soviet Union and risking a nuclear war?

And the answer was "yes."

This ain't Hungary. It is as important in terms of people's lives. It is as significant. But in terms of America's National interests and the risks involved, there is a vast difference. There is no Warsaw Pact. And the countries involved do not have nuclear weapons.

And last, if the U.N. Security Council decides that there should be an authorization for the use of force, it must mean that Russia is part of this effort.

So I hope we will not hear any more about Hungary. We are no longer facing the potential of a nuclear holocaust.

I yield the floor.

Mr. CRANSTON. Will the Senator yield some time to this Senator?

Mr. COHEN. I think the Senator from Virginia has the floor.

Mr. WARNER. Mr. President, I shall propound another question and ask it be charged against the time of the Senator from Virginia, in response to the Senator from Delaware.

Does the Senator from Delaware clearly understand that nothing in this resolution, in any way, abrogates the President's constitutional power to act in any way he thinks is in the best interest of the United States and not come back to the Congress, except pursuant to the provision of the war powers which has always been in dispute?

Mr. BIDEN. Mr. President, if the President of the United States has constitutional authority to act, he has it regardless of this resolution. If he does not have the constitutional authority to act, nothing in this resolution gives him that authority.

Mr. WARNER. That is a good law school answer. What are we doing this resolution for and saying, Mr. President, go up there and do these things, but then come back here? Is it you feel it is necessary to even do the resolution? What do we achieve if he has the powers? What do we achieve by the resolution then?

We are sending out a message from this Chamber, the Senate acts, and all

the niceties about the sense of the Senate is lost.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia, as requested, that he has 1 minute left.

Mr. WARNER. I will let the Senator respond.

Mr. BIDEN. Mr. President, the Senator just answered his own question. We are sending a message. I thought that what we have been trying to do in this new era is introduce a foreign policy that reflects a changed world by speaking with one voice.

What is everybody so worried about? The U.S. Senate is doing what my friends have urged for years: Supporting the President. It is important that a message go out to the world, that it is not merely the President of the United States of America, but the U.S. Senate as well that supports the President's initiative to get a resolution passed out of the U.N. Security Council. That is the answer, I say to my friend.

Mr. DECONCINI. Will the Senator from Delaware yield?

Mr. WARNER. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair first advises the Senator from Virginia that his time has expired. It is the second time the Senator from Delaware talked and had not requested time.

Who yields time?

Mr. BIDEN. I yield 10 minutes to my friend from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank the Senator. Mr. President, I rise to support the resolution that is before us. I participated in its drafting in the Foreign Relations Committee. I participated in the redrafting that occurred before the full Senate at the end of last week. I am disappointed that one clause was dropped in the negotiations which I helped write in the Foreign Relations Committee. It would have been a final clause 3 stating:

> Subsequent to any United Nations Security Council authorization of the actions specified in paragraph, 1, the Congress should consider expeditiously authorization for use of United States military forces pursuant to such United Nations Security Council action.

The purpose of that was not to mandate. We cannot do that, but to enhance the prospect that the President would come back to the Congress before committing American forces to any action pursuant to whatever action the United Nations Security Council took.

I, for one, believe that one of the most important powers of the Congress is the power to declare war or not to declare it and to be involved in decisions about the use of American forces, except in times when the President is required in the defense of the United States to take action when there is not time to consult the Congress. I believe and I know that Presidents have felt otherwise, that the Constitution requires that we be consulted before American forces are committed to the danger of hostile actions and possible casualties and deaths for those troops, or those military individuals in our Armed Forces.

Mr. President, the world is groping toward a new world order, a new world civilization where we hope that international instrumentalities under the banner of the United Nations will be able to keep and enforce the peace on this Earth. We also seem to be groping toward a time when we recognize that the violent actions of leaders or groups in various countries that become genocide are of concern to the world and cannot be tolerated.

It is true that if we get involved in trying to restore order and tranquility in the former Yugoslavia, there may be some American casualties if we are part of an international force. It is also true that if there is no international force, no international pressure is brought to bear adequately to restore tranquility in the former Yugoslavia and in Bosnia-Hercegovina, that there may be a spreading of violence beyond that part of the world that could lead to a far vaster number of American casualties sometime in the future. We should not forget that World War I sprang from an assassination of Archduke Ferdinand in Sarajevo, the very city whose plight now concerns us.

We should not forget that it was later on in Adolf Hitler's Germany that the processes of genocide begun by a tyrannical leader that led to the embroilment of the whole world and, again, the United States in World War II.

We now face the danger that if we do not take responsible action, do not encourage responsible international U.N. action, we may once again see what seems to be a faraway conflict not of great interest or concern to us spreading until it becomes a conflagration that engulfs us.

Margaret Thatcher in the New York Times on last Thursday wrote a very thoughtful statement about the situation there which appeared under the headline: "Stop the Excuses. Help Bosnia Now."

I would like to read portions of that article by Margaret Thatcher. She stated as follows:

> It is argued by some that nothing can be done by the West unless we are prepared to risk permanent involvement in a Vietnam- or Lebanon-style conflict and potentially high Western casualties. That is partly alarmism, partly an excuse for inertia. There is a vast difference between a full-scale land invasion like Desert Storm, and a range of military interventions from lifting the arms embargo on Bosnia, through supplying arms to Bosnian forces, to direct strikes on military targets and communications.
>
> Even if the West passes by on the other side, we cannot expect that others will do so. There is increasing alarm in Turkey and the Muslim world. More massacres of Muslims in Bosnia, terrible in themselves, would also risk the conflict spreading.

That is what concerns me; that if we do not suggest as this resolution does "international action," we may see this terrible plight and violence now in one small part of the world spreading until much of the world is involved in mayhem and violence.

Margaret Thatcher went on to state:

> The West's ultimate aim should be the restoration of the Bosnian state, backed by international guarantees within a regional pact, perhaps under C.S.C.E. supervision, and guaranteeing the rights of the three main groups in Bosnia (but not allowing for its partition into three cantons).
>
> Such a solution would prevent the irredentist wars that the partition of the country between Serbia and Croatia would inevitably provoke. Also, keeping the Muslims in a united Bosnia would discourage their radicalization, which would be inevitable if the Muslims were to be dispersed under alien rule. A desperate Muslim diaspora—not unlike the Palestinian one—could then turn to terrorism. Europe would have created an islamic time bomb.
>
> Serbia will not listen until forced to listen. Only the prospect of resistance and defeat will lead to the rise of a more democratic and peaceful leadership. Waiting until the conflict burns itself out will be not only dishonorable but also very costly; refugees, terrorism, Balkan wars drawing in other countries and worse.
>
> Hesitation has already proved costly. The matter is urgent. There are perhaps a few weeks left for a serious initiative before it is too late and a Serb victory is accomplished with terrible long-term consequences.

Again I state the world is groping its way toward a time when the United Nations will undertake responsibilities to keep and to enforce the peace. The United Nations and the world are groping their way toward a time when they will intervene when acts of genocide in one part of the world threaten to spread violence everywhere. The polite term for what is happening in Bosnia-Hercegovina is ethnic cleansing. I believe a more accurate term is genocide. The world should not stand by when genocide is undertaken in any part of this world. It is for these reasons and others that I support this resolution.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I was not present when the time was distributed. I would ask unanimous consent that I be permitted to speak for 10 minutes.

Mr. BIDEN. Mr. President, I object on behalf of the majority leader.

I would be delighted to accommodate time on my side. I told the Senator from Arizona he would be recognized for 10 minutes now, and I promise my friend that if he cannot get time on the Republican side we will find time for him to speak on this side. But I object to extending the time as requested.

Mr. SPECTER. Mr. President, may I ask the Senator from Delaware if I might have that time following the Senator from Arizona?

Mr. BIDEN. The Senator is somewhat persistent, and my inclination is to say no because I promised to give him the time. But my answer is yes, because he is my friend. So the answer is "Yes."

Mr. LEVIN. Would the Senator, while we are allocating timing, allocate 10 minutes to me following the Senator from Pennsylvania?

Mr. BIDEN. Yes, but I will not allocate time to anyone for any other reason unless speakers are finished.

Mr. WARNER. Mr. President, could we rotate speakers?

Mr. BIDEN. We certainly can.

Mr. WARNER. The Senator is not ordering speakers.

Mr. BIDEN. Mr. President, no. Let me be specific. To the extent the Senator from Delaware seeks and is granted recognition, I will next, after the Senator from Arizona speaks, yield to the Senator from Pennsylvania and then the Senator from Michigan. But I assume we will alternate as we have in the past.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. I thank the Senator from Delaware. I ask the Chair to advise me when there is 1 minute remaining.

Mr. President, we have before us a resolution which cannot be taken lightly—I think the debate has indicated some real interest in this subject matter—because it does advocate U.N. authorization for the use of multilateral military force to at least partially restore a degree of renewed humanity and relief to an extremely brutal and volatile situation, a situation fraught with many dangers.

Just as we are compelled to take this issue seriously, I believe we are equally compelled by our principles to support this resolution and the action it implies with a clear and firm resolve of which the aggressor cannot help but take notice.

There is no question of the risk involved. I appreciate those who want to continue to call it to our attention. Nobody is kidding anybody here.

Anyone who has had to deal with the political crisis and civil conflict in the disintegrating Yugoslavia during the past 2 years knows the complexity of the root causes of the conflict before us and of the almost unbelievably extreme hatred which has plagued this region of Europe for so long. Combined with the geography of Bosnia-Hercegovina and the strength of the Yugoslavian armed forces and paramilitary forces that are to be faced here, even the simple objective of securing humanitarian relief becomes, indeed, a huge challenge.

Outweighing all these risks, however, is the clear risk of inaction. First, there are the risks—indeed the certainty—that tens of thousands more people will die, if not by the sniper's bullet, then by cruel starvation and hideous torture in internment camps set up by the Serbian forces for their reprehensible, Nazi-like games that are being played, that are enacted there.

If our country and the world has advanced in any respect since World War II, it has been by the addition of a moral component to our foreign policy that obligates us to respond to situations exactly like this.

Now that we know of these camps and these atrocities, additional deaths will no longer be just the responsibility of the murderers, but it will be the responsibility of us as well. And now that we know, we can be sure that the aggressors in Bosnia-Hercegovina will look at our inaction with a grin and then continue, if not escalate, their inhumanity to new heights in the knowledge that they can do so with impunity.

Second, there is a risk to our own national interests to say that this is entirely a European problem of no direct concern to us is speaking the clearest folly that I can think of. Those who know the complex history of the region also must be aware of the explosive nature of this region. War in one part of the Balkans can easily set off a chain reaction which we have seen before through a great deal of the peninsula. In the past, it has enveloped the entire European Continent that we know so well and have heard the history of several times today.

We have many friends and allies in this region beyond Boznia-Hercegovina, from Albania and Hungary and Turkey and Greece, who are increasingly threatened by this war that is going on and the atrocities that are taking place. If they are drawn into it, inevitably we can and will be, if nothing is done, and then we will not just be talking about surgical air strikes or what kind of forces possibly to be used here.

As the Senator from Delaware so clearly pointed out, this is a nonbinding urging of the President to take action through the Security Council.

This is the danger our Nation faces if we do not act, and act now. The situation calls for leadership that only the United States can take, and it is for times like these that we have NATO forces in the first place that could be made available.

Now, many have worked on this effort for a long time, and it is time that we set aside all of the concern which I think is respectfully raised out of not understanding what this resolution is. This resolution is clear. It is concise. It says what our objective is. It is not to take a side on the civil war but to be sure that humanitarian aid is delivered and that the camps are inspected. That is all. That is all. It does not say what kind of force, if any force.

Maybe this could be such a message that force would not be necessary.

In addition to a multimilitary force, an international tribunal must be established, and this resolution calls for it to prosecute—yes, prosecute—those responsible for the death and the destruction in the former Yugoslavia that constitutes crimes under international law of today including the Fourth Geneva Convention and the Genocide Convention. We have an obligation to those countless, often unknown and now silent victims of heinous crimes in the past, to see that justice is done. We have a chance to speak out for it.

In doing so we may also be saving lives by sending a message to potential aggressors elsewhere that we will not sit idly by as atrocities such as these are committed.

Finally, we must do so with long-term interests in mind because where there is not justice, there will certainly be desire for vengeance. Those who have suffered throughout the former Yugoslavia must see the satisfaction, and the deterring example, of what justice is if we are to see a chance for the killings that have historically plagued this region to end once and for all.

The long-term risk of allowing this to not be addressed is too great.

Finally, I want to call to my colleagues' attention the risk that Bosnia-Hercegovina President Alijo Izebegovic bravely took in the hope of avoiding such a war. As cochairman of the Helsinki Commission of the Congress, I have traveled to Sarajevo. We have had observers there from the Commission. It was a beautiful city 1 year ago.

We met with the President. I have met with the Foreign Minister here in Washington, as well as with the President, and in Helsinki just 3 weeks ago. He did not want war. It would certainly destroy his country and his people. He did not prepare for war, which he might have been able to do. He thought there was a chance that the Western nations could put the influence on Serbia not to take this action.

Indeed, he encouraged the building of democracy. And 1 year ago, there were Moslems, Serbs, and Croats running the government on a bipartisan or a multipartisan basis. There was hope for freedom, and there was optimism instead of this awful situation.

When war began in neighboring republics, the President immediately called for international assistance to prevent it. I talked to Cyrus Vance, attempting to get him to recommend to the Security Council that they deploy peacekeeping troops there, when they were deploying in Croatia. He said: We cannot do that now; we have to wait until something erupts.

Something has erupted. I do not know that those peacekeepers could

have kept that from happening, but we saw what happens when no action is taken. Above all, the President was not preparing for war. He really believed the international community would step forward and help his people.

Now is the time to send that clear message. I am not afraid to send it. I am not afraid that this is going to launch the United States into a ground action. I do not believe that is going to happen. But that is for the United Nations and for the United States to decide, once the United Nations might adopt something similar to what we have suggested here.

Mr. President, it is necessary for this country not to let this pass by. It is deeply important to us as a Nation. It is deeply important to us in the world, to the rule of law that we are trying to advance.

The Commission on Security and Cooperation in Europe has taken all of these new Republics in, including Bosnia, Croatia, Slovenia, and Serbia. They have all agreed to abide by the Helsinki Accord of 1975. That is being violated today by Serbia. We cannot stand by and permit this atrocity to continue.

I hope my colleagues will look at this from the standpoint of what is morally right and not get bogged down. Do not get so complicated that you cannot send a clear message in a nonbinding resolution to the aggressors, the Serbian civilian government, as well as the military forces there that are literally murdering people as we talk, this very moment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 2925

(Purpose: To express the Senate's support for the measures announced by the President.)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. DOLE, and Mr. STEVENS, proposes an amendment numbered 2925.

At the end of the resolution, add the following new paragraph:

(4) The United States Senate strongly supports the measures announced by the President on August 6, 1992.

Mr. WARNER. Mr. President, in response to a question by the Senator from Virginia—what is the purpose of this resolution—the Senator from Delaware said very clearly: To achieve a jointness between the executive and legislative branches.

This amendment, Mr. President, draws into focus precisely the objective as stated by the Senator from Delaware, and shows a parallel. The language is taken from an earlier version of the Foreign Relations Committee proposal.

Mr. President, parliamentary inquiry. The Senator from Virginia, in my understanding, has under the unanimous consent request two amendments with a time of 30 minutes equally divided between the Senator from Virginia and the manager of the bill.

Am I not correct on that?

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. WARNER. I am propounding this amendment under that time agreement.

Mr. BIDEN addressed the Chair.

Mr. WARNER. I reserve the remainder of my time.

Mr. BIDEN. Mr. President, I compliment my colleague from Virginia on his amendment. If he is willing to yield back the remainder of his time, I will yield back the remainder of my time, and we will accept his amendment.

I would like to see a copy of the amendment, if I could. I just want to read the exact verbiage.

Mr. WARNER. Mr. President, I am very hopeful of that outcome, and very appreciative because this language is language which we felt, on this side, should be included. We fought vigorously to include it, and it was resisted with equal vigor. So we are, indeed, making progress on this resolution.

Mr. BIDEN. Mr. President, I wish the Senator and I had had a chance to talk. We could have saved everybody a lot of time on this. But is someone getting the Senator from Delaware a copy of that amendment?

I see staff shaking their heads. Good.

I yield the floor.

Mr. WARNER. Mr. President, I will speak to a second amendment that I will send to the desk shortly, so as to utilize the time.

But in the remarks of the distinguished Senator from Delaware, he frequently said that which is obvious. It was part of his—I think—lecture, not to Senators, but to others who are wishing to ensure the purport of this amendment; that is, the pending matter, that nothing abridges the constitutional powers of the President.

Yet, he said we will ask the President to go to the United Nations; ask the President to lead; ask the President to make convincing arguments to other nations as to the requirements to fulfill the goals of the pending measure. But that—I think I have the words correct—we, the Senate, can then review. The President will come back to the Senate.

Am I not correct in that statement?

Mr. BIDEN. Mr. President, the Senator is correct.

Mr. WARNER. Then my second amendment clarifies the conditions under which the President will act following the U.N. action.

I am prepared to send that to the desk as soon as we can dispose of the pending amendment.

Mr. BIDEN. Mr. President, with regard to the first amendment, that the United States—as I read it—strongly supports the measures announced by the President on August 6, 1992.

I would make one technical amendment. It says at the end of the resolution: "Add the following new paragraph numbered 4." I believe it would have to be: "Add the following paragraph numbered 3."

Mr. WARNER. Mr. President, I thank the Senator for his courtesy. He is correct.

Mr. BIDEN. Mr. President, I am prepared, if the Senator is, as well, to yield back the remainder of my time on Warner amendment number one. And we are prepared to accept the amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I ask unanimous consent that a statement by the President on August 6, which is the subject of the amendment, be printed in the RECORD and I will see that it is placed on each desk so Senators can be fully informed.

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

THE WHITE HOUSE,
August 6, 1992.

REMARKS BY THE PRESIDENT UPON DEPARTURE, PATERSON AIR FORCE BASE, COLORADO SPRINGS, CO

The PRESIDENT: A few remarks on the situation in Bosnia and the former Yugoslavia and what the United States—working with the international community—is doing to contain and defuse this escalating crisis.

Like all Americans, I am outraged and horrified at the terrible violence shattering the lives of innocent men, women, and children in Bosnia. The aggressors and extremists pursue a policy, a vile policy, of ethnic cleansing, deliberately murdering innocent civilians, driving others from their homes. And already the war has created over 2.2 million refugees, roughly the population of greater Pittsburgh and Baltimore. This is, without a doubt, a true humanitarian nightmare.

Now, the war in Bosnia-Hercegovina and Croatia is a complex, convoluted conflict that grows out of age-old animosities. The blood of innocents is being spilled over century-old feuds. The lines between enemies and even friends are jumbled and fragmented. Let no one think there is an easy or a simple solution to this tragedy. The violence will not end overnight, whatever pressure and means the international community brings to bear. Blood feuds are very difficult to resolve. Any lasting solution will only be found with the active cooperation and participation of the parties themselves. Those who understand the nature of this conflict understand that an enduring solution cannot be imposed by force from outside on unwilling participants.

Defusing this crisis and preventing its spread will require patience and persistence by all members of the democratic community of nations and key international organi-

zations. Bringing peace again to the Balkans will literally take years of work.

For months now we've been working with other members of the international community in pursuing a multifaceted and integrated strategy for defusing and containing the Baltic conflict. Let me explain the crucial steps that we already have underway to help defuse and to contain this crisis.

First, we must continue to work to see that food and medicine get to the people of Sarajevo and elsewhere in Bosnia no matter what it takes. To this end I have directed the Secretary of State to press hard for quick passage of a United Nations Security Council resolution authorizing the use of all necessary measures to establish conditions necessary for, and to facilitate the delivery of, humanitarian assistance to Bosnia-Hercegovina. This resolution is critical—it is absolutely critical to our efforts to bring food and medicine to the people of Bosnia.

This resolution will authorize the international community to use force, if necessary, to deliver humanitarian relief supplies. My heartfelt hope is that that will not prove necessary. But the international community cannot stand by and allow innocent children, women and men to be starved to death. You can be assured that should force prove necessary, I will do everything in my power to protect the lives of any American servicemen or women involved in this international mission of mercy.

To truly end the humanitarian nightmare we must stop ethnic cleansing and open any and all detention camps to international inspection. We will not rest until the international community has gained access to any and all detention camps.

Second, we must support the legitimate governments of Slovenia, Croatia and Bosnia-Hercegovina. And to this end, I have decided that the United States will move now to establish full diplomatic relations with those governments. And I'll shortly submit to the Senate my nomination for ambassadors to these posts.

Third, we must continue to isolate Serbia economically and politically until all the United Nations Security Council resolutions are fully implemented. We must continue to tighten economic sanctions on Serbia so that all understand that there is a real price to be paid for the Serbian government's continued aggression. And the United States proposes that the international community place monitors in neighboring states to facilitate the work of those governments to ensure strict compliance with the sanctions.

Fourth, we must engage in preventive diplomacy to preclude a widening of the conflict into Kosovo, Vojvodina, Sandzhak, or Macedonia. And therefore, the United States is proposing that the Conference on Security and Cooperation in Europe, CSCE, place continuous monitoring missions in these locations to provide an international presence and inhibit human rights abuses and violence.

Fifth, we must contain the conflict and prevent its spilling over into neighboring states like Albania, Hungary, Bulgaria, Romania and Greece. And to this end, the United States proposes that the international community again place civilian monitors, thereby reassuring these governments of our concern for their welfare and inhibiting any aggression against them.

And sixth, we are consulting with our allies in NATO on all aspects of this crisis and how the Alliance, how the NATO Alliance might be of assistance to the United Nations.

Now, these steps represent an integrated strategy for defusing and containing this conflict. We've been working with the international community to advance our work on each of these, and will continue to do so in the weeks ahead. It is through international cooperation, through the U.N., NATO, the EC, CSC, other institutions that we will be able to help bring peace to that troubled region.

Mr. BIDEN. Mr. President, I ask my friend from Virginia whether or not he would be willing to temporarily lay aside his amendment because I am under the impression that Senators on both sides, thought that there would be no votes this early in the evening.

Mr. WARNER. Mr. President, I certainly wish to accommodate the Senate as a whole, and the managers and the leadership.

Why do we not check with the majority leader and determine the time that would be convenient to leadership?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WARNER. Do we have a parliamentary inquiry? What is the pending question before the Senate?

The PRESIDING OFFICER. The Warner amendment.

Mr. WARNER. Have not the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WARNER. I believe they have not as yet been set aside.

Mr. BIDEN. Mr. President, I ask unanimous consent that the vote on the Warner amendment, not take place until 7:30.

Mr. WARNER. Reserving the right to object, I will not object——

Mr. DOLE. It will occur at 7:30.

Mr. BIDEN. I say, quite frankly, I have not had a chance to check with the majority leader as to whether or not 7:30 is——

Mr. CRANSTON. That is being done right now, if the Senator will yield.

Mr. BIDEN. Mr. President, if we could ask unanimous consent to lay this aside for 10 minutes. Has all time been yielded back on the Warner amendments?

The PRESIDING OFFICER. All time has not been yielded back.

Mr. BIDEN. I will retain the time the Senator from Delaware controls on that, Mr. President, and at this moment, with the permission of my colleagues, I yield 10 minutes to the Senator from Pennsylvania.

Mr. WARNER. I want to accommodate the Senator from Pennsylvania, Mr. President. But I have a second amendment which, under the unanimous consent agreement, I am entitled to.

Is there any reason why I could not proceed with that and then complete this phase of my participation?

Mr. SPECTER. I have been on the floor for the better part of an hour waiting for the 10 minutes. I think I have recognition.

Mr. WARNER. I will accord my colleague whatever he desires. Could I then be recognized following the Senator from Pennsylvania for the purpose of clarifying the time on the pending amendment and to raise a second amendment?

Mr. BIDEN. Mr. President, we can settle this now with regard to the vote on the first Warner amendment, that the vote take place as the Republican leader suggested, at 7:30. It is agreeable with the manager of the bill on this side that the vote on the Warner amendment begin at 7:30 and that the yeas and nays be ordered.

The PRESIDING OFFICER. Is there objection to that unanimous-consent request?

Mr. BIDEN. Mr. President, I respectively suggest that, rather than move to additional amendments, we hear from a number of Senators who have been here waiting to speak on the bill as a whole. Mr. President, I ask that I be able to yield, on my time on the Warner amendment, 10 minutes to the Senator from Pennsylvania. That will give me 10 minutes to talk with the Senator from Virginia to see about the next move.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 2925, AS MODIFIED

Mr. WARNER. Mr. President, I send to the desk a modification of my amendment that is now pending.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2925), as modified, is as follows:

At the end of the resolution, add the following new paragraph:

(3) The United States Senate strongly supports the measures announced by the President on August 6, 1992.

Mr. SPECTER. Mr. President, I have sought recognition to support this resolution. In my judgment, it is an appropriate stand to be taken at this time, without subjecting the United States to undue risk.

The resolution recites the horrible atrocities which are being committed by Serbian-backed forces against the civilian population, calling it "ethnic cleansing." What is really being committed is genocide.

The resolution recites the inability of the International Committee of the Red Cross to gain access to prison camps, where horrible atrocities are being committed. It then calls for the President to call for an emergency meeting of the U.N. Security Council to consider the use of force, multilateral military force under a Security Council mandate, in order to provide this humanitarian aid.

Mr. President, I believe that this is a very sound resolution, under the principles of collective security, to take action against the atrocious crimes being committed against humanity. The concept of collective security has been a dream for many years, going back to President Woodrow Wilson in his ef-

forts for collective security under the League of Nations in 1919. We had never seen it in this world, collective security, until the action taken by the United Nations in the gulf, where, with the leadership of the United States, there was action to repel aggression and to oust Saddam Hussein from Kuwait.

We now have a situation which has developed in Bosnia, where the atrocious crimes against humanity have been documented and are well recognized. The question that now remains is: How does the world proceed from there?

The thrust of this resolution is very reasonable and very realistic. It calls upon the United Nations to make a decision as to a multilateral military force. Once that has been decided upon, then it will be up to the Congress, pursuant to our constitutional authority, to declare war, to authorize the use of force, and to make a decision after those preliminary steps have been taken.

In January of 1991, this Congress acted, after some dispute as to whether congressional authority was necessary. But a resolution for the use of force was debated on this floor, and was approved 52 to 47 on January 12 of 1991. If such resolution is necessary, the Senate and the House can take it up in due course.

There is one very important provision here, Mr. President, and that is subparagraph 2(c) of the resolution, which calls for the convening of a tribunal to investigate allegations of war crimes and crimes against humanity committed within the territory of former Yugoslavia. This tribunal is to accumulate evidence, charge, and prepare the basis for trying individuals believed to have committed or to have been responsible for such crimes. That is a very important step, Mr. President, and it follows the precedent of the Nuremberg tribunals. It follows what many of us called for after the gulf war to bring Saddam Hussein to trial as a war criminal. So the totality of this resolution is a very appropriate step for the enforcement of international law.

We are taking a measured response to thwart crimes against humanity. This can best be achieved through collective security where there is not the risk of a major international war, because the major powers would all have to agree, since they have the veto power. It preserves the authority of the Congress of the United States to make the ultimate decision, after the United Nations decides what is appropriate force, and what the multilateral military force would be. It contains an appropriate guarantee that other nations will bear a fair share, where the Congress of the United States does not need to authorize the use of force, and in setting up the provision for an international tribunal, it puts notice on everyone in the world that, collectively, the United Nations will not stand by and see such atrocities being committed. We talk about Somalia and we talk about other nations in the world. It may be that at an appropriate time that, too, will be considered.

I think it is plain to see that the United States has very significant security interests in Western Europe, but I also feel that this action is justified entirely on moral grounds to stop crimes against humanity. This is sound collective security. It is moderate in its approach. It does not commit the United States to any prolonged war. It preserves the right of the Congress to take a close look at whatever may be proposed. I urge my colleagues to adopt the resolution.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time?

Mr. BIDEN. Mr. President, how much time remains in my control?

The PRESIDING OFFICER. The Senator has 5 minutes 45 seconds.

Mr. BIDEN. I yield 5 minutes on the amendment and 5 minutes on the resolution to my friend from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair, and I thank our distinguished colleague from Delaware for yielding to me.

Mr. President, this resolution is a resolution in the best tradition of the U.S. Senate. It is bipartisan. It represents the work of Members on both sides of the aisle. It is based on a resolution which has been worked on by Senators DECONCINI, LIEBERMAN, and the leadership, Senators DOLE and MITCHELL and, of course, the Senators on the Foreign Relations Committee, Senator BIDEN, Senator PELL, and Senator LUGAR. They have all worked on this resolution before us. It is an important resolution, it is a serious resolution, and it urges the President to go to the United Nations in an emergency session and urge the United Nations to act with force, if necessary, to accomplish two limited purposes.

The purposes, and the goals are specified clearly in the resolution. It is not a blank check. It does not say end the civil war. It says to accomplish two specific, limited goals. One is to assure the delivery of humanitarian aid. This is exactly what the President is doing at the United Nations already, right now as we speak. In the words of the President, the resolution that he is seeking at the United Nations "will authorize the international community to use force, if necessary, to deliver humanitarian relief supplies."

That is the President speaking. That is not this resolution. But this resolution in its first goal also does precisely that. It urges the President to go to the United Nations and to seek force, if necessary, to accomplish that goal. And so there is no difference between this resolution and the President on that issue.

We are about to adopt the resolution of our friend from Virginia on this, and we are going to commend the President and support the President in going to the United Nations for that purpose. The President is already committed to go to the United Nations seeking the use of force, if necessary, to achieve that limited goal.

If my friend from Virginia were participating here now I would ask him if that is not true, that the President is committed to use force, if necessary, to achieve the delivery of humanitarian assistance. It is clear that the President is committed to that goal.

But there is another goal in this resolution, an additional goal, one in which the President is not yet committed but which this Senate will vote on. That is the question of whether, in addition to urging the United Nations to put together an international force to achieve the delivery of humanitarian assistance, such a force would also be used, if necessary, to achieve access for the Red Cross to the camps where prisoners are being held in Bosnia.

That is the difference. That is what we are really going to be debating about, not whether or not we should go to the United Nations seeking the use of force, if necessary. The President is committed to that goal. It is whether or not, in addition to the goal that he seeks to use that force, if necessary, for the delivery of humanitarian assistance, we should add the goal of achieving access to the camps where there is credible evidence that a genocide has occurred and where there is credible evidence that the Red Cross has been denied access.

That is the issue.

What is the nature of the force that the United Nations would use? We do not decide that, nor should we, nor can we.

But the United Nations would hopefully decide soon.

Will we like the international force that is put together at the United Nations? Will we like our role in it? Our answer is, if we do not, we can veto it. But we cannot design that international force here. This resolution does not do it nor should it.

That has to be designed at the United Nations and if we do not approve of it, if we do not like our role in it, if it has any U.S. ground forces and we do not want any U.S. ground forces, we can veto it.

Why the camps? Why do we want to add the camps? That is the issue before us. Do we want to add that additional limited goal to the delivery of humanitarian assistance? Why do we want to do it?

Because there is a Geneva Convention which requires that the Red Cross

have access to these camps. Every civil war does not violate international law. But the denial of access to a prisoner-of-war camp violates international law. It is because we believe that the United Nations must stand for something in terms of enforcement of international law and because there is credible evidence of mass executions going on right now in camps in Bosnia, that we believe that an additional limited goal is not only a legitimate use of international force but is a required use of force, an international force.

We have seen death camps and have seen genocides in Europe this century. We have had enough. If the United Nations will not act in this situation, in an area which could easily spread into another broad war in Europe, when will it act?

When will the United Nations act if it will not enforce international law now where there is credible evidence of a violation of that law in the camps?

I emphasize what our friend from Delaware has said, this is not an effort to urge the United Nations to involve itself in a civil war and to end it through the use of force. There are in this resolution two narrow military objections and goals, one of which has already been adopted by the President.

I think we owe a great debt to our friends from Virginia and Arizona, and others, for pointing out the necessity of having clear goals and a clear means to achieve those goals.

I do not know whether my good friend from Virginia will, at the end when this amendment process is over, be voting for this resolution or not. But, I know that in any event he has made a contribution by insisting that the goals be clear, that we know what we are getting into. The President presumably does, when he says he supports the use of force by an international U.N. body, if necessary, to deliver humanitarian assistance.

The Senator from Virginia has already proposed an amendment supporting the use of force to deliver humanitarian assistance, because his amendment says we support the President in what he has done, and I think the Senator from Virginia is correct in pointing that out. And I do support the use of force and I gather the Senator from Virginia does, too, because his amendment supports the President's action in going to the United Nations for a U.N. resolution which authorizes the use of force by all means necessary to deliver humanitarian assistance.

He has performed a function again in urging us on to the delineation of clear goals. There are risks in this course, Mr. President, make no mistake about it. There are risks any time we use force or urge the United Nations to put together an international force in order to accomplish the goal of a U.N. resolution. But there are greater risks in the United Nations failure to act, the risk of an ever-widening war in Europe and the risk of a genocide being allowed to occur in 1992 in camps where there is credible evidence of mass executions occurring in Bosnia.±

The resolution is carefully crafted. It is bipartisan. It is offered in the best traditions of this body, and I am proud to be a cosponsor of it.

I congratulate our friends Senator LIEBERMAN, Senator DECONCINI, Senator BIDEN, Senator PELL, and our leadership, Senator DOLE and Senator MITCHELL, for their effort in putting together this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. COHEN. Mr. President, I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Maine yields 10 minutes to the Senator from Nebraska.

Mr. KERREY. Mr. President, I thank my friend from Maine.

I rise to indicate that I cannot support the resolution that has been offered by my friend from Connecticut.

Specifically, my objection deals with what I consider to be a limitation that this resolution would in fact place upon the President himself. If it was a binding resolution, it would be worse, but even as a nonbinding resolution it bothers me that we would begin to get engaged in these kinds of offerings at the very moment, it seems to me, when this body should not be looking for this kind of detailed specific restriction to place on the President.

For us to come to the floor and declare our support of the President taking military action, declare our support of the President taking multilateral action, for our opposition to what the Serbians are doing or any other sort of declaration seems to me to be entirely appropriate.

Mr. President, my fear with this kind of resolution in fact has come to pass as I have listened to this debate. It has been entirely too political. It has been entirely too political perhaps as a consequence of just the nature of any sort of political statement in a time period less than 100 days before a Presidential election.

Foreign policy, particularly today, Mr. President should not be reduced into partisan politics. I believe the Democrats have made a good-faith effort with this resolution to keep partisan politics out of it. But nonetheless partisan politics have intruded and they have deteriorated the quality of the debate, at the very moment when such a deterioration cannot be afforded.

There is a larger context for what is going on in Yugoslovia. I have heard some talk expressed that perhaps we should use a military strike force to liberate the camps in Yugoslavia. Mr. President, I think that is a foolish sort of suggestion.

I have heard some talk about the surgical strikes to destroy bridges between Serbia and Bosnia. Again, Mr. President, I think it is a foolish sort of suggestion; given the fact that we are not on the ground, we could provoke the very thing we seek to avoid.

It may occur that the Serbians say: Well, we will not do ethnic cleansing. We will simply clear everyone. Well, if we are not on the ground, we are not likely to be able to prevent that.

I do not hear anyone on this floor suggesting that we should move unilaterally on the ground, and I believe correctly so. We need not just to exhibit strength of the purpose, I think, but we need to exhibit clarity of purpose as well.

There are two moments of horror that are important for us as we have watched what has gone on in Bosnia. The first is the bombing of Sarajevo itself and the killing of innocent civilians on the streets of Sarajevo, so courageously reported by John Burns of the New York Times.

The second level of horror has in many ways much greater importance, and that is the idea of ethnic cleansing, the idea of camps incarcerating individuals. That is what led, it seems to me, to such outrage and such immediate response on the part of many Americans that something needs to be done.

The larger context and the importance of the United States of America responding to this ethnic cleansing I believe needs to be observed. The larger context is that we are now 229 days into the end of the Soviet Union. And though the Soviet Union has ended, the revolution itself is not over. The revolution moving the people of Russia and the people of the other former members of the Soviet Union toward democracy is much more important than what we sometimes focus on a great deal, and that is the economic reforms. We worry about the economic reforms, but it is the political reforms that are far more important.

The people of the newly independent States look to the United States of America as an example, and they do heed our words. This resolution is important for that very reason. They look to us as an example.

Our revolution of 1776, our democratic effort is what is important. And I say, Mr. President, that it is important for us to stand together as a nation, not politically divided in a political season, but together as a Nation against this ethnic cleansing, because it is entirely possible for it to spread to the East.

This is an idea, Mr. President, of a way to deal with an ethnic minority. It is the Serbians' idea of a way to deal with an ethnic minority: Get them out of the way. It is an idea that one could easily imagine transplanted into the Baltic Republics.

Mr. President, it is important for us to stand in a unified way against ethnic cleansing, convince the world and particularly those who would choose to do this horrible thing that the United States of America will stand united and undivided in opposing this kind of effort.

My fear, Mr. President—and I appreciate my friend from Maine yielding the time—is that this kind of resolution will make it more difficult for us to stand together on a very important issue of foreign policy.

I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor who yields time.

Mr. BIDEN. Mr. President, I yield myself 30 seconds.

I want to point out to my friend from Nebraska, for whom I have an inordinate amount of respect, that I was confused by his statement.

I would like to point out to him this is a bipartisan resolution. The Senate Foreign Relations Committee supported it, Republicans as well as Democrats. The acting ranking member, Senator LUGAR, is a cosponsor of the amendment. Senator DOLE is a supporter of the amendment.

So I am confused as to how all of sudden this became a partisan undertaking. Everything the Senator said I agree with, with regard to the need for a unified effort.

The purpose of this is to put us all on record in support of what the President indicated he intends to do, wishes to do, and is desirous of the United Nations doing.

So there is nothing partisan about this. This is bipartisan. And, I might add, there is bipartisan opposition to this.

So I yield the floor.

Mr. KERREY. Will the Senator yield me 1 minute to respond?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WARNER. Parliamentary inquiry, Mr. President. As I understand the pending business is the amendment of the Senator from Virginia, which is to be voted on in about 2 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The Senator from Virginia has not yielded back his time under that amendment.

The PRESIDING OFFICER. The time would be forfeited when we reach the hour of 7:30.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, how much time is remaining from the 10 minutes that were allocated to the Senator from Nebraska? How much time did he consume?

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes remaining.

Mr. COHEN. Does the Senator wish to respond?

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Thank you, Mr. President.

I appreciate the opportunity to respond, and I appreciate that perhaps I created some confusion with my observation that this debate has become politicized.

But indeed the conclusion that I have reached that it has been politicized is not as a consequence of seeing this resolution being offered just by Democrats. I understand and see it has bipartisan support.

But as I view it from the outside looking in, as one watches the evening news, the conclusion the outside world is reaching is that the Democrats are kicking the President, going after the President. I understand the distinguished Senator from Delaware has not done that.

I have not heard a great deal of people coming to the floor saying that the President is wrong. But, nonetheless, those words have gotten out and the appearance is that Democrats in the Senate are going after the President because of mistakes he has made in Yugoslovia. I am prepared to offer my list of mistakes he has made in Yugoslavia.

But it seems to me that at this critical moment unity is required. I appreciate the distinguished Senator from Delaware has attempted to create and hold unity in this debate.

I would observe for a variety of reasons beyond the control of the distinguished Senator from Delaware this debate has deteriorated into something other than what he intended.

The PRESIDING OFFICER. The hour of 7:30 having arrived, under the unanimous-consent previously agreed to, the vote is to occur on the amendment as offered by the Senator from Virginia. The question is on agreeing to the amendment of the Senator from Virginia. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. GORE], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 90, nays 5, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—90

Adams	Bingaman	Brown
Akaka	Bond	Bryan
Baucus	Boren	Bumpers
Bentsen	Bradley	Burns
Biden	Breaux	Chafee
Cochran	Hollings	Nunn
Cohen	Inouye	Packwood
Conrad	Jeffords	Pell
Craig	Johnston	Pressler
Cranston	Kassebaum	Pryor
D'Amato	Kasten	Reid
Danforth	Kennedy	Riegle
Daschle	Kerrey	Robb
DeConcini	Kerry	Rockefeller
Dixon	Kohl	Roth
Dodd	Lautenberg	Rudman
Dole	Leahy	Sanford
Domenici	Levin	Sarbanes
Durenberger	Lieberman	Sasser
Ford	Lott	Seymour
Fowler	Lugar	Shelby
Garn	Mack	Simon
Glenn	McCain	Simpson
Gorton	McConnell	Specter
Graham	Metzenbaum	Stevens
Gramm	Mikulski	Symms
Grassley	Mitchell	Thurmond
Harkin	Moynihan	Warner
Hatch	Murkowski	Wellstone
Heflin	Nickles	Wirth

NAYS—5

Byrd	Hatfield	Wallop
Coats	Smith	

NOT VOTING—5

Burdick	Gore	Wofford
Exon	Helms	

So the amendment (No. 2925), as modified, was agreed to.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Can we have the attention of our colleagues?

I believe there is a general inquiry as to how many amendments may be offered this evening. I am advised that the Senator from Kentucky [Mr. MCCONNELL] may have an amendment this evening; the Senator from Wyoming [Mr. WALLOP] may have an amendment this evening; each of which would——

Mr. PRESSLER. I may have an amendment.

Mr. COHEN. Require votes.

I believe the Senator from Arizona [Mr. MCCAIN] has an amendment which may require a vote; and the Senator from South Dakota [Mr. PRESSLER] has an amendment which would require a vote. So we have at least four or five measures this evening which may require votes.

Mr. BIDEN. Mr. President, the Senator from Colorado has an amendment, also. We may be able to work out something on accepting that amendment. But there could be additional votes.

I inquire of my colleagues who have these amendments, are they prepared to move? Is anyone prepared to move on amendment now?

Mr. MOYNIHAN. If I may say to the distinguished——

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BIDEN. I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, while we are discussing possible amendments, I would like to take just a moment to make a general point about the amendments which we just

adopted, which congratulates and thanks the President for the measures he has taken so far in this regard. This Senator voted for it, and I am happy to see that 90 Senators did.

I see the Senator from Kentucky is on the floor, and it might be useful to some Members who are not of the Committee on Foreign Relations to know of our debate—it was hardly a debate; our discussion—of the resolution now before us.

It appeared to the Senator from Kentucky that there might be some intended criticism of the administration. And this Senator—and I think we had complete agreement on our side—said certainly not.

Under chapter VII of the U.N. Charter a sequence of actions is set forth whereby the world community can respond to acts of aggression by one state against another, which is the case before us in the Balkans in the aggression by the Serbian Government against Bosnia-Hercegovina.

The United States has supported in the Security Council measures under article 41, economic measures. There is a very considerable amount of doctrine about what can be done with article 41 sanctions: Cutting off mail, cutting off telephones, certain kinds of embargoes, certain kinds of financial actions.

The charter then goes on to say, in the next article, article 42, that if actions under acticle 41 have not brought about a cessation in aggression, the Council may then move to consideration of the use of force by air, land, and sea forces.

It speaks, as does this resolution, of demonstrations of force: flying over; taking out specific, identified, preannounced targets; a naval blockade; a blockade of oil, moving up the Danube by barge—Serbia having no oil save from the Adriatic and Dalmatian coast and barge traffic from the Black Sea.

I said to the Senator from Kentucky, that in our view, we were saying that article 41 not having succeeded, the United States would be correct in moving to consideration of actions under article 42. And we were trying, as a unified committee—and I hope a unified Senate—to say to the President: Yes, now is the time to move on to these next clearly more powerful measures.

And that is what the world awaits. That is what Margaret Thatcher said yesterday, on "This Week With David Brinkley." This is a defining, moral issue. This is the circumstance that Woodrow Wilson, in fashioning the League of Nations, anticipated and said the world community under law would respond to.

This is exactly the situation that President Roosevelt, Cordell Hull, and men of that age saw could come again, because it had come repeatedly all through the 20th century.

We have been mesmerized by the cold war and the notion of some great armegeddonic clash of ideological visions of a world system, one or the other. The reality of the 20th century has been, rather, of ethnic conflict from the first.

The First World War broke out in Sarajevo. Out of that First World War, total war came with the totalitarianism of the 1920's and 1930's, which persisted until a year ago. But all through that, in every one of those wars, ethnic conflict, the brutality of groups that cannot live together or will not live together, has been the source of world conflict. If you look around the world today, it remains such.

I am sorry.

The PRESIDING OFFICER (Mr. SHELBY). Who yields time? If the Senator will suspend, who yields time?

Mr. BIDEN. I ask my colleague from New York how much more time he thinks he needs?

Mr. MOYNIHAN. Five minutes to make my point. I have more than made it.

Mr. BIDEN. I yield an additional 5 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, there are 171 states attending the Olympics. There will be 50 more in 50 years and, almost without exception, the new states will be formed out of ethnic conflicts within existing countries.

Learning to manage this evolution, learning to somehow teach the lesson that aggression, that genocide, that torture will not prevail, this is the defining moment at which we find ourselves. All over the former Soviet Union, there are ethnic conflicts going on now, heating up, cooling down some of them. All over central Europe, all over Africa, the same thing. We think of Somalia as a situation in which there is one nationality. There are, in fact, two distinctive clans in Somalia fighting an ethnic war. Today, 1,000 people died in Kabul, in the aftermath of the overthrow of the Communist Government there. What we have on the part of the Mujahidin is fierce ethnic battles between groups of Shiites and Sunnis, different languages, different territories, different histories, ancient enmities. It happens everywhere.

We are hardly spared this kind of conflict, although blessedly not in the form that takes place elsewhere in the world.

We are trying to learn our way. We know very little about this. The world community has never successfully managed such a conflict.

Now, after the two vast disasters of the World Wars, we have tried to set in place a mechanism that might do it. Here is the first chance we have. If we lose this, it will be the lesson of "Why die for Danzig?" The lesson of "Who cares about the Sudeten Germans if the Germans want them from Czechoslovakia?" Adolf Hitler smashed into Czechoslovakia under the banner of what he specifically said was Woodrow Wilson's principle of self-determination. The charter guarantees self-determination. The world does not know what that means and has not learned to bring it about with a measure of comity and peace and success.

That is all we are trying. It is not partisan. I have listened to our conversations in this matter throughout the last 2 weeks and I have not heard a partisan comment on our side. I hope there would not be any on the other side, because it is a bipartisan measure.

Finally, Mr. President, this measure comes to the Senate under the sponsorship of that most eminently fair and nonpartisan chairman of the Foreign Relations Committee, CLAIBORNE PELL, of Rhode Island, who was present in San Francisco in 1945 when we put these measures in place, measures we are trying to at last put into action.

Finally, Mr. President, as a measure of what we might have in mind, a very learned, experienced friend in New York—a Yugoslav by nationality, American by citizenship—has sent me two pages of suggestions regarding the Bosnian question, which I find wise, thoughtful, and prudent.

I ask unanimous consent that they be printed in the RECORD at this point for Senators who might wish to review them in the morning, and for the consideration of the executive branch when this resolution is adopted.

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

SOME SUGGESTIONS REGARDING THE BOSNIAN QUESTION

1. HUMANITARIAN REQUIREMENTS

(a) Secure several corridors for humanitarian aid, which can be delivered in required quantities only by land. This can be done through 20 kilometer wide corridors through the conflicted areas, safeguarded by a limited number of foreign military units (3000 troops per corridor) covered by air surveillance and support. One corridor could start from Zagreb through the U.N. Protected Area (UNPA) to the besieged northwestern region of Cazinska Krajina; the second from the Croatian border town Slavonski Brod to the Bosnian town Zenica; the third from Croatian port split (or Ploce), through territory controlled by Croatian troops from Bosnia to Sarajevo; a wing of the third route could be extended to the besieged town of Gorazde.

(b) Secure Red Cross inspections of the reported detention and concentration camps.

(c) Provide necessary humanitarian aid for the refugee centers in Croatia and in Bosnia, build new ones on the territory under the control of Muslim and Croatian troops in Bosnia and prepare them for the winter.

2. MILITARY ACTION

(a) Use of military force should be gradual and limited to selective targets and goals But it has to demonstrate a resolute military presence, such as overflights of NATO aircraft, air surveillance and electronic

countermeasures, closing of air space for military flights from Serbia, Montenegro and Serb-controlled parts of Bosnia.

(b) If this will not stop aggression and atrocities by Serbian forces, Muslim and Croation Forces in Bosnia should be provided with military aid. At the very least, the weapons embargo which applies all across former Yugoslavia ought be lifted with respect to the Bosnian and Croatian forces in Bosnia who are defending against Serbian aggression. As it now stands, the Serbian forces, notwithstanding the embargo, have virtually an unlimited supply of weapons and munitions from stockpiles of the former JNA, the Yugoslav Peoples Army.

3. ULTIMATUM TO SERBIA AND MONTENEGRO

Serbia and Montenegro should be given a clear ultimatum to comply with Western demands regarding:

(a) immediate recognition of the neighboring states and their constitutional and internationally recognized borders;

(b) recognition of all principles and documents of the EC sponsored conference on Yugoslavia, which were accepted by all former Yugoslav republics;

(c) full cooperation in the return of refugees;

(d) cessation of Serbia's military and economic support for war against Bosnia and Croatia.

4. POLITICAL SOLUTION FOR BOSNIA

(a) Immediate cease-fire, with retaliatory actions against units breaking it.

(b) Support for the international peace conference, sponsored by the EC and the UN, which will strengthen principles, documents and achievements of the Lord Carrington conference on Yugoslavia, but which should concentrate primarily on building mechanisms of implementing and enforcing these principles and provide international guaranties for the listing regional security and cooperation.

(c) Introduce a comprehensive and international sponsored trusteeship (Namibian or Cambodian formula) until constitutional arrangements between three constitutive nations are reached and free elections in Bosnia organized.

(d) After these horrible hostilities the constitutional arrangement cannot rest on a unitary state, but will have to provide wide territorial autonomy of the regional (cantonal) units, including parity representation in the central government in Sarajevo. Muslims have to reject the idea of a unitary or Islamic state, while Serbs and Croats have to reject the idea of secession to Serbia or Croatia. Partition of Bosnia will lead to even bigger resettlement of the population and will be inconsistent with international law.

Mr. MOYNIHAN. Mr. President, I thank the managers of the measure, and I yield the floor.

Mr. BIDEN. Mr. President, I yield 10 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I do not plan to use the full 10 minutes, and I will summarize my remarks in the interest of others wishing to speak.

First of all, let me say I think we are at a defining moment in American history. We are now dealing with one superpower and numerous small states around the world. This situation will require a new approach in terms of diplomacy.

Some years ago, I gave a speech on the Senate floor about the importance of small state diplomacy. That speech was ridiculed, in fact, by some in the press. Today, however, we are entering an era in which we have many small states emerging. This is true, for example, in central Asia from which I just returned. We are now in a new era, a new order, whatever you may wish to call it.

One of the things we will have to do as part of this new order, if we are to maintain our position as the major power in the world, is to work with the United Nations or our allies in Europe, to establish the capability to use air strikes, or perhaps to have an international commando strike force to bring food and medical care into certain situations. If we fail in this, we will see one of these newly emerging countries establish itself as a superpower.

We can have 40 or 50 years of dominance in the world—time in which democracy can take root and grow, but we now have to work skillfully through the United Nations, and with our European and Japanese partners to promote what is right in the world. That is hard to do. One of the things we must do is recognize we are a superpower. We must provide leadership. That will cost us something in terms of money and lives at some point. Howevers, if we carry out such a policy carefully, it does not mean major land invasions, it does not mean major ground force utility. We have the technology and the air power to do much in the world. But it does mean working with the United Nations, and with other international groups in providing leadership.

I say that this is a defining moment in American history because we must learn to deal with a large number of small countries, both diplomatically and militarily. It is a new order, but it is in some ways much more difficult than the old order. To have diplomacy with small countries, you have to deal with them through ambassadors who can speak their language and who are specially trained. Rather than just dealing with a single superpower—such as a Soviet Union which took care of all 10 or 11 countries in the Soviet Union—you must deal now with 10 or 11 countries individually, each of which has different demands.

Mr. President, I find it strange that there is a resistance in the Senate to function on the situation in the former Yugoslavia. I want the Senate to be very active. I want the Senate to provide leadership. I think we need an activist role. That does not mean we are going to be invading a bunch of countries. However, we have to recognize that we have a new order, a new group of small countries to deal with, and we must go forward.

I also find it very strange here in the Senate, because—I guess maybe in a Biblical analogy—I would say the hawks have become doves and the doves have become hawks. Many of those I would have thought would actively support the resolution we are debating tonight appear reluctant to do so, while others I thought would oppose such a resolution strongly support its intent. That aside, I think we must carry out our international responsibility, and by that I do not mean invasions of countries or similar actions.

Some years ago when Lawrence Eagleburger was confirmed, I predicted what would happen in Yugoslavia if the United States followed its policies. During his hearings—and I am proud of this—I disagreed with U.S. policy as it then existed. My concerns proved to be well founded.

Recently, I visited some of the countries of central Asia, and the Jewish and Russian minorities there told me they were afraid. As in the states emerging from the former Soviet Union, we cannot send invasion armies into the former Yugoslavia, but we can influence the situation through our embassies by taking a strong stand. We can influence policies in all of these new small states through such things as the consideration and approval process of trade agreements, bilateral investment treaties, and tax treaties. We have a great deal of leverage as the great power in the world, and we should use it responsibly.

We also have considerable military power, without sending in a major land force. In addition, we have immense power in terms of economic sanctions. In the former Yugoslavia we could shut the Danube River down. We could establish a real embargo against Serbia. We could also have an international commando strike force supported by air strikes to ensure the relief supplies are delivered.

Many people, both in Europe and the United States, would volunteer and be active in these types of activities. I am not talking about drafting a lot of people, but I do know that with a commando force of 1,000 well-trained men supported by air strikes, you can accomplish a great deal in these situations. In fact, you can paralyze a country. I think we should take our responsibility.

Mr. President, I conclude by saying that whatever we do here, we have to recognize that in the new world order—a new world reality with many small states—the United States must take an activist role, diplomatically and otherwise. We have a world of small states with which to deal, and it is going to be tough to adjust.

I am not advocating great ground forces going here and there. We can manage without doing that. We should look upon our current actions regarding Yugoslavia as one of the examples of how that new world order will function. If we do not act, if the Senate

does not act, then we will have failed our duty.

I yield my time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. I yield 10 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, let me first express my gratitude to the majority leader, to the Senate Republican leader, to the leadership of the Foreign Relations Committee, to my colleagues generally, for the fact that this debate is occurring, occurring not just as an amendment to an unrelated bill, occurring not with a pressurized time agreement, occurring earlier this afternoon on a more informal basis and now under a unanimous-consent agreement on a more formal basis, and in an extended and serious way.

This is a profound question that we are addressing, obviously, in terms of what is happening in Bosnia today. But also in terms of what the reaction of the United States and the rest of the world will be.

It was my pleasure to work with a group of colleagues—the Senator from Arizona [Mr. DECONCINI]; the Senator from New York [Mr. D'AMATO]; the Senator from South Dakota [Mr. PRESSLER]; the Senator from Michigan [Mr. LEVIN]; and others—in fashioning a resolution and working over the last 2 or 3 weeks to try to engender action on it by this Chamber as an expression of our moral outrage and an expression of the strategic national security interests of the United States of America.

So it is first with some sense of satisfaction and pride that I stand, that we are giving this question not just attention, but the serious attention and discussion that it deserves.

Mr. President, why should we be adopting this resolution? It is easy to say that there are many conflicts in the world, and this is a faraway place. What interest do we have? Well, much has been said about the moral interest that we have, and I agree we do. I read earlier today on the floor, and I will repeat it briefly, from today's New York Times: 300,000 increasingly desperate residents of northwest Bosnia, surrounded by Serbian forces, only because they are Moslem. Muslim Ibrahim Kozlica, who operates a cafe in Bihac says:

> They are trying to clear the area of Moslem people. I wanted to send my wife and children out, but there is no way. We are waiting for God to save us.

United Nations official Cedric Thornberry said:

> It is a human and political calamity just waiting to happen. It will require a major change in policy on the part of the Serbs, if that calamity is not to occur, and many of us have nightmares about it.

The commander of the U.N. military mission coming from a meeting with the local Serbian leaders says:

> They said they want to move all the Moslems out of Bosnia and replace them with Serbs. They really do not have any military objective. The shelling is directed to civilian areas to terrorize people.

Mr. President, I saw a quote that I had not seen in a long time the other day. I think it was in a George Will column, from F. Scott Fitzgerald, where Fitgerald said: "France is a land, Britain is a people, but America is an idea, a unique idea, a moral idea, a principled idea." And it is from that idea, no matter what else we are, that we ultimately take not just our purpose but our strength, and that idea of our uniqueness, our moral strength is tested here. That is the first reason, having seen and heard the outrages and atrocities that have been much discussed in this debate occurring in Bosnia, that we must act.

Second, the Senator from New York, with his characteristically superb historical analysis, has told us what we are dealing with here is ethnic conflict of the kind that can and will spread throughout what used to be the former Soviet Union if we do not act to stop it here.

Mr. President, comparisons have been made between this action and Operation Desert Storm—a proud moment, Operation Desert Storm, in America's military, diplomatic and moral history. We stood for a principle. But I suggest to my colleagues here this evening that what we are facing today in Bosnia is a test that is much more typical of those we and the rest of our allies will face in the post-cold-war world than was operation Desert Storm.

The course of what happened over the last year is clear. The Serbs, from the moment of dissolution of Yugoslavia, began to march, first into Croatia, taking perhaps a third of that country, until they were confronted with strength and then stopped; beginning to move into Slovenia, again confronted with strength and stopped; now moving into Bosnia against a people, the Bosnian Moslems that are effectively defenseless, with insufficient arms to meet the threat; Serbs moving with abandon where and when they want, doing to people the most brutal bestial acts, unresponded to.

Twice in this century, the United States has been tested by conflict in Europe, attempting repeatedly at the outset to turn away from it, not our business, let us go, only to find each time that we ended up inevitably being drawn into it and ultimately paying a much dearer price, certainly, in the blood of Americans.

I do not want that to happen again. This is the occasion in our national interest to send a message of strength to aggressors in Yugoslavia to stop the aggression. What does the resolution do? The resolution, as has been said, urges the President, urges the President to do what he has begun to do and has done, which is to go to the United Nations and seek authorization to use force to implement the decisions of the United Nations.

It leaves to the Commander in Chief what will happen after that. We have the veto at the United Nation. We reserve the right to determine what force will and should be used.

It is a message to the Serbs that we have had enough. Let us talk about this Serbian leadership of Milosevic. It does not enjoy unanimous support at home. Tens of thousands of citizens of Belgrade have been out in the streets demonstrating against Milosevic. The head of the Serbian Orthodox Church has spoken out against what is happening in Bosnia and Serbian aggression.

As I pointed out, each time forces confronted the Serbians they backed down. But in Bosnia they are moving with abandon and demolishing a people. It is time for us to send this message of strength. First, through humanitarian relief with the military force to protect it. Second, as the resolution requires, through the use of military force if necessary to gain access to these detention camps that we know and I have seen with our own eyes exist.

There are other parts to this resolution and they are important to stress. We ask the Security Council to review the effects on Bosnia-Hercegovina of the arms embargo imposed on all the states in the former Yugoslavia and determine whether the termination or suspension of the application of that resolution to Bosnia-Hercegovina could result in increased security for the civilian population of that country.

Mr. President, I think everyone on the floor will agree here in this debate that we do not want American ground forces engaged in a civil war there. The truth is there are ground forces in that country today. They are ground forces of the Bosnian people, the Moslem people, but they do not have the arms to fight. Let us give them at least the wherewithal to put up a fair fight and hopefully help to bring the Serbs to the table, which is the goal that we have in this entire involvement.

Mr. President, it is with some pride that I note that this is a bipartisan agreement, a bipartisan resolution, and has been made even more so by the amendment we just adopted.

Finally, let me say this. Repeatedly Members have said on the floor here: "What do we say to Americans? Why should Americans care about this? Do Americans really care about it?"

I say yes, the American people understand that quote from Fitzgerald that I mentioned a few moments ago that while France may be a land and Britain may be a people, America is an idea. Americans understand and want to be a people that stands tall, proud of our moral strength, proud of our leadership of the world, and proud of the fact that we are willing to come to the aid of

those in need along with our allies in Europe. And we are willing once again to stand up against aggression, because Americans understand perhaps in their wisdom better than ours here in this Chamber, as is so often the case, that we have something on the line in what is happening in Bosnia today. Our moral strength, our strategic interest, and ultimately our security. Because when we turn away, turn our backs on the acts that are occurring in that country today that we know and have seen with our own eyes, we diminish ourselves, we diminish the security in which we and our families want to live.

Mr. President, I am proud to be here in this Chamber to support this resolution. I hope and believe it will pass overwhelmingly and send a message of strength to the American people, a message of pride to the American people, and a message of will to the leadership of Serbia.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Maine.

Mr. COHEN. Mr. President, I yield myself 1 minute. Perhaps I could just alert my colleagues to where we are at this time. The Senator from New York [Mr. D'AMATO] has requested 15 minutes to speak on the general resolution. He has indicated he does not intend to take the full 15 minutes.

Mr. D'AMATO. Correct.

Mr. COHEN. Something closer to 5 minutes, as I recall. And following his presentation I do not know on the Democratic side.

Mr. BIDEN. Mr. President, there are those who wish to speak. But I understand our distinguished friend from Arizona has an amendment ready to go. We are ready to move amendments.

Mr. COHEN. As soon as Senator D'AMATO completes his remarks we will recognize Senator MCCAIN offering an amendment, and we anticipate a vote on that amendment in a reasonably short period of time.

The PRESIDING OFFICER. The Senator from Maine has 3 minutes and 13 seconds remaining.

Mr. CHAFEE. Could I ask a question?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wonder if the managers of the resolution could do three things: One, tell us whether if they know how the Senator from Arizona will take on his amendment. Two, will he have a vote? Three, following that, what will happen? Are there more amendments coming up? How long do they anticipate this evening to take?

Mr. COHEN. I advise my colleague that the Senator from Arizona has reserved 1 hour equally divided. I doubt very much it will take 1 hour equally divided for his amendment, but I do anticipate he will request a rollcall vote.

Mr. CHAFEE. The next question is, What will transpire following that? Do the managers know?

Mr. COHEN. I am in position to say we anticipate possibly an amendment from the Senator from Kentucky and possibly one from the Senator from Wyoming.

Mr. CHAFEE. That is all going to take place tonight?

Mr. COHEN. That could take place tonight.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to our friend from Rhode Island there are a potential of five other amendments, but my guess is that this thing would roll out fairly quickly and there may only be one or two amendments that would require a vote, maybe one after this one, and then we would be prepared for one vote tomorrow and final. I think that is the hope. But that is not a promise.

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. BIDEN. Surely.

Mr. LEAHY. Mr. President, we appear to be now in the hour that we are in sort of the Dracula form of legislation. We do not vote in daylight hours. We vote only after the Sun goes down, which I understand happens late in the summertime. We had a lot of talk and quorum calls earlier, and so on. We have a number of amendments. It would be nice if we could take them en bloc and vote them. The results would probably be the same.

Has there been any discussion? As far as many of these, it is difficult to tell the difference other than the difference in names of those who submitted them and those differences spelled out in the press releases of various ones who sent them, who are concerned as well as we are as to what happened there. Is there any possibility of having the vote on all these and start the vote at 7:30 or 8 o'clock tomorrow morning and vote them one after another?

Mr. BIDEN. In the interest of time, the answer is no. I could give a longer explanation. I share the Senator's frustration, maybe even a little more than he feels it, but the answer to the question is I think if we just keep moving on we may find that the time collapses very rapidly and we may get this finished.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. I yield up to 15 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. D'AMATO. Mr. President, I have difficulty understanding what it is that this body is in such a turmoil about in terms of enacting this resolution. It has taken so long for so many to have to work to even get it up for consideration, because people are going to filibuster it, do all kinds of things.

Let us understand it. This is a bipartisan resolution. This has been drafted by Republicans and Democrats who had input into it. The Republican leader has been part of it. This Senator and my colleagues on the Democratic side have had input.

Let me tell you what I am talking about specifically. This resolution pales in comparison to one that the Senate of the United States adopted by voice vote unanimously, one that was approved and worked over by the Foreign Relations Committee on June 11 of this year. And on June 12 it was accepted here on the floor and cleared by both sides. What do we find? All of a sudden my colleagues have found out that we are urging the use of force to see to it if necessary that the United Nations has the ability to enforce that which it sought, that which it was given, that which it was sworn to do, those mandates which it passed. Let me tell you and let me read to you just one portion of what we passed on June 12.

We said:

> Be it resolved that the Senate calls upon the President of the United States to urge the United Nations Security Council to direct the Secretary General of the United Nations to provide a plan and a budget for such intervention as may be necessary to enforce the Security Council resolution seeking cessation of hostilities in the former republics of Yugoslovia.

To enforce.

Now what is this namby-pamby nonsense and the conjuring up that the President of the United States, the Commander in Chief, that he is going to send our men on a death march? That is the kind of thing that we have heard, that he is not going to be guided by his military commanders. Shame on us for conjuring up the worst of the worse. And where is our moral leadership and responsibility?

How long do we have to wait? It was 10 months ago—10 months ago—when we saw Dubrovnik being shelled and bombarded and we got the killer to cease and desist for a while and his armies marched on, and it has been nothing but broken promise after broken promise, diplomatic effort, one after another, after another, has failed.

And he states the fact that we have failed to authorize the use of necessary force, to see to it the basic human rights are protected.

And let me tell you, unless we have a credible threat of a use of an international force, Milosevic will continue the rape, the murder, the ethnic purification and expand his aggrandizement for a greater Serbia. That is what is happening.

We do not have the guts and courage to come out strong and say, yes, Mr. President, we will support you; we want you to go to the United Nations, we urge you to urge them to stand up and to be counted in this very defining moment.

And I have to tell you, we will have more horror on our hands. And here is

an opportunity for this country to stand up for an oppressed people who are Moslems.

It is rather important, because there are other areas in the world with large populations of Moslems that may look upon this as a very defining moment to say, yes, that maybe a world that does not believe and have the same religion that we do has the same value in the terms of the sanctity of life, and we can implore them and go to them when we see these ethnic conflicts which eventually will break out to use the same kind of moral discipline and to stand for what is right: Basic human rights for all, regardless of their religion, regardless of their ethnic background. And that is what we seek here.

Mr. President, I would ask unanimous consent to have printed in the RECORD a copy of the RECORD which indicates that on June 12, 1992, we adopted this resolution so that the resolution in its entirety may be included in the RECORD.

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

S. RES. 330

Whereas continuing hostilities in the former republics of Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

Whereas there is a threat of ever-widening conflict in the republics of the former nation of Yugoslavia, which conflict could extend to other nations in the region;

Whereas resolutions of the United Nations Security Council denouncing the hostilities in the former republics of Yugoslavia, and demanding that they cease, have not been heeded;

Whereas the United Nations Security Council, under Chapter VII of the Charter of the United Nations, has adopted Resolution 757, imposing sanctions on the Yugoslav government, and requesting that the Secretary General work to create a security zone to assure unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in Bosnia and Herzegovina;

Whereas the United Nations Security Council may, under Chapter VII of the United Nations Charter, make plans for the application of armed force to maintain or restore international peace and security, and the United States and other permanent members of the Security Council may veto resolutions of the Security Council;

Whereas officials of the United Nations and the United States have not determined what resources would be required to enforce a cessation of hostilities and bring peace to the former republics of Yugoslavia and, specifically, to enforce Resolution 757;

Whereas knowledge of the resources and military forces needed for such a task would enable the United States and other nations to make an informed judgment about how to take such action;

Whereas the process of devising a plan and budget for such action could, in itself, signal greater resolve at the United Nations to take action; and

Whereas the United States cannot and should not be the world's policeman, but is the one nation with the moral authority and military strength to provide leadership at the United Nations for stronger international coalition efforts to enforce peace: Now, therefore, be it

Resolved, That the Senate calls upon the President of the United States to urge the United Nations Security Council to direct the Secretary General of the United Nations to provide a plan and budget for such intervention as may be necessary to enforce the Security Council resolutions seeking cessation of hostilities in the former republics of Yugoslavia.

SEC. 2. The Secretary of the Senate shall transmit this resolution to the President.

Mr. D'AMATO. I yield back my remaining time.

Mr. COHEN. Mr. President, I think we are making progress. I thank the Senator from New York. He did, in fact, speak less than 15 minutes, much to the surprise of the Senator from Maine. But I thank him very much.

As a result of that, I think we will be able to make more progress this evening.

Let me just review where we are right now.

The Senator from Arizona, I believe, intends to offer an amendment and take approximately 10 minutes to debate that amendment.

Mr. MCCAIN. I say to my friend from Maine there are others who want to speak on the amendment. I may have to use my entire half-hour agreed to by the previous unanimous-consent agreement.

Mr. COHEN. Does the Senator at this point intend to proceed with the amendment?

Mr. MCCAIN. Yes, if it is agreeable to the managers of the bill.

Mr. COHEN. And to ask for a vote?

Mr. MCCAIN. Yes.

Mr. COHEN. I yield to the Senator from Arizona. I think he has his own time.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 2926

Mr. MCCAIN. I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2926.

Strike the words "giving particular considerations to the possibility of demonstrations of force," from section 1.

Mr. MCCAIN. Mr. President, my amendment is a simple one, as was just read. It focuses on one of the many contradictions in the text and logic of the resolution before us. I find it hard to understand how this body is going to propose to authorize the use of force, or military demonstrations, and yet not really do so—as the statements made by the sponsors of this resolution indicate is the case.

What these sponsors are saying, and I have heard them say it throughout the day, is that we are authorizing the use of force but we are not really authorizing it because the President will have to come back to the Congress and ask for the use of force to be authorized. This makes some of us wonder what this resolution is all about.

One of the most egregious aspects of this resolution is the misuse of U.N. rhetoric regarding demonstrations. This is the part of the resolution which my amendment attempts to delete, and it is the most classic example of the consideration of the possibility of authorizing the nonauthorization of force. The resolution talks about demonstration of force.

Mr. President, the world will not see this as mere U.N. rhetoric. It will see this as a promise and a threat. Yet, I do not know why such demonstrations should succeed. I have not the foggiest notion why a flyover, as described by one of the authors of this particular piece of the resolution would succeed. I do not know why a naval blockade, taking out a mountain side or destroying a bridge should succeed. I don't know how anyone can refer to U.N. rhetoric on the one hand and threaten force on the other. This shows profound ignorance of the nature of a conflict which has been going on in the Balkans for hundreds of years and of the nature of this civil war.

Worse, this is exactly the same kind of vague rhetoric we heard in 1965. We said then that if we shell the Coast of Vin from North Vietnam, the Vietnamese will decide to quit. We said that if we launch limited air strikes into North Vietnam, then the Vietnamese will be so frightened so that Ho Chi Minh will call off the war.

Mr. President, far too often demonstrations do not work or lead to massive and sustained escalation. We cannot indulge in token action. We either go in with military force supported by the Congress and the American people or we do not.

One of my favorite military leaders is Gen. Maxwell Taylor. Gen. Maxwell Taylor, was Chairman of the Joint Chiefs of Staff under President Kennedy. He was the Ambassador of the United States to Saigon, and he was a World War II combat veteran.

Maxwell Taylor said that there were five criteria for military involvement. First, the objective of our involvement must be explainable to the man in the street in one or two sentences. Second, there must be clear support of the President by the Congress for the involvement. Third, there must be a reasonable expectation of success. Fourth, we must have the support of our allies for objectives. And, finally, there must be clear U.S. national interests at stake.

Mr. President, I do not see that this resolution or the contemplated use of force meets these criteria.

Let us take the first one. The objectives of the involvement must be ex-

plained to the man in the street. How can I explain this resolution, Mr. President? What we are saying is we are telling the President he can use force, but he cannot use force until the United Nations authorizes it, and he then comes back for a vote from the Congress of the United States. I am not sure the man in the street can really understand that. I am not sure I can.

Second, there must be clear support of the President by the Congress.

I have not seen support of the President by the Congress here displayed today. What I have seen is support for a resolution that says the President might use force under certain circumstances. But, whatever the outcome of this resolution, he still must come back to the Congress of the United States.

Third, there must be reasonable expectation of success.

Mr. President, where is the military expert, the proven military tactician or strategist, who can describe to me or the American people, a tactical and strategic plan for the use of force, or demonstration of force, that will bring about a successful resolution to this terrible tragedy?

Mr. President, Maxwell Taylor must be spinning in his grave. How in the world is a demonstration going to offer us a reasonable expectation of success.

Once again, I know this kind of language is viewed by some as harmless U.N. rhetoric, but that is not the message that we are sending to the world from the U.S. Congress. The message is we threaten demonstrations, without either really supporting them or dealing with the risks of escalation.

Mr. McCONNELL. Will the Senator yield?

Mr. WALLOP. Will the Senator yield?

Mr. McCAIN. I would be glad to yield first to my friend from Kentucky and then my friend from Wyoming.

Mr. McCONNELL. Mr. President. I say to my friend from Arizona, we discussed this demonstration of force language in the Foreign Relations Committee. It is reminiscent of the time when it was reported that President Johnson himself would pick out targets.

I just wonder, my friend from Arizona has had experience as a pilot in wartime. Who is going to pick out the site? Who is going to pick out the site? Where are these demonstrations of force going to occur? Does my friend from Arizona have any idea how this might be done and by whom?

Mr. McCAIN. I would say to my friend from Kentucky, if I could respond very quickly, I do not know. I have not the foggiest notion of what targets would be chosen or of why they would have the desired effect. I have heard talk we should bomb a powerplant outside Belgrade or we should take out a half a mountainside. There is a wide variety of options we can destroy, but it is unclear that striking at any of them will make things better, and such strikes could well make things worse.

One of the most enlightening readings I could commend to my colleagues on this subject is the Pentagon papers. In 1965, the then Deputy Secretary of Defense, a man named John McNaughton, recommended to Secretary of Defense McNamara and the President that if we shelled the radar installations at Vinh, Ho Chi Minh would get the message and would immediately stop supporting the Vietcong in south Vietnam. This reference to "demonstrations" may be drawn from U.N. rhetoric, but it is all too reminiscent of the logic that led us into Vietnam.

I yield to my friend from Wyoming for his question.

Mr. WALLOP. I say to my friend, he almost answered it. It seems to the Senator from Wyoming, this is sort of a typical bully boy posture that the United States could embrace for a policy.

Contrary to Teddy Roosevelt, instead of walk softly and carry a big stick, this would be walk with your overshoes on and carry no stick at all.

The signal that it sends is somehow or another that the United States is willing to do something as a demonstration but not willing to do anything that is consequential.

I have been quoting Clausewitz a lot. Machiavelli has a quote on this that is very useful to the Senate, and that is, "Never do your enemy a little harm."

A bully demonstration like that will do absolutely nothing but mobilize the intentions of people. Would the Senator agree?

Mr. McCAIN. I would totally agree with my friend from Wyoming.

One of the witnesses before the Senate Armed Services Committee tomorrow, a committee of which the Senator from Wyoming is a member, will be General McKenzie of the Canadian Army. He will testify before the committee. I strongly suspect that he will say in no uncertain terms that he sees no viable military option.

This is the person who is in charge of the U.N. peacekeeping forces on the ground in Sarajevo. This is a proven peacekeeper. I say to my friend from Wyoming that we have to listen to such people.

Mr. WALLOP. Will the Senator yield for one further question? Would it not be rational to suppose that what we have already had was a demonstration of force, with 15,000 peacekeeping troops on the ground? And unable to accomplish a mission that General McKenzie will describe?

Mr. McCAIN. I will say that is correct. I have already heard some estimates of the forces required by military experts on peacekeeping. I do not have the specialized expertise, experience, or knowledge to make such estimates, but there are those who do who say it will take 200,000 troops to bring security to the people of Bosnia. I do not know if that is true or not, but some military experts say that is the case.

I want to emphasize again, no one feels as terrible about this tragedy as the Senator from Wyoming, the Senator from Kentucky, and I do. We share the world's anger, sympathy, and concern.

The question is, Can we translate this sympathy, anger, and disgust into concrete action that will really help these people and not bring greater harm to them? Unless we have very specific plans, unless we have a U.N. commitment to employ a truly massive multinational force, and unless the world will stay the course, we may well make things worse.

I also suggest that our first obligation is to the young men and women who serve in our military who are the ones who will be sent into this quagmire. We must not use them in political or military experiments. We must not risk them unless our military experts are fully convinced that our actions will succeed.

Mr. WALLOP. The Senator, having been in harm's way more than most in this body, would, I think, be among the first to recognize that not only do you not want to send them in harm's way but you do not want to send them without having a clear purpose of what the ultimate goal of our presence is going to be. And a demonstration of force is not an ultimate statement of purpose; is that correct?

Mr. McCAIN. I certainly agree with my friend from Wyoming.

Let me say that I have made as many mistakes as any Member of this body. But I do remember in 1983 when I was a new Member of the other body, brand new, and I heard that we were going to dispatch young marines to Beirut, Lebanon, as a demonstration, as a peacekeeping force. I asked then, to do what? To secure the airport? Does this have a familiar ring?

At that time I went to the floor of the other body and I said we should not do this. They asked for peacekeepers. There was no peace. They said there was a strategy. There was no strategy. I am sorry to tell my friend from Wyoming that that time I was right. Over 200 young marines lost their lives because we put them in harm's way without a real strategy, without a real plan, and without a recipe for victory.

I am not prepared to see that happen again.

Let me make one other comment. It has been said several times on the floor that this is only a sense-of-the-Senate resolution. Its supporters have said that it really does not mean that much, that it is not binding, that it

will not have the weight of legislation requiring the President of the United States or the United Nations to do anything.

I think that reasoning badly underestimates the impact on the world of taking such an action and of a vote taken by the Senate of the United States of America.

The media reports throughout the world will not be that we passed a nonbinding sense-of-the-Senate resolution. The media reports will be: "United States Senate calls for the use of force in Bosnia."

Mr. President, we are not actually prepared to use massive amounts of force if we do not have a plan, and if we do not have a strategy, we should not pass this resolution. Most of all, we should not pass it unless we have the full support of the military leadership of this country. We need to hear their views, as the Senate Armed Services Committee will do to some degree tomorrow. We need their views on what our options are, how we can execute them, and what prospect we have for success before we enact this resolution. We must not send America's young men and women into harm's way without their advice and support.

I yield to my friend from Kentucky.

Mr. MCCONNELL. I commend my colleague from Arizona for his observations. Could it not be argued that big countries, real superpowers, really cannot afford to bluff? What would be the effect if we passed this resolution, demonstration of force, and then we did not do it?

Mr. MCCAIN. I think I could list for my friend from Kentucky a few of the other times in history when bluffs, demonstrations, promises, and unmet commitments failed: Ethiopia, Spain, the Sudetenland, Manchuria, China, Czechoslovakia—between the wars, Hungary in 1966; Rolling Thunder in Vietnam, and the multinational force in Lebanon. These were all cases where we either threatened military action we did not take, or halfheartedly used military force, and ended up with tragic consequences. In all of these cases, the consequences were tragic for the peoples and nations that we were attempting to assist. In several, they were tragic for America's fighting men and women.

Mr. MCCONNELL. I just want to thank my friend from Arizona. This is an amendment right on the mark and I commend him for enlightening us as to the past history when we have tried this sort of thing, and laid out for us, as skillfully as anyone has, that this is clearly the wrong path for us to be going at this point.

Mr. MCCAIN. I thank my friend from Kentucky. I would also like to thank him for his active participation in this debate, both on the very important Foreign Relations Committee and on the floor.

Mr. President, I ask my friend from Delaware a question. This is, I do not intend to call for a vote on this amendment because I think the hour is late. There is important debate to be addressed on the issue of the many other amendments.

If and when the Senator from Delaware is prepared to do so, I will ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will yield back my time in about 2 minutes. Just let me start off by saying I would like to compliment my friend from Arizona, because if anyone understands what it means to blithely commit a young woman or man to battle—whether it is demonstration, peacekeeping, anything—he does. It does not matter to a family, God forbid, if the young woman or man that is taking out the bridge or participating in the demonstration, et cetera is killed—a death is a death is a death. A war, is a war, is a war.

The Senator from New York, Senator MOYNIHAN, was the one who suggested we add this language. I wanted to—in fairness to the Senator from New York—point out to my colleagues where the phrase "demonstration" came from. It is a term used in the U.N. Charter.

Let me read article 42 of the U.N. Charter. It says:

> Should the Secretary Council consider that measures provided for in article 41 would be inadequate—

That basically relates to sanctions—economic sanctions, and the like. Should they prove to be inadequate, the Security Council—

> may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockade, or other operations by air, sea, or land forces of members of the United Nations.

The point here, is that the Senator was using a term of art as blockade is a term of art used in article 42.

When the Senator from New York was referring to blowing off the side of the mountain, it was in the context of what General MacKenzie, head of the U.N. forces, who was quoted here today, says:

> It is easy to find the weaponry, the heavy weaponry.

One of the debates on this resolution was whether we could take out the language referring to heavy weaponry. And the point the Senator from New York was making was that the heavy weaponry is located in the mountains around the airport. He was referencing taking out, destroying, the heavy weaponry if it meant blowing off the side of the mountain, heavy weaponry that General MacKenzie says is easy to find.

I do not want to take issue with my friend from Arizona, who knows much more about the difficulty of taking something out by air than the Senator from Delaware would ever know. I do not pretend to even put myself in the same league.

But what was being discussed here was this notion of demonstration as a term of art under the U.N. Charter.

One other thing I should point out, as well, is it is argued that demonstrations have never worked. I might point out, I was the one, along with my friend from Arizona, who was, in the early 1980's arguing against putting the U.S. Marines in Beirut. It was the Biden resolution on the floor of the Senate that tried to stop sending those Marines, because there was no clearly defined purpose, in my view, and in the view of the Senator from Arizona.

Here, whether the Senator would agree or not, the attempt in this resolution is to clearly define two missions. Granted, they could be broad missions. One is to bring in humanitarian aid; and two is to gain access to the camps, the prisoner-of-war camps, the detention camps, for the Red Cross. So the attempt, at least, is to define it more clearly.

Last, it is not the United States who would authorize the use of force; it is the United Nations that would authorize the use of the force under a U.N.-led coalition, if force ultimately was used. We would however, still have to approve U.S. participation in that force.

So, again, in the interest of time, let me again compliment my friend from Arizona. It is a very legitimate concern.

But I want to make it clear that my friend from New York did not take lightly the notion that American lives are at risk if any demonstration were to be used.

I yield the floor.

Mr. MCCAIN. Mr. President, before my friend from Delaware yields, my colleague from Indiana had wanted to comment. So before I yield back and withdraw, I would like to recognize my colleague from Indiana for 7 minutes.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Fifteen minutes, four seconds.

Mr. MCCAIN. I would like to yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. COATS. Mr. President, I thank the Senator from Arizona for the time. I want to explain a couple of things.

One, my vote on the previous amendment. It was not easy for this Senator from Indiana to come down here and vote against an amendment that supports the decisions made by the President of the United States on August 6 relative to this issue. I did not want to do that, because I believe I have a pret-

ty good understanding of what the President is trying to do and what he believes it is not possible to do. I think we are pretty much in accord on that.

But I voted against that because I have concerns about some of the language in the statement made by the President, that might involve the use of U.S. troops in supporting a U.N. resolution to provide humanitarian relief to those who desperately need that humanitarian relief.

I think it is important to note, I doubt that there is any Senator in this body who does not share the deep concern over the plight of those refugees and those suffering from the fighting going on in what we used to know as Yugoslavia; and the agony, as we watch day to day, and the memory of a situation that occurred before my lifetime—in the lifetime of many here—but is fresh in all of our memories, and burned and etched into our memories, of a so-called ethnic solution, ethnic cleansing, final solution that will be a blot on the stain of humanity for as long as the world exists. We are agonizing over that.

And no one objects to the goal which this resolution seeks to achieve. We want to stop the fighting. We want to get relief to those who are suffering. And we want to bring peace to this region.

The question, though, is not whether or not we care or whether or not we agonize or whether or not we want to do something. The question is, How do we achieve this? And what is involved in achieving this?

In that regard, the President's statement on August 6 is important, because I think it outlines the complexity and the difficulty of doing this. I quote from that statement:

> The war in Bosnia-Hercegovina is a convex, convoluted conflict that grows out of age-old animosities. The blood of innocents is being spilled over century-old feuds. The lines between enemies and even friends are jumbled and fragmented.
>
> Let no one think that there is an easy or simple solution to this tragedy. The violence will not end overnight. Whatever pressure and means the international community brings to bear, blood feuds are difficult to resolve and any lasting solution will only be found with the active cooperation and participation of the parties themselves.
>
> Those who understand the nature of the conflict understand that an enduring solution cannot be imposed by force from outside on unwilling participants, and bringing peace to the Balkans will take years of work.

Mr. President, I believe that statement to be absolutely true. The information that I have received as a member of the Armed Services Committee, the intelligence briefing that I have received, fully indicates that what I just quoted from the President's August 6 statement is absolutely true.

The question that we have to answer in seeking this resolution is what is the ultimate end of this, and what are we committing, and what are we asking the United Nations to do, and what consequences will it have for this country, and particularly for men and women in uniform in this country?

The question is, Are we willing to commit U.S. troops to the situation in Croatia, Bosnia, and surrounding areas? Are we willing to do that? Because even if you say this is only for humanitarian purposes, it is impossible to deliver relief supplies, food and medicine, to those suffering in this region without committing forces to do so. Just to fly in the material into Sarajevo requires securing the airport. And securing the airport, by many estimates, will require two divisions.

Let us say it requires two companies. Let us say is requires one platoon to secure the airport at Sarajevo so that we can fly in a C-130 and unload supplies, humanitarian supplies. Are we willing to commit one platoon to that effort? And then we have to load those on the trucks, and we have to take them to all parts of the war-torn region.

Are we willing to put those in trucks and send American soldiers in those trucks and drive them through the mountains, so that we can deliver those supplies? That is what is at issue here.

It is not a grandiose goal, providing humanitarian aid. We all want to do that. The question is: How do we do it, and does it involve U.S. troops?

No other country is rushing forward to commit their troops. No other nation is rushing forward to say: Oh, we will take up the call. No; it has to be a unified effort, and everybody has to participate in it.

To be sure, there will be U.N. troops from other countries.

Does anyone here believe that U.S. troops will not be involved? Does anyone here believe that U.S. C-130's will not land at the airport? Does anyone believe that Marines will not unload supplies for those troops?

Mr. President, I voted and supported the effort to send the Marines to Beirut. I was in the House of Representatives, when my friend from Arizona was saying, "I have been there; it is a mistake; there is no defined objective; there is no strategy; we are sending them there on the hope that their presence will bring about peace." I supported that policy. Then I traveled to Beirut, and I spent 4 hours at that airport. A helicopter dropped Congressman WOLF and myself off. There was not a marine there who was willing to come out on the tarmac to meet us. They probably thought, what are these two stupid Congressmen standing out there on the tarmac for?

But I was so concerned about my vote and so concerned about what I might be subjecting our marines to, and based upon the reports I was reading, I was beginning to think maybe we had made a mistake. There I stood on the tarmac, and a marine was waving at me saying, "Get down, get down. Crawl in this foxhole, crawl in this barricade." They were not willing to run out and even escort us there. These are Marines.

That 4 hours I spent on the ground, including time standing in front of a destroyed barracks at which more than 200 young men in our uniform were killed in their sleep through a truck bomb, convinced me that I would never again put U.S. troops in a situation where there was not a clearly defined objective, where there was not a clearly defined strategy, where we know exactly what our mission was and we had the means to secure the safety of those troops.

Now, I have asked some people who for a living make decisions about what it takes to secure those troops. They have told me that it may take up to as many people as we sent to the Persian Gulf to protect troops that are stationed and moved in for the purpose of providing humanitarian efforts and humanitarian relief to suffering people who need the relief.

Are we as a Senate willing to do that? It is easy to pass a resolution saying we want to end this agony. It is very difficult to translate this into actual policy, actual tactics, actual strategy. At the very least, I hope my colleagues will wait until the Armed Services Committee meets tomorrow—and I invite all 100 Senators to come to that meeting—and listen to what our commanders are saying relative to what it will take to accomplish this particular mission, not the mission of ending the fighting, not the mission of ending the bloodshed, just the mission of delivering a carton of relief, of medical supplies or food supplies to those who are suffering.

What is it going to take to do that, to run that truck through the mountain roads to the back outposts? What is it going to take? And how many car bombs is it going to take and mortar shells fired from areas where we are not sure where they are coming from, or missiles fired at U.S. planes or a missed bombing so that a school is hit instead of a strategic installation? How many of those incidents are going to have to happen before we say, here we are in another quagmire; here we are in another Beirut; no defined mission, dribbling it in, plane by plane, troop by troop, hoping not to get everybody worked up by sending divisions and ships to provide the protection, hoping for the best, fearing the worst.

We need to look to the end of this resolution, not the beginning, because we are starting down a slippery slope that we have been down before, and I do not think we should go down it again.

The PRESIDING OFFICER (Mr. SIMON). The time of the Senator from Indiana has expired.

Mr. COATS. I thank my friend.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my friend from Indiana.

To reinforce his views, I would like to mention for the record that Serbia has over 1,500 tanks, over 2,000 heavy artillery weapons, over 1,500 other armored vehicles, and I have no idea how many more mortars and small arms and RPG's, weapons of war that would be aimed and fired at American troops under certain circumstances.

Mr. President, at this time I ask unanimous consent, if it is agreeable, to withdraw my amendment.

The PRESIDING OFFICER. The Senator withdraws his amendment.

The amendment (No. 2926) was withdrawn.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank my colleague. Let me say—and I am not being gratuitous—I respect the passion and concern of the Senator from Indiana, and I think we are better for him having spoken on this issue. I would, in another context, maybe on the bill itself, argue it does not do quite what he says. He is, it may be presumptive of me to say, approaching this issue as we all should approach this issue and not take it lightly, and I compliment him on his concern.

Mr. President, my distinguished colleague, Senator COHEN, managing the time on the Republican side of the aisle, indicated to me, as he had to step off the floor for just a moment, that he is prepared to yield 15 minutes, I believe. Is that correct?

Mr. McCONNELL. I say to my friend from Delaware, to his relief, the Senator from Kentucky will not be offering the amendment which I had an opportunity to offer under the UC agreement. Instead, I will take 15 minutes on the bill.

Mr. BIDEN. So the Senator from Maine has instructed me to yield on his time 15 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 15 minutes.

Mr. McCONNELL. Mr. President, first, I commend the Senator from Indiana. I just had an opportunity to listen to his remarks this evening. I think he was right on the mark. His own personal experience with the fiasco in Beirut I think added a great deal to the debate.

Mr. President, we are cleared not interested, it seems to me, in taking sides in what used to be Yugoslavia. I want to point out that one of the Members of Congress is a Serbian-American, Congresswoman HELEN BENTLEY. Congresswoman BENTLEY called me earlier this evening just to make a couple of points in the hopes that we can keep this debate at least somewhat balanced in terms of the views of those in this country who are Serbian-Americans.

She points out that while we have focused on detention camps of Bosnians, there may be another untold story. Serbian Orthodox bishops in the United States have called attention to 22 concentration camps holding Serbian civilians. Congresswoman BENTLEY has submitted a list of the villages and camps under siege where Serbians, it is alleged, have been murdered or starved.

Mr. President, I do not know, frankly, the veracity of this, but Congresswoman BENTLEY, a respected Member of Congress, has passed this on just to provide some balance in the debate on these items, and I ask unanimous consent that they be printed in the RECORD.

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

DETAILS OF CONCENTRATION CAMP SITES AND DETENTION FACILITIES USED FOR THE IMPRISONMENT OR EXTERMINATION OF BOSNIAN-SERBS

1. LIVNO: The camp is situated in the fortress in the Old Town. About 300 Serbs are imprisoned.

2. DUVNO: The camp is located on the site of a former secondary school in the village. About 500 Serbs are detained.

3. RASCANI: All the Bosnian-Serbs from this village are blockaded without any food or medical supplies.

4. BUGJNO: The home of a murdered Bosnian-Serb (Relja Lukic) is being used to detain an unknown number of Bosnian-Serbs. In addition around 700 Bosnian-Serbs are detained in the "Slavko Rodic" factory in the town.

5. JAJCE: In the old Fortress about 300 Bosnian-Serbs are detained.

6. BIHAC: In the "Jedinsrvo football stadium" about 900 Bosnian-Serbs are detained.

7. ORASJE: About 100 Bosnian-Serbs are detained in a concentration camp under the command of Pero Vincentic from V.Donje Mahale.

8. ODZAK: 3,000 Bosnian-Serbs; 400 aged from 18-70 are kept in the elementary school under the control of camp commander Mijo Barisic; 150 men and women in the "Stolit" company; 1,500 women and children in Novi Grad; 59 in the elementary school in the suburb of Poljari; 300 in the former military depot in V. Rabici.

9. POLJARI: Up to 100 Bosnian-Serbs were moved from the concentration camp of V. Poljari and V. Rabic towards Bosanski Brod. Here Mr. Fuad Alijagic was ordered to bury executed Serbs with a mechanical digger in the Moslim graveyard near the hospital of Odzak.

10. KONJIC: 3,000 Bosnian-Serbs are detained in the "Ivan" railway tunnel above Bradina.

11. HADZIC: A substantial but unknown number of Bosnian-Serbs are detained in the cultural centre in Pazari.

12. ILIDAZ: In Hrasnica near Ilidza women and children are being detained, in numbers not possible to establish, shrieks can be heard from the nearby Bosnian-Serb controlled territory.

13. TUZLA: 4,000 Bosnian-Serbs are detained in the "Tusanj" stadium.

14. SARAJEVO: 6,000 Bosnian-Serbs are detained in a variety of locations including; "Kososvo" football stadium, Zetra railway station, the womens prison, the Mladen Stojanovic student hostel, the Viktor Bubanj barracks the 25 Maj childrens home in Syrakino Selo, The Sipad storehouse and the central prison which comes under the command of the notorious criminal nicknamed "Ceb."

15. ZENICA: 2,000 Bosnian-Serbs are detained in the Penitentiary of which there are confirmed reports of 100 already killed.

16. B.BROD: 400 Bosnian-Serbs detained.

17. JABLANICA: 500 Bosnian-Serbs detained at V. Celebici near the Jablanica Lake.

SOME TYPICAL EXAMPLES OF MASSACRES OF BOSNIAN-SERBS BY UNITS OF THE CROATIAN ARMY IN B-H AND THE BOSNIAN TERRITORIAL DEFENCE

KUPRES: In the town of Kupres, by the beginning of April, 52 Bosnian-Serbs had been murdered. The principle methods of execution and mutilation were the severing of heads or the extraction of the brains of living victims. In addition mallets were often used to smash skulls.

Prior to death it was common practice to gouge out eyes, cut off ears and break both arms and legs of victims.

An unidentified number of Bosnian-Serbs were murdered around the village of Gornji Malovan near Kupres. The corpses were buried in a mass grave on Borova Glava. We are now in possession of proof, in the form of photographs, video tapes and tape recordings which can be produced.

BRATUNAC: On 21 May 1992, in V. Derventa, a Moslem TD unit under the command of Hedib Sulejmanovic massacred Bosnian-Serbs from the village. They slaughtered 31 people, mainly old age pensioners, women and children. This Bosnian-Serb village was then burned to the ground.

GORAZDE: In the village of Vukasinovici a Moslem TD unit under the command of Suad Hamzic slaughtered 8 Bosnian-Serbs: Veljko Vukasinovic (72), his wife Danien Vukasinovic (60) Vukasin Vukasinovic (90) his wife Boza Vukasinovic (75), Milorad Vukasinovic (78) and Grozda Vukasinovic (56) the wife of the only survivor Perko Vukasinovic. Following the killings the assassins who also included Ferid Aganovic and Ibro Salispahic, burned the family homes together with the corpses.

LELECI: The night after the Vukasinovic killings the same team slaughtered 9 Bosnian-Serbs in the small village of Leleci and burned their homes.

MOSTAR: On 26 May 1992 units of the Croatian Army attached the Bosnian-Serb villages of Raska Gora and Bogodol on the outskirts of Mostar. Here they slaughtered 200 Bosnian-Serbs and burned down the village.

CEMERNICA: On 2 June 1992, units of the Moslem TD from Olovo and Kladanj killed 32 Bosnian-Serbs in the village of Cemernica. These included seven from both the Trifkovic and Bunjevac families, six from the Petrovic family and twelve members of the Damjanovic family.

One young man was burned alive in a stable before the entire village was ignited.

Only one young woman escaped, but needed to be detained in hospital for 20 days and has subsequently had a complete nervous break-down.

She was able to describe the way in which the villagers were first executed and then their bodies were mutilated with axes, picks and shovels.

CRKVINE: On 15 June 1992 units of the Moslem TD attacked the following villages; Crkvinje, Opaci, Orahovica, Bibici, Biogor,

Turija, Podrid, Postolje, Darasnica, Crni Vrh, Karno., Grubanovici, Jasenova, Spat and Cicevci i Bukova Glava. All these villages were plundered and the entire population massacred. All the houses were set light and burned to the ground.

The same unit then attacked Bosnian-Serbs in Pribicevac whilst they were attending a funeral. Most of those were old women and children. The total death toll amounts to more than 400.

SREBRENICA: On 21 June 1992, Moslem extremists attacked the remaining five Bosnian-Serb villages around Srebrenica: Dvorista, Ducici, Polimac, Gornji Raikovici and Donji Ratkovici. In those villages not a single Bosnian-Serb was left living and all the village buildings and houses were destroyed by fire.

ZITOMISLICI MONASTERY: During the last ten days, the Croatian Army in Hercegovina has burned down the Serbian-Orthodox monastery of Zitomisici and 14 more Orthodox churches in the Nererva valley, whilst at the same time they slaughtered all the villagers of Prebilovci and burned down the entire village.

The data on the aggression of the Republic of Croatia against Bosnia & Hercegovina is not yet complete and is very difficult to compile due to the ever increasing flood of new Croatian battle units flowing across the border into Bosnia & Hercegovina.

The area of Bosanska Posavina and Hercegovina are particularly heavily occupied and it is our fear that it is in these areas that the genocide is the greatest.

There is an abundance of documentation on aggression by the Republic of Croatia against Bosnia and Hercegovina and the ongoing genocide. The blockade placed on Yugoslavia makes it very difficult for us to reproduce this material, however, it is available for the world to inspect and check.

"ETHNIC CLEANSING" AGAINST BOSNIAN-SERB VILLAGES AND TOWNS

Following reports that Bosnian-Serb forces were engaged in a policy of "ethnic cleansing" as part of a political and racial process, a claim that is strongly denied, the following document offers evidence of a sustained policy of intimidation, persecution and forced eviction of Bosnian-Serbs.

1. KUPRES: The entire town of Kupres and the villages of Gornji and Donji Malovan have been completely destroyed and burned to the ground.

2. BUGOJNO: The village of Perna comprising 100 Bosnian-Serb households was completely destroyed by fire.

3. BIHAC: All Bosnian-Serb households under the control of the Moslem Territorial Defense Force have been looted and plundered.

4. BRCKO: The Bosnian-Serb villages of Bijela and Cerik have been burned to the ground.

5. ZWORAIK: The Bosnian-Serb village of Boskovici has been burned to the ground.

6. KALAGIJA: The Bosnian-Serb village of Dubica, Zole and Juginov Kuk have been destroyed.

7. ZIVINICE: The Bosnian-Serb village of Brnjica has been burned to the ground.

8. KLADANJ: The Bosnian-Serb villages of Matijevici, Olevei, Vranovici, Gradine, Miadovo, Brdijell, Oberveac, Pajici, Kovacici, Pjevor and Stupari have all been completely destroyed.

9. ROGATICA: The Bosnian-Serb village of Starcici has been completely burned to the ground.

10. MORTAR: The Bosnian-Serb village of Ruska Gora and Bogodol have been totally destroyed by fire.

11. BRATUNAC: The Bosnian-Serb village of Derventa has been totally destroyed.

12. KONJIC: The Bosnian-Serb village of Bradina has been destroyed by fire.

13. N. TRAVNIK: The Bosnian-Serb villages of Trnovac and Opare were demolished.

14. VITEZ: The Bosnian-Serb village of Tolavici was destroyed.

15. OLOVO: The Bosnian-Serb village of Cermernice was burned down.

16. SREBRENICA: The Bosnian-Serb villages of Crkvine, Opaci, Orchovica, Bibici, Biogor, Takija, Podrid, postolfe, Garasnica, Crni Vrh, Karno, Crubanovici, Jasenova, Spai, Cicevci, Pribicevac, Dvorista, Ducici, Polinci, Gornji Ratkovici, and Danji Ratkovici were burned down.

17. BASANSKI: Brod The Bosnian-Serb villages of Stjekovac and Novo Selo were demolished.

18. SARAJEVO: All Bosnian-Serb households have been plundered and all Bosnian-Serb homes in the suburb of Pofalici have been burned to the ground.

The list of totally destroyed villages and villages totally "cleansed" of Bosnian-Serbs is not complete and we are only in a position to confirm 70 such places.

BOSNIAN-SERB TOWNS AND VILLAGES WHERE THE SERB POPULATIONS HAS BEEN DISPLACED OR "CLEANSED"

In addition to the entire population of all Bosnian-Serb villages that were burned down, the following Bosnian-Serb villages have also been totally de-populated of Bosnian-Serbs by force.

The Municipality of:

1. Srebrenik: V. Spionica, V. Podpec, V. Jasenica.

2. Gradacav: V. Srnice.

3. Lopare: V. Breza, V. Miladici, V. Sibosnica, V. Visori.

4. Tuzla. V. Konjkovici, V. Kovacica, V. Pozarnico, V. Simin.

5. Han: V. Kovacevo Selo and V. Caklovicic.

All Bosnian-Serb villages in the following municipalities have been totally destroyed and "cleansed" of Bosnian-Serbs. The remaining population are either Moslem or Croat.

1. Zininice, Banovici, Kladrnj, Srebrenica (apart from Skelani), Modrica, Gracanica, Kresevo, Busovaca, Vitez, Novi Travnik, Travnik, Zenica, Gornji Vakuf, Olovo, Breza Kakanj and Vares.

MILITARY INTERVENTION BY THE REPUBLIC OF CROATIA IN THE REPUBLIC OF BOSNIA AND HERCEGOVINA

There is little doubt about the aggression instigated by the Republic of Croatia against the Republic of Bosnia and Hercegovina. Every day regular units of the Croatian Army enter the territory of Bosnia and Hercegovina. There are now full battle units of the Croatian Army in Bosnia and Hercegovina performing combat missions against Bosnian-Serb forces.

According to estimates from London, some 40,000 Croatian soldiers, in uniform are now occupying territory in Bosnia and Hercegovina.

In particular the following formations and personnel are present in the territory.

1. "Bruno Basic" regiment under the command of Ciro Crubisic, is active in the Posusje region.

2. The Second CA (Croatian Army) Battalion was transferred from Arzan to the Hutova region of Hercegovina where it has seen active service.

3. An independent CA Brigade known as the "King Tomislav Brigade" is operating in the Mostar area under the command of Mate Sarlija, nicknamed Daidza.

4. The First Croatian Army Brigade (an elite CA formation specializing in offensive action and formed in Zagreb and entirely staffed by professional soldiers) is currently in the boarder area of Zaplanik and Uskoplje and moving towards the Serb populated region of Trebinje.

5. Battalions from the fourth CA Brigade (formed in Split) is in the vacinity of Mostar.

6. The 128th CA Brigade (formed in Gospic) is currently engaged in combat action in Western Hercegovina.

7. Part of the 203 CA Brigade (formed in Vukovar) is now performing a combat role in Hercegovina having moved from the Kupres battlefield.

8. An independent CA Battalion (formed in Zadar) is located in the area of Siroki Brijeg near Citluk.

9. An independent CA Battalion (formed in Trogir) is located in the area of Neum near Metkovici.

10. 111 CA Brigade (formed in Brinja) is currently active in Hercegovina.

11. 116 CA Brigade (formed in Metkovic) is currently engaged in active service in Mostar.

12. 118 CA Brigade (formed in Makarska) is stationed in the area of Ploce.

13. The Independent Battalion of "Francopan" (made up of foreign mercenaries trained in Kumovor near Zagreb) is now located in Hercegovina. Mario Pesa a United States Citizen of Croatian extraction was arrested whilst sabotaging military aircraft. He is still in detention. It was learned that the unit was formed to engage in terrorist and sabotage activity deep behind lines and that the slogan of the unit is "no prisoners".

14. Parts of the 115 CA Brigade are still in the Hercegovina theatre of operation.

15. 2 CA Brigade (formed in Dugo Selo near Zagreb) is performing combat action on the boarder with Trebinje under the command of Boris Jastovic.

16. 163 Brigade is currently performing combat action in the Trebinje boarder area. Attack orders were intercepted on 30 June 1992 which detailed clear offensive strategy beginning with 2 Brigade of ZNG forming a development line from V. Bujici, V. Martinovici, V. Gornil Bragat and V. Knezica. These are followed by clear strategic objectives.

17. 163 Brigade is backed up, to it right flank, by a defensive force with orders to fiercely defend all positions taken by the 2 Brigade and to keep some forces in battle readyness for offensive action in the direction of V. Petraca, Zvijezda, Rupni Do and V. Glavska.

18. 163 Brigade is to be ready to take over all positions taken by 1, 2 and 4 Brigade. In command of parts of the 2 Brigade is Colonel Drago Matanovic.

The above mentioned sites are in the municipality of Trebinje, making it clear that Croat forces plan an attack on the town.

19. 4 Independant Battalion "Zrinjski" (composed of foreign mercenaries and outlaws formed and trained in Kumrovec near Zogrob) is currently located in the Livno a and has participated in the Kupres theater of operations.

20. 141 CA Brigade (formed in Split) is stationed in the area of Tomislavrod and was under the command of Colonel Zarko Tole (a former major in the Yugoslav Peoples Army). The Colonel was captured on 26 May 1992 and is still held prisoner.

21. 144 CA Brigade is momentarily located in the Livno theatre operations.

22. 126 CA Brigade (formed in Sink) is located in the area of Busko Jezero.

23. 158 CA Brigade (formed in Split) is located in the area of Tomislavgral. On 1 July 1992 Bosnian-Serb forces shot down a piston-engined aircraft of the Croatian Air Force whilst it was attacking their positions.

24. 3 CA Brigade (formed in Ostjek) under the command of Lt. Colonel Krnjak is currently stationed in the Orasfe area.

25. 103 CA Brigade (formed in Dakovo is currently engaged in active duty in the Slavonski Brod area.

26. 105 CA Brigade was formerly active in Morica and is now performing in the area of Odzak. The Brigade is commanded by Pero Stanic.

27. 107 CA Brigade is currently performing in the area of 1 under the command of * * * Miljacevic.

28. 108 CA Brigade is located on the territory of Broko with HQ in the village of Gornji Rahic under the command of Commander Miro Lovrie.

29. 114 CA Brigade (formed in Zadar) is now engaged in combat in the north Zivinice area. The HQ is in the Hotel Svatovel on the north slopes of mount Vijenac near Zivinice.

30. 122 CA Brigade (formed in Dakovo) is performing combat operations in the area of Odzark near Morica.

31. 123 CA Brigade (formed in Slavonska Pozega) is performing in the combat area around Orasle.

32. 139 CA Brigade (formed in Vrpolfe) is performing combat operations in the Bosanski Samac region.

33. 157 CA Brigade (formed in Slavonski Brod) is performing combat operations in the Bosanski Brod area.

In this area on 22 June 1992 Bosnian-Serb forces shot down a Croatian Air Force MIG-21 aircraft whilst it was performing combat operations against Serb positions.

34. 77 CA Brigade (formed in Rijeka) is now performing in the combat area of Tarcin and Pazaric near Sarajevo. The Brigade is under the command of Commander Mustars Parobic.

CONCLUSIONS

At the current time there are the following active Croatian units performing in the territory of Bosnia and Hercegovina; 17 complete brigades, parts of 6 brigades, 1 independant regiment, 5 battalions and one independent company, supported by the Croatian Air Force.

[Press Release]

WEST IGNORES PLEA OF SERBIAN ORTHODOX BISHOPS; SERB CIVILIANS HELD IN 27 CAMPS—WEST FAILS TO INVESTIGATE

"SHOCK AND OUTRAGE FOR RELIGIOUS LEADERS"

The West has not followed up on an anguished May 27 appeal by the Bishops of the Serbian Orthodox Church to immediately investigate the 27 concentration and detention camps throughout Bosnia-Hercegovina and Croatia, where Serbian Orthodox civilians—not military personnel—are being illegally held.

At their August 6 meeting in Pittsburgh, PA, the Serbian Orthodox Bishops of the United States and Canada expressed shock and outrage over the inaction and indifference of the world media, watch dog groups, and governments. They called for immediate and urgent attention to their May 27 appeal, and reiterated their urgent demand for investigations into the atrocities being inflicted on the Serbian Orthodox people in Bosnia-Hercegovina and Croatia.

According to a profusion of eye-witness reports relayed to the Bishops by members of their Church, the Moslems and Croats are illegally holding Serbian Orthodox Christians in the following concentration and detention camps: Suhopolje, Virovitica, Odjak, Duvno, Livno, Smilijan, Tornislavgrad, Bugojno, Jajcc, Bihac, Orasje, Odjak, Kosjic, Konjic, Hadjici, Ilidja, Tuzla, Bosanski Brod, Zenica, Jabianica, Kladanji, Sarajevo, and elsewhere.

The Bishops demand that the United Nations, the United States, the Red Cross, and other appropriate bodies, immediately inspect these camps.

They also demand fair and equal treatment for all the victims of the Yugoslav conflict, and call for the vigorous pursuit of human rights and justice for the innocent and suffering Serbian Orthodox people throughout the territory of the former Yugoslavia.

STATEMENT OF SERBIAN ORTHODOX BISHOPS

SERBIAN ORTHODOX BISHOPS EXPRESS SHOCK AND DISMAY—27 CONCENTRATION CAMPS HOLD SERBS IN CROATIA AND BOSNIA

While the Episcopal Council of the Serbian Orthodox Church in the United States of America and Canada expresses its profound concern and regret over the recent reports and visits to purportedly Serbian-held concentration camps in the former Yugolsav Republic of Bosnia and Hercegovina, it is shocked and dismayed over the incomprehensible lack of concern evidenced among civic and media leaders over the 22 concentration and detention camps where Serbian civilians—not military personnel—are being illegally held in Bosnia and Hercegovina.

The Bishops of the Serbian Orthodox Church in America, convened at their meeting on August 6, 1992, in Pittsburgh, PA, draw the world's attention to Memorandum of the Holy Assembly of the Serbian Orthodox church, issued at its regular session in Belgrade, Yugoslavia, on May 27, 1992, in which with pain in our souls we notified the international media of the following concentration camps opened for Serbian civilians in Croatia and Bosnia and Hercegovina; Suhopolje, Virouitica, Odjak, Dhuna, Livno, Similjan, and others , and that innocent Serbian Orthodox civilians were being killed and disposed of in the caves of Shurmancima (near Medjugorje) and Mount Velebit's Katina pit.

While other sections of this Memorandum were focused on in the world press, we were and remain astonished that our anguished plea concerning concentration and detention camps was and remains overlooked, and that the necessary investigations have not been undertaken by the appropriate watch dog groups, governments, and media outlets.

Since that time, we have been informed by our long-suffering Serbian Orthodox faithful in Croatia, Bosnia and Hercegovina, the Republic of Serbian Krajina, and the Serb Republic of Bosnia and Hercegovina, that the following, additional camps have been opened: Tamislabgrad, Bugojna (the home of slain Serb Aelja Lukic), Bugojno (the "Slauko Hadic" factory), Jajce, Bihac, Orasje, Odjak (the Odjak primary school), Odjak (the "Stolit" Firm Building), Odjak ("Novl Grad" Village), Odjak (the Paijanl primary school), Odjak (the four military warehouses), Kanjic, Hadjicl, Ilidja, Tuzia, Bosenski Brod, Zenice, Jablanice, Kladanj), and several locations in Sarajevo.

We commend the United Nations Security Council for demanding that the Red Cross be allowed to inspect these camps, and, with confidence in their intentions and abilities, we call upon this humanitarian organization to exhibit fair and equal concern for all of the victims of this tragic conflict in all areas of Bosnia-Hercegovina and Croatia. We call upon the United Nations, the United States, the Red Cross, and all other concerned bodies, to vigorously pursue human rights and justice for the suffering Serbian Orthodox people throughout the territory of the former Yugoslavia.

We also draw the world's attention to the recent, written plea of the World Council of Churches, in which Dr. Herman Goitz, Studies Secretariat for the European Council of Churches (811)(41)(22)791-6111, warned that Croatian troops are penetrating into Eastern Hercegovina where they are committing an "ethnocide" against the Serbs that "could turn into a genocide." Dr. Goitz also appealed to all ecumenical organizations to save Serbian Orthodox Bishop Alanasije of Hercegovina. Bishop Alanasije is under violent attack by Croatian forces, and has become a symbol of Serbian Orthodox suffering in Bosnia and Hercegovina.

We also express sincere regret over the uneven presentation of facts in the media. It is with great concern for the objectivity of our media, and our trust in both broadcast and print journalism, that we point out that conclusions about alleged atrocities, based on no evidence whatsoever, are all too often publicly disseminated, only to be later discredited and corrected. Our faithful member, John Shatian, a reporter currently in Belgrade, toured with journalists from England, France, Germany and the United States, the alleged site of a Serb-held Concentration Camp in Bijeljina, Serb Republic of Bosnia and Hercegovina. John writes: "Reports in the western media that Serbs were executing Croat and Moslem civilians in a concentration camp in a mine complex near [Bijeljina] are false as some 35 foreign correspondents toured the complex today without finding any sign of a camp, prisoners or bodies."

"What the journalists did see earlier at the military headquarters prison in Bijeljina was 70 Serbian paramilitary troops, who were arrested and incarcerated by soldiers of the regular army of the Serb Republic of Bosnia-Hercegovina, under the command of its leader, Radouan Karadzic. (According to Yugoslavia's Prime Minister Milan Panic, this is the first time that members of a paramilitary formation had been arrested since the start of conflicts in the former Yugoslav republics. Panic hoped Croatia and the Moslems would arrest paramilitary troops of their nationality.)"

We firmly and prayerfully desire peace for all the suffering people throughout the tragic lands of the former Yugoslavia.

The Joint Episcopal Councils of the Serbian Orthodox Church in the United States of America and Canada, Metropolitan of Midwestern America, Metropolitan of New Gracanica, Bishop of Eastern America, Serbian Orthodox Diocese of Eastern America.

THE EFFECT OF "ETHNIC CLEANSING" AGAINST BOSNIAN-SERBS IN BOSNIA AND HERCEGOVINA

[Contrasted with the Census of 1991]

Municipality	Bosnian-Serbs 1991	Bosnian-Serbs today
Morica (percent)	33.0	None
Tuzla (percent)	15.5	4.5
Zivinice (percent)	5.0	None
Kladanj (percent)	26.0	None
Banovici (percent)	14.0	None
Kalesija (percent)	18.0	None

THE EFFECT OF "ETHNIC CLEANSING" AGAINST BOSNIAN-SERBS IN BOSNIA AND HERCEGOVINA—Continued

[Contrasted with the Census of 1991]

Municipality	Bosnian-Serbs 1991	Bosnian-Serbs today
Travnik (percent)	11.0	None
N. Travnik (percent)	13.3	None
Bugojno (percent)	18.9	5.0
Derventa (percent)	40.8	5.0
B. Brod (percent)	33.8	None
Jajce (percent)	19.3	4.0
Sarajevo (percent)	33.0	7.0
Bihac	[1] 7,000	[2] 500
Livno	[1] 2,800	[3] 837
Duvno	[1] 1,000	[3] 400
Mostar (percent)	[1] 20,000	[2] 1,000

[1] Serbs.
[2] About.
[3] All in a concentration camp.

NB: In total around 300,000 Bosnian-Serbs have been displaced by "ethnic cleansing."

I have, today, instructed the Serbian forces around the town of Gorande, to begin an immediate unilateral ceasefire. I have ordered the Serbian forces in that region not to react to outside provocation, even if the Serbian inhabitants are still prevented from leaving the town. I have informed Lord Carrington and the U.N. Secretary General of my orders, I have also told them that I would welcome the deployment of U.N.-observers to Gorazde, in order to monitor the ceasefire.

RADOVAN KARADZIC.

LONDON, *16 July 1992.*

Mr. MCCONNELL. Mr. President, over the past weeks, the tragedy in Bosnia has taken a dark turn for the worse. We have all seen the agonizing images of women and children attacked as they bury babies. The pictures from death camps have shocked our collective conscience. No one can watch the unfolding horror and walk away untouched.

The resolution we are considering tries to speak to the unspeakable atrocities the world has already witnessed. It gives expression to our moral outrage and frustration over the continuing crisis.

But I caution my colleagues to look carefully at this resolution before they leap. Either this measure is a time-consuming exercise echoing the diplomatic efforts already underway or it is an authorization for the U.S. to engage in war in Bosnia.

It is either a waste of our time or it is a waste of lives. In the hours of hearings and debate in the Foreign Relations Committee some of the cosponsors argued not to worry, this is only an expression of the Senate's interest in promoting the United States to generate discussion at the United Nations about the use of multilateral force.

If indeed that is the case, let me point out that the United States is actively engaged already in just such a debate. It is going on. It went on today, and will go on tomorrow. But I think a different calculation has been going on. I think a cynical political game is being played by some in an effort to persuade the public that George Bush is not doing enough to help those suffering in the battle for Bosnia. Some of the Members and Governor Clinton needed to prove they can pull the trigger too.

I think we need to make sure, Mr. President, that American soldiers are not the victims of this ready-fire-aim approach to foreign policy. Members of this body who calculate that this will draw attention to U.S. policy shortcomings should familiarize themselves with just what has and what is being done.

You would think, Mr. President, that nothing was being done. But as we speak the United States is actively engaged in an effort at the United Nations to forge a consensus plan of action. The President is also working closely with Prime Minister Major and his European counterparts to settle differences and move forward to protect the U.N. relief lifeline of food and medicine and end the crisis.

The President's record is solid and sure. What has he done? He ejected the Serbian Ambassador, and he froze Serbian financial assets, and last Thursday he announced his intention to appoint ambassadors to Slovenia, Croatia, and Bosnia, further isolating Serbia. The administration has worked at the United Nations to impose comprehensive economic sanctions and has deployed Naval assets in the Adriatic to enforce those sanctions.

We are making a major contribution to the relief effort, and the President has consistently declared his willingness to support any multilateral military effort to protect those humanitarian operations. In fact, he has charged the Secretary of State with the responsibility to assure quick passage of a resolution authorizing all necessary means to provide humanitarian relief—all necessary means. To that end, the administration is consulting with NATO to determine how best our allies can serve U.N. goals and plans.

Mr. President, the list goes on. Last week the administration called for an emergency meeting of the U.N. Human Rights Commission to review and investigate the shocking allegations of death camps and other atrocities. As we speak 30 nations have endorsed the President's proposal and the commission is scheduled to hold an emergency session Thursday.

To complement this effort, the administration has asked the Conference on Security Cooperation in Europe to appoint a special rapporteur to report the charges, and we are moving forward on a resolution in the Security Council to urge all States to collect information on war crimes.

I think the President is actively exploring every option. I think he is on the right course. And if that is what all the sponsors of this bill would admit, in view of the facts, I would, as the saying goes, sit down and shut up.

But I do not think that is what has developed. Thursday it was said in committee that this was an effort to offer the President cover for action he might want to take. The President does not need cover. His policy has been consistent; his record is substantial and trustworthy.

Maybe it is Governor Clinton who needs cover. Frankly, I think for some that is exactly what this is all about—not for everyone, but for some. Many people thought they could craft legislation saying the President must do "more," get the headline, run from the responsibility of what "more" means.

What more means is our involvement in this conflict. I do not think we are ready to commit American troops or shed American blood in Bosnia.

Any further military options must be carried out in close consultation with the United Nations and the Europeans who have the matter in sharp focus. No one needs to tell Germany, England, or France the human toll of a battle in the Balkans. Individually and collectively, they know first hand the cold cost in blood, in lives lost.

And frankly, that bloody calculation is precisely the cause of their cautious, prudent approach. The President and our allies cannot afford to be driven by moral indignation. They must balance frustration with facts.

And when they look at the facts, they listen to General MacKenzie, whom Senator MCCAIN was quoting a few moments ago, General MacKenzie, the recent commander of the United Nations forces stationed in Croatia and Sarajevo, on his ninth peace-keeping mission. Appearing on "Larry King Live", he confirmed the factions will not turn in their weapons and observe a cease-fire as called for the by the United Nations. In expressing his amazement at the level of hostility between the warring factions—this is General MacKenzie just having come back from being on the ground in Bosnia. He said:

> The United Nations is there to help both sides, in spite of the fact that they don't understand that in Bosnia. In every other peace-keeping mission I have been involved in they do.* * * The fact of the matter is I have never seen a level of hatred like this * * * if the leaders said tomorrow, "OK let's call it quits * * * we'll sign something" I'm not sure if the momentum of hatred would let that happen.

Mr. President, There is no doubt in my mind that the crisis in Bosnia is one which has simmered, boiled, and erupted over centuries. We are witness to the most recent cycle of violence, but we should understand the history of the crisis, the number of lives lost over the centuries before we enter the fray.

As we consider our future options, General MacKenzie had further insight as to what lies ahead. Larry King asked the General to respond to the President's statement "Before I commit American forces to a battle, I want to know what's the beginning, what's the objective, what's the end," exactly the point that Senator COATS was making a few minutes ago.

General MacKenzie said:

"He's spot-on. If I may be permitted to say, the President of the United States needs clearly defined foreign policy objectives and has to think extremely carefully before he gets involved in combat in the Balkans. If we read our history, it is one extremely difficult place to fight. And you want to make pretty sure of what you want to achieve before you go in there, and you'd better be prepared to stay for a long time. * * * The Germans had over 30 divisions in Bosnia during the last war, hundreds of thousands of casualties—most of them Yugoslavs killing other Yugoslavs. If you're going in there, you're going into country God-given for guerilla type operations—better than Nicaragua, better than Salvador, better than Guatemala."

Larry King then said: You're saying, General, don't go.

General MacKenzie could not have been clearer: Yes, I am saying that.

King: Would the direct threat of U.N. force have any effect?

MacKenzie: No.

This is a United Nations peacekeeper who has served in Beirut, an objective eyewitness to the carnage and destruction, this is a trained soldier who is telling the President, "Don't involve the United States, do not go it alone."

In light of General MacKenzie's unsetting analysis, let us look carefully at exactly what the United Nations is doing. The highest priority in United Nations discussions has been the delivery of food, medicine, and humanitarian relief.

This week members of the Security Council will take up a U.S.-supported resolution to guarantee the delivery of that assistance. To my way of thinking this is a reasonable, focused use of multilateral capabilities.

Beyond humanitarian relief, the United Nations has already passed a resolution urging the factions to give up their weapons and support a cease-fire. They have not. They will not and the wanton slaughter continues.

The language reported from the Foreign Relations Committee demands that the United Nations now authorize the force necessary to capture and control Serbian and Bosnian weapons of war. By all estimates we are talking about more than 1,000 pieces of heavy artillery.

I understand that provision may have been deleted. It has been in fact been deleted.

But the amendment still requires the United Nations to authorize the use of force to be used to secure access to the camps.

It seems to me that we have substituted people for artillery. If I have to choose between protecting people or securing guns, I am obviously going to put people first.

But in debating the general goals of military force, we have a responsibility to consider how they can be achieved, whether it is liberating concentration camps or silencing the artillery, the enormous problems presented to military planners are all the same.

As my colleagues pointed out, we have reports of dozens of prison camps scattered throughout the country. To carry our stated goal to its logical conclusion that we are directing the U.N. to use force, secure camps or round up heavy weapons, we must admit that it will require significant force. That means only one thing: A vote for this resolution to direct the use of force means we, the American people, are in it for a long, bloody haul.

Air strikes alone, Mr. President, will not work. The Senate simply cannot declare goals and ignore how they are to be implemented. We cannot say we expect the U.N. to use force to protect civilians or secure camps and not understand that that will mean the commitment of ground divisions.

Some of my colleagues have made suggestions as to how that goal can be achieved without significant use of troops. I have heard some Senators, and Governor Clinton earlier, support bombing targets in Serbia. That will bring them to the negotiating table, they say. The discussion in committee, in the Foreign Relations Committee, followed this track and suggested we rely on article 42 of the U.N. Charter, authorizing "demonstrations of force." That is something we have just discussed here on the McCain amendment, which was earlier offered and subsequently withdrawn after a useful discussion of that possibility.

In fact, one draft of the amendment I saw included that recommendation. Well, I just ask, as I said earlier, any of my colleagues to point to a target. We have Serbia here. What are we going to do, pick out the targets, like President Johnson in the Vietnam war?

I confess that it borders on the absurd for Members of Congress sitting on the sidelines to tell the military exactly how to wage this war. To point out how absurd it is for the Senate to play armchair chief of staff, try coming over here and pick out a spot. Do you want to land a bomb on Belgrade? Knock out a bridge here or there? What are we going to tell the public when we attack a mobile artillery site and find out it is right next to an orphanage?

I also find the talk that bombing Serbian targets will stop the battle in Bosnia is shortsighted. Whether the Serbian Government is or is not directly coordinated and supporting the insurgence in Bosnia is really not the issue. The fact of the matter is a couple of strikes in Serbia will not stop the fighting in Bosnia. Again, we must admit they will not be surgical, clean, and simple. We will be involved on the ground, in the air, and at sea for a long, long time.

Our rhetoric and the real risk are battlefields apart. To me, the military targets are murky at best.

So when Prime Minister Major says there is no front line to this war, there is no single enemy, I think we should listen. When he unequivocally declares air power cannot be used in sufficient force to make any difference, I think we should listen. When General MacKenzie warns that the direct threat of U.N. force is unlikely to have any meaningful effect, I think we should listen. This is the reasonable advice the President of the United States is listening to, which is why the President has had the good judgment to rule out the unilateral use of American troops, and why he is engaging our allies in a determined, deliberate manner to reach a durable—repeat, durable—solution.

The President understands that this is not Iraq and Kuwait. This is Lebanon and Vietnam. The President understands that the principles of freedom and self-determination, which are in peril, are the foundation of the new world order we are shaping.

He sees this as the crisis the world shares. It is not just a European problem, but the President knows that it is essential that the European Community be a part of the answer and not be left to us acting alone to police their continent.

It is easy work to be morally indignant, to play upon the public's emotional response to the vicious cruelty splattered across every newspaper and TV screen. That can have a direct impact on the polls. But let us assume that we launched an air strike accidentally against an orphanage in Bosnia while trying to knock out Serbian artillery. I suspect that would have an enormous impact on the polls and the public, which seems to be for intervention one day would be against it the next day. Moral mandates will not stop the massacre. A strong international consensus must be harnessed to the careful use of multilateral military force. This is the President's course, which I believe the Senate should support fully.

I am apprehensive about the legislation before us as much because I believe it will require the engagement of U.S. troops in Bosnia as I am about the fact that the authors are divided by what it means. On the one hand, we have Senators who have had a longstanding interest and commitment to seeing this crisis resolved, who believe that it simply endorses the President's efforts and envisions no use of ground force.

Others, such as Senator LIEBERMAN, have said American lives may be lost because of this legislation, a view echoed in committee by the Senator from South Dakota [Mr. PRESSLER]. In the discussion in the committee, Senator PRESSLER acknowledged that this legislation commits us to the use of ground troops, that we may pay in American lives, but that it is a price we must pay as we arrive at a defining moment in history.

Mr. President, I respectfully suggest that both interpretations cannot be

correct. It is either an endorsement of the President's actions and policies, or it is a significant step as we march the United States to war. The resolution cannot be both. These are mutually inconsistent.

So I believe the decision we must admit we are faced with today is whether we should use American military troops in Bosnia. Mr. President, I think the answer is clearly no, and upon adoption, I will indeed vote "no."

Mr. President, I yield the floor.

Mr. COHEN. Mr. President, I yield 5 minutes to Senator BURNS.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BURNS. I thank my friend from Maine for yielding 5 minutes. I know it is getting late at night.

Mr. President, I do not think I have listened to a debate on this issue as closely as I have listened to this one. I do not serve on the Foreign Relations Committee. But I know that this is a very, very serious moment for this country and for this body and for this President. I imagine he is spending many hours just trying to figure out how to deal with it, because in this country—coming back from my home State of Montana, where I had an opportunity to visit with a lot of folks who still have family in Yugoslavia, both from Montenegro, and Serbia, and Croatia, I have found that no one likes to commit troops, and I have to believe that in this country there are enough related people and talented people that may be in the area of like the Senator from South Dakota said, small-country diplomacy; I think we have an opportunity here.

I really believe that is what President Bush wants to do, and I support him in that. In private consultation with the President, we know that is the preferred action.

I, too, like the Senator from Indiana, have a troubled mind, because we really do not define what this resolution does, and I think the whole world is watching us. I do not hear great speeches being made in other parliaments, especially in Europe, Western Europe, on how to deal with this or committing any kind of dollars or manpower to solve it.

Maybe it is because they understand the area. They still remember very vividly those days of World War II when over 30 divisions of Hitler's troops not only did not disarm that population, they fought each other then, plus the Germans. So you can say nobody won.

I visited Yugoslavia, and I have traveled there along the Adriatic, and I can tell you those mountains over there are solid granite. And if those people for their own preservation and the preservation of their society as they know it will retreat into the hills, you will never get them out no matter how many troops you commit.

So I would suggest to the President, I would suggest to this body, that we look for those people who are citizens of the United States that have families there, that maybe there is a chance drawing these people together. And why could we not use those people, why could not the Foreign Relations Committee and the Senators that serve on that committee form a delegation and, yes, take a step in the right direction and say, hey, we would like to try before we commit troops to stand in harm's way?

We have had advice from military people that have seen combat that have tasted it, and they advise this is dangerous. We have talked to people who were raised in Yugoslavia and they tell us do not go because they not only have a working knowledge but also family and history of the area.

The debate has gone on, but I think it sends a strong message to the President, and if there is one thing we do not want to do is put the President in a position to where you set your spurs so deep you cannot get loose.

So let us try. Let us enlist those people who are here that speak all of the languages in the area from Serbia, Croatia, and Montenegro. Let us try. I think it is worth a shot, a shot of bringing peace to that area without putting American lives in harm's way or taxing a Treasury that right now cannot afford it.

There is not one person in this body that is not sensitive to the conditions going on there now, not one person in this body. There is not one person in this body that can accept what is going on there now.

The PRESIDING OFFICER. The Chair informs the Senator his 5 minutes expired.

Mr. BURNS. I ask unanimous consent to have 30 seconds to sum up.

Mr. COHEN. I yield the Senator a minute.

Mr. BURNS. Not one person is not sensitive to that and not one person in this body is not sensitive to the fact that, yes, with the jet engine and with satellite communications, this Earth is only as big as this inkwell tonight.

What happens thereafter affects all of us. We must try to solve it in a peaceful way.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maine.

Mr. COHEN. I yield myself 1 minute.

AMENDMENT NO. 2927

(Purpose: To ensure U.S. military personnel are proceeding with the full commitment and support of the American people)

Mr. COHEN. Mr. President, on behalf of the Senator from Colorado [Mr. BROWN] I have an amendment which has been cleared on both sides, and I would just recite it, briefly.

In the resolve clause, add the following new subsection: "No U.S. military personnel shall be introduced into combat or potential combat situations without clearly defined objectives and sufficient resources to achieve those objectives."

This has been cleared on our side and cleared on the majority side, and I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BIDEN). The Clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for Mr. BROWN, proposes an amendment numbered 2927.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the resolved clause, add the following new subsection:

"(4) No United States military personnel shall be introduced into combat or potential combat situations without clearly defined objectives and sufficient resources to achieve those objectives."

The PRESIDING OFFICER. Do both Senators yield back their time?

Mr. COHEN. I yield back.

Mr. PELL. I yield back the time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment.

So, the amendment (No. 2927) was agreed to.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of the resolution. I think there are a few things we know from history. One is when an empire shrinks or disintegrates, there is a certain amount of difficulty and chaos. It was true with Britain in India, Pakistan, and now Bangladesh. It was true for the United States when we withdrew from the Philippines. It is true for the disintegration of the Soviet Union. It is true for Yugoslavia.

This resolution as the Presiding Officer, Senator BIDEN, has pointed out is not partisan. People from both sides are sponsoring it, including the minority leader and the at least temporary ranking member of the committee and the former chairman of the Foreign Relations Committee, Senator LUGAR, and it was about 8 weeks ago, Mr. President, that the Secretary of State came to our Foreign Relations Committee and said the time has past for just words. We have to learn from history. And the lesson of history I think is very clear. You cannot let situations like this multiply. And if we do nothing, we will have those situations multiply.

For those of us who voted against the use of force at that point in the Iraq-Kuwait situation, Iraq was in a very different situation so that an economic embargo would work against Iraq.

Mr. MOYNIHAN. Exactly.

Mr. SIMON. In the case of Serbia, at best, it is 50 percent effective. So that an economic embargo hurts but is not doing the job.

No one here that I have heard has suggested that we should use ground troops at this point. We are talking about a limited use of air power.

But one of the problems that we face is that we either authorize the use of force or we do not, and when we authorize the use of force we do not know whether we are talking about 500,000 troops or 5,000.

That is why the bill introduced by the Senator from Delaware [Mr. BIDEN] to authorize the limited use of force by the President of the United States when the Security Council authorizes the use of force, I think, makes a great deal of sense. And I am working with the Senator from Delaware to try and help shape that so maybe we say you can use 2,000 American troops who are volunteers from our Armed Forces in this kind of a limited response.

What is clear is if we sit back and just morally posture this is a terrible thing that is going on over there and do nothing more, we will be condemned by history, and we will be inviting problems down the road that I cannot tell you what they are, and when we hear talk about ethnic purity, I shudder. One of the reasons, also, I believe it is in our long-term best interests here we have a situation where among the targets, the principal targets, Moslems in Bosnia and there are those in the Moslem world who say a nation that is predominantly Christian, like the United States, will not respond when Moslems are being attacked by Christians.

I think it is important that we stand up on the principle that you cannot violate the borders of any country. We ought to guarantee air power so that we can get the food and medicine not just into Sarajevo but into other beleaguered communities.

I heard my friend from Kentucky.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. PELL. I yield 1 additional minute to the Senator from Illinois.

Mr. SIMON. Mr. President, I heard my friend from Kentucky say air strikes alone will not work. I am old enough and, with all due respect to the Presiding Officer, he is old enough now to remember the Berlin airlifts when some people said air power alone is not going to do the trick. The Berlin airlift worked.

I am not standing here and saying that air power alone will do the trick. I am standing here saying making speeches on the floor of the Senate and making speeches from any other forum is not going to do the trick. We have to show a willingness to protect these people and we have to do it at some risk.

Mr. President, I yield the floor.

(Later the following occurred and appears at this point by unanimous consent.)

Mr. BIDEN. Mr. President, I would like to briefly comment on the remarks of the Senator from Illinois. I want to thank him for his words of support for a bill I have introduced, Senate Joint Resolution 325, the Collective Security Participation Act. That bill would reaffirm section 6 of the U.N. Participation Act, which states that if the President negotiates a special agreement with the Security Council to make U.S. forces available under article 43 of the U.N. Charter, it shall be subject to the approval of Congress.

I plan to conduct hearings in the Foreign Relations Committee next month, and I look forward to Senator SIMON's participation.

I simply wanted to make clear that the resolution to which the Senator from Illinois was referring was my bill and not the resolution pending before the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. COHEN. Mr. President, I yield 15 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

(Mr. SIMON assumed the chair.)

Mr. GORTON. Mr. President, with all respect to my close friend from the State of Illinois, the resolution upon which we are called to vote is very specific with respect to what it asks us to seek authorization for from the United Nations, and I quote the operative words: "military force to ensure the provision of humanitarian relief in Bosnia-Hercegovina and to gain access to refugee and prisoner-of-war camps in former Yugoslavia."

There is nothing limited in that authority. No limitations to antiseptic air strikes. No statement of limited military force at all, military force presumably sufficient to reach those goals.

This is not a county fair or a picnic which we are asked to authorize the use of American, among other, forces for.

On several occasions during the course of this debate, former Secretary of Defense Weinberger has been quoted with respect to six conditions he felt necessary when we weigh the use of American combat forces abroad. For the purposes of my remarks, I need only refer to the first three.

First, Secretary Weinberger stated the United States should not commit forces to overseas combat unless the engagement or occasion is deemed vital to our national interests.

Second, that if we do make such a decision, we must do it with the clear intention of winning and the commitment of forces necessary to achieve those objectives.

Third, if we make such a decision, we should have clearly defined political and military objectives.

The senior Senator from New York, who just a moment ago left the floor, apparently this afternoon had a substitute for those rules. He stated that this was a moral question and that our intervention was determined by the answer to that moral question. Evidently whenever the morality of the question is sufficient, we should ignore the wise counsel of the former Secretary of Defense and simply "do what is right."

But if we should succeed in ensuring humanitarian relief and gaining access to refugees and prisoners of war, what have we gained, Mr. President? In order to do that, we must secure communications with dozens—perhaps 50, 60 or 100—of locations within Bosnia-Hercegovina by military force, all with tenuous lines of communications along roads and river valleys surrounded by hills from which snipers apparently can act unimpeded.

But what have we gained? Half or more of the ethnic cleansing, which is apparently the goal of the Serbs, has already been accomplished. Serbia has already accomplished most of its goals.

Is it an appropriate military objective simply to provide relief to a half dozen cities and to two or three dozen concentration camps? Is not the real goal a free Bosnia, its independence, which has been recognized both by this country and in the resolution on which we are asked to vote?

Do we seriously think that we can restore the status quo ante that we can get these three quarreling factions, whose differences have occupied half a millennium, to return to their homes to forget all this violence and to live in peace together? Or is our implicit goal some kind of partition of Bosnia? Or is it the removal from Bosnia of all of the Serbs who have taken up arms against their neighbors? What is our goal and how will we achieve it?

I tell you most earnestly, Mr. President, we are not going to achieve that security by a few isolated air strikes.

I listened to the junior Senator from New York early this afternoon saying the air strikes can go at Serbia itself; that is the cause of the problem. We can knock out communications systems and powerplants in Belgrade.

I find that a fascinating prescription when it is precisely in Belgrade that we have tens of thousands, perhaps hundreds of thousands, of Serbians who are on our side, who demonstrate, sometimes daily or weekly, against their own government. So presumably it is their power and their communications we are to knock out in order to discipline their kinsmen in Bosnia-Hercegovina. We will simply create more enemies for ourselves rather than fewer by such a course of action.

Before we vote for this resolution, this Senator wants to know how much air power will be necessary to attain these ends. How many casualties among American airmen will we be willing to sustain to attain this end? How much in the way of ground support are we willing to supply? Between ourselves and our allies, 30 divisions were insufficient for the Germans during the course of World War II.

And how many of those divisions will come from the United States? How many from Germany? How many from Moslem countries? How many from France and from the United Kingdom?

How long are we willing to stay? If all we are to do is to provide relief and not settle the underlying quarrel, we will be there being shot at for a long time, Mr. President, an extremely long time.

How many casualties are we willing to sustain? We should decide that before we start this adventure, Mr. President, not after it is half accomplished.

How do we determine when we have won? Only when there is a peaceful Bosnia? Only when there is a peaceful Yugoslavia? How long has that peace been absent? And how long will we wait until we return?

It may well be that sanctions and a blockade will not work. Unlike the previous speaker, I do not agree that they would have worked in Iraq or that there is the slightest evidence that they work even today for limited objectives there. And I certainly make no claim that they will work, even though they will impose some difficulties on Serbia, at the present time.

This Senator sees an unsatisfactory but better solution, and it is a solution which has both the weight of history and the weight of success behind it.

Bosnians wish to be free. They have a right to be free. Let us arm them and let them establish their own freedom. We have higher quality weapons than the Serbians have. We can make this a fair fight and perhaps a winning fight without risking our lives and the lives of our European allies.

It is utterly absurd, Mr. President, that we should have an arms embargo which penalizes effectively only those in Bosnia and Croatia, who are fighting for their freedom, and has no adverse impact on the aggressors whatsoever.

Mr. President, in this case, the President of the United States has already gone too far, and we propose to go further. For once in the history of this body, we should exercise our God-given ability to remain silent, to let the President of the United States set our policy, to let the United Nations set its policy, and to make our determination as to what to authorize without having committed ourselves in advance to a U.N. solution we know not the outlines of.

It is sufficient for us to debate that resolution after it has been passed, after we have a specific proposal, after we have some determination as to what our political goals are, after we have expert military advice as to what it will cost us to attain those goals, and after we have a far better determination than we do today as to how long we are willing to pursue these goals, and at what cost in treasure and in blood.

This resolution, no matter how modified—and all of its modifications have been for the good so far—no matter how modified, is of grave danger to the United States, of grave danger to the United Nations, of danger to the cause of peace, and should be rejected out of hand.

The PRESIDING OFFICER. Who yields time? The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9——

Mr. President, I had begun to propound a unanimous consent request, which I had been advised was cleared on both sides. I am now advised there is an objection on the Republican side.

I will withdraw my request, awaiting the arrival of the Senator who wishes to express the objection.

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

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

AMENDMENT NO. 2928

(Purpose: To express the sense of the Senate regarding the importance to Romania of the Romanian national elections scheduled for September 27, 1992, and any run-off elections, being conducted in a free and fair manner)

Mr. PELL. Mr. President, on behalf of Senator BYRD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL], for Mr. BYRD, for himself, Mr. MITCHELL, Mr. BOREN, Mr. DECONCINI, Mr. REID, Mr. SPECTER, Mr. D'AMATO, Mr. FOWLER, Mr. MURKOWSKI, Mr. BIDEN, Mr. PRESSLER, Mr. DODD, Mr. KERREY, Mr. MOYNIHAN, Mr. LIEBERMAN and Mr. KENNEDY, proposes an amendment numbered 2928.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the resolution, add the following:

SEC. . (a) Congress makes the following findings:

(1) National elections for the President and Parliament of Romania are scheduled to be held on September 27, 1992.

(2) Romania lacks an historical tradition of political democracy.

(3) The Romanian elections of 1946, in a major step toward the Soviet and Communist enslavement of Eastern Europe, were fraudulently manipulated to bring the Communists to power.

(4) Romania, since the violent overthrow of the Communist Ceausescu regime in 1989, has professed to pursue a democratic course.

(5) Progress toward achieving democracy has been marred by acts of violence, perpetrated by groups of miners in June 1990 and September 1991, that were aimed either at suppressing political dissent or at undermining the democratic institutions of the Romanian government.

(6) In February 1992, the first free and fair local government elections in a half century were held in Romania.

(7) There are many encouraging signs that the parliamentary and presidential elections scheduled for September 27, 1992, can be fairly and democratically conducted.

(8) Among those signs is the recent enactment of legislation in Romania that creates an audiovisual council with the responsibility for fairly allocating radio and television access to the various candidates.

(9) Although international human rights monitors have observed that Romania has made progress in the area of human rights, the monitors have also identified significant unresolved problems with regard to free speech, the activities and control of the Romanian Intelligence Service, and the rights and treatment of minorities.

(10) Recent press reports indicate that Romania may be serving as a conduit for the transport of goods to Serbia and Montenegro in contravention of United Nations sanctions.

(11) A bilateral United States-Romanian trade agreement, which was signed on April 3, 1992, has been submitted to the Senate.

(12) To become effective, that trade agreement must be approved by the Senate.

(13) The support of the Senate for extending the favorable aid and trade treatment needed to help improve the performance and growth of the Romanian economy will depend heavily on the conduct of the fall election campaign and on the election day procedures.

(14) In considering the trade agreement, the Senate will also take into account Romania's record on human rights and its compliance with the United Nations sanctions against Serbia and Montenegro.

(15) The development of democratic procedures and institutions in Romania is at a critical stage, and the elections scheduled for September 27, 1992, represent an historic test of the commitment of the Romanian leadership and political system to developing such procedures and institutions.

(b) It is the sense of the Senate that—

(1) the elections for the President and Parliament of Romania that are scheduled to be conducted on September 27, 1992, will be an important measure of Romania's progress toward democracy;

(2) those elections should be conducted in a free and fair manner that includes reasonably equal access to the mass media by the major candidates;

(3) the Secretary of State should initiate an international effort to ensure that a sufficient number of United States and inter-

national observers are placed in Romania to monitor the scheduled elections, and any run-off elections that may be held, in order to ascertain whether such elections are conducted in a free and fair manner; and

(4) consideration by the Congress of any legislation to grant nondiscriminatory (most-favored-nation) trade status to Romania should be withheld until the Secretary of State has certified to the Senate that the elections in Romania scheduled for September 27, 1992, and any subsequent run-off elections that may be held, are conducted in a free and fair manner.

Mr. BYRD. Mr. President, I am offering an amendment expressing the Sense of the Senate, on behalf of myself and the distinguished majority leader, Mr. MITCHELL, Mr. BOREN, the chairman and other members of the Helsinki Commission, Mr. DECONCINI, Mr. REID, Mr. SPECTER, Mr. D'AMATO, and Mr. FOWLER, as well as other Senators concerned about developments in Romania, Mr. MURKOWSKI, Mr. BIDEN, Mr. PRESSLER, Mr. DODD, Mr. KERREY, Mr. MOYNIHAN, Mr. LIEBERMAN and Mr. KENNEDY pertaining to the upcoming Presidential and Parliamentary elections in Romania. While I would have preferred to offer this in the form of a free-standing resolution as it was originally drafted, rather than as an amendment to this measure, we have been unable to get unanimous consent to bring the measure up on the floor. Because of the time-sensitive nature of this issue, for the Resolution to have the desired effect on developments in Romania, it should be considered expeditiously. Consequently, I feel I must bring it to the attention of my colleagues at this time.

The manifestation of democracy in Romania is an important part of the historic and dramatic shift away from communism and dictatorship in the countries of the defunct Soviet Empire and Warsaw Pact in Eastern Europe. These nations are shaking off decades of crud and crust piled upon them by Soviet occupation and corrupt Communist dictatorships. After decades of life under the Soviet imposed dictatorial boot, in some of the nations of Eastern Europe progress has been swift, such as in Czechoslovakia and Poland, yet in others, important work remains left to be accomplished to put into place stable democratic institutions and practices. Romania falls into this second category and is facing an extremely important test of its progress this fall when presidential and parliamentary elections are scheduled to be held. It would be fair to say that Romania faces a watershed in its progress toward real working democracy.

There have been some encouraging recent signs that these elections will be held freely and fairly, and with reasonable access to the audio-visual media for the competing candidates. Local elections were held in February 1992 and have generally been given good marks for procedural fairness and peacefulness, free of intimidation or harassment from holdovers of the previous Communist regime of the irrational dictator, Mr. Ceausescu, and his family.

Nevertheless, there have been indications pointing in the wrong direction as well. Romania has seen its share of violence during the last 5 years. Unlike the so-called velvet revolution in Czechoslovakia, the Ceausescu regime was overcome in the midst of violent street battles in December 1989, and he and his wife were preemptorily killed execution-style without a trial. Since the elections of 1990, peaceful street demonstrations have been marred by the regime's use of miners to brutally suppress such demonstrations. In addition, and of real concern for the elections this fall, the current Parliament, dominated by the regime in power, enacted legislation which restricts the role of domestic observers at the polling places, putting the question of the conduct of the elections under some cloud. While an atmosphere of fear and intimidation no longer pervades Romania, concern has been expressed over restrictions that have been imposed on domestic observers, as well as the overwhelming control that the current regime has over access to TV broadcasting.

Romania's economy has been struggling to overcome the command practices of the former Communist states, and is committed to free-market principles. Nevertheless, the transition has proven difficult and the GNP declined over 10 percent last year and may decline even more this year. One item that Romania badly needs to help stabilize its economy and as a signal to international investors, is the passage by this body of most-favored-nation trade status with the United States. Such an agreement has been signed by the administration and submitted to the Senate for its approval. However, Mr. President, I believe that the Senate must make clear its concern over the future of democratic institutions in Romania by withholding approval of MFN until the elections have been held and it has been determined that the outcome was the result of free and fair procedures, with reasonable access to the media for the competing candidates. By doing so, we are giving the Romanian leadership an important incentive to make sure that this is in fact what does occur.

In addition, it is important that an effective delegation of international election observers be present to ascertain that these procedures and principles have been followed. Accordingly, the amendment calls for the Secretary of State to take a leadership role in putting together a credible and effective international observer delegation for both the elections of September 27, and any run-off elections that might be necessary subsequent to that.

Thus, the purpose of the amendment we are offering is to send a clear message to the leadership and competing parties in Romania that the conduct of the upcoming elections is a critical litmus test for future relations with the United States; that free, fair, and open campaigning and proper conduct of the polling apparatus will be of the utmost importance; and that a stable, growing and favorable economic relationship with the United States will be very much dependant upon what happens in that process.

I urge all my colleagues to support this amendment and the progress of democracy taking firm root in Romania.

Mr. DODD. Mr. President, I rise to join the distinguished chairman of the Appropriations Committee on the introduction of this amendment, and I want to commend him for his effort on this very important subject.

Mr. President, there can be no doubt that the Romanian Government has taken remarkable strides toward democracy and freedom since the fall of Nicolae Ceausescu in 1989. And there can be no doubt that the favorable trade treatment accorded under MFN status would certainly help the Romanians strengthen their progression to free markets and true democratic pluralism.

But for all that has changed in Romania over the past few years, there is much that still remains the same. Parliamentary and presidential elections, once scheduled for the spring, have now been postponed until September 27. Access to the media remains severely limited. And the recent resurgence of anti-Semitism, along with the continued discrimination against ethnic Hungarians and gypsies, serve as stark reminders that half a century of Communist rule is not easily overcome.

And so the question on MFN status, Mr. President, is not so much a question of whether but rather when. We all agree that extension of most-favored-nation status would be beneficial to the Romanian economy. But it is for exactly this reason that MFN is a useful instrument in bringing about positive change. Grant MFN too quickly, and we will have lost a unique opportunity to help foster true democracy in Romania.

Accordingly, Mr. President, this amendment is a simple one. It states the will of the Senate that MFN should not be granted until free and fair elections have been held in Romania. Certainly this basic test of democracy is a reasonable price to pay for normalized trade relations with the United States.

Mr. President, while I strongly support this amendment and commend the Senator from West Virginia for sponsoring it, I want to make clear my belief that the Romanian commitment to democracy must extend beyond the issue of elections. In fact, on July 24, 13 Senate colleagues and I sent a letter

regarding this issue to Secretary of State James Baker.

In the letter, which I will submit for the RECORD, we spelled out the areas in which we will look for substantial improvements as we consider approval of MFN for Romania. Those areas include the holding of free and fair elections, the establishment of civilian control over the Romanian intelligence service, the operation of an independent media, and the protection of human rights and civil liberties, including the rights of minorities.

It is my sincere hope that the Romanian leadership will undertake legitimate reform in all of these areas between now and September. And it is my hope that the State Department will do everything in its power during that time to encourage Romania to bring about these changes.

Mr. President, I know MFN was not designed as a political tool. And I know many members of this body are hesitant to use it as one. But today in Romania, it is not just democracy and human rights that are on the line, but the permanent emergence of a nation from half a century of Soviet rule. If a delay in MFN can possibly help democratic change take root in Romania, that seems to me a chance well worth taking.

I ask unanimous consent that the letter to Secretary Baker, signed by 14 Members of the Senate, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 24, 1992.

Hon. JAMES A. BAKER III,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY BAKER: As the U.S. and Romania continue to chart a course for closer political and economic relations, we are writing to let you know of our concerns about the issue of Most Favored Nation (MFN) status for that country.

We believe the eventual restoration of MFN status to be an important step for Romania as it faces up to its serious economic challenges. Indeed, we look forward to the day when Romania casts off the last vestiges of its autocratic legacy and becomes a full-fledged member of the family of democratic nations. Sadly, that day has not yet arrived.

As we understand it, the Administration has set down three markers for the restoration of Romania's MFN status: free and fair elections, an independent media, and civilian control of the Romanian Intelligence Service (SRI). We support these goals and would add a fourth: the protection of human rights and civil liberties, including the rights of minorities. Before supporting the restoration of MFN, we will look for significant progress in these areas.

In the area of elections, once-promising progress has recently been set back. We are deeply troubled by the recent decision to postpone elections until the fall, a further setback for this fundamental test of democracy. Furthermore, the election law now under consideration would eliminate or severely restrict domestic observers, contravening the spirit of the CSCE Copenhagen Document. And other serious problems remain, notably the existence of a county perfect system which gives broad power to centrally-appointed officials.

We will also look for improvement in the tolerance and protection of an independent media. Independent and opposition reporters continue to be subject to harassment and arbitrary denial of press privileges. The long-awaited establishment of an independent nationwide television station has not yet been achieved. And minority language television broadcasts—effectively halved under a February 3, 1991 order—have not been reinstated.

As for civilian control of the SRI, limited progress has been made to place this agency under suitable civilian control and to abandon ties with the former Securitate. Indeed, we view the recent appointment to the SRI leadership of Ion Talpes—a former advisor to President Ion Iliescu with well-established ties to the Securitate—as a serious setback. Furthermore, the Romanian Government has yet to adequately distance itself from extremist, SRI-supported entities such as the anti-Hungarian Vatra Romaneasca and anti-Semitic publications such as Romania Mare and Europa.

Finally, the protection of basic human and civil rights—especially where applicable to minorities—has been uneven at best. Three months ago, for example, the Mayor of the City of Cluj unilaterally cancelled a conference involving an ethnic Hungarian political party and issued a autocratic ban on bilingual signs. He has also led efforts to evict the Hungarian youth organization Madisz and the Hungarian journal Korunk from their offices.

At the national level. Romanian officials continue to limit television broadcasts in Hungarian, refuse to re-open the Hungarian Bolyai University in Cluj, and have introduced a draft Education Law which would eliminate Hungarian-language instruction in all medical technical and business schools. And ethnic Hungarians and Gypsies who have been victims of anti-minority violence lack suitable legal protection and remedies, while many have been imprisoned on false charges.

Modern Romania has reached a turning point. Today its political leaders must decide, once and for all, whether they are truly ready to embrace democracy and its ideals. With a firm and principled hand, the United States can play a positive role in this historic moment—or we can sit on the sidelines. The process of restoring MFN status presents the United States with a unique opportunity to encourage true and lasting democratic reform in Romania. Let us not waste it.

We appreciate your prompt consideration of this matter, and we look forward to hearing from you at your earliest convenience.

Sincerely,

Christopher J. Dodd, Joseph I. Lieberman, Paul Simon, Brock Adams, Alan J. Dixon, Edward M. Kennedy, Claiborne Pell, Alfonse M. D'Amato, Dennis DeConcini, Frank R. Lautenberg, Daniel K. Akaka, Jesse Helms, John Glenn, George J. Mitchell.

Mr. DECONCINI. Mr. President, I am pleased to be an original cosponsor of this amendment, regarding the upcoming parliamentary and presidential elections in Romania, and I commend my colleague Senator BYRD for introducing this timely amendment. It sends a clear and simple message to the Romanian authorities: The preparation and administration of the September 27 elections will be a critical component of our consideration of most-favored-nation trade status for Romania.

Mr. President, Romania stands at a critical point in its journey toward democracy. Despite the brave hopes of those who toppled the Ceausescu regime in the bloody street battles of December 1989, this journey has been difficult from the start—besieged by political instability, occasional violence, and a debilitating legacy of mistrust. Progress in the area of human rights has been hampered by unresolved problems with regard to free speech, the activities and control of the Romanian Intelligence Service, and the rights and treatment of minorities.

Over the past year, nonetheless, Romania has taken a number of important steps. Prime Minister Theodor Stolojan and his caretaker government have overseen the adoption of a new Constitution, the continuation of economic reforms, and the holding of local elections in February 1992, that made considerable progress toward meeting CSCE standards and guidelines.

The local elections were noteworthy not only for their procedural improvements relative to the general elections of May 1990, but also because they demonstrated a major shift in the political inclinations of the Romanian voters. The Democratic Convention, an opposition alliance, won the majorships of many important urban centers, including the capital, Bucharest. The ruling National Salvation Front, in contrast, saw its support decline precipitously—from 66 percent to 33 percent of the vote.

Unfortunately, developments since then have been less than encouraging. The general elections, originally slated for May, were ultimately postponed to September. Furthermore, the parliament passed electorial legislation purporting to restrict the role of domestic observers, contravening the spirit of Romania's CSCE commitments.

I firmly believe, Mr. President, that the upcoming elections represent an important test of the Romanian authorities' commitment to democratic procedures and institutions. Our resolution asks the U.S. Secretary of State to initiate an international effort to ensure a sufficient number of United States and international observers to monitor the elections and runoffs; the Helsinki Commission, of which I am cochairman, will also be sending a staff observer, and I understand that the National Democratic Institute and the International Republican Institute have plans to organize a joint observer mission, as they did for the elections of May 1990 and February 1992.

Delaying congressional consideration of most-favored-nation status adds extra incentive for all forces in Roma-

nia to ensure that the September 27 elections are truly free and fair, and to anchor the foundations of democracy and rule of law. I urge my colleagues to join me in support of this important amendment.

Mr. PELL. Mr. President, this amendment concerns the forthcoming democratic elections in Romania. It has been cleared on both sides. I hope we can consider it.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, my understanding is it has been cleared by Senator DOLE and the staff.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2928) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. 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. COHEN. 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. COHEN. Mr. President, may I inquire, does the Senator from Alaska wish to proceed with a discussion of his amendment at this time?

Mr. STEVENS. Mr. President, I will be happy to do that. I have been waiting. I will be happy to yield to the leadership at any time they wish to proceed with the unanimous-consent agreement that I have already looked at, if that is in order at this time, Mr. President.

AMENDMENT NO. 2929

(Purpose: To express the sense of the Senate regarding authorization of multilateral action in Bosnia-Hercegovina under Article 42 of the United Nations charter)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2929.

At the end of the resolution, insert the following new section.

(4) The United States Senate pledges to provide such funds as are necessary for United States participation in such humanitarian relief and multilateral military force activities, pursuant to such mandates as may be adopted by the United Nations Security Council, consistent with the terms of this resolution.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my intention to ask for a vote on this. I will explain why later. But I do want to point out the agreement that is going to be entered into will specify that this amendment will be voted on tomorrow, after 30 minutes has expired on this amendment tomorrow.

I will address it slightly tonight.

I would like to start off, though, with just a question to the two leaders on this resolution. It is my understanding that the basic resolution does not really authorize the commitment of forces to the mandates that are to be sought from the Security Council, but that it will contemplate there will be another resolution brought before the Congress if we are to provide the President with authority to commit U.S. forces abroad pursuant to such a mandate.

Is that correct?

Mr. COHEN. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. COHEN. That is a matter that is open to constitutional debate, Mr. President. It is the understanding of the Senator—I believe I can speak safely for the Senator from Delaware, who is no longer with us this evening, but had to drive back home—that he believes that this particular resolution does nothing in the way of authorizing the President to commit U.S. forces into that region without first coming back to this body and to the House.

I might point out, if we are drawing parallels with what took place with respect to the Persian Gulf, at that time President Bush expressed some questions as to whether or not, constitutionally, he was required, once having sought and gained authority from the United Nations—whether or not he was required to come back and seek authority for him to go forward in the Persian Gulf from both Houses of Congress.

That is a matter which cannot be resolved by anything that we do. We can neither grant greater constitutional powers to the President than he has, nor can we subtract any constitutional powers that he currently has.

So on that matter I believe I can say it is the understanding of the Senator from Delaware, and it is my fervent belief as well, that this resolution simply urges the President to seek U.N. action and, following that authority that might be granted by the United Nations, whatever that authority might be, the President would be obliged to return to the Congress to seek specific authority to use force.

But that, again, is a matter of constitutional interpretation.

Mr. STEVENS. Mr. President, I am delighted to hear that. I was one of the Senators who called upon the President of the United States after a visit to the Persian Gulf, following the invasion of Kuwait by Iraq, and urged the President to seek a resolution authorizing the use of force.

I understand this first section of the resolution, which is a sense-of-the-Senate, to mean that we are calling upon the President to seek an emergency meeting of the U.N. Security Council to authorize, under article 42, all necessary means for the use of multilateral military forces under a Security Council mandate; that that is not, in effect, the same type of resolution we passed for Kuwait. And we passed that resolution after the mandate.

That is the reason in this amendment I have just offered that we have the final clause which says "consistent with the terms of this resolution." Because I certainly do not want this resolution to be, in any way, interpreted to amend the basic resolution in a manner that would be interpreted to be a finding, now, that such force is authorized by the Senate by this resolution.

Mr. STEVENS. Mr. President, as I indicated, I am constrained to mention an experience before the State legislature of Alaska, the times that we spent debating resolutions. They were memorials and petitions sent to the Congress of the United States. We labored long and hard on those resolutions and sent them here. When I came to the U.S. Senate, I found that such resolutions are received by the clerk, given to the Secretary of the Senate to promptly, formally reply and thank the Alaska legislature for their resolution, and that is the end of it.

I suggest this is a Senate resolution, it is a sense-of-the-Senate resolution, and sometimes I think that we overemphasize the impact of what we are doing. But it is true that it will have a binding effect on the President, I think, because I do think that he will and has and does listen to the U.S. Senate when we seek his cooperation and when we particularly support his action, as we have in this resolution. We have, after all, endorsed the position taken by the President of the United States.

I first heard about this resolution last week, and it was my intention to join in supporting it because I thought it was a resolution to support what the President had outlined he wished to do. I heard some comments on the floor that led me to believe that may not be a unanimous position of the Senate. But at least from the point of view of this Senator, I intend to support this resolution, and I will support it whether or not my amendment is adopted because I believe that the President of the United States does support it and that this is the course he wants to take and will take and we are really reinforcing his position.

Let me cite just a few things, and I will not take the time of the Senate for too long. I want to put some things in the RECORD. I do believe the situation is similar to Kuwait in some aspects. I believe we must have a U.N. mandate to proceed with the use of force in this

area; that it must be a multilateral force; that no action of the U.S. military should take place outside of the framework of the United Nations; and that we should realize that in this instance it is necessary to have a proportional participation by our allies in such a multinational force. That, of course, would mean that we would be linking our participation with that of our allies in Europe.

I heard it called for U.N. action. I heard another call for NATO action. Clearly, this is primarily a U.N. mission that we are seeking to be part of, and there is no question that we can only succeed as partners with our friends in the European Community. I think that the majority and minority leaders in the Senate have done the right thing to put us in the position of backing what the President is doing and that we should realize that, notwithstanding the similarity I mentioned to the Persian Gulf, this is an entirely different military circumstance.

We took advantage of well-developed ports, roads, and airfields, which permitted the rapid deployment movement of U.S. forces to the Persian Gulf. We had a host nation that was willing to pay a substantial portion of the bill to make certain we had the facilities that we could use. The desert terrain there maximized the superiority we held in terms of air power, the power of our forces on the land and, of course, we used our sea forces, our naval forces very effectively. As I indicated, it is not insignificant that the host Government spent over $15 billion providing us the facilities to use.

In terms of Bosnia, there is no question that our participation in any multinational force will be at our expense. That is the reason for this amendment. I want to make certain that the people who vote for it know what they are doing and that they pledge, as a Member of the Senate, that they will support the moneys that are necessary to fund the actions of our forces should they be dispatched as a portion of any multinational force under the U.N. mandate.

I have some of the costs of our U.S. forces in the Desert Shield/Desert Storm days. Those costs were significant, and I think they are indicative of the kind of costs that we are going to face in terms of transportation costs, personnel costs, operational costs, fuel costs, and the total problems of transportation and support for our forces that went to the Persian Gulf.

Some people say, and I heard them say today, "But this is not the gulf." This certainly is not the gulf. This is different. Many people have quoted General MacKenzie today. I ask unanimous consent that this be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, this is the "CBS This Morning" interview that took place on the 5th day of this month, and in it General Lewis MacKenzie was interviewed by Harry Smith. Smith asked him this question:

There are also new calls among some of the U.S. Congress that there should be some sort of military intervention or at least a strong military backup to help the U.N. do what it's trying to do there. Do you support that?

General MACKENZIE. Well, what I have to say is that if you're going to jump from chapter 6 to chapter 7 of the U.N. charter and move from peacekeeping to force, then you better get the peacekeeping force out first.

Mind you, Mr. President, you better get the peacekeeping force out of there.

Otherwise, you got 1,500 to 1,600 hostages sitting there 200 kilometers from the nearest secure border. You can't combine these two.

And if you're going to get involved in the Balkans, then we better read a bit of history, because we're talking about an area that gobbled up 30 divisions during the last war. Unsuccessfully, by the way, in keeping the peace in Yugoslavia. Unsuccessful in tracking down Tito and finding him in Macedonia. So you're talking about a very, very major undertaking.

Not only that; when they leave, with the amount of hate that's been generated on both sides, it's going to break out and start all over again unless you come to some sort of political constitutional solution for that country.

Question from Mr. Smith:

President Bush has said that before he goes in there he needs to know what the objective is, he needs to know what the rules are, what the end game is actually.

Is there a way to know the answer to those questions in a place like Yugoslavia right now? Or what used to be Yugoslavia?

General MACKENZIE. Well, yeah, you're not deciding it for Yugoslavia, you're deciding it for the United States. Foreign policy objectives have to be clearly defined. You don't just go in there to try and do this thing or that thing. What you have to do is have a clearly defined objective. I would certainly support those type of recommendations. And any time you come up with a final solution, when you back off and look at the resources you're going to require and the time over which you're going to require them, you're going to have to be fully committed, because you're in there for the long term.

Mr. SMITH. When you talk about fully committed, give me just some rough estimates of numbers.

General MACKENZIE. That's all it would be, that's MacKenzie's guestimate, that's all. It's got nothing to do with the U.S., it's personal opinion.

Mr. SMITH. Right.

General MACKENZIE. But you're talking about more forces than you put into the Gulf, that's for sure.

Now, let me repeat that. "You're talking about more forces than you put into the gulf, that's for sure."

Now, Mr. President, I am supporting this because I believe that we have a President who understands the military concepts involved, served in World War II, was the head of the CIA, was Vice President for 8 years, and certainly understands how to read intelligence reports. He certainly knows what this is all about, and I am willing to give him this authority and urge him to go to the United Nations because I think he knows how to handle that.

As I have said, I ask unanimous consent that the full text of the CBS interview appear in the RECORD.

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

CBS THIS MORNING INTERVIEW

GUEST: General Lewis MacKenzie, former commander of the United Nations peacekeeping forces, August 5, 1992.

HARRY SMITH: The Canadian general who commanded the U.N. peace keeping force in Sarajevo through last month says the situation in the Bosnian capital is getting worse, not better. The question is what to do next. Joining us this morning, Major General Lewis MacKenzie. Good morning, sir.

General Lewis MacKenzie, (Former commander, U.N. peacekeeping forces): Good morning, Harry.

Q: First what I'd like to talk about is this on again off again talk about death camps. The U.S. State Department yesterday backed off its—whether or not it knows of their existence. What can you tell us about it?

General LEWIS MACKENZIE. Well, very little, because to explain our mandate was strictly Sarajevo and the areas attached to Sarajevo. All I can say is that we get protests every day from both sides claiming the other side have detention camps, concentration camps, whatever you want to call them.

But there is no way to confirm that at this time because there are no eyes around the rest of Bosnia. The spotlight of the world is on Sarajevo. What I would say, in accordance with other statements that have been made, it would be really nice to get the international Red Cross in there in large numbers. As you know, one of their people was killed in Sarajevo and they're in the process now of coming back into Bosnia. They're the experts, they're the ones who should take a look.

Q. The U.N. said let's get the Red Cross in there, let's get them in to inspect these camps. The Serbians aren't going to allow that, are they?

General LEWIS MACKENZIE. Well, I wouldn't just pin it on one side. Both sides admittedly have their own detention camps, and both sides, the pressure is going to have to be brought to bear to let the inspectors go in.

There's always this problem in every war, and we'll always be totally convinced that there are some camps we're not going to find. But at least if you start the process, it's a step in the right direction.

Q. There are also new calls among some of the U.S. Congress that there should be some sort of military intervention or at least a strong military back up to help the U.N. do what it's trying to do there.

Do you support that?

General LEWIS MACKENZIE. Well, what I have to say is that if you're going to jump from chapter six to chapter seven of the U.N. charter, and move from peace keeping to force, then you better get the peace keeping force out first. Otherwise you got 1,500–1,600 hostages sitting there 200 kilometers from the nearest secure border. So you can't combine these two.

And if you're going to get involved in the Balkans, then we better read a bit of history,

because we're talking about an area that gobbled up 30 divisions during the last war. Unsuccessfully by the way, in keeping the peace in Yugoslavia. Unsuccessful in tracking down Tito and finding him in Macedonia. So you're talking about a very, very major undertaking.

Not only that, when they leave, with the amount of hate that's been generated on both sides, it's just going to break out and start again unless you come to some sort of political constitutional solution for the country.

President Bush has said that before he goes in there he needs to know what the objectives is, he needs to know what the rules are, what the end game is actually.

Is there a way to know the answer to those questions in a place like Yugoslavia right now? Or what used to be Yugoslavia?

General MACKENZIE. Well, yeah, you're not deciding it for Yugoslavia, you're deciding it for the United States. Foreign policy objectives have to be clearly defined. You don't just go in there to try and do this thing or that thing. What you have to do is have a clearly defined objective. I would certainly support those type of recommendations. And any time you come up with a final solution, when you back off and look at the resources you're going to require and the time over which you're going to require them, you're going to have to be fully committed, because you're in there for the long term.

Q. When you talk about fully committed, give me just some rough estimates of numbers.

General MACKENZIE. That's all it would be, that's Mackenzie's guestimate, that's all. It's got nothing to do with the U.S., it's personal opinion.

Q. Right.

General MACKENZIE. But you're talking about more forces than you put into the Gulf, that's for sure.

Q: How do you think this is all going to end?

General MACKENZIE. Well, there are two different scenarios. If the presidential side, for all kinds of reasons that are very, very justifiable for them, the presidency of Bosnia-Hercegovina, continues to refuse to negotiate with the other side, because they look upon them as an aggressor army, and therefore they only deal with Belgrade or the Yugoslavian headquarters in Belgrade, then there is no solution. Because the war will continue. And one side will win and one side will lose. Maybe it will take two months, maybe it will take ten years.

But certainly it would appear to me that there is no chance for a solution until the sides talk.

Now, the Serbs, for reasons known to them, are prepared to talk now anytime, any place.

The presidency is very concerned about that, because they see that as freezing the status quo. And as far as territorial gains go right now, they don't have much territory. So you can understand their lack of willingness.

But at some stage, we have to ratchet up the political process. You're not going to resolve it probably by meeting now and then outside of the country for a few days here and a few days there. That is a tremendous contribution to the process, but ultimately the sides have to sit down, square off across the table, and come to some sort of constitutional agreement.

Q: Thank you.

Mr. STEVENS. I have another item, Mr. President. As I told the Senate this morning, once I heard last week that we were going to get into this debate, I spent the weekend reading a series of things that the Library of Congress and my staff dug out so that I might try to understand this a little bit more.

One of them was another report, this one was issued the next day following General MacKenzie's comment. It was a Reuters article dated the 6th of this month, and its question was:

Is Yugoslavia a military black hole, waiting to swallow up divisions if the West is rash enough to intervene? Or could limited military action silence the big guns and bring relief to trapped civilians?

Then I am skipping down through another quote.

The head of the nine-nation Western European Union, Willem van Eekelen, told Dutch radio Thursday that only military means could now end the slaughter. "This cannot go on," he said.

But the outgoing commander of U.N. peacekeeping forces in what remains of Yugoslavia, Lt. Gen. Lewis MacKenzie, had words of warning for those contemplating military action.

"I have never seen an intense hatred between peoples," he told Britain's Daily Mail.

"If there is no diplomatic solution and the world thinks seriously of putting in an occupation force, then they should be prepared for a very long stay. I'd say for the next 20 years—and even then, who knows what would happen when they left?"

The report goes on to give the NATO preliminary estimates that at least 12,000 troops backed up with heavy equipment would be needed to take control of just the airport at Sarajevo, and up to 100,000 men with permanent air cover would be needed to open up a land corridor to the city.

Mr. President, I ask that that report from Reuters appear in the RECORD after my comments.

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

(See exhibit 2.)

Mr. STEVENS. I am seeking the floor tonight to try to focus a little bit of the Senate's attention on the fact that this is a very dangerous undertaking on which we are not supporting the President of the United States. We are seeking an emergency session of the Security Council to talk about the use of an international force, a multinational force to deal with this problem in Bosnia.

One of the reports that I got ahold of over the weekend was a CRS report for Congress by Steven J. Woehrel dated July 31 of this year, and I want to read just one portion to the Senate. He reported that: "The history of interwar Yugoslavia not a harmonious one." This was following, of course, the assassination by some Bosnia-Serb student of Archduke Francis Ferdinand in Sarajevo in June of 1914, an event which he points out touched off the First World War.

In the interwar period:

Serbia imposed a centralized state, which it dominated, and faced resistance from Croats, who wanted a loose federation. Bosnian Muslims, while unhappy with Serb domination, reached a modus vivendi with Serb leaders in exchange for religious toleration and an easing of land reform provisions that threatened Muslim landowners in the province. Nevertheless, hundreds of thousands of Slavic Muslims emigrated to Turkey.

After the German conquest of Yugoslavia in 1941, Bosnia-Hercegovina was annexed to the Independent State of Croatia, a puppet state headed by the Croatian fascist Ustashe (Uprising) movement. The proclaimed goal of the Ustashe was to expel a third of the Serbs, convert a third to Catholicism and kill the remainder.

That was their stated goal then. This is 50 years ago, Mr. President. People think that somehow, by dispatching a group of military people to have a demonstration, we will have an impact on this bloodbath that has been going on since the 11th century?

That is what bothers me about the comments that have been made on the floor, not with what the resolution says but what some people on the floor of the Senate have interpreted it to mean; that we are going to go in and liberate these concentration camps, these abominable things.

Certainly, we should be totally revolted by the reports we are getting out of that area. But I think we should also listen to General MacKenzie. And I hope the Senate does listen to him tomorrow and understand what we are doing, because we are certainly not, in this resolution, authorizing the President of the United States to dispatch U.S. military forces to liberate either, as part of a multinational unit or on our own, anyone from those camps.

Mr. President, I have taken enough time of the Senate tonight. I would point out just one thing, the Yugoslav Government in the postwar years after World War II listed partisan and Yugoslav losses at nearly 250,000 people, and the report was mostly they killed each other.

We all know the stories of the fight between Tito and Makhailovich in World War II. It is time for us to realize that this country, this Senate acting on a resolution, which does not become law, which is the sense-of-the-Senate, has no binding effect on anyone, whether it is the President of the United States, the Congress of the United States, or the United Nations. It is not going to solve this problem. But the one thing I want everyone to do when they vote for this resolution, is to vote for this amendment which will mean one thing.

If a Member of the Senate votes for this amendment he is committing himself or herself to support the funds to keep our people in the field if they are dispatched pursuant to the course that we are setting tonight, that we are initiating tonight or tomorrow when we pass this resolution. I believe that those people who in the past have not supported the United Nation ought to

realize that if we are going to authorize our participation in a multinational force, this time we are going to pay the whole bill.

When we pay it, I hope the Senate will look at this briefing I prepared in terms of what it cost to deploy the U.S. military forces from August of last year through May 31, of this year.

They point out, for instance, that just the airlift and sealift cost $8.2 billion. Remember, General MacKenzie said we will need even more people than that.

Second, Mr. President, it is my hope that those people who back in the days of the Vietnam war stopped supporting appropriations for the war in order to try to end it realize that that cannot go on in this situation either. General MacKenzie indicated his judgment is if we get forces in there, they will be there for 20 years unless we get a political solution. If we start down this course, we are going to have to have the money, and this resolution says we pledge we will supply the funds to maintain those forces in the field.

I think it is important that we make that pledge if it is important to pass the resolution.

I will make my further remarks tomorrow.

EXHIBIT 1

COSTS TO DEPLOY U.S. MILITARY FORCES

(All Figures through May 31, 1992)

TRANSPORTATION COSTS

In Operation Desert Shield/Desert Storm, the costs of airlift and sealift to both deploy and return U.S. forces to the Persian Gulf total $8.2 billion.

Airlift costs totaled $3.3 billion.

Sealift costs totaled $4.9 billion.

For the Army, transportation costs totaled $1.3 billion for airlift, and $3.8 billion for sealift.

For the Navy, transportation costs totaled $1.1 billion for airlift, and $666 million for sealift.

For the Air Force, transportation costs totaled $746 million for airlift, and $405 million for sealift.

PERSONNEL COSTS

Costs related to additional pay and allowances for personnel assigned to the Persian Gulf totaled $6.5 billion.

Costs included imminent hazard pay, and active duty pay for National Guard and Reserve personnel.

For the Army, personnel costs totalled $4.1 billion.

For the Navy, personnel costs totalled $1.3 billion.

For the Air Force, personnel costs totalled $1.0 billion.

As of July 15, 1992, 180,000+ DoD military personnel remain deployed in the Persian Gulf region, receiving increased pay and allowances for their service.

OPERATIONAL COSTS

Increased incremental operating costs (not including fuel) for Operation Desert Shield/Desert Storm totalled $19.99 billion.

Such costs include increased operating tempo (OPTEMPO), spare parts, communications and maintenance activities.

Operating costs for the Army totalled $12.1 billion.

Operating costs for the Navy totalled $4.6 billion.

Operating costs for the Air Force totalled $3.2 billion.

FUEL COSTS

Additional fuel costs associated with the deployment and operational activities for Operation Desert Shield/Desert Storm totalled $4.8 billion.

Additional fuel costs for the Army totaled $224 million.

Additional fuel costs for the Navy totaled $1.4 billion.

Additional fuel costs for the Air Force totaled $2.7 billion.

EXHIBIT 2

YUGOSLAVIA: MILITARY BLACK HOLE OR RIPE FOR STRIKE?

(By Nicholas Doughty)

BRUSSELS, BELGIUM.—Is Yugoslavia a military black hole, waiting to swallow up divisions if the West is rash enough to intervene? Or could limited military action silence the big guns and bring relief to trapped civilians?

Most military analysts believe it could be Europe's Vietnam, a quagmire without an end in sight.

But NATO military officials, although they have little enthusiasm for getting involved, say some operations could be feasible if their objectives were properly defined.

In any case, diplomats say, military considerations may not be the dominant factor for much longer.

There is a massive groundswell of revulsion in the West over the savage fighting in Bosnia, particularly the shooting of two infants by snipers and reports of concentration camps run by Serbs.

The head of the nine-nation Western European Union, Willem van Eekelen, told Dutch radio Thursday that only military means could now end the slaughter. "This cannot go on," he said.

But the outgoing commander of U.N. peacekeeping forces in what remains of Yugoslavia, Lt. Gen. Lewis Mackenzie, had words of warning for those contemplating military action.

"I have never seen such an intense hatred between peoples," he told Britain's Daily Mail.

"If there is no diplomatic solution and the world thinks seriously of putting in an occupation force, then they should be prepared for a very long stay. I'd say for the next 20 years—and even then, who knows what would happen when they left?"

Nevertheless, NATO officials are discussing a range of possible military options which could be carried through if the United Nations approves the use of limited force.

Alliance sources say these range from air strikes on Serbian artillery and mortar positions around the beleaguered city of Sarajevo to setting up safe havens for civilians or creating a land corridor for aid delivery from the Adriatic coast.

Preliminary NATO estimates suggest at least 12,000 troops, backed up with heavy equipment, would be needed to take control of Sarajevo airport. Up to 100,000 men, with permanent air cover, would be needed to open a land corridor to the city.

But the cost could be high. The mountainous, wooded terrain cost Hitler several divisions in World War II due to losses from guerrilla attacks. Small mortars and snipers are hard to hit, with the risk of high civilian casualties.

If a political decision is taken to commit forces, military officials said all the objectives must be clear.

For example, if you are going to take Sarajevo airport by force so that aid can be flown in, how long do you hold it for? How do you reinforce troops there if needed and how do you get them out again? And does that mean you have to go into other areas of Bosnia, too?

Any mission would need a legal mandate, presumably from the United Nations. It would also need a single, unified command to work properly. Who would run it?

The United States had overall command in the Gulf War and is unlikely to commit forces to Yugoslavia unless it holds the same dominant position.

NATO has a military structure but cannot go beyond the defense of its member states. The Western European Union has no command structure.

"The whole question of command, where the troops come from and who pays is very unclear," said Paul Beaver, publisher of the authoritative Jane's Defense Weekly. "That would have to be sorted out first, otherwise you risk making big mistakes."

A key consideration for the politicians is to ensure that international and popular opinion is behind any military action before it happens.

"Once we go in, we're the enemy," said one NATO diplomat. "We have to be ready to deal with bodybags coming back to London or Paris."

Mr. COHEN. Mr. President, I yield myself such time as I may consume.

Mr. President, I want to respond briefly as I can to the Senator from Alaska, especially his final comments about this resolution.

As I understand his rationale, the Senator from Alaska is supporting this resolution which he believes is unnecessary. He believes that from a legal point of view it is completely unnecessary to pass any resolution to grant or urge the President to go to the United Nations to secure authority to participate in a military operation against Serbia. But he is going to support the resolution because he firmly believes that President Bush would never be foolish enough to commit substantial amounts or levels of ground forces to achieve a military solution.

The Senator from Alaska raises the kind of, I guess, complexity that is involved in this entire debate. There have been parallels drawn between the Persian Gulf and this particular conflict. In the Persian Gulf we know that they were fighting in a desert, and the lines were very clearly defined in that desert. The enemy was quite clearly identified, the goal was very simply explained, if not easily achieved, and that was to drive Saddam Hussein out of Kuwait and back to his bunker in Baghdad.

We have something quite different however when it comes to this particular conflict. A number of people have tried to at least express what the role of the United States ought to be, following the collapse of the Soviet Union. It has been frequently declared that we are not a policeman of the world, and that has been reiterated throughout the day today and tonight. But that we are, at least if not the po-

liceman of the world, the conscience of the world.

So this issue of conscience, should we not do something in the face of this unmitigated brutality that is being inflicted by the Serbian Government? Everyone has expressed being horrified by the actions taken by the Serbs. Many have also expressed their hesitancy to commit U.S. troops to resolve that particular conflict.

Some have said this is simply a nonbinding resolution, as if what we are engaged in merely is the expression of words, a sense of sentiment, a sort of moral commitment for the President to push him in the direction he is already moving. But I think there is more than words involved.

As the debate evolved during the course of the day we understand that if in fact we go on record to urge the President to go to the United Nations and there to develop a consensus for the use of whatever force is necessary to achieve the goals expressed in this particular resolution, and that if in fact he does achieve that consensus, and if in fact they pass a resolution urging the use of whatever force is necessary, it would indeed be hypocritical for any who support this resolution for the President to come back to the Senate and to the House—assuming he feels he has to by the way. That is not altogether clear, because during the debate on the Persian Gulf on a number of occasions he expressed considerable doubt as to whether he once having gone to the United Nations then had to turn around and come back to the Congress to get authority because every President since the passage of the War Powers Act has declared it to be unconstitutional. Every President has felt it is within the powers inherent of the Commander in Chief's position that he or she be allowed to commit forces in the national security interest of this country without going to Congress to secure that particular authority.

But assuming the President were to come back to the Congress and say: Now, I have got this document, here is the United Nations declaration. It would be hypocritical, to say the very least, for any Member of Congress who had voted for the resolution to say: Wait a minute, I have had second thoughts about this, Mr. President. We are not so sure we like the allocation of responsibility. We know that we had originally intended simply to use air power. We are going to use the air power of this country to strike bridges, strategic targets, to knock out energy supplies, to dam up certain rivers in order to isolate their government. But we had no intention of doing what the Senator from Alaska suggested, that the general thought might be necessary, and that is commit 30,000, 50,000, 100,000, 500,000 troops to that region, because there is a serious question as to how long they have to be committed, serious questions as to when if at any time they could be withdrawn, and what happens following their withdrawal.

I raise this because I think it has typified the debate here today. Many of us are still of divided mind about what is the appropriate thing to do.

The Senator from Washington said we do not need this resolution. The President is doing just fine. He has the authority without Congress taking any action whatsoever to seek a resolution out of the United Nations, to then report back to us, and then outline what he would propose for military action on the part of the United States. He does not need our help whatsoever.

But we are giving him some added incentive. What we are I saying is: You, if you get that authority, come on back. We will be with you 100 percent, 100 percent in the terms of use of force. We are also with you 100 percent in terms of what it is going to cost.

That is what the Senator from Alaska is saying: No mistake. No backing out. When the bullets start flying we intend to spend whatever millions or billions are required in order to achieve this particular objective.

So that is the nature of the debate that has been taking place today, that many people say: Well, it is only a nonbinding resolution, we are simply urging him, pushing him to go to the United Nations. He is not bound by anything we say or do, and we are not bound by anything he does. When in fact once we are on record as urging him to take certain action and he returns, we are in fact, those who support the resolution bound to support the President in whatever he seeks to do provided it does not involve what Senator BIDEN suggested, a nuclear attack on what was formerly Yugoslavia, or a commitment of some half-a-million or perhaps more ground forces to that region.

Mr. President, I want to repeat again what I read earlier this morning. One of the chief cosponsors of the resolution I think articulated the kind of hesitancy that was expressed back during the debate on the Persian Gulf war. He said:

> Before we plunge into a difficult conflict which can have no simple ending we must know, and the American people who will be fighting and dying must know, what kind of a solution we are seeking. The complex problems of the gulf region do not lend themselves to simple solutions.

I would suggest what the Senator from Alaska has just read into the RECORD would in fact follow precisely this. It does not lend itself to a simple solution if history is any guide as to what has taken place over the centuries in that region.

Then going back to the Persian Gulf debate, the Senator said: "We must find a course which will enable our Arab allies to find their own way to peace in the region," and concluding, "but until we have a greater clarity of vision that war will result in a secure peace, and until we have truly exhausted all economic and diplomatic means, I cannot in good conscience vote to give the President the authority to pursue military action from which there is no turning back."

That was I think not an unusual statement. I think it was a statement that was made with great conviction and out of conscience, but I think it reflected the kind of deep feelings that were involved in that debate. That debate do not forget took at least 6 months to evolve, at least 6 months from the time that Saddam Hussein invaded Kuwait and the President decided to commit forces to defend Saudi Arabia, so-called Desert Shield, that full 6 months while we were deploying up to 500,000 troops, the debate started in this country, exactly what were we getting into, how many people would have to be deployed. What kind of war are we going to fight? Are we going to go at it ground to ground, or simply from the air. How many would die? How many body bags are we going to order. What are we talking about in terms of casualties? What are the calculations involved?

All of that was involved in the debate as we continue to try to develop a policy that would ultimately support the President's use of force. It took 6 months and many hearings, many long hours of hearings with witnesses coming and giving their best estimates in terms of what would happen, should we go to war with Saddam Hussein.

The issue came up of whether or not Saddam Hussein had any possibility of using chemical or biological weapons. How close was he getting to nuclear weapons? All of those issues were involved, because we were so hesitant to take on an enemy who was so clearly identified and located, or could be located—Saddam Hussein. We have something far more complex here, something with an equally complex tradition in terms of trying to resolve ethnic hatred.

So, Mr. President, we are going to have to resolve this issue tomorrow. We are going to have a hearing before the Armed Services Committee. I see the distinguished ranking Republican Member here on the floor this evening. Unfortunately, we will not have much time to ponder that testimony before we are called upon to vote. It puts us in a rather difficult position that we should hold a hearing to take the testimony of witnesses, who will give their best judgment to the members of the committee and, yet, the committee members will have little, if any, opportunity other than the 5 minutes perhaps allocated to the Senator from Virginia, to express to our colleagues the nature of the testimony before the committee.

So, for all practical purposes, we will be voting tomorrow based upon what we have discussed this day, what we feel in our hearts, and the doubts we continue to experience along with the heartfelt concerns we have for the people who are dying and starving to death in that tortured country right now.

Mr. WARNER. Mr. President, first, may I say to my colleague and friend from the State of Maine, how well he has managed a very difficult assignment, given that many Senators at this time are still trying to determine on which side their final vote will be taken on this.

I think the Senator has posed, time and time again, the pertinent questions that each Senator must answer for himself or herself, as we deliberate our vote on this. But I want to also commend the Senator from Alaska for this very good summary of this situation. And on this amendment, I want to ask a question.

First, I draw your attention to what appears to be the title. It says: Relating to Authorization of Multilateral Action in Bosnia-Hercegovina. I understand the proponents of this as saying the underlying amendment authorizes nothing. It simply says to the President: Go to the United Nations and argue the case pursuant to this amendment; then come back to us, and we will decide, Mr. President, whether we area going to support you. That is the essence of it, and that is where I have absolutely my greatest concern with this amendment.

So I wonder—well, it does appear, and this has been replaced by another document, I say to the Senator.

Mr. STEVENS. That is true, but it is now: Express the sense-of-the-Senate regarding authorization of multilateral action. That is still the purpose.

Mr. WARNER. Apparently.

Mr. STEVENS. It is not part of the resolution, I say. It is a stated purpose at the beginning.

Mr. WARNER. It is misleading, I would say, if we are to take what the Senator from Delaware has said over and over, earlier this afternoon and this evening.

Mr. STEVENS. There will be, as I understand it, an amendment to that clause, before we are through, unless I am wrong. That is the first knowledge I have.

Mr. COHEN. My understanding is that there will be no such amendment.

Mr. WARNER. So on its face it is misleading. I want to get to the key question here. Mr. President, if I could direct this to the Senator from Alaska. The Senator who spoke this evening, Senator BIDEN, made it absolutely clear to all present: Worry not, the President will go. We will ask him to do certain things, but he has to come back to this body.

As I read this, does this not cut off the option of Senators? If they are to support the Senator from Alaska, to what extent does that limit their options, if in fact the President does come back to this body to seek specific authorization to take action with the U.N. forces and delineate specifically what components of the U.S. military are to be utilized by the United States?

For example, time and time again, throughout the 5 days that we have worked on this, Senators have gotten up and said—I have gone to the record—we will not utilize ground forces. Supposing he comes back and says that it is my judgment that it is essential that we take the same level of risk as do other nations if we are going to achieve the goals as laid down by this resolution?

If a Senator were to vote tomorrow in support of the Senator from Alaska, could that Senator then in good conscience turn around and vote against the President's recommendations to incorporate ground forces as a part of the overall force that we will commit to such resolutions as the United Nations made up?

Mr. STEVENS. Yes. This amendment contemplates such a possibility, because it is specifically limited by the last clause which stays consistent with the terms of this resolution. This resolution is a sense-of-the-Senate resolution, which is designed, as I understand it, to give the President of the United States an urging.

Mr. WARNER. Yes; he does not need the authority.

Mr. STEVENS. It is an urging to go to the United Nations and ask for an emergency meeting. But it just is predatory in the sense that it says he should. In my judgment, what I am saying is that people who are voting for this pledge that when a U.S. force participates with a multilateral military force——

Mr. WARNER. If I can interrupt the Senator. Let us take it in sequence. We vote tomorrow for the resolution, and Senators vote for the amendment of the Senator from Alaska; the President goes to the United Nations, and the United Nations does vote a resolution consistent with this resolution, at which time the President makes certain commitments with respect to our military forces. Now it is anticipated that that decision of the President will be reviewed by the Senate, and if certain Senators are not in agreement with the quantum and, most specifically, the types of military forces the President commits, he or she then is free to vote against the President.

Mr. COHEN. If the Senator will yield. Legally, obviously, any Senator is free to vote against the President, coming back and saying, this is what I propose we do. This is the commitment I made. That would be hypocritical, totally hypocritical, for anybody to vote on this measure thinking I voted for it, but I did not have any intention of ever supporting the use of ground forces, and I am thinking only of air power or naval gun power, and nothing else.

And then to come back to the President, and he says here is my opinion. No, Mr. President, we are sorry, but we cannot agree to that. That would be the height of hypocrisy on our part, and it would also be the height of demoralizing the very issue raised about Hungary earlier today. It would be the same thing, raising people's expectations only to dash them, particularly under the circumstances where the President is in a major political battle. I think it would be a terrible message to be sending. I think if you support this, you support the——

Mr. WARNER. What is this Senator, the underlying resolution, or the amendment? I ask the Senator from Alaska.

Mr. COHEN. The Senator is putting us on record saying whether you support the underlying resolution or not, if we agree to urge the President to get this kind of authority, we are agreeing we are going to pay for it.

Mr. WARNER. I am wondering when do you make that commitment, at the time we pass this resolution to support the payments, or at such a time as the decision of the President comes back for another review by the Senate?

Mr. STEVENS. Mr. President, do I have the floor? I would like to answer these questions. I think we are getting off on a rabbit trail here.

The PRESIDING OFFICER. In the judgment of the chair, the Senator from Virginia had the floor.

Mr. WARNER. Mr. President, I yield to the Senator from Alaska for a response.

Mr. STEVENS. It was my understanding that the Senator asked me a question, and I was supposed to answer it. If he has the floor, it is all right. But I have to tell the Senator this has as much legal impact on a Member of the Senate as the resolution itself does, just a sense-of-the-Senate resolution.

Mr. WARNER. Mr. President, I agree.

Mr. STEVENS. What this says is the U.S. pledges. It does not say Senator COHEN or Senator WARNER or Senator PELL or Senator LEAHY or myself, that we personally pledge.

I want the Senate on record to say if we are going to urge the President to do this, to go to the United Nations and ask for the emergency meeting of the Security Council, and we do in fact end up by having American forces in this multilateral military force pursuant to a mandate adopted by the United Nations, that he will in fact know that we will provide the funds. That we will not have the same situation develop as developed in Vietnam or developed so many times since we have been here that people urge the President to do things and when it comes down to paying the bill they will not pay it.

Besides that, as I pointed out, some of our Members do not support the

United Nations itself, yet they are calling on the United Nations to get involved in this. The United Nations does not have the deep pockets that Saudi Arabia has. If we get involved in this one, this is on us.

Mr. WARNER. Mr. President, it is my understanding of the Senator's amendment it simply states that the Senate as a body will continue to support the President of the United States in his decision to utilize our forces as he so determines consistent with the U.N. resolution and it reinforces what the Senator from Maine has been saying all along. It would be hypocrisy if we come back and review it and decided not to support.

Am I not correct?

Mr. COHEN. Mr. President, what I am saying, this is not simply a nonbinding resolution. It is phrased as a nonbinding resolution. Fact is this is more than words. There is a message to the President: Do this job, go to the United Nations, get the mandate, and then come back and we will support you. But you cannot separate it out; you cannot say it is only a nonbinding resolution. We are binding ourselves, making a commitment to the President that we are going to follow his lead when he comes back from the United Nations to take whatever action he determines is in our national security interest, because it has been identified as having a bearing on national security interest.

Mr. WARNER. I agree with the Senator from Maine in his analysis.

Mr. STEVENS. Will the Senator yield for one more comment?

Mr. WARNER. Yes.

Mr. STEVENS. You can look through the resolution and the Senate does not pledge to do anything until it comes to my amendment. The Senate is really asking the President to do all these things and asking the Security Council to do certain things, and I do not disagree with them. But where is the Senate saying we are going to do anything? I think we ought to say if you do this, we pledge we are going to be with you. That is what this amendment does.

Mr. WARNER. Mr. President, that is precisely the point I wish to make and, on that, I yield the floor, because the Senator has satisfied this Senator.

Mr. STEVENS. I reserve the remainder of my time for tomorrow.

Mr. COHEN. For the record, the Senator has reserved a total of 30 minutes for tomorrow on his amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. COHEN. Mr. President, I might indicate for the record that I was sort of kidnaped by this management position today. I was on my way to another meeting and Senator DOLE happened to see someone who was unescorted at that time and asked me to manage this bill. But I will indicate that I believe that one of the members of the Foreign Relations Committee on the Republican side tomorrow will have to conclude the management of the bill since I have a hearing with Senator LEVIN that begins early in the morning.

Mr. DOMENICI. Mr. President, I was a cosponsor of the original version of this resolution regarding the situation in Bosnia. I support the modified resolution we are considering today.

I regret that what began as a somewhat routine expression of Senate concern about the fate of Bosnia's civilians became a vehicle for the bickering and delay that increasingly characterizes this body.

None of us know for certain what is happening in the detention camps and besieged cities in Bosnia, but what we have learned over the past week adds new urgency to a situation that was already terrible. That is why some of us from both parties here decided to introduce a resolution that would give the President some political protection to act more forcefully in this matter during an election year.

In fact, since the original resolution was drafted, the President accelerated an international program of action to limit these atrocities. As far as I can determine, both candidates fully recognize the need for action. I fail to understand the fear that this has become a partisan issue.

Why is this a matter of U.S. national interest? It is a matter of our national interest because of the locale and history of Yugoslavia in the heart of Europe. Bosnia, Croatia, and Serbia are surrounded by other countries with restive national minorities.

I strongly suspect that Serbs are not the only ones in the region who are capable of starving and shooting civilians of other ethnic groups. Others in Eastern Europe appear ready to follow the example of Serbia and undertake "ethnic cleansing" on a massive scale.

The year 1992 was going to be the year of Europe—of European unification. Instead we find that a European nation—Serbia—is practicing policies that resemble nothing less than genocide. That this is happening now, 47 years after we thought that this crime has disappeared from Europe forever, gives a new meaning to the slogan "Europe 1992."

Europe is a vital part of the global economy that we have come to depend on over the last decade or two. If the "ethnic cleansing" spreads from Yugoslavia to other countries bordering our major trading partners in Europe, Europe cannot contribute to the trade, jobs, and investment badly needed here in the United States. That is why the policies encouraged by this resolution are in America's self interest.

I do have two questions about this matter of Bosnia that have not been answered to my satisfaction: our utter reliance on the United Nations, and the lack of intelligence about the detention camps.

I agree with all who have spoken here that the United States should not act alone in Eastern Europe. But the Secretary General of the United Nations has publicly observed that regional institutions could function better than the United Nations in Yugoslavia. There are other insitutions, NATO for example, that may serve our objectives better than the United Nations.

My other unanswered question relates to our massive intelligence capacity developed during the cold war. Why did we have to learn from a newspaper in Long Island and TV reporters in England what was going on in the camps?

I commend the Senators from Arizona, Connecticut, and Kansas who originated this resolution. Like Secretary of State Jim Baker several months ago, these Senators were moved to demand action by the international community.

Finally, I ask unanimous consent to place in the RECORD at this point a statement written by the Acting Secretary of State on the afternoon, 5 days ago, when the Senate originally discussed this amendment. At that time, the State Department spokesman explained exactly what the administration was doing with regard to this situation. Since then the President has personally amplified and expanded upon this statement several times.

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

REGULAR STATE DEPARTMENT BRIEFING, AUGUST 5, 1992

(Briefer: State Department Deputy Spokesman Richard Boucher)

This is a statement by the acting secretary, Lawrence S. Eagleburger, which I will read to you, which I have been entrusted to read to you on his behalf.

Over the past week we have seen an increasing number of reports about detention centers in Bosnia-Hercegovina and Serbia, including reports that indicate the possibility of executions, torture and other gross human rights abuses. These reports have included press interviews, charges and countercharges by the parties, and reports from others in the area.

The International Committee of the Red Cross has visited nine facilities where they registered 4,300 prisoners. At this point the Red Cross has reported on very difficult conditions of detention, but they have not found any evidence of death camps. Nonetheless, there are reports of many other detention centers which the Red Cross has not been able to visit and it is at some of these that atrocities have been reported.

These reports, although unconfirmed, are profoundly disturbing. It is vital that any and all prisons and detention centers be open to the Red Cross and other neutral parties. Urgent action is required to reveal the truth and to prevent any abuses which may be occurring.

Yesterday morning we began a series of steps to support such access. We instructed our diplomatic personnel immediately to contact senior Serbian, Bosnian and Cro-

atian officials to insist that the International Committee of the Red Cross be granted immediate, unimpeded and continuing access to any places of detention.

We have asked the United Kingdom, the presidency country of the European Community, and through them, the other members of the EC, to make similar approaches.

We have asked the Russians to use their influence with the Serbs to the same end.

We proposed and we obtained a statement by the Security Council yesterday evening which endorsed this demand and reminded those involved in any abuses that they can be held individually responsible for breaches of the Geneva Conventions.

Today we have called for an emergency extraordinary meeting of the United Nations Human Rights Commission in Geneva to examine the situation in more detail, to discuss gross human rights violations and to press for full access to detention camps. We look to the Human Rights Commission to forcefully exercise its mandate in this regard by appointing a special representative, who should be granted access to investigate these charges and report back to the members of the United Nations with his recommendations.

This will be the first ever such meeting by the United Nations Human Rights Commission. We have been urging governments throughout the world to support this call immediately, even before the formal proposal was circulated, so that the meeting could take place as soon as possible.

Our proposal has now been circulated in Geneva asking the 53 members for their views by 1:00 Eastern Daylight Time on Monday, August 10. We hope to see the necessary endorsement from at least 27 members even before that, if possible.

In addition, we are undertaking other steps immediately. We're calling on the CSCE to invoke the appropriate measure of the CSCE human dimension mechanism in order to telescope the process of choosing a rapporteur to look into the allegations. We're undertaking renewed efforts to tighten sanctions enforcement, in addition to the efforts that we made earlier this month which have met with some success.

We will facilitate the deployment of monitors to Romania to ensure that the effect of the U.N. sanctions on the Serbian economy is as devastating as possible, and we are developing a Security Council resolution which would call on states and organizations to collect substantiated information concerning war crimes and to make that information available to the Security Council.

There are today some indications that our urgings are being heard. In Belgrade Mr. Panic promised our charge to invite international observers to sites of alleged camps in Serbia and Montenegro.

Mr. Panic also pledged his support to the U.N. presidency statement demanding the opening of camps run by Serbians in Bosnia.

Press reports today indicate leaders of the so-called Serbian Republic of Bosnia have said that they are ready to open all facilities to international inspection. Bosnia President Izetbegovic told our charge in Belgrade that he has offered access to international observers to all facilities within Bosnia.

President Tudjman told our consul-general in Zagreb yesterday that he would contact Croatian leaders in Bosnia to request their complete cooperation with ICRC. These promises are welcome but what is important is real action. We cannot allow excuses such as those used in the past, that the safety of the ICRC delegates could not be ensured to block their important mission. We will press to see that real action is achieved.

Let me also add to that we are intent upon seeing a U.N. Security Council resolution to ensure the humanitarian assistance is delivered through whatever means are necessary and that we have been discussing with our key allies a draft of such resolution.

MORNING BUSINESS

Mr. PELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

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

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION IN THE CASE OF UNITED STATES OF AMERICA VERSUS CLAIR E. GEORGE

Mr. PELL. Mr. President, on behalf of the majority leader and the Republican leader, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 332) to authorize testimony, documentary production, and representation of Members and employees of the Senate in United States of America versus Clair E. George.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Senate recently agreed to Senate Resolution 323, authorizing several current or former Members and employees of the Senate to testify in the case of United States of America versus Clair E. George, at the request of Independent Counsel Lawrence Walsh. The jury began hearing testimony in that case on Friday, July 24.

Counsel for the defendant has served subpoenas calling for the production of Senate records on the records custodians for the Committee on Foreign Relations and the Select Committee on Intelligence. In the interests of evenhanded justice, the Senate should authorize the production of records to the defendant.

Also, both sides have indicated that they may make further requests for testimony or records from the Senate as the trial unfolds. Accordingly, in addition to authorizing the Foreign Relations and Intelligence Committees to respond to the existing requests, this resolution will authorize Members and employees to testify or produce documents in the event that additional requests materialize as the trial progresses, including during the August recess.

The resolution also authorizes the Senate legal counsel to represent the witnesses in connection with their testimony.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are both agreed to.

The resolution (S. Res. 332), with its preamble, is as follows:

S. RES. 332

Whereas, in the case of *United States of America* v. *Clair E. George*, Crim. No. 91-521, pending in the United States District Court for the District of Columbia, counsel for the defendant has requested the production of documents from the custodians of records of the Committee on Foreign Relations and the Select Committee on Intelligence;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the custodians of records of the Committee on Foreign Relations and the Select Committee on Intelligence, and current or former Members and employees of the Senate from whom testimony may be necessary, are authorized to testify and produce documents in the case of *United States of America* v. *Clair E. George*, except, with respect to Members of the Senate, when their attendance at the Senate is necessary for the performance of their legislative duties, and except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is authorized to represent the custodians of records of the Committee on Foreign Relations and the Select Committee on Intelligence, and current or former Members and employees of the Senate from whom testimony may be necessary, in connection with their testimony in *United States of America* v. *Clair E. George*.

Mr. PELL. Mr. President, I move to reconsider the vote.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE PLACED ON CALENDAR—S. 3163

Mr. PELL. Mr. President, I ask unanimous consent that S. 3163, introduced earlier today by Senators KENNEDY and HATCH, be placed on the calendar.

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

PRESCRIPTION DRUG AMENDMENTS OF 1992

Mr. KENNEDY. Mr. President, today Senator HATCH, Senator DECONCINI, and I are introducing the Prescription Drug Amendments of 1992. This legislation would extend the deadline for States to comply with the Prescription Drug Marketing Act, in order to ensure that citizens across the country will continue to have access to prescription medications.

The PDMA set a September 14, 1992, deadline for States to license prescription drug wholesalers. As of this month, 23 States are in full compliance with the requirement. While most of the remaining States have introduced legislation or regulations to bring themselves into compliance, it is clear that some States that are important distribution centers of prescription drugs will not be in compliance by the September deadline. An extension of the original deadline would guarantee continued access to the full range of prescription drugs for all Americans. Otherwise, prescription drug wholesalers in States that have not yet met the legislative requirements of the PDMA will be subject to civil and criminal penalties.

Senator HATCH and I have worked with industry groups, the administration, and consumers in drafting this amendment. The bill includes a sunset provision, so that the PDMA deadline is extended by only 2 years. This gives States the time they need to legislate and implement their registration programs. Until then, the FDA may register companies in States that have not yet licensed their prescription drug wholesalers.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill and a clarification of legislative intent on several key issues be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

SEC. 1. SHORT TITLE

SEC. 2 DISTRIBUTOR REGISTRATION

Establishes a temporary (2 year) registration program with the FDA for wholesale distributors of prescription drugs in interstate commerce in states that do not license such persons in accordance with existing requirements of the FD&C Act.

SEC. 3. PENALTY CLARIFICATION

Adds a "knowingly" standard to the felony provision of the Prescription Drug Marketing Act (PDMA). In its present form, the act provides severe punishment for criminal violations without expressly requiring any scienter on the part of the offender.

Substitutes the words "institution of criminal proceeding" for "arrest" or "arrest of" in current law. There are rarely arrests in connection with criminal proceedings under the PDMA.

Revises section 303 (c) and (d) to conform with section 303 (a) and (b) as amended by the PDMA, and corrects subsection (d).

SEC. 4. DRUG SAMPLES

Clarifies the prohibition against the distribution of drug samples by anyone other than the manufacturer or the manufacturer's authorized distributor. Makes clear that providing a drug sample to a patient by (or in very limited circumstances at the direction of) a licensed practitioner is not prohibited.

Makes clear that any wholesale distribution of a prescription drug (any sale to anyone other than a consumer or patient, including any sale to an authorized distributor of record to a retail pharmacy) by anyone other than the preceded by a statement identifying each prior sale of the drug. The identifying statement must in all cases include the dates of each transaction involving the drug and the names and addresses of all parties to the transaction, and must contain such other information as the Secretary may require.

SEC. 5. TECHNICAL AMENDMENT

Subparagraph 503(e)(2)(A) of the current law is intended to ensure that any person engaging in the wholesale distribution of prescription drugs in interstate commerce shall be licensed in the state in which it does business and that state licensing requirements meet certain minimum requirements are contained in regulations promulgated by the Secretary. The effective date for subparagraph 503(e)(2)(A) is September 14, 1992.

While many states have taken steps to meet the licensing requirements and are expected to meet the deadline, current data indicate that some states may not enact prescription drug wholesaler licensing requirements by September 14, 1992. Therefore, the amendments to section 503(e) provide for a temporary registration program within the Department of Health and Human Services for persons engaging in the wholesale distribution of prescription drugs in states that have not yet adopted licensing programs. This temporary registration provision is not intended to create a federalized registration program and will expire without extension on September 14, 1994. Ultimate responsibility for licensing wholesale distributors shall remain with the states.

The bill's sponsors understand that the FDA has the discretion to implement this provision in a manner that is consistent with its resources.

Addition of the word "knowingly" in 21 U.S.C. §333(b)(1) is intended to clarify that the offenses described in that section require an element of knowledge. The amendment conforms with prosecutorial experience and practice.

The offenses described in section 333(b)(1) are treated differently from other offenses in the FDCA. In general, a violation of the FDCA is punishable as a misdemeanor without proof of consciousness of wrongdoing, 21 U.S.C. §333(a)(1); United States v. Park, 421 U.S. 658 (1975), or as a three-year felony when the violation is second offense, or when it is committed with the intent to defraud or mislead. 21 U.S.C. §333(b)(2). The prescription drug marketing offenses described in section 333(b)(1) are excepted from this scheme, carrying only a felony penalty.

As originally enacted, section 333(b)(1) stated no mental element for the offenses it described. This silence potentially could create confusion about what kind of conduct Congress was addressing. Indicia of Congress' intent are available in other parts of the statute and then the legislative history. For example, Congress was careful to explain that a pharmaceutical company would not be criminally responsible for every drug diversion perpetrated by a company employee. 21 U.S.C. §353(c)(1); House Report 100-76 at 12. This is strong evidence that 333(b)(1) was not intended to create a strict liability offense under the FDCA. In the absence of specific language describing the intended mental element of the offense, however, the statute might be subject to conflicting or erroneous interpretation by the courts.

The present amendment should make clear that the offenses described in section 333(b)(1) are committed when an individual "knowingly" commits acts that are proscribed by the PDMA, (for example selling a prescription drug sample, importing a prescription drug, or selling a drug that had been purchased by a health care entity). This knowledge extends only to the prohibited act; it would not be necessary in a prosecution for the government to prove that the defendant knew that the act was a violation of any law. Thus, for example, an offense under amended section 333(b)(1)(B) would be committed when an individual sold a prescription drug that had been purchased by a health care entity, if he was aware of these circumstances, whether or not he also knew that the sale of the drug was a violation of section 353(c)(3).

Mr. HATCH. Mr. President, despite 2 years' notice to the States, a nationwide shutoff of prescription medications to pharmacies and practitioners, including hospitals, physicians' offices, nursing homes, clinics, and retail pharmacies, is imminent.

In 1990, States were given a 2-year deadline to comply with a Federal law requiring them to license prescription drug wholesalers and manufacturers. With little more than a month remaining until the Federal deadline, less than half of the States have complied with the Prescription Drug Marketing Act of 1987, despite intensive efforts by the industry to help these States meet the mandated deadline.

If the September 14, 1992, deadline is not met, Mr. President, wholesalers and manufacturers in those States that are not in compliance will not be able to distribute prescription drug products legally. Distribution without the appropriate licenses carries penalties of $250,000 and/or 10 years in prison.

Two States and one territory with the largest concentrations of pharmaceutical manufacturing facilities—New Jersey, Pennsylvania, and Puerto Rico—are among those that have not complied with the Federal law. Therefore, after September 14, products produced in these locations will not be available nationwide.

For this reason, Mr. President, I am pleased to join my colleagues Senator KENNEDY and Senator DECONCINI, in introducing the Prescription Drug Amendments of 1992. This legislation will ensure that the millions of Americans who rely on drug therapy will be able to receive their medications without disruption.

This proposal will allow drug wholesalers and manufacturers located in States that are not in compliance to temporarily register with the FDA. The registration program would be an

interim remedy, and would sunset in 2 years.

The need for expeditious passage of this legislation is obvious due to the health consequences for millions of Americans who depend on drug therapy. I urge the support of all Senators for this legislation which will allow the distribution of vital pharmaceutical products to continue.

ENGROSSMENT OF H.R. 4111

Mr. PELL. Mr. President, I ask unanimous consent that the engrossment of H.R. 4111 be modified with the change I now send to the desk.

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

SMALL BUSINESS EQUITY ENHANCEMENT ACT

Mr. PELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 609, H.R. 5191, relating to small business equity capital, that the committee substitute amendment be agreed to; that the bill be read a third time, passed; that the motion to reconsider be laid upon the table; that a section-by-section analysis and any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

The Senate proceeded to consider the bill (H.R. 5191) to encourage private concerns to provide equity capital to small business concerns, and for other purposes, which had been reported from the Committee on Small Business, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Equity Enhancement Act of 1992".

SEC. 2. LEVERAGE (MATCHING FUNDS) FORMULA.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) by inserting "or participating securities" after "debentures" in the first and sixth sentences;

(2) by striking paragraphs (1) through (3) of subsection (b) and inserting in lieu thereof the following:

"(1) The total amount of debentures and participating securities that may be guaranteed by the Administration and outstanding from a company licensed under section 301(c) of this Act shall not exceed 300 percent of the private capital of such company: Provided, That nothing in this paragraph shall require any such company that on March 31, 1993, has outstanding debentures in excess of 300 percent of its private capital to prepay such excess: And provided further, That any such company may apply for an additional debenture guarantee or participating security guarantee with the proceeds to be used solely to pay the amount due on such maturing debenture, but the maturity of the new debenture or security shall be not later than September 30, 2002.

"(2) After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

"(A) if the company has private capital of not more than $15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

"(B) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $15,000,000; and

"(C) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not to exceed an additional $15,000,000.

"(3) Subject to the foregoing dollar and percentage limits, a company licensed under section 301(c) of this Act may issue and have outstanding both guaranteed debentures and participating securities: Provided, That the total amount of participating securities outstanding shall not exceed 200 percent of private capital.

"(4) In no event shall the aggregate amount of outstanding leverage of any such company or companies which are commonly controlled as determined by the Administration exceed $90,000,000, unless the Administration determines on a case by case basis to permit a higher amount for companies under common control and imposes such additional terms and conditions as it determines appropriate to minimize the risk of loss to the Administration in the event of default.";

(3) by inserting before the period at the end of subsection (c)(6) the following: ", except as provided in paragraph (7)"; and

(4) by adding the following at the end of subsection (c):

"(7) The Administration may guarantee debentures or may guarantee the payment of the redemption price and prioritized payments on participating securities under subsection (g) from a company operating under section 301(d) of this Act in amounts above $35,000,000 but not to exceed the maximum amounts specified in section 303(b) subject to the following:

"(A) The interest rate on debentures and the rate of prioritized payments on participating securities shall be that specified in subsection 303(g)(2) without any reductions.

"(B) Any outstanding assistance under paragraphs (1) to (6) of this subsection shall be subtracted from such company's eligibility under section 303(b)(2)(A).".

SEC. 3. PARTICIPATING SECURITIES.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is further amended by adding the following new subsections:

"(g) In order to encourage small business investment companies to provide equity capital to small businesses, the Administration is authorized to guarantee the payment of the redemption price and prioritized payments on participating securities issued by such companies which are licensed pursuant to section 301(c) of this Act, and a trust or a pool acting on behalf of the Administration is authorized to purchase such securities. Such guarantees and purchases shall be made on such terms and conditions as the Administration shall establish by regulation. For purposes of this section, (A) the term 'participating securities' includes preferred stock, a preferred limited partnership interest or a similar instrument, including debentures under the terms of which interest is payable only to the extent of earnings and (B) the term 'prioritized payments' includes dividends on stock, interest on qualifying debentures, or priority returns on preferred limited partnership interests which are paid only to the extent of earnings. Participating securities guaranteed under this subsection shall be subject to the following restrictions and limitations, in addition to such other restrictions and limitations as the Administration may determine:

"(1) Participating securities shall be redeemed not later than 15 years after their date of issuance for an amount equal to 100 percent of the original issue price plus the amount of any accrued prioritized payment: Provided, That if, at the time the securities are redeemed, whether as scheduled or in advance, the issuing company (A) has not paid all accrued prioritized payments in full as provided in paragraph (2) below and (B) has not sold or otherwise disposed of all investments subject to profit distributions pursuant to paragraph (11), the company's obligation to pay accrued and unpaid prioritized payments shall continue and payment shall be made from the realized gain, if any, on the disposition of such investments, but if on disposition there is no realized gain, the obligation to pay accrued and unpaid prioritized payments shall be extinguished: Provided further, That in the interim, the company shall not make any in-kind distributions of such investments unless it pays to the Administration such sums, up to the amount of the unrealized appreciation on such investments, as may be necessary to pay in full the accrued prioritized payments.

"(2) Prioritized payments on participating securities shall be preferred, cumulative, and payable out of the retained earnings available for distribution, as defined by the Administration, of the issuing company at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on such securities, adjusted to the nearest one-eighth of 1 percent, plus, at the time the guarantee is issued, such additional charge, if any, toward covering other costs of the program as the Administration may determine to be consistent with its purposes, but not to exceed 2 percent.

"(3) In the event of liquidation of the company, participating securities shall be senior in priority for all purposes to all other equity interests in the issuing company, whenever created.

"(4) Any company issuing a participating security under this subsection shall commit to invest or shall invest and maintain an amount equal to the outstanding face value of such security solely in equity capital. As used in this subsection, 'equity capital' means common or preferred stock or a similar instrument, including subordinated debt with equity features which is not amortized and which provides for interest payments contingent upon and limited to the extent of earnings.

"(5) The only debt (other than leverage obtained in accordance with this title) which any company issuing a participating security under this subsection may have outstanding shall be temporary debt in amounts limited to not more than 50 percent of private capital.

"(6) The Administration may permit the proceeds of a participating security to be used to pay the principal amount due on outstanding debentures guaranteed by the Administration, if (A) the company has outstanding equity capital invested in an amount equal to the amount of the debentures being refinanced and (B) the Administration receives profit participation on such terms and conditions as it may determine, but not to exceed the percentages specified in paragraph (11).

"(7) For purposes of computing profit participation under paragraph (11), except as otherwise determined by the Administration, the management expenses of any company which issues participating securities shall not be greater than 2.5 percent per annum of the combined capital of the company, plus $125,000 if the company's combined capital is less than $20,000,000.

For purposes of this paragraph, (A) the term 'combined capital' means the aggregate amount of private capital and outstanding leverage and (B) the term 'management expenses' includes Salaries, office expenses, travel, business development, office and equipment rental, bookkeeping and the development, investigation and monitoring of investments, but does not include the cost of services provided by specialized outside consultants, outside lawyers and outside auditors, who perform services not generally expected of a venture capital company nor does such term include the cost of services provided by any affiliate of the company which are not part of the normal process of making and monitoring venture capital investments.

"(8) Notwithstanding paragraph (9), if a company is operating as a limited partnership or as a subchapter s corporation or an equivalent pass-through entity for tax purposes and if there are no accumulated and unpaid prioritized payments, the company may make annual distributions to the partners or shareholders in amounts not greater than each partner's or shareholder's maximum tax liability. For purposes of this paragraph, the term 'maximum tax liability' means the amount of income allocated to each partner or shareholder (including an allocation to the Administration as if it were a taxpayer) for Federal income tax purposes in the income tax return filed or to be filed by the company with respect to the fiscal year of the company immediately preceding such distribution, multiplied by the highest combined marginal Federal and State income tax rates for corporations or individuals, whichever is higher, on each type of income included in such return. For purposes of this paragraph, the term 'State income tax' means the income tax of the State where the company's principal place of business is located.

"(9) After making any distributions as provided in paragraph (8), a company with participating securities outstanding may distribute the balance of income to its investors, specifically including the Administration, in the percentages specified in paragraph (11), if there are no accumulated and unpaid prioritized payments and if all amounts due the Administration pursuant to paragraph (11) have been paid in full, subject to the following conditions:

"(A) As of the date of the proposed distribution, if the amount of leverage outstanding is more than 200 percent of the amount of private capital, any amounts distributed shall be made to private investors and to the Administration in the ratio of leverage to private capital.

"(B) As of the date of the proposed distribution, if the amount of leverage outstanding is more than 100 percent but not more than 200 percent of the amount of private capital, 50 percent of any amounts distributed shall be made to the Administration and 50 percent shall be made to the private investors.

"(C) If the amount of leverage outstanding is 100 percent, or less, of the amount of private capital, the ratio shall be that for distribution of profits as provided in paragraph (11).

"(D) Any amounts received by the Administration under subparagraph (A) or (B) shall be applied first as profit participation as provided in paragraph (11) and any remainder shall be applied as a prepayment of the principal amount of the participating securities or debentures.

"(10) After making any distributions pursuant to paragraph (8), a company with participating securities outstanding may return capital to its investors, specifically including the Administration, if there are no accumulated and unpaid prioritized payments and if all amounts due the Administration pursuant to paragraph (11) have been paid in full. Any distributions under this paragraph shall be made to private investors and to the Administration in the ratio of private capital to leverage as of the date of the proposed distribution: Provided, That if the amount of leverage outstanding is less than 50 percent of the amount of private capital or $10,000,000, whichever is less, no distribution shall be required to be made to the Administration unless the Administration determines, on a case by case basis, to require distributions to the Administration to reduce the amount of outstanding leverage to an amount less than $10,000,000.

"(11)(A) A company which issues participating securities shall agree to allocate to the Administration a share of its profits determined by the relationship of its private capital to the amount of participating securities guaranteed by the Administration in accordance with the following:

"(i) If the total amount of participating securities is not more than 100 percent of private capital, the company shall allocate to the Administration a percentage share computed as follows: the amount of participating securities divided by private capital times 9 percent.

"(ii) If the total amount of participating securities is more than 100 percent but not greater than 200 percent of private capital, the company shall allocate to the Administration a percentage share computed as follows:

"(I) 9 percent, plus

"(II) 3 percent of the amount of participating securities minus private capital divided by private capital.

"(B) Notwithstanding any other provision of this paragraph—

"(i) in no event shall the total percentage required by this paragraph exceed 12 percent, unless required pursuant to the provisions of clause (ii),

"(ii) if, on the date the participating securities are marketed, the interest rate on Treasury bonds with a maturity of 10 years is a rate other than 8 percent, the Administration shall adjust the rate specified in paragraph (A) above, either higher or lower, by the same percentage by which the Treasury bond rate is higher or lower than 8 percent, and

"(iii) this paragraph shall not be construed to create any ownership interest of the Administration in the company.

"(12) A company may elect to make an in-kind distribution of securities only if such securities are publicly traded and marketable. The company shall deposit the Administration's share of such securities for disposition with a trustee designated by the Administration or, at its option and with the agreement of the company, the Administration may direct the company to retain the Administration's share. If the company retains the Administration's share, it shall sell the Administration's share and promptly remit the proceeds to the Administration. As used in this paragraph, the term 'trustee' means a person who is knowledgeable about and proficient in the marketing of thinly traded securities.

"(h) The computation of amounts due the Administration under participating securities shall be subject to the following terms and conditions:

"(1) The formula in subsection (g)(11) shall be computed annually and the Administration shall receive distributions of its profit participation at the same time as other investors in the company.

"(2) The formula shall not be modified due to an increase in the private capital unless the increase is provided for in a proposed business plan submitted to and approved by the Administration.

"(3) After distributions have been made, the Administration's share of such distributions shall not be recomputed or reduced.

"(4) If the company prepays or repays the participating securities, the Administration shall receive the requisite participation upon the distribution of profits due to any investments held by the company on the date of the repayment or prepayment.

"(5) If a company is licensed on or before March 31, 1993, it may elect to exclude from profit participation all investments held on that date and in such case the Administration shall determine the amount of the future expenses attributable to such prior investment: Provided, That if the company issues participating securities to refinance debentures as authorized in subsection (g)(6), it may not elect to exclude profits on existing investments under this paragraph.".

SEC. 4. POOLING.

Section 321 of the Small Business Investment Act of 1958 (15 U.S.C. 687l) is amended to read as follows:

"SEC. 321. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) The Administration is authorized to issue trust certificates representing ownership of all or a fractional part of debentures issued by small business investment companies, including companies operating under the authority of section 301(d), and guaranteed by the Administration under this Act, or participating securities which are issued by such companies and purchased and guaranteed pursuant to section 303(g): Provided, That such trust certificates shall be based on and backed by a trust or pool approved by the Administration and composed solely of guaranteed debentures or guaranteed participating securities.

"(b) The Administration is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Administration or its agent for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed debentures or the redemption price of and priority payments on the participating securities, which compose the trust or pool. In the event that a debenture in such trust or pool is prepaid, or participating securities are redeemed, either voluntarily or involuntarily, or in the event of default of a debenture or voluntary or involuntary redemption of a participating security, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture or redeemed participating security and priority payments represent in the trust or pool. Interest on prepaid or defaulted debentures, or priority payments on participating securities, shall accrue and be guaranteed by the Administration only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption due to prepayment or default of all debentures or redemption, whether voluntary or involuntary, of all participating securities residing in the pool.

"(c) The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee of such trust certificates issued by the Administration or its agent pursuant to this section.

"(d) The Administration shall not collect a fee for any guarantee under this section: Provided, That nothing herein shall preclude any agent of the Administration from collecting a fee approved by the Administration for the functions described in subsection (f)(2) of this section.

"(e)(1) In the event the Administration pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) No State or local law, and no Federal law, shall preclude or limit the exercise by the

Administration of its ownership rights in the debentures or participating securities residing in a trust or pool against which trust certificates are issued.

"(f)(1) The Administration shall provide for a central registration of all trust certificates sold pursuant to this section. Such central registration shall include with respect to each sale—

"(A) identification of each small business investment company;

"(B) the interest rate or prioritized payment rate paid by the small business investment company;

"(C) commissions, fees, or discounts paid to brokers and dealers in trust certificates;

"(D) identification of each purchaser of the trust certificate;

"(E) the price paid by the purchaser for the trust certificate;

"(F) the interest rate on the trust certificate;

"(G) the fee of any agent for carrying out the functions described in paragraph (2); and

"(H) such other information as the Administration deems appropriate.

"(2) The Administrator shall contract with an agent or agents to carry out on behalf of the Administration the pooling and the central registration functions of this section including, notwithstanding any other provision of law, maintenance on behalf of and under the direction of the Administration, such commercial bank accounts as may be necessary to facilitate trusts or pools backed by debentures or participating securities guaranteed under this Act, and the issuance of trust certificates to facilitate such poolings. Such agent or agents shall provide a fidelity bond or insurance in such amounts as the Administration determines to be necessary to fully protect the interests of the Government.

"(3) Prior to any sale, the Administrator shall require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on the terms, conditions, and yield of such instrument.

"(4) The Administrator is authorized to regulate brokers and dealers in trust certificates sold pursuant to this section.".

SEC. 5. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking in subsection (g)(3) "stock and $221,000,000 in guarantees of debentures" and inserting in lieu thereof the following: "securities, $221,000,000 in guarantees of debentures, of which $40,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $100,000,000 in guarantees of participating securities";

(2) by striking in subsection (i)(3) "stock and $232,000,000 in guarantees of debentures" and inserting in lieu thereof the following: "securities, $232,000,000 in guarantees of debentures, of which $42,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $250,000,000 in guarantees of participating securities"; and

(3) by adding the following new subsections at the end thereof:

"(k) The following program levels are authorized for fiscal year 1995:

"(1) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $23,000,000 in purchases of preferred securities, $244,000,000 in guarantees of debentures, of which $44,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $400,000,000 in guarantees of participating securities.

"(l) There are authorized to be appropriated to the Administration for fiscal year 1995 such sums as may be necessary to carry out subsection (k), including salaries and expenses of the Administration.

"(m) The following program levels are authorized for fiscal year 1996:

"(1) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $24,000,000 in purchases of preferred securities, $256,000,000 in guarantees of debentures, of which $46,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $550,000,000 in guarantees of participating securities.

"(n) There are authorized to be appropriated to the Administration for fiscal year 1996 such sums as may be necessary to carry out subsection (m), including salaries and expenses of the Administration.

"(o) The following program levels are authorized for fiscal year 1997:

"(1) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $25,000,000 in purchases of preferred securmties, $268,000,000 in guarantees of debentures, of which $48,000,000 is authorized in guarantees of debentures from companies operating pursuant to section 301(d) of such Act, and $700,000,000 in guarantees of participating securities.

"(p) There are authorized to be appropriated to the Administration for fiscal year 1997 such sums as may be necessary to carry out subsection (o), including salaries and expenses of the Administration.".

SEC. 6. SAFETY AND SOUNDNESS.

(a) FINANCIAL VIABILITY DETERMINED.—Section 302 of the Small Business Investment Act of 1958 (15 U.S.C. 682) is amended by adding the following at the end of subsection (a): "The Administration shall also determine the ability of the company, both prior to licensing and prior to approving any request for financing, to make periodic payments on any debt of the company which is interest bearing and shall take into consideration the income which the company anticipates on its contemplated investments, the experience of the company's owners and managers, the history of the company as an entity, if any, and the company's financial resources.".

(b) VALUATION GUIDELINES AND RESPONSIBILITY.—Section 310 of the Small Business Investment Act of 1958 (15 U.S.C. 687b) is amended by adding at the end thereof the following new subsection:

"(d) Each small business investment company shall adopt written guidelines for determination of the value of investments made by such company. The board of directors of corporations and the general partners of partnerships shall have the sole responsibility for making a good faith determination of the fair market value of the investments made by such company. Determinations shall be made and reported to the Administration not less than semiannually or at more frequent intervals as the Administration determines appropriate: Provided, That any company which does not have outstanding financial assistance under the provisions of this title shall be required to make such determinations and reports to the Administration annually, unless the Administration, in its discretion, determines otherwise.".

SEC. 7. EXAMINATIONS.

(a) EXAMINATION BY INVESTMENT DIVISION.—Section 310 of the Small Business Investment Act of 1958 (15 U.S.C. 687b) is amended by striking from subsection (b) "Administration by examiners selected or approved by" and by inserting in lieu thereof the following: "Investment Division of"; and

(b) TRANSFER OF RESOURCES.—Effective October 1, 1992, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, and other funds employed, held, used, arising from, available or to be made available, which are related to the examination function provided by section 310 of the Small Business Investment Act of 1958 shall be transferred by the Inspector General of the Small Business Administration to the Investment Division of the Small Business Administration.

SEC. 8. NON-FINANCED SBICS.

(a) INVESTMENT LIMITATION.—Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

"(a) If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of obligations and securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not exceed 20 percent of the private capital of such company, without the approval of the Administration.".

(b) CONFORMING AMENDMENT.—Section 310 of the Small Business Investment Act of 1958 (15 U.S.C. 687b) is amended by inserting before the semicolon at the end of subsection (c)(5) the following: "; if such restriction is applicable".

(c) TEMPORARY INVESTMENT OF FUNDS.—Section 308(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687(b)) is amended by inserting after "Such companies" in the third sentence the following: "with outstanding financings".

(d) REGULATORY REVIEW.—Not later than 90 days after the effective date of this Act, the Small Business Administration shall complete a review of those regulations intended to provide for the safety and soundness of those small business investment companies which obtain financing from the Administration under the provisions of the Small Business Investment Act of 1958. The Administration is directed to exempt from such regulations, or to separately regulate, those companies which do not obtain financing from the Administration.

(e) REPORT TO CONGRESS.—The Administration, within 180 days after the effective date of this Act, shall report on actions taken pursuant to section 8(d) of this Act to the Committees on Small Business of the Senate and the House of Representatives, including the rationale for its actions.

SEC. 9. MINIMUM CAPITAL.

Section 302 of the Small Business Investment Act of 1958 (15 U.S.C. 682) is amended by striking from subsection (a) "1979 pursuant to sections 301 (c) and (d) of this Act shall be not less than $500,000" and inserting in lieu thereof the following: "1992 pursuant to section 301(c) of this title shall be not less than $2,500,000 and pursuant to section 301(d) of this title shall be not less than $1,500,000".

SEC. 10. DEFINITIONS.

Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended as follows:

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(9) notwithstanding any other provision of law, the term 'private capital'—

"(A) includes the private paid-in capital and paid-in surplus of a corporate licensee (or the private partnership capital of an unincorporated licensee), inclusive of—

"(i) any funds invested in the licensee by a public or private pension fund;

"(ii) any funds invested in the licensee by a State or local government entity (to the extent that such investment does not exceed 33 percent of a licensee's total private capital and otherwise meets criteria established by the Administration); and

"(iii) unfunded commitments from institutional investors that meet criteria established by the Administration (except that such unfunded commitments may not be used for the purpose of meeting the minimum amount of private capital required by this Act or as the basis for the Administration to issue obligations to provide financing); and

"(B) does not include any funds that are—

"(i) borrowed by the licensee from any source; or

"(ii) obtained or derived, directly or indirectly, from any Federal source, including the Administration; and

"(10) the term 'leverage' includes debentures purchased or guaranteed by the Administration, participating securities purchased or guaranteed by the Administration, or preferred securities issued by companies licensed under section 301(d) of this Act and which have been purchased by the Administration.".

SEC. 11. INTEREST RATE CEILING.

Section 305 of the Small Business Investment Act of 1958 (15 U.S.C. 685) is amended by striking the period at the end of subsection (c) and by inserting in lieu thereof the following: ": Provided, That the Administration also shall permit those companies which have issued debentures pursuant to this Act to charge a maximum rate of interest based upon the coupon rate of interest on the outstanding debentures, determined on an annual basis, plus such other expenses of the company as may be approved by the Administration.".

SEC. 12. PREFERRED PARTNERSHIP INTERESTS.

Section 303(c) of the Small Business Investment Act of 1958 (15 U.S.C. 683(c)) is amended—

(1) by striking from the first sentence the word "preferred";

(2) by inserting after the second sentence the following: "As used in this subsection, the term 'securities' means shares of nonvoting stock or other corporate securities or limited partnership interests which have similar characteristics."; and

(3) by striking from paragraph (1) "shares of nonvoting stock (or other corporate securities having similar characteristics)" and inserting in lieu thereof "such securities".

SEC. 13. INDIRECT FUNDS FROM STATE OR LOCAL GOVERNMENTS.

Section 303(e) of the Small Business Investment Act of 1958 (15 U.S.C. 683(e)) is amended—

(1) by inserting after the word "company" the following: "licensed under section 301(d) and notwithstanding section 103(9)"; and

(2) by striking "to the effective date of this Act." and inserting "to November 21, 1989: Provided, That such companies may include in private capital for any purpose funds indirectly obtained from State or local governments. As used in this subsection, the term 'capital indirectly obtained' includes income generated by a State financing authority or similar State institution or agency or from the investment of State or local money or amounts originally provided to nonprofit institutions or corporations which such institutions or corporations, in their discretion, determine to invest in a company licensed under section 301(d).".

SEC. 14. SBIC APPROVALS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding the following at the end of subsection (a)(2): "Subject to approval in appropriations Acts, amounts authorized for preferred securities, debentures or participating securities under title III of the Small Business Investment Act of 1958 may be obligated in one fiscal year and disbursed or guaranteed in the following fiscal year.".

SEC. 15. EXCEPTION FROM BANKRUPTCY AUTHORITY.

Section 109(b)(2) of title 11, United States Code, is amended by inserting "a small business investment company licensed by the Small Business Administration under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958," after "homestead association,".

SEC. 16. STUDIES AND REPORTS.

(a) SBA ANNUAL REPORT.—Section 308(g) of the Small Business Investment Act of 1958 (12 U.S.C. 687(g)) is amended by adding at the end the following new paragraph:

"(3) In its annual report for the fiscal year 1993, and in each succeeding annual report made pursuant to section 10(a) of the Small Business Act, the Administration shall include a full and detailed description or account relating to—

"(A) the number of small business investment companies the Administration licensed, the number of licensees that have been placed in liquidation, and the number of licensees that have surrendered their licenses in the reporting period, identifying the amount of government leverage each has received and the type of leverage instruments each has used;

"(B) the amount of government leverage that each licensee received in the reporting period and the types of leverage instruments each licensee used;

"(C) for each type of financing instrument, the sizes, geographic locations, and other characteristics of the small business investment companies using them, including the extent to which the investment companies have used the leverage from each instrument to make small business loans, equity investments, or both; and

"(D) the number and amount of investments during the reporting period in small business investment companies made—

"(i) by any State or local government entity; and

"(ii) by any public or private pension fund; and

"(E) the frequency with which each type of investment instrument has been used in the reporting period and a comparison of the reporting period with previous reporting periods.".

(b) REPORT OF THE COMPTROLLER GENERAL.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall transmit to the Committees on Small Business of the House of Representatives and the Senate a report that reviews the Small Business Investment Company program (established under the Small Business Investment Act of 1958) for the 3-year period following the date of enactment of this Act, with respect to each item listed in section 308(g)(3) of the Small Business Investment Act of 1958, as amended by subsection (a).

SEC. 17. IMPLEMENTATION.

Notwithstanding any law, rule, regulation or administrative moratorium, except as otherwise expressly provided in this Act, the Small Business Administration shall—

(1) within 90 days after the date of enactment of this Act, publish in the Federal Register proposed rules and regulations implementing this Act and the amendments made by this Act; and

(2) within 180 days after the date of enactment of this Act, publish in the Federal Register final rules and regulations implementing this Act, and enter such contracts as are necessary to implement this Act and the amendments made by this Act.

SEC. 18. BUY AMERICA.

Section 102 of the Small Business Investment Act of 1958 (15 U.S.C. 661) is amended by adding at the end the following: "It is the intention of the Congress that in the award of financial assistance under this Act, when practicable, priority be accorded to small business concerns which lease or purchase equipment and supplies which are produced in the United States and that small business concerns receiving such assistance be encouraged to continue to lease or purchase such equipment and supplies.".

SEC. 19. NO EFFECT ON SECURITIES LAWS.

Nothing in this Act (and no amendment made by this Act) shall be construed to affect the applicability of the securities law, as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, or any of the rules and regulations thereunder, or otherwise supersede or limit the jurisdiction of the Securities and Exchange Commission or the authority at any time conferred under the securities laws.

THE SMALL BUSINESS EQUITY ENHANCEMENT ACT OF 1992

Mr. BUMPERS. Mr. President, I am pleased the Senate is considering H.R. 5191, the Small Business Equity Enhancement Act of 1992, which was reported by the Committee on Small Business on August 6. This bill, Mr. President, is the product of a long series of hearings which I began in 1990 examining some serious failings in the Small Business Investment Company, or SBIC, program at SBA. Let me take a moment to put the program in perspective.

In 1958, 5 years after passage of the Small Business Act and before the existence of a private venture capital industry as we know it today, the Senate under the leadership of Lyndon B. Johnson determined to address the acute shortage of equity capital for small business which had been identified in a study by the Federal Reserve. The result was the Small Business Investment Act of 1958 and the SBIC Program.

The SBIC Program licenses privately owned venture capital companies to provide equity and long-term debt financing to small businesses. SBIC's may be partnerships, sole proprietorships, or in the corporate form. Some are bank-owned, thereby granting a limited exemption from the Glass-Steagall Act. Under the current program, SBIC's are permitted to borrow funds with SBA's guaranty, thereby allowing them access to capital at approximately the U.S. Treasury's cost of money, although the program is financed outside the Treasury. SBIC's have been permitted to borrow as much as $4 for each $1 of private capital.

In the 1970's, a special subgroup of SBIC's known as MESBIC's, or minority enterprise SBIC's, was created to address the extreme shortage of capital for businesses owned by socially and economically disadvantaged individuals. These companies are also referred to as special SBIC's or as section 301(d) companies, and they are financed by SBA through a different mechanism which includes purchase of preferred stock in the MESBIC.

SBIC's have helped produce some of the most prominent names in corporate America. Federal Express, Nike, Compaq, Apple Computer, Digital, Genentech, Essence magazine, and Cray Research are among the winners which would likely not exist at all today had it not been for SBIC's. Regu-

lar SBIC's have invested over $2 billion in American small businesses, while MESBIC's have invested almost $500 million in minority-owned small businesses.

The pending bill is full of hope for the future Cray's and Nike's. At the same time, it contains strong medicine to curb some egregious abuses of the system. SBIC's were not immune to the ripoff artists and loose corporate morality which characterized American high finance throughout the 1980's.

In the course of budget hearings on the administration's fiscal year 1991 budget request, it came to my attention that SBA was facing about $500 million in losses in the SBIC program, mostly from failures in the previous 5 years. Moreover, there had been some recent, spectacular losses by a few companies. The press had reported on the bankruptcy of River Capital Corp. located in Virginia. That company, which had about $7.5 million in private capital, had borrowed some $28 million through SBA at the time it went belly-up. Borrowings had been approved by SBA within a year of the bankruptcy. Most astounding, the bankruptcy examiner reported that the assets of the company were virtually zero. That later turned out to be only a slight exaggeration, but the bankruptcy court ruled that SBA was in last position as a creditor, and the Government's loss was total. River Capital, unhappily, was not the only financial disaster for the SBIC program.

There was also the strange case of Royal Business Funds, a New York company placed in liquidation in the early 1980's by SBA. The press was fascinated with Royal because its collapse left SBA owning a ski resort in Colorado and a real estate development in Florida. The most bizarre aspect of the case was the way that SBA elected to handle the liquidation. Our committee's hearings revealed that SBA employees had, with approval from higher-ups, established a corporation, owned by SBA and managed by them, which was conducting the liquidation by managing the ski resort, the real estate development company, and other Royal ventures. The corporation was also illegally paying some expenses of the Government employees. Astonishingly, some lawyers at SBA defended this enterprise against the clear language of the Corporation Control Act, which says that agencies may establish corporations only with approval of Congress. SBA's Administrator requested a formal opinion from the Attorney General, and the Justice Department ruled against SBA on the Corporation Control Act question.

It soon became apparent that the SBIC program was in a serious tailspin. Frankly, there were myriad problems which we identified in the course of these hearings. A lack of adequate resources to effectively manage and oversee the program was cited by SBA as the chief culprit. This was especially acute in the liquidation area, where SBA had a literal handful of employees, each one responsible for more than 10 times the private sector standard for liquidators. Typically, the administration blamed Congress for not appropriating enough money for staff. Presidents Reagan and Bush, however, never requested more resources, and it is well known that OMB strictly controls personnel ceilings.

In River Capital and other cases, there were evident problems with valuation of investments by the board of directors. Seriously exaggerated valuations were not noticed by certified public accountants from one of the Big Eight firms who sat through a day-long meeting with the board. The accountants failed even to note that one stock value assigned by the directors vastly exceeded the value listed on that day in the over-the-counter market.

Two spectacular failures of New York SBIC's, Columbia Capital and Clinton Capital, had at least overtones of outright fraud against the Government and have been the subject of civil and criminal litigation. In River Capital and other cases, the inspector general also failed in his duty to examine the licensees annually or semiannually as prescribed by law. But he, too, pleaded a lack of resources. Even when IG audits were conducted, as in the case of River Capital, the IG staff, like the public accountants, often failed to notice gross errors. It should be noted that the IG has received a 25-percent increase in budgetary resources in the last 2 years.

There was clearly a neglectful attitude throughout the last decade by SBA's top management about this growing problem, at least until our hearings focused the attention of Administrator Engeleiter and her staff on the issues. Of course, bear in mind that the Reagan administration expended most of its energy trying to abolish SBA and this program entirely. Mrs. Engeleiter did respond to the problems by proposing an overhaul of the SBIC regulatory scheme, and by replacing management of the program with one of SBA's most seasoned and respected administrators.

Among the regulatory changes proposed by Mrs. Engeleiter was an increase in capitalization requirements from a minimum of $1 to $2.5 million for regular SBIC's and $1.5 million for MESBIC's. That increase was adopted by SBA and has been codified in H.R. 5191 so that there will be no confusion between the statute and the regulations. Most of the other proposed regulations, however, were simply inapposite to the problems our hearings had identified. The regulations provoked a firestorm of criticism, and many of the proposals were eventually discarded.

In 1991, the Senate Committee on Small Business commissioned a study of the program by two outside experts, Messrs. Edwin Holloway and John Werner. Both were retired from SBA's finance and investment division and have impeccable reputations. They produced a comprehensive report on the program's shortcomings and a series of recommendations which were released shortly after Mrs. Patricia Saiki took office as administrator, replacing Mrs. Engeleiter.

Mrs. Saiki asked the committee for a year to get the SBIC program back on course, and she also took the initiative to establish her own panel of outside experts, the Investment Advisory Council. Under the leadership of its chair, Pat Cloherty, the IAC studied the accomplishments and failings of the program since its inception. Ms. Cloherty, incidentally, had served as Deputy Administrator of SBA under President Carter, and she put an enormous amount of time into the council's work.

To make a long story somewhat shorter, the IAC recommended legislation which eventually became H.R. 5191, the pending measure.

The most salient conclusion of our committee's hearings of Messrs. Holloway and Werner, and of the IAC is that a fundamental flaw exists in both the theory and practice of the SBIC program as currently constituted. It is simply not workable to finance long-term equity investments in small business by using currently payable debt, and that is largely what we have done for 34 years. Time and again, Congress has reiterated the primary purpose of SBIC as the creation of equity investment capital for small firms. However, public policy has perversely rewarded those firms who make more equity investments by allowing them more borrowing. The fourth tier of leverage, for example, has been available only for those SBIC's which agree to put the proceeds in equity investments. The most highly leveraged companies, however, we now know have been the most likely to fail. This bill repeals the fourth tier of leverage.

Of all the SBIC's which have failed, the primary risk factor has been the degree of leverage. The amount of capital, per se, has been less of a risk factor than the ratio of borrowing to paid-in capital. For a company which merely relends SBA's money, debt financing is not necessarily so risky. But these are not the companies which we most need to encourage. Straight lenders, in my view, merely duplicate existing loan programs such as the section 7(a) loan guaranty program and the section 504 development company program. Moreover, there is no shortage of banks and other lenders. There is a serious shortage of sources of equity financing for American small business, and it is this shortage which H.R. 5191 hopes to bridge.

This bill has several purposes, not the least of which is reducing the Government's risk of loss in the SBIC program. H.R. 5191, make many changes aimed at reducing the taxpayer's exposure to loss and reducing opportunities for abuse, while at the same time reinvigorating the only Government-supported equity capital program for small business. There remains today the shortage of patient money for growth-oriented emerging businesses which spawned this program 34 years ago. So, while we need to prevent, as best we can, some of the abuses which have characterized the SBIC program since 1986, we also need to invest in the companies which will build the future economy.

H.R. 5191 will revitalize the investment company program by creating a financing mechanism for equity-oriented SBIC's. This new instrument, called a Participating Preferred security, will allow SPA to essentially take an equity stake in the SBIC's which elect to participate. Although, the Government will not exercise ownership rights in the SBIC, it will share in the company's profits, if any. In addition, the borrower will pay interest based on the cost of money. On the other hand, the Government participates in the risk as well. If there are no profits, no interest will be due. The principal remains owing nonetheless, and SBA's participating security will take priority in the event of liquidation over all other equity interests, whenever created.

The bill also reforms the program to better protect the Government's interests. The bill eliminates the fourth tier of SBA leverage for all SBIC's. The maximum leverage will be reduced from 4:1 to 3:1. Of this amount, not more than 2:1 may be under the new participating security.

The bill strictly limits overhead or management expenses for investment companies so that profits cannot be dissipated with inflated salaries to top management. Not more than 2.5 percent of capital may be used annually for overhead, plus an additional $125,000 for smaller SBIC's. H.R. 5191 requires all SBIC's to have written valuation guidelines and makes the board directly responsible for valuation decisions.

The substitute committee amendment will, among other things, flatly prohibit SBIC's from filing bankruptcy petitions. This provision, which I regard as essential to the bill, has already passed the Senate as part of S. 1985, the bankruptcy reform bill. The SBIC bankruptcy prohibition has been scored by CBO as saving $44 million to the Treasury over a 5-year period. This provision will more than pay for the cost of this new program over the next 2 years. It is strongly supported by the administration and I ask unanimous consent that a letter from SBA Administrator Saiki be printed in the RECORD at this point.

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

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, September 6, 1991.

Hon. DALE L. BUMPERS,
Chairman, Committee on Small Business,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request at the hearing of July 31, 1991 of the Senate Committee on Small Business, for the views of this Agency on the current state of the Bankruptcy law with respect to Small Business Investment Companies (SBIC). As you know, an SBIC is able to avail itself of the protection of the Bankruptcy Code unless an order entered by a court of competent jurisdiction prohibits it from doing so. This has proved extremely detrimental to the liquidation and collection efforts of the Small Business Administration (SBA) with respect to indebtedness owed to it by SBIC's which obtain protection under the Bankruptcy Code.

For example, as you have pointed out, notwithstanding our best efforts, SBA has on several occasions been beaten to the courthouse by defaulting SBICs which have obtained Bankruptcy protection prior to the granting to SBA of a receivership order. Also, some SBICs have obtained such protection after we have made demand for payment. Since we are a subordinated and unsecured creditor under those circumstances, our ability to recover on the indebtedness owed is greatly compromised by such a course of conduct.

As I testified, currently there are eight SBICs which have obtained protection under Chapter 11 of the Bankruptcy Code. SBA has provided a total of $109.5 million in leverage to these SBICs. River Capital Corporation filed for protection in 1988, two other SBICs filed for protection in FY 1990 and five have done so in FY 1991. We believe administrative costs associated with Bankruptcy proceedings are higher than receivership proceedings. Thus, bankruptcy proceedings not only compromise our liquidation and collection efforts by taking advantage of our subordinated and unsecured creditor position, but they also deprive SBA of a source of funds which might otherwise be available to satisfy obligations owed to us.

We recognize the equitable and policy considerations involved in depriving a class of financial institutions of the protection afforded by the Bankruptcy laws. However, Congress has seen fit to do so with respect to other entities which have government backing or for which there exists a sufficient public policy reason. These entities include railroads, banks, savings and loan associations, credit unions and insurance companies.

Based upon the above mentioned adverse effect on our liquidation and collection efforts, we believe legislative action is appropriate with respect to SBICs as well. Therefore, I have enclosed a proposed draft of an amendment to the Bankruptcy Code which I feel would satisfy our mutually expressed interests. I view this as a working draft that your staff and ours as well as other Executive Agencies and Departments and Committees of Congress can use as a point of departure for the development of legislation to cure this problem.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection to the presentation of these views to your Committee.

I look forward to working with you and the Committee on this matter and hope that we can strengthen the Agency's position in these cases.

Sincerely,

PATRICIA SAIKI,
Administrator.

Mr. BUMPERS. H.R. 5191 is a rare exception to the legislative gridlock which everyone rightly bemoans. The bill has the support of the administration and of members on both sides of the aisle in the House and Senate.

I urge Senators to support the Small Business Committee's amendment and to pass this bill, and ask that its section-by-section analysis be printed in the RECORD.

Mr. President, I want to thank our distinguished ranking member, Senator KASTEN. he has been a cooperative partner throughout the hearing process and in preparation of this bill.

Mr, President, I ask unanimous consent to print in the RECORD a section-by-section analysis of the bill.

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

SECTION-BY-SECTION ANALYSIS OF H.R. 5191

SECTION 1. SHORT TITLE

The short title for this bill is the "Small Business Equity Enhancement Act of 1992".

SECTION 2. LEVERAGE (MATCHING FUNDS) FORMULA

This section authorizes the Small Business Administration to guarantee debentures and new investment instruments, called participating securities, which are issued by regular small business investment companies (SBICs). The purpose of this new authority is to increase the availability of equity capital to small businesses.

Government financing, called leverage, is available for regular debentures up to a ratio of 3:1 for leverage to private capital, including the participating securities, up to a ratio of 2:1. In addition, the amount of leverage for a licensee must conform to formulae established in this section which are keyed to the amount of the SBIC's private capital as follows: An SBIC with up to $15 million in private capital may obtain up to $45 million in leverage; an SBIC with more than $15 million, but less than $30 million in private capital may obtain up to $75 million in leverage; and an SBIC with more than $30 million, but less than $45 million in private capital may obtain up $90 million in leverage. The fourth tier of leverage under the existing program is no longer available for SBICs under this revised program.

Individual and commonly controlled SBICs are capped at $90 million, which cap the Administration may increase on a case-by-case basis. However, the Committee substitute amendment deletes an automatic inflation adjustment which would have been applicable to the cap and to the dollar figures in the leverage formulae under the House-passed bill. Existing law permits each SBIC to obtain up to $35 million in government leverage. In the Committee's view, an increase from $35 million to $90 million without an automatic inflation adjustment is adequate to encourage growth in the program.

A Specialized SBIC (SSBIC), which meets the required private capital and other requirements, may also obtain leverage up to the $90 million cap, however, the maximum

leverage under this section will be reduced by the amount of the SSBIC's outstanding preferred stock or reduced interest debentures.

SECTION 3. PARTICIPATING SECURITIES

This section authorizes SBIC's to issue a new security which is aimed at resolving the mismatch of the program's goal of encouraging long-term equity investments and its funding mechanism which requires the SBIC to begin repayment 6 months after receiving funding. Under the bill, SBICs pay interest equal to the Federal cost of money, but only to the extent the SBIC has profits. At such time as the SBIC distributes profits from investments made with the SBIC's combined capital (private capital and SBA leverage), the SBA receives a share of profits in addition to interest.

SBA's share is calculated based on the ratio of its leverage to the SBIC's private capital as follows: If the ratio of leverage to private capital is 1:1, SBA's share equals 9 percent of the profits. If the ratio is 2:1, SBA's share is 12 percent. If the ratio is higher than 1:1, but less than 2:1, SBA's share of the profits is calculated proportionately between 9 percent and 12 percent.

Under the Committee amendment, SBA's profit share is indexed to an 8 percent 10-year Treasury bill rate. If the Treasury bill rate at the time the participating security is sold is other than 8 percent, the percentage of profit participation is proportionately adjusted upward or downward. For example, if the 10-year Treasury bill rate is 9 percent on the date of sale of the participating securities, SBA's share of the profits would be 1 point higher. Conversely, if the 10-year Treasury bill rate is 7½ percent on the date of sale of the participating securities, SBA's share of the profits would be ½ percent lower.

To foster the goal of increasing the availability of equity capital to small businesses, SBICs issuing participating securities are required to use the funding for equity investments in small businesses.

This section also contains several protections for the Government against loss or erosion of profits by the SBIC. Management expenses of the SBIC are limited to 2.5 percent for all SBICs plus an additional $125,000 for SBICs with combined capital of less than $20,000,000. Management expenses are defined in the bill to include expenses relating to salaries, office expenses, travel, etc., but not costs associated with outside consulting services and other services not normally performed by venture capital companies.

In addition, the participating securities are required to be senior to all other equity investments in the SBIC, regardless of when the other investments occur. The only debt an SBIC issuing participating securities may have outstanding, other than that obtained pursuant to the Small Business Investment Act, is temporary, short-term debt. Short-term debt is limited to 50 percent of private capital and may not exceed one year. This need to borrow short-term operating capital, for example, while it is awaiting a financing from SBA. However, the provision also protects the Government from being subordinated to outside debt should a liquidation be necessary.

SECTION 4. POOLING

SBA is already authorized to pool SBIC debentures, to sell shares of the pools to private investors and to guarantee the payment of principal and interest on the shares. This section would authorize identical pooling authority for the new participating securities. Participating securities are to be pooled separately from debentures under the existing program.

SECTION 5. AUTHORIZATIONS

This section adds authorizations program levels for the participating securities for the five-year period of the pilot program as follows: $100 million for fiscal year 1993, $250 million for fiscal year 1994, $400 million for fiscal year 1995, $550 million for fiscal year 1996 and $700 million for fiscal year 1997.

SECTION 6. SAFETY AND SOUNDNESS

This section requires SBA to make a determination of financial viability for each SBIC prior to licensing and prior to approving each request for financing. Specifically, each SBIC must be found able to make periodic payments on its debt.

Each licensee is required to adopt written guidelines for valuing its investments. The guidelines must require that the board of directors or general partners (whichever is applicable) have the sole responsibility for making a good faith determination of the fair market value of the SBIC's investments. The determinations must be made at least semiannually. For SBICs with leverage, the determinations must also be reported to SBA at least semiannually. SBA may require the reports more frequently if deemed necessary.

SECTION 7. EXAMINATIONS

This section transfers, as of October 1, 1992, the authority to perform periodic examinations of companies participating in the SBIC program from the Office of the Inspector General (Office of Audits and Investigations) to SBA's Investment Division. The function to be transferred includes personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations and any other related funds. The Office of the Inspector General will retain the responsibility, and associated resources, for conducting audits and investigations of the SBIC program, as authorized or required under the provisions of the Inspector General Act of 1978, as amended.

SECTION 8. NON-FINANCED SBICS

This section exempts SBICs which have no government leverage from a requirement which was imposed to protect the Government's risk of loss. Such companies are exempted from the prohibition that no more than 20 percent of an SBIC's private capital may be invested in any one small business. This section also directs SBA to examine its regulations within 90 days of this legislation's enactment to identify and modify similar regulatory provisions which should not apply to SBICs which have no leverage. SBA must report to Congress on the results of its review within 6 months of this legislation's enactment.

SECTION 9. MINIMUM CAPITAL

This section increases the statutory minimum private capital required to become licensed as an SBIC from $500,000 to $2,500,000 for regular SBICs and $1,500,000 for Specialized SBICs. This change is a codification of existing SBA regulations.

SECTION 10. DEFINITIONS

This section amends the definition of "private capital" for purposes of determining eligibility to become an SBIC and to receive leverage. The House-passed bill included funds from public or private pension funds within the definition. The Senate substitute also includes funds from State or local governments within the definition, provided that no more than 33 percent of an SBIC's private capital is comprised of such funds. The 33 percent limitation is intended to prevent State or local control of such companies. SBA is also authorized to impose regulatory restrictions on the use of state and local government funds, if deemed necessary, to maintain private control of the SBICs or to otherwise maintain the integrity of the program. This section also amends the definition of leverage to include the new participating securities purchased or guaranteed by the Small Business Administration.

SECTION 11. INTEREST RATE CEILING

Under existing law, the maximum interest rate which may be charged by an SBIC is set by SBA, based upon the current interest rate on financial assistance from the Agency to the SBIC, even though the SBIC may be paying a different interest rate under a debenture issued years ago. If the interest rates have fallen, such a company may not be recovering its cost of money; conversely, if they have increased, the company may be receiving a windfall.

This bill requires SBA to provide, as an alternative interest rate ceiling, a cap on the maximum interest rate which an SBIC may charge based upon the interest rate of the debenture financings provided to each SBIC by the SBA.

SECTION 12. PREFERRED PARTNERSHIP INTERESTS

The bill authorizes limited partnership-type Specialized SBICs to sell partnership interests to the SBA with the equivalent of a 4 percent dividend under the same terms and conditions which apply to corporate form companies when they sell preferred stock to SBA.

SECTION 13. INDIRECT FUNDS FROM STATE OR LOCAL GOVERNMENTS

This section authorizes Specialized SBICs to use funds indirectly obtained from State or local government sources, provided that the funds have taken on a private character. For example, monies from a non-profit entity which is funded by a State would be permissible private capital for Specialized SBICs.

SECTION 14. SBIC APPROVALS

Subject to provisions of appropriations acts, this section permits SBA to make obligations for debentures and preferred securities in one fiscal year and disburse or guarantee them in the following fiscal year.

SECTION 15. EXCEPTION FROM BANKRUPTCY AUTHORITY

This section excepts SBIC's from eligibility for filing a petition under the Bankruptcy Code. There exists an adequate administrative system for addressing liquidations of troubled SBICs. In recent years, SBA has suffered several major losses as the result of SBICs filing for bankruptcy before the matter was referred to SBA's regulatory system. This provision is intended to protect the government against losses, while maintaining a regulatory system for addressing financial problems of troubled SBICs.

SECTION 16. STUDIES AND REPORTS

This section requires SBA to include a description and an analysis of its progress in implementing the new participating securities and other reforms in its annual report to Congress on the SBIC/SSBIC programs. At the end of 4 years, the General Accounting Office is required to report to Congress on the SBA's progress in implementing the reforms contained in this bill and on the effectiveness of the reforms in generating equity capital for small businesses.

SECTION 17. IMPLEMENTATION

This section requires SBA to publish proposed regulations within 90 days, and final

regulations within 6 months, of the date of enactment of this bill.

SECTION 18. BUY AMERICA

This section notes the Congress' support for financing small businesses which buy American-made products and American services.

SECTION 19. NO EFFECT ON SECURITIES LAWS

This provision makes clear that the authority to regulate the SBICs, their securities and the pooling of such securities in no way affects the applicability of the securities laws as defined in section 3(a)(47) of the Securities Exchange Act of 1934, or any regulations issued thereunder.

So the bill (H.R. 5191) was deemed read a third time and passed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, 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.)

MEASURES REFERRED

The following bill, received from the House of Representatives for concurrence on August 5, 1992, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities, and for other purposes; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following joint resolution, received from the House of Representatives for concurrence on August 5, 1992, was read the first and second times by unanimous consent, and placed on the calendar:

H.J. Res. 507. Joint resolution to approve the extension of nondiscriminatory treatment with respect to the products of the Republic of Albania.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, without amendment:

S.J. Res. 317. A joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the Republic of Albania (Rept. No. 102-362).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3359. A bill to amend the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1027) and for other purposes (Rept. No. 102-363).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 4364. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes (Rept. No. 102-364).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2870. A bill to authorize appropriations for the Legal Services Corporation, and for other purposes (Rept. No. 102-365).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 1880. A bill to amend the District of Columbia Spouse Equity Act of 1988 (Rept. No. 102-366).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1602. A bill to ratify a compact between the Assiniboine and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana (Rept. No. 102-367).

S. 3118. A bill to increase employment and business opportunities for Indians, and for other purposes (Rept. No. 102-368).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2263. A bill to amend title 5, United States Code, with respect to certain programs under which awards may be made to Federal employees for superior accomplishments or cost savings disclosures, and for other purposes.

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. SYMMS (for himself, Mr. CRAIG, Mr. GARN, Mr. HATCH, Mr. LOTT, Mr. THURMOND, and Mr. HELMS):

S. 3159. A bill to amend the Endangered Species Act of 1973 to reauthorize such Act and to provide a means whereby endangered species and threatened species may be preserved and the habitat needs of the endangered and threatened species may be balanced and harmonized with the needs of man, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. BRYAN, Mr. D'AMATO, and Mr. GRAHAM):

S. 3160. A bill to amend the Fair Labor Standards Act of 1938 to ensure that inmates are not treated as employees for purposes of such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE (for himself and Mr. SIMON):

S. 3161. A bill to designate May of each year as "Asian/Pacific American Heritage Month"; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. DURENBERGER):

S. 3162. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to improve pension plan funding; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 3163. A bill to amend the Federal Food, Drug, and Cosmetic Act to coordinate Federal and State regulation of wholesale drug distribution, and for other purposes.

By Mr. RIEGLE (for himself and Mr. JEFFORDS):

S. 3164. A bill to establish a program to demonstrate the environmental, economic, and social benefits and feasibility of carrying out response actions to remediate environmental contamination and redeveloping or reusing land blighted by environmental contamination; to the Committee on Environment and Public Works.

By Mr. REID:

S.J. Res. 331. A joint resolution to designate the month of January 1993 as "National Cowboy Poetry Month"; to the Committee on the Judiciary.

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 (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 332. A resolution to authorize testimony, documentary production, and representation of Members and employees of the Senate in United States of America v. Clair E. George; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SYMMS (for himself, Mr. CRAIG, Mr. GARN, Mr. HATCH, Mr. LOTT, Mr. THURMOND, and Mr. HELMS):

S. 3159. A bill to amend the Endangered Species Act of 1973 to reauthorize such act and to provide a means whereby endangered species and threatened species may be preserved and the habitat needs of the endangered and threatened species may be balanced and harmonized with the needs of man, and for other purposes; to the Committee on Environment and Public Works.

PROGRESSIVE ENDANGERED SPECIES ACT OF 1992

Mr. SYMMS. Mr. President, I rise before my colleagues today to introduce what I consider to be one of the most important pieces of legislation that will come before Congress this year, the Progressive Endangered Species Act of 1992.

It is a comprehensive improvement over what is arguably the most powerful—and in my opinion, one of the most ineffective—environmental laws in our history; a law which is much more far-reaching and more powerful than most Americans and perhaps many of us here today realize; a law that is basically out of control.

The name, Progressive Endangered Species Act, is not arbitrary, for this

truly is a progressive bill. This legislation will take us out of the stone age of conservation and enable us to move forward using man's art and science to make things better for all species, humans included.

This bill is progressive because it recognizes a simple truth, that economics is not adverse to conservation. It will reestablish the positive link between economics and conservation through incentives for humans to become active in species protection. With this bill, we don't have to apologize for our free enterprise system. On the contrary, this bill allows us to use it wherever possible to benefit species.

This bill is progressive because it reestablishes the link between humans and the rest of the living world—it is called coexistence. And by requiring high scientific standards throughout, we will no longer list or refuse to delist species based purely on emotions and hype.

This bill is progressive because it reestablishes cooperation between local, State and Federal authorities. For too long, we have caused these groups to be adversaries, and that certainly has not benefitted our endangered species.

This bill is progressive because it provides for real management. Rather than the massive bureaucratic listing process we have today, the Progressive Endangered Species Act will serve as a useful, active tool designed to achieve results.

To set the stage, Mr. President, for the changes I am proposing, I am going to share a story about an American citizen. His name is Mr. Don Walker, Jr. As a matter of fact, he is here today in the Senate gallery with his wife Kay. Mr. Walker happens to be a former logger, but he could be a shrimper from the Gulf States, or a fisherman from the east coast, a logger from the Pacific Northwest, a farmer from the heartland, a rancher from the Plains or any one of millions of private property owners who are struggling to deal with the current Endangered Species Act. Mr. Walker wrote a letter to the editor of the Wall Street Journal, and here is the text of his letter:

My name is Donald Walker, Jr. For 30 years, I was an Oregon logger. I have been out of work since August 1989, when the company I worked for closed out it operations near Oakridge, where my wife and I live.

Times have been pretty tough since then, though I think we have been luckier than many woodsworkers. We still have our home, where we raised our children. Many younger loggers, with small children at home, have lost everything as a result of the spotted owl controversy that has tied Congress in knots.

FAITH AND HOPE

My wife has an office job with the same company I worked for, but she had to accept a transfer to another office a four hour drive from home. Now we see each other only on weekends.

It gets pretty lonely here without her, but our faith in God has kept us strong, and we continue to hope for better days when we can be together again like a family should be.

After I lost my job I took some courses at a local community college, thinking that I might be able to make a new start in life. I figured my best hope was to learn enough to start some sort of small business that was related to my 30 years of woods experience.

I took welding, some small business classes and a couple of courses in interpersonal communications. Can you imagine a logger in an interpersonal communications class!

Community college helped me a lot personally, but starting over when you are 55 years old isn't easy. Since 1989 the only work I've been able to find is as a part-time caretaker on some private timber land near here.

I've also worked seasonally as a yew bark collector for an outfit that has a contract with a big drug company that is searching for a cure for cancer. They think Taxol, which comes from yew bark, might be a miracle cancer cure.

I also work on the family tree farm, and that is the other part of this story.

My dad and my grandad bought this farm in 1932. Our family has been logging it for 60 years. We've replanted as we've gone along, or converted the land to fields where we graze a few cattle.

Our land was burned badly in a fire in 1912, so we don't have any of the old growth timber Oregon is famous for. None of our trees are more than 80 years old.

One of the hopes I have held onto since I lost my job is that I could supplement our income by continuing to manage our tree farm as my father and grandfather did for so many years. But it doesn't look like this is going to pan out either.

Last November, I received a letter from an outfit called the Forest Conservation Council telling me that if I cut any more timber on our land it would sue me for violating the Endangered Species Act, which protects spotted owls, and makes it a crime to tamper with their habitat.

I have never seen a spotted owl on our place, and I have never met anyone from the Forest Conservation Council. So far as I know, it's never even been on our farm. But I do have a typewritten, single-spaced, four page letter from their lawyer saying that what we have been doing on our tree farm for 60 years is no longer legal.

I might have felt a little bit better about the letter if they had offered to buy the land, or at least pay the taxes, which we have also been doing for 60 years. But they didn't and I guess I'm not surprised. From what I've read about these people, they don't believe in private property rights.

About 200 Oregon tree farmers got the same letter I got. There are actually many more tree farmers in Oregon, but for some reason we were singled out. It got me to thinking about how what has happened to us could happen to any private property owner. In fact, the newspapers are filled with stories like ours. It's happening to people all over the United States.

There is even a Supreme Court case now involving a fellow in South Carolina who paid almost a million dollars for a couple of beachfront lots he has been told he can't build on because somebody thinks the land should be left to nature.

A lot of news reporters have visited our place since we got our letter from the Forest Conservation Council. I think they're impressed with the beauty of our farm, but I'm afraid they don't grasp the significance of what is happening to us, or to other private landowners across the country. Do they understand that the right of ownership of private property is fundamental to our democracy? I don't think so. I think they are too busy collecting what are called six-second sound bites, and that is not something I am very good at.

Some people say we should cut down all our trees now, while we still can, before the Forest Conservation Council letter becomes a court case. But we don't want to. We're conservationists. This tree farm is our home, and the trees are part of our way of life. We work with nature to grow a crop the Nation needs. The crop is wood. It puts food on our tables.

BANKRUPTCIES AND LAWSUITS

In 26 years of married life, we have never been late on a bill we owed. The pressure on us now is hard to describe. My wife won't even read the newspaper anymore, because it's filled with stories about loggers losing everything, and preservationists filing more lawsuits.

Where does it all end? Do people count anymore? Do private property rights still have meaning in America? Who will compensate us for our loss? The public? The Forest Conservation Council? So far, I haven't heard from anyone except the property tax collector.

The problem isn't the owl, or even old growth for that matter. The problem is an out-of-control preservationist movement that doesn't care about people or their rights.

Our tree farm is our last hope. It is worth fighting for, and I intend to fight for it every way I know how.

Mr. President, I think that is a very powerful letter and I hope my colleagues will look through it.

I ask unanimous consent at the end of my remarks that the letter to Mr. Walker from the Forest Preservation Council be printed in the RECORD.

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

(See exhibit 1.)

Mr. SYMMS. Mr. President, would my colleagues not agree, after hearing this, that it is time this body acts to correct this situation? For Don Walker and the millions of people like him, we must do the responsible thing and improve the Endangered Species Act.

My bill will amend that legislation which was passed in 1973 and amended several times since then. I did not vote for it then because I could see some of the potential problems that loomed ahead; however, I would have never predicted a situation this severe.

The 1973 bill was enacted at a time of rapid growth for this country and when we all thought Government resources were unlimited. Well, we now find ourselves with a Federal debt of over $4.0 trillion and a deficit of $400 billion.

These figures are important, Mr. President, because the inspector general of the Interior Department estimates that in the late 1990's, it will require $4.6 billion to recover only part of the species listed at that time and part of the listed candidate species. This estimate, which reaches $6.65 to $8.1 billion today, does not include those costs associated with permitting, consultation, law enforcement, listing, delisting, mitigation and, most impor-

tantly, cost to society. We are ignoring or denying the cost to society, as Mr. Walker's letter points out. Regardless of what environmental groups want us to believe, the current Endangered Species Act is creating havoc with the social fiber of this country. And oddly enough, it doesn't have to.

After reviewing present and future costs of implementing the current act, there is no question that we cannot afford to save every threatened, endangered and candidate species, subspecies and population. There are over 1,200 species, subspecies and vertebrate populations listed as endangered or threatened under the current act, 727 of them in the United States. Over 3,500 more are official candidates which do not have a high enough priority to undergo the listing process.

The U.S. Fish and Wildlife Service tries to list at least 50 species each year. The Interior Department estimates that it would take nearly 50 years and $114 million to review and list the current official candidates. Meanwhile, Federal officials must review numerous petitions each year to list additional species, subspecies and populations. In its 1990 annual report, the Council on Environmental Quality noted that the Natural Heritage data base reported as many as 9,000 domestic species were at risk.

And what has all this effort and millions of dollars bought us? Have we really saved species and have we made measurable progress? Mr. President, the short but true answer is: No. The majority of species which have been delisted have been delisted or should have been delisted on the grounds of data error—9 of 16 total delistings. This demonstrates that there is an obvious need for more objective science and stricter guidelines as to what should and should not be listed. For every plant or animal mistakenly added to the list, it costs nearly $100,000—an average of $60,000 to list and $37,000 to delist.

Mr. President, in the nearly two decades since the act's implementation, there is not yet one legitimate recovery. This is not a problem which requires more money, but a fundamental change in approach of how the law is handled.

To more graphically express the extent to which the current act is tightening its grip on the social and economic fiber of this country, we have prepared two charts depicting endangered species habitat that were created using data taken directly from currently available U.S. Fish and Wildlife Service recovery plans.

This first chart shows all of the critical habitat that has been designated in the United States as well as all essential habitat. Critical habitat receives the law's strictest protection because it is habitat that is critical to the continued existence of a species. Essential habitat denotes an area's importance to a species' existence, but it does not receive any higher degree of protection under the law. Most likely, these are areas which the authors of the recovery plans felt should be designated as critical habitat. There is a considerable amount of critical and essential habitat. The critical habitat shown, however, represents only 3.3 percent of all listed species in the United States.

This first overlay, as I will explain, depicts the habitat range of threatened and endangered plants and animals in the United States, areas where these species can be found or are likely to occur. First, we have 49 species of reptiles, amphibians, and invertebrates. To point out a few—the Alabama red-bellied turtle, and some 21 fresh water mussels occurring throughout Tennessee and surrounding States.

The second overlay shows 65 species of fish and mammals. This orange area represents the Indiana bat. I do not mean to suggest that there is an Indiana bat at every point in his range, but his map was made to show where the Fish and Wildlife Service says these endangered species can occur—just about anywhere, which means there is nothing to keep an Indiana bat from feeding on insects over on your farm or to prevent a red-cockaded woodpecker from nesting in your backyard.

The third overlay is the range and habitat of 68 species of birds and plants, which makes for quite a colorful image, a very disturbing image, nonetheless, but keep in mind that this represents less than one-quarter of all species that are currently listed in the United States—172 of the currently listed 727 species. Furthermore, it does not include the over 3,500 category 1 and 2 candidate species, 296 of which are snails. Can you imagine what this map will look like when the data if finally available on the remaining 75 percent of the species?

Mr. President, you can see that the impact of the current legislation is awesome. To think about what we are trying to do, it is impossible under the current act to put all this into effect.

Among some of the most flawed aspects of the current legislation is the critical habitat designation. The act allows certain areas to be excluded from designation if the economic and other benefits of exclusion outweigh the scientific benefits of inclusion but only if the failure to designate the area will not result in the extinction of the species.

The Fish and Wildlife Service frequently evades consideration of economics by invoking the act's extraordinary circumstance clause to avoid designation. And even though one Federal court already found the agency's use of these criteria to be improper in the *Northern Spotted Owl* v. *Lujan*, 758 F. Supp. 621 [W.D. Wash. 1991], by rule and policy the Fish and Wildlife Service has written economics out of the designation process.

Furthermore, the agencies often have designated as critical habitat all suitable habitat within the entire range of a listed species, which takes all meaning from the word "critical."

Mr. President, there has to be a better way to achieve our goals of listing and defining critical habitat and recovery than this piecemeal approach we are now taking. That is why my bill will require a comprehensive listing process that includes: First, a scientific determination of whether a species is threatened or endangered; second, an economic analysis that must contain sector-by-sector impacts; and third, critical habitat designations.

This information will help us make better decisions, for species and for people.

Mr. President, among the many species, subspecies and populations that continue to be listed, many are done so indiscriminately. And when a listing occurs, a recovery plan is supposed to be developed. The plan must describe the steps Federal, State and local agencies and private individuals should follow to assist the species to survive and recover. However, recovery plans have been prepared for less than half of all listed domestic species.

Most of the completed plans were prepared long after the listing. That leaves private citizens, like Mr. Walker, and public officials uninformed about the consequences of listing a species when the listing occurs. They are not given timely guidance on how to comply with the act. Even if a landowner fervently follows a recovery plan, the plan provides no assurance that he will not still be sued for a "taking." Would you not agree that Mr. Walker would like to have an opportunity to take part in a recovery plan with the assurance that he would not be sued? Yet, agencies are free to ignore the recovery plans and place more stringent conditions on landowners.

Recovery plans are drafted for the most part by agency employees without significant involvement of the public and do not calculate or disclose the full public and private costs of recovery. That is one of the reasons my bill requires that an economic analysis be conducted concurrently with the listing process. We must know, the public has a right to know the cost of recovery.

The Progressive Endangered Species Act will open up the process. It makes local public hearings more accessible to affected citizens.

My legislation will require notification by certified mail of critical habitat designation that will impact property owners and those holding leases and permits on Federal lands.

It further opens the process by allowing judicial review of the determina-

tion of critical habitat and of whether or not a species is endangered. Recovery teams will have to work in open meetings rather than in private working groups behind closed doors.

My bill also contains strict "conflict of interest" language. In other words, the individual who petitions to have a species listed cannot benefit by being a member of the recovery team.

The act can only work when the public is allowed to participate, to be part of the process. The changes I am recommending will allow this to happen and will have a positive effect on the process.

And in regards to private property, Mr. President, many reasonable and productive uses are being substantially curtailed or terminated altogether by the current act. Landowners have been prohibited from cutting trees, clearing brush, using pesticides, planting crops, building homes, grazing livestock, and protecting livestock from predators.

The act has deprived landowners of the only economic uses they can make of their properties, as in Mr. Walker's case—uses which are productive and contribute to local, regional, and national economies and welfare and which contribute tax dollars for implementation of species protection. Property values have been depressed or, in some cases, destroyed in complete disregard of the constitutional protection of property rights. The Government has shown no inclination to compensate citizens for the unconstitutional taking of their property, Mr. President. This is an outrageous situation.

We cannot, in all good conscience, allow this to continue. There is a private property movement in this country that has reached great magnitude, and we need to address it if we are to honestly represent our constituents' rights.

That is why the Progressive Endangered Species Act contains language similar to my private property rights bill, S. 50. It basically says that when an agency makes new rules, that agency must follow approved guidelines that assess the potential "takings" of private property. And if a "taking" occurs, the landowner is compensated. For too long, we have allowed agencies to implement regulations that deny landowners use of their private property. Fundamentally, morally, constitutionally, that is wrong. But just as importantly, it is bad economic policy, as well. It impacts landowners' livelihoods; it impacts what may be the best use of the land; and it has a severe impact on the tax revenues that are generated from managing those lands.

Why can we not encourage landowners to manage their lands for traditional and historic uses and threatened or endangered species? Rather than command and control regulation, let us allow self-interest and individual responsibility to promote conservation of species. My bill will include a provision that will encourage people to provide habitat for an endangered species. All they will have to do is write to the Fish and Wildlife Service describing the action they will take. The Service then decides if the action will be a net benefit to the species, and if so, authorizes the landowners to take that action.

Additionally, my bill requires us to focus our efforts on more reliable and objective biological units by removing future listings of subspecies and distinct populations. That will allow us to focus our attention and resources on those biological units and finally achieve some long overdue recoveries.

Removing the disincentives is partly what this legislation is about. The best thing we can do for endangered species is to make them popular, as opposed to the current law. It has brought about the saying "Shoot, shovel, and shut up!" The people who say this don't hate endangered species but recognize the possible regulatory nightmare that comes with their presence—a nightmare which can threaten private property, business, and the future livelihood of Americans.

Mr. President, I have heard from many grassroots organizations from all over the country; many have come into my office asking for these changes. That is why I say that this is a grassroots drive bill. It comes from citizens all over the country who want to do something positive for species, who want to be part of a process that protects rare species from extinction and who feel that that process should include human beings—not exclude them.

As my colleague from Oregon, Senator HATFIELD, said earlier this year in a reauthorization hearing on the Endangered Species Act:

> Today the ESA is being applied across entire states, across entire regions. The result: it now affects millions upon millions of acres of publicly and privately owned land; it affects tens of thousands—if not hundreds of thousands—of human beings; and it affects scores—if not hundreds of rural communities.

Mr. President, it is time to change the current act, and we, as the elected body of this country, need to recognize that we can proactively and progressively improve the act. I submit to you today the Progressive Endangered Species Act of 1992 to begin a thoughtful and productive process to improve the current legislation.

Mr. President, I want to commend several people for the effort they extended in drafting this legislation. Embodied in this bill are ideas the National Wilderness Institute has been bringing to the forefront of this debate, and I want to thank Jim Lacey for his contributions. These include such common sense ideas as utilizing active management, not just bureaucratic listing; using objective, not subjective science; using incentives, not disincentives; and using markets and free enterprise, not command and control methods to achieve conservation.

The personal time dedicated by Robert Gordon, Benjamin Patton, and Jim Streeter has been critical to developing a truly new approach to solving our endangered species problems, and I want to take this opportunity to thank them for that dedication. I also want to thank Taylor Bolden and Susan Fagan who also dedicated countless hours to this endeavor.

Mr. President, this bill will work in the following way. It has some very basic principles of how it works: private property rights. For this act to work, it must respect the rights of property owners. This bill that I am introducing today recognizes the rights of private property owners and provides just compensation when property rights have been taken.

Private sector involvement. This bill will provide tax incentives for those who modify or manage private habitat to benefit species. It provides the means for the private sector to bid in the recovery process. It creates a U.S. biodiversity foundation to tap the knowledge and skills of private natural resource professionals in species recovery and it encourages voluntary and cooperative efforts on private property.

Sound science in determining species. This bill will redefine species to exclude less reliability defined biological units such as subspecies and extinct population while grandfathering in currently listed species with some exceptions. The sunshine clause opens up the process. This bill will eliminate the secretive and controversial God Squad while opening up the process to administrative appeal according to the procedures to be promulgated by the Fish and Wildlife Service and judicial review in a court of competent jurisdiction.

Economic impact. This perhaps is the heart of the bill, Mr. President. As you have heard today, we are listing ourselves into oblivion. It simply will not work. We are like a credit card junkie gone wild. We are listing species after species with no idea how large the bill is going to be for recovery or how we are going to pay for it when it comes due.

This bill will do three simple things. First, the determination whether or not a species is on the brink of extinction will remain a purely scientific endeavor.

Second, concurrently, with the scientific analysis of a species' status, a recovery plan must be developed.

And third, also concurrently, the costs associated with the recovery plan, both the direct cost of bringing the species back and the indirect cost of the effect to the economy, will be developed. All three of these items must be filed together. We will know

the scientific status of the species and we will know what we have to do to recover it, and we will know what it costs.

Now that we know what it costs, what are we going to do with it? That is the next question. This bill calls for automatic recovery whenever the costs are below $10 million. Automatically it has to be recovered. However, when the costs of recovery are more than $10 million, a less expensive stabilization plan will immediately be developed to stabilize where we are, and the proposed listing is sent to the U.S. Congress. It will then be, Mr. President, the U.S. Congress as the representative of the people responsible for raising taxes and paying the Government's bills that will finally determine if the U.S. Government will pay the cost of recovery. The Congress has three options. It can reorder the recovery to take place. It can order a less expensive stabilization plan to continue or they can order the species not to be listed. If they do nothing, the species is automatically delisted.

I believe these changes are absolutely essential if we are to finally address the endangered species controversy with the goal of accomplishing something and solving the problem.

Mr. President, I thank the indulgence of my colleagues and the Chair, and I hope there will be other Senators who will join in the cosponsorship of this legislation. I know my colleague from Idaho, Senator CRAIG, and a few others have sponsored it. I send to the desk the bill to be introduced and assigned to the correct committee for myself, Mr. CRAIG, Mr. GARN, Mr. HATCH, Mr. LOTT, Mr. THURMOND, and Mr. HELMS, and invite all Senators to join in this effort.

EXHIBIT 1

FOREST CONSERVATION COUNCIL,
November 26, 1991.

Re Notice of Intent to File Citizen Suit Under the Endangered Species Act for Unlawful Taking of Northern Spotted Owls by Private Timber Operations

MANUEL LUJAN,
Secretary, Department of the Interior, Washington, DC.

JAMES BROWN,
State Forester, Oregon Department of Forestry, Salem, OR.

JOHN TURNER,
Director, U.S. Fish & Wildlife Service, Washington, DC.

MARVIN PLENART,
Regional Director, U.S. Fish & Wildlife Service, Portland, OR.

DEAR SECRETARY LUJAN AND OTHER NAMED PARTIES: I am writing on behalf of the Forest Conservation Council (FCC) to notify each of you named above, as well as those commercial forest landowners and timber operators named in the service list attached herein, of our intent to file a citizen suit to enforce the duty of all public and private parties named and served notice herein to prevent an unlawful take of northern spotted owls under Section 9 of the Endangered Species Act.

The U.S. Supreme Court has observed that it is "beyond doubt" that "Congress intended endangered species to be afforded the highest of priorities" in enacting the Endangered Species Act. Tennessee Valley Authority, 437 U.S. 153, 174 (1978). "The plain intent of Congress in enacting this statute was to halt and reverse the trend toward species extinction, whatever the cost." Id. at 184.

Section 9 of the ESA prohibits any person, including private parties, as well as state and federal agencies, from taking endangered or threatened species. 16 U.S.C. 1538(a)(1)(B). The term "take" includes harassment and harm. 16 U.S.C. 1532(19). U.S. Fish and Wildlife Service regulations and federal case law establish that a "take" includes acts causing habitat modification or degradation that significantly impairs "essential behavioral patterns including breeding, feeding, or sheltering." See Palila versus Hawaii Department of Natural Resources, 852 F.2d 1106 (9th Cir. 1988) (Palila II); Palila versus Hawaii, 639 F.2d 495 (9th Cir. 1981) (Palila I); 50 C.F.R. 17.3.

All of the private operations identified by Oregon Department of Forestry Notification Number in Exhibits "A" and Exhibits "B" are proposed logging and herbicide applications activities which will affect both the habitat and behavior patterns of northern spotted owls nesting on adjacent Bureau of Land Management forests. These private operations will occur in close proximity to, or within, lands recognized by BLM, the U.S. Fish and Wildlife Service, and the Interagency Scientific Committee on the Northern Spotted Owl as essential owl habitat areas for nesting and forage of individual owl pairs, and as essential for the long term recovery of spotted owl populations in the region.

The ISC strategy expressly recognizes that ecologically sensitive management of private lands in and around federally protected reserves are an integral part of maintaining effective spotted owl habitat and recommends that "resource managers of . . . private lands use forestry and silvicultural techniques and practices that maintain or enhance habitat characteristics associated with spotted owls." (ISC at 29–30).

Specifically, all of these operations are located in proximity to or on: (1) lands designated as "Habitat Conservation Areas," by the Bureau of Land Management; (2) lands designated as "Critical Habitat" by the U.S. Fish and Wildlife Service; (3) lands within the same 1.3 mile radius of nest sites for northern spotted owls as timber sales on BLM lands found to "jeopardize the continued existence" of northern spotted owl; and, (4) lands within a 1.3 mile radius of northern spotted owl nest sites where suitable owl habitat is less than 40% coverage. These proposed operations, both individually and cumulatively, will cause a take of northern spotted owls, in clear violation of Section 9 of the ESA.

Both the BLM and the U.S. Forest Service have recognized that sales impacting northern spotted owl nest sites on public lands with similar attributes as described above would constitute a take, and would therefore be prohibited. In fact, many sales on public lands in the vicinity of these private operations have been voluntarily suspended by the federal land management agencies. However, the Oregon Department of Forestry has allowed potential taking activities to go forward on private lands, and allowed private operators to proceed under circumstances that unequivocally will result in violation of the ESA.

The operations listed in Exhibits "A" are logging activities on private lands that will disrupt normal behavior patterns of owls nesting on adjacent public lands, and will weaken or nullify adopted strategies of the federal agencies for protecting the long term viability of owl populations. The northern spotted owl is recognized as in indicator species for large, undisturbed old growth forest stands. Logging activities such as those proposed in Exhibit "A" will remove essential breeding, feeding, and sheltering habitat for existing pairs, and will cause injury in fact by allowing increased predation by competitor species, loss of nest sites, disturbance of breeding patterns, and reduction of food sources and shelter. (See 50 C.F.R. 17.3).

The operations listed in Exhibit "B" involve other intensive forest management activities including application of chemical herbicides, insecticides, and fertilizers, road building, slash burning, precommercial thinning, and other disruptive activities which will cause direct and indirect impacts to northern spotted owl pairs and their essential habitat. For example, aerial spray operations will cause direct impacts to northern spotted owl pairs by physical harassment involving low flying helicopters and other aircraft in the vicinity of nesting and activity centers. These disturbances will cause owls to flee nest sites and will disrupt normal breeding activities. In addition, direct harm will occur from chemical exposure.

Other indirect impacts from chemical applications involve bioaccumulation in the food chain, especially in prey species such as the northern flying squirrel, woodrats, voles, and rodents which graze on grasses in open clearcuts and ingest these chemicals. Many of these chemicals have been shown to cause tumors, skin sores, eye damage, and kidney enlargement in laboratory animals. Some of these chemicals are accompanied by manufacturers warnings stating "do not graze treated areas or feed treated forage." Other intensive forest management activities listed herein, including slash burning, salvage, thinning, and road building are equally disruptive to northern spotted owls, and, in fact, are prohibited activities on federal lands in the vicinity to protect this species. (*See e.g.*, ISC Report at pg. 30).

FCC believes that because the operations listed in Exhibits "A" and "B" will cause a take of spotted owls in violation of ESA, private landowners and operators, or the State of Oregon, must seek a prior "incidental take permit" from the U.S. Fish and Wildlife Service. (16 U.S.C. 1539(a)1(B).) Such a permit could, if granted, provide permission to take listed species "incidentally" in the course of an otherwise lawful activity. *Id.* However, an applicant for an incidental take permit must submit to the U.S. Fish and Wildlife Service, a Habitat Conservation Plan (HCP). The HCP must specify: (1) the effects of the proposed activities on the northern spotted owl; (2) steps that will be taken to monitor, minimize, and mitigate adverse impacts; (3) consideration of alternatives that could prevent a taking; and, (4) other measures specified by the U.S. Fish and Wildlife Service that are necessary and appropriate. 50 C.F.R. 17.32(b)(1).

We have reviewed all the notifications listed herein, and have consulted with the Department of Forestry, the Oregon Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the Office of the Governor, and have determined that neither private operators and landowners nor the state of Oregon has requested or received an incidental take permit for any of these activities.

We encourage you, as responsible land managers and private foresters, to follow the requirements of the ESA in seeking incidental take permits for each of the activities named above. We also encourage the State of Oregon to take a systematic approach to this problem by developing a state-level HCP. By doing this, the State would enable private landowners and operators to participate in a state conservation strategy, and minimize the administrative and legal costs associated with obtaining hundreds of individual incidental take permits.

REQUEST FOR RELIEF

Forest Conservation Council hereby requests that the parties named herein cease and desist from all of the specific operations described in Exhibits "A" and "B" (attached herein), and comply with Section 9 of the Endangered Species Act to prevent and avoid the unlawful taking of Northern Spotted Owl. FCC further requests that these parties request an incidental take permit from the U.S. Fish & Wildlife Service for each of the operations listed herein.

If you wish to discuss any of the points in this letter, please contact my office at (503) 686-3277. I am hopeful that the parties involved can cooperate to avoid any violations of law, and, thereby, obviate the need for litigation.

Yours Truly,

DANIEL J. STOTTER,
Attorney At Law.

By Mr. REID (for himself, Mr. BRYAN, Mr. D'AMATO, and Mr. GRAHAM):

S. 3160. A bill to amend the Fair Labor Standards Act of 1938 to ensure that inmates are not treated as employees for purposes of such act, and for other purposes; to the Committee on Labor and Human Resources.

TREATMENT OF INMATES UNDER THE FAIR LABOR STANDARDS ACT

Mr. REID. Mr. President, a court has ruled that prisoners must be paid minimum wage if they work. I think this is wrong. Today, I am introducing legislation on my behalf and that of my colleague, Senator BRYAN, and my friend from Florida, Senator GRAHAM, to clarify the intention of Congress in regulating the employer-employee relationship under the Fair Labor Standards Act.

Mr. President, I regret that the introduction of legislation is necessary. However, we have at this time Federal courts in conflict.

We have State governments, already staggering from budget deficits, who are concerned they may owe millions to prisoners. And we have prisoners, who may lose their job training, lose the opportunity to produce something during their incarceration, and lose the incentive to reform themselves and return to society.

The Fair Labor Standards Act of 1938 was enacted as a progressive measure to insure all able-bodied working men and women a fair day's pay for a fair day's work. Further, this act had a humanitarian purpose: To provide a minimum standard of living necessary for health, efficiency, and the general well-being of workers.

Much to the surprise of the State governments in the ninth judicial circuit—the circuit covering California, Nevada, and the Western part of The United States—this act has been held to cover prison labor. The goals of the act in regulating the labor of nonincarcerated workers are completely separable and distinguishable from the reasons that prisoners work.

Prisoners do not earn wages in order to pay for their room and board. That is obvious. The State has complete control over them and responsibility for the living conditions of these prisoners. That is obvious. The taxpayers pay for their cells, food, and entertainment.

And now, should the taxpayers pay minimum wage and overtime for work performed while they are having their room paid for, their food paid for, and their cable TV paid for, among other things?

The legislation I am introducing today clarifies that the protections in the Fair Labor Standards Act were intended for hard-working individuals, and not for criminals in our prisons. This bill removes prisoners from the act, and allows States to continue their successful work programs. One of the few good things coming from the prison system is the work program.

This legislation is necessary today because of confusion by the courts. And I am sorry to say that most of the confusion comes as a result of decisions from my circuit, the ninth circuit.

The Ninth Circuit Court of Appeals has said in Hale versus Arizona, that the act covers prison labor and concluded that inmates are entitled to receive minimum wage for their work.

Further, the court feels that it would be an encroachment upon the legislative prerogative for a court to hold that a class of unlisted workers is excluded from the act. I must add that I try to understand all reasonings of the courts. This is difficult to do.

This body—this Congress—has a duty to clearly express our intention in this matter.

The eighth circuit has found in Wentworth versus Solem, that a working prisoner is not held to be a State employee and, therefore, is not entitled to minimum wages under the act.

The sixth circuit has said in Sims versus Parke Davis & Company, that prisoners who work for private corporations at the prisons and are paid by the State are not covered by the act.

The fifth circuit held in Alexander versus SARA, Inc., that prisoners were not covered, but in Watson versus Graves, held that they were covered, and without overruling the previous case, which is also difficult to comprehend.

The second circuit has held in Carter versus Dutchess Community College, that the act may apply to inmates, but since Congress did not expressly exempt them, it would be improper for the courts to do so. Further, the U.S. Claims Court has held in Emory versus U.S., that the act does not cover Federal prison inmates.

Only one court has said definitively that prisoners are covered. The other courts have found that they may be covered, or they are covered, under limited circumstances. Most courts have found, consistently, that they are not covered. This legislation merely maintains the status quo.

The Hale case to which I referred earlier, overruled a case decided a year before in the same circuit.

We have been called upon by the courts to dispose of this issue with legislative action.

They have asked Congress to step in and decide. And I am grateful that the courts would invite that because I think this is something that should be corrected. I think it is wrong that prisoners, whose room and board and other necessities are paid for by the taxpayers, that the taxpayers are also called upon to pay minimum wage for the work that they do in prison.

My bill takes the necessary action by interpreting the original intent of this act, and providing that prisoners are not within the act's definition of "employee."

Prisoners currently perform a variety of jobs and, in some cases, actually produce goods. Prisons, however, in employing their inmates, incur great overhead costs. Why? Because security in the prison is both enhanced by prison labor, and also made more costly.

The prisons benefit from the fact that prison laborers are expending their energies in work and production, rather than on other less-constructive activities. However, prison guards must closely watch those working with tools and machinery, and those given a certain amount of freedom in their labor.

To require States to pay prisoners minimum wage would render the prison labor effort uneconomical and unsustainable.

At the Northern Nevada Correctional Institution, nearly 50 prisoners are currently employed in the production of waterbeds for the Vinyl Products Co.

The program has been running since 1985, and pays the prisoners between $3 and $4.25 per hour. This is a unique program authorized under Federal legislation which mandates what costs may be recovered and wages paid. More importantly, the prisoners are in a job training program that will benefit them upon their release.

In all of Nevada's prison industries programs, there are under 300 prisoners employed in various industries, including upholstery, woodworking, and ranching. The State of Nevada has estimated that imposing the Federal minimum wage would incur an additional cost to the state of up to $12,5000 per week.

If I may stress again, the dramatic increase in costs is on a program that assists a small number of the State's prisoners. Most prison industry programs are designed to reduce the costs of goods and services to State and local governments.

Elimination of the program would undoubtedly increase the costs of goods and services to these units of government at a time when one State is even issuing IOU's in place of checks.

Increased wages, without addressing whether prisoners will also be entitled to unemployment and worker's compensation, will certainly render prison labor not worthwhile. Remember, if they are going to pay them minimum wage is it next they are entitled to unemployment compensation? Worker's comp, if they get injured on the job? I think it is ridiculous. I do not believe this is a decision we want to force our States to make. The most critical finding of the Hale decision is that prisoners are considered State employees and therefore entitled to coverage under the act. In Nevada, there are between 1,200 and 1,500 prisoners employed by the Forestry Service and the Bureau of Land Management to fight fires and perform land projects. We just finished fighting a costly fire where these people were involved.

These inmates are compensated at a very low wage. To increase their salaries to the Federal minimum wage would cost millions of dollars per year. In Nevada, there are in excess of 500 prisoners who assist in institutional maintenance, such as cooking and cleaning. To raise their wages to minimum wage would also cost millions of dollars per year.

As I mentioned before, if the State cannot afford to engage these employees in meaningful work with some small compensation, and if these prisoners are forced to sit idle in their cells all day long, then we must prepare ourselves for the likelihood of disruptive behavior.

Legislation already exists to govern these programs. My legislation will not expand any current programs nor authorize new ones. But for those States that rely upon their prisoners to produce and supply anything from license plates to mattresses, this court decision has been and will be devastating.

We must express our intention not—and I underline not—to include prisoners in the protections afforded laborers under the Fair Labor Standards Act.

Mr. President, this legislation should not be controversial.

If a State wants to contract with the prisoners it houses for services, such as data entry for the university system, or running an informational phone bank for the State travel bureau, or hammering out State road signs, why should the Fair Labor Standards Act interfere with their relationship? Why should it hold that the prisoners are State employees, and require the State to pay them minimum wage?

The decision I refer to, the Hale decision, I respectfully submit is ridiculous and I think we as a Congress should rectify it and do it quickly.

Mr. GRAHAM. Mr. President, I would like to take this opportunity to commend my colleague from Nevada for coming forward promptly with this legislation to reverse what is clearly an irrational interpretation of the Minimum Wage Act, and also to point out what the potential, pernicious impacts of this are, both in terms of the effect inside the prison setting and in terms of the life of the inmates after they leave the prison.

We know one of the principal causes of disruptive behavior and violence in a prison setting is idleness. Thus, the prescription of effective work programs, programs that help the institution function, such as in the food service areas, the maintenance areas, the health care areas as well as those that prepare persons for employment after they leave the prison, are an extremely important component of functioning within an incarceration setting.

Beyond that, there are positive things that can happen inside a prison setting that will contribute to the likelihood that the individual, upon release, will live a peaceful, law-abiding, and contributing life. And probably the most significant thing that the prison can do is provide this individual with the skills of gainful employment after they leave the prison.

Most persons who come into a prison have never held a job, certainly never held a steady job. One of the reasons they have taken to a life of crime is because they have been unable to find another alternative as a means of supporting themselves.

So it makes eminent good sense, as many States, including the State of Nevada and the State of Florida have done, to establish prison industry programs to prepare people so when they leave, they can have a job making furniture, printing, in construction trades, or all the other areas that are in need of skilled personnel and where that training can be provided inside a prison setting.

So this, I think, very misguided judicial interpretation, which would make it much more difficult for States to provide exactly those kinds of services, would, in my opinion, have a negative impact both in terms of increasing the likelihood of violence within a prison setting and increasing the likelihood of recidivism for those who leave the prison no better prepared for life than they were when they entered.

So, Mr. President, I commend our colleague for his action today. I am very pleased to join as an original cosponsor in this amendment. I hope this Congress will not adjourn without dealing with this issue.

Mr. REID. Mr. President, through you to my friend from Florida—my friend from Florida understands probably as well as anybody in this Chamber the importance of productivity from the prison sector, having been chief executive of one of the largest States in the Union and having been involved in rehabilitation programs. There is no question that we must pass this legislation. We have to have more people in the prison system involved in productive labor, not less.

As my friend from Florida indicated, many, many, if not most of the people who go to prison for the first time have never had a job. They have never had a job.

So it is important while they are incarcerated that they learn how to work—how to report to work on time, to meet certain goals. These seem simple but it is very important.

This legislation must be passed. I think the court decisions which are in conflict, principally as a result of the ninth circuit, we must do something to change and change quickly.

Mr. BRYAN. Mr. President, I join Senator REID today as sponsor of S. 3160 to clarify the status of prison inmates under the Fair Labor Standards Act. This bill will exempt State prison inmates from the definition of "employee," and therefore from coverage under the Fair Labor Standards Act.

In April 1991, the Ninth Circuit Court of Appeals concluded in Gilbreath versus Cutter Biological, Inc., that it was "highly implausible that Congress intended the Fair Labor Standards Act's minimum wage protection be extended to felons serving time in prison." The court held that neither the Arizona State Department of Corrections nor the operator of a plasma treatment center located in the State prison was an employer under the Fair Labor Standards Act. It further held that State prison inmates who worked in the center were in an entirely custodial status, which was obviously not within the traditional meaning of an employee, therefore an employment relationship did not exist.

However, in June of this year, the ninth circuit in Hale versus State of Arizona, et al., has now held that prison inmates are indeed covered under the minimum wage requirements of the Fair Labor Standards Act. Hale concluded an employer-employee relationship under the Fair Labor Standards Act's "economic reality test" existed between the State prison inmates and Arizona Correctional Industries. This decision was written by the dissenting judge in the earlier Gilbreath decision.

Since the inmate-made products would compete in interstate commerce, the court also found that unless the inmates making the products received minimum wages, the products would

have an unfair competitive advantage over other products subject to the Fair Labor Standards Act requirements.

The Fair Labor Standards Act has a detailed listing of employees exempted from the act's minimum wage requirements, 29 U.S.C. 213. Prison inmates, however, have never been included in this listing, although additions and deletions to the list have been made. Given the ninth circuit's Hale decision, it now appears time to clarify FLSA's relationship to prison inmates.

As a former Governor, I have been among those who encouraged the creation of State prison employment programs, both to ensure inmates' working time be used productively, and to enable inmates to learn an employable skill. No one, however, contemplated that these programs would result in the establishment of an employer-employee relationship between the prison and the inmates, and coverage under the Fair Labor Standards Act. As the ninth circuit stated in its earlier decision in *Gilbreath*, 931 F.2d 1320, 1991, "* * * it is highly implausible that Congress intended the FLSA's minimum wage protection be extended to felons serving time in prison." Id. at 1324.

In my home State of Nevada, inmates work in many State prison employment programs ranging from traditional kitchen and dairy activities to soap and furniture manufacturing. Inmates involved in these programs are paid by the hour—at rates that begin at 70 cents an hour. The average inmate earns between $20 and $100 monthly.

Additionally, Nevada has agreements with private industries to provide inmate workers in the prison with other opportunities to participate in a work situation. Inmate earnings from these programs are reduced through deductions for prison room and board, and a 5 percent contribution to the State's victims' compensation fund.

There is a legitimate concern that products made by prison inmates, who are unpaid or paid less than minimum wage, would have an unfair advantage when competing in interstate commerce against businesses required to meet the Fair Labor Standards Act. The Federal Criminal Code has already addressed this concern by criminalizing the transportation of prison-made goods in interstate commerce, through a fine of no more than $1,000 or more than 1 year imprisonment, unless the employer has paid wages at a rate which is not less than that paid for work of a similar nature in the locality in which the work was performed, 18 U.S.C. 1761.

Hale opens the gates for inmates to file lawsuits to recover minimum wage payments under FLSA for work done as an inmate in prison. Add to this the potential for lawsuits seeking retroactive payment of minimum wages, and the magnitude of the problem created by Hale is readily apparent.

The Hale decision has already impacted the State of Arizona. Inmates are requesting information on their work hours; the reason for the request is obvious. Inmate lawsuits will soon be filed in Arizona and across the country.

Many of our State governments are already under serious budget duress—California exemplifies how great that duress can become. My own State of Nevada has had to make very substantial funding cuts to its programs this year. Approximately 34 other States also were required to adjust their budgets this year to address budget shortfalls. To add the possibility of Fair Labor Standards Act inmate lawsuits with retroactive award potential will result in State budget chaos. For many States, the result may also be the termination of prison employment programs altogether.

Given current budget situations, States simply cannot survive another round of lawsuits and retroactive awards. Our States cannot wait to have this issue settled through the court appeal process.

I encourage my colleagues to join Senator REID and me to resolve this problem before all of our States are unduly harmed by the Hale decision.

By Mr. INOUYE (for himself and Mr. SIMON):

S. 3161. A bill to designate May of each year as "Asian/Pacific American Heritage Month"; to the Committee on the Judiciary.

ASIAN/PACIFIC AMERICAN HERITAGE MONTH

• Mr. INOUYE. Mr. President, I am pleased to introduce legislation that will designate the month of May as Asian/Pacific American Heritage Month. Last year, we had over 50 cosponsors and previous legislation had expanded the week to a full month. This new legislation will make the observance an annual event.

Since its inception in 1978, Asian/Pacific American Heritage Month has helped to foster a greater public appreciation of the contributions of Asian and Pacific Island Americans to our national heritage. It has also engendered a greater sense of pride among Americans of Asian and Pacific Island ancestry, ranging from Pacific islanders whose Polynesian ancestors inhabited the islands long before Captain Cook discovered them, to the most recent immigrants from Southeast Asia. It is rewarding to note that Asian/Pacific American Heritage Month has been observed not only by Federal, State and local government agencies throughout the country, but in public schools, public libraries, art galleries, and by many civic organizations.

As you may know, 1990 census figures show that Asian/Pacific American population is the fastest growing population in the United States. The population of Asian/Pacific Americans has increased in every State in the past 10 years as have their contributions to all walks of American life. This is also the case historically. The month of May holds great significance for the more than 8 million Americans who can trace their roots to Asian/Pacific ancestors. The month of May has been chosen in order to recognize Golden Spike Day, May 10, 1869, when the first transcontinental railroad in the United States was completed with significant contributions from Chinese American pioneers and to commemorate May 7, 1843 when the first Japanese immigrants arrived in the United States.

Over the years, these loyal Americans have achieved prominence in science, the arts and architecture, education, business, and politics at all levels. They have helped make our country the great Nation that it is today, yet all too often even those who were born and raised here are treated as foreigners. The observance of Asian/Pacific American Heritage Month would help make their achievements more visible to their fellow Americans, and would also engender a greater appreciation of their ancestral roots among Asian and Pacific Americans.

Mr. President, I hope that my bill will receive early, favorable consideration in committee and on the Senate floor.

I request unanimous consent that a copy of my bill be printed in the CONGRESSIONAL RECORD at this point.

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

S. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) on May 7, 1843, the 1st Japanese immigrants came to the United States;

(2) on May 10, 1869, Golden Spike Day, the 1st transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

(3) in 1979, at Congress's direction, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

(4) in 1990, 1991, and 1992, Congress designated, and the President proclaimed, the month of May as Asian/Pacific American Heritage Month;

(5) nearly 8,000,000 people in the United States can trace their roots to Asia and the islands of the Pacific; and

(6) Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States.

SEC. 2. ANNUAL COMMEMORATION.

(a) DESIGNATION.—May of each year is designated as "Asian/Pacific American Heritage Month".

(b) FEDERAL PROCLAMATION.—The President is authorized and requested to issue annually a proclamation calling on the people of the United States to observe the month designated in subsection (3) with appropriate programs, ceremonies and activities.

(c) STATE PROCLAMATIONS.—The chief executive officer of each State is requested to issue annually a proclamation calling on the people of the State to observe the month designated in subsection (a) with appropriate programs, ceremonies and activities.

(d) DEFINITION.—For purposes of subsection (c), the term "State" means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshal Islands the Federated States of Micronesia, and Palau.•

By Mr. JEFFORDS (for himself and Mr. DURENBERGER):

S. 3162. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to improve pension plan funding; to the Committee on Finance.

PENSION FUNDING IMPROVEMENT ACT

• Mr. JEFFORDS. Mr. President, today, my distinguished colleague, Senator DURENBERGER, and I are introducing a bill to improve the deteriorating financial condition of the Pension Benefit Guaranty Corporation [PBGC], the Government agency that insures the defined benefit pension plans of over 40 million Americans. I am extremely pleased to say that Congressman JAKE PICKLE, chairman of the Subcommittee on Oversight, House Ways and Means Committee, will also be introducing a companion bill. Congressman PICKLE has been a leader on PBGC and other pension matters for years and I am honored to be introducing a bill with him today. Congressman PICKLE's subcommittee will hold a hearing on this important issue tomorrow.

The problem, simply put, is that big companies in troubled times are taking advantage of our pension insurance system. They promise big pensions to workers and regularly increase benefits while making the most minimal funding contributions permitted under the law. The troubled companies then terminate their pension plan and pass along their pension debt to the PBGC.

Our solution is the Pension Funding Improvement Act of 1992, a three-part bill we are introducing today. Part I includes stronger funding rules for underfunded plans, to ensure the faster funding of present pension obligations. Part II prevents a bad situation from getting worse, by requiring plan sponsors to immediately fund their plan or put up collateral in order to increase pension benefits. Part III includes a Congressional Budget Office study of what premiums would need to be for the PBGC insurance program to be actuarially sound.

As of today, the PBGC has a deficit of $2.5 billion, largely as a result of the following recent pension plan terminations; First, in 1990, Eastern Airlines terminated its plan with $700 million in unfunded liabilities. Next, in 1991, Pan American Airlines terminated its plan with $900 million in unfunded liabilities. Then, this past February, Blaw Knox terminated with $81.6 million in unfunded liabilities. Finally, in March, C.F. & I Steel Co. terminated with $270 million in unfunded liabilities.

And the trend is expected to increase. This is not surprising since current pension law has provided a way for struggling companies to shift the costs of their pension benefits. These companies routinely grant employees increases, knowing full well that if their company continues to be financially troubled they will be able to terminate their pension plans and dump the pension plans obligations onto the PBGC. The PBGC predicts that it is significantly at risk for about $13 billion in benefits provided by pension plans of companies in the steel, auto, airline, tire, and rubber industries.

Each year the PBGC publishes a list of those top 50 underfunded pension plans who are the most at risk. When one compares corporate funding over the last 3 years, the facts unfortunately show that plan funding for the top 50 has gone down by $9 billion since 1989. Collectively, the top 50 are $21.5 billion in the red. This means that the PBGC is more at risk than ever before.

Last week the Wall Street Journal reported that TWA, in emerging from bankruptcy, is beginning to settle with its creditors. The article goes on to say that PBGC will be lucky to collect even $500 million of TWA's current $1.2 billion pension debt. And who is going to pay or the other $700 million in promised benefits the company hasn't funded for? This is my concern.

For some time now, underfunded pension plans have been promising significant amounts of new benefits in lieu of wage increases. Approximately 80 percent of these benefits are guaranteed by the PBGC. And while the trend is occurring in the steel, tire, and rubber industries, I must say that the automobile industry is the worst offender. The latest round of auto industry negotiations has left Chrysler and GM with an additional $5 to $7 billion in underfunding. Before this increase in benefits, these companies had less than three-quarters of the money needed to pay previously promised benefits.

If this isn't bad enough, earlier this year, we witnessed further corporate practices that are just obscene: Companies already in bankruptcy are agreeing to retroactive benefit increases.

In January, TWA filed for bankruptcy. It was considered 84 percent funded for guaranteed benefits. However, this number is misleading. Since then, it gave a retroactive increase in benefits that caused an additional $53 million in underfunding. It is now $1.2 billion underfunded.

In April, a bankruptcy court approved benefit increases for Continental Airlines pilots that will almost double the plan's underfunding to about $191 million.

Now, some people will argue that financially distressed companies need to minimize contributions to the pension plan so that this money can instead be put into the company, to increase productivity and competitiveness. I personally would argue that it is precisely because a company is financially vulnerable, that an extra effort should be made to be sure that the pension plan is financially sound. So if workers need to take early retirement due to financial downsizing resulting from problems in the global marketplace, at least that money will be there.

Others will argue that the PBGC was deliberately designed to subsidize companies in ailing industries. They are, however, at direct odds with the many who believe the PBGC should operate like a private sector insurer and set premiums more precisely related to the risk that a company would have of defaulting on its pension promises.

Regardless of what one thinks about the purpose of the PBGC, the reality is our public policy options on how to rectify the PBGC's deficit problem are limited. Furthermore, it is in the best interest of the 40 million workers who currently have PBGC insurance protection, as well as the defined benefit plan system, that we review our objectives for the PBGC and act quickly to resolve the PBGC's deficit problems.

What are our options? The PBGC is currently financed exclusively from premiums plan sponsors pay into the system, those pension assets remaining in terminated underfunded plans and interest. Given this fact, one alternative would be to raise PBGC premiums that employers pay into the system. This may be inevitable, given the PBGC's current deficit. The PBGC estimates that it would have to significantly increase premiums, even if it takes on only $500 million a year in underfunded liabilities, which is business as usual for them. If the economy gets worse, and distressed companies start to terminate at greater frequency, premiums paid by all single employer plan sponsors will rise to $58 per person for well funded plans, and to as much as $219 per participants for poorly funded plans. We have already raised premiums considerably from those days in 1974 when all plan sponsors paid a dollar a head for each plan participant.

How much is too much? When will responsible employers with well funded plans say they've had enough of premium increases to pay for obligations promised by other companies, terminate their own defined benefit plans and instead offer to make contributions to a defined contribution plan under which employer liabilities are fixed and employees have no insurance

protection. I'm not sure. Even at present premium levels, the trend I am sure is to stay away from defined benefit plans. Pension experts from all political philosophies, who don't always agree on other matters, agree that the defined benefit plan universe is shrinking. The number of defined benefit plan terminations is increasing, and fewer and fewer new defined benefit plans are entering into the system.

On August 4, the Senate Labor Subcommittee held a hearing on current pension trends. At this hearing our knowledgeable subcommittee Chairman, Senator METZENBAUM, spoke of his deep concern about the future of the defined benefit plan system. I completely agree with his point and would like to quote from his statement, "Employers are abandoning defined benefit pension plan which are designed to provide specific levels of retirement income." He goes on to say that the effects of this trend are devastating for low-income workers. At this same hearing, the American Academy of Actuaries stated that one of the main reasons for this trend away from defined benefit plans is the unsound PBGC. To quote from the group's testimony:

> Congress and the Executive branch must work to restore confidence among defined benefit plan sponsors, that the PBGC can properly fulfill its mission of guaranteeing private defined benefit plans. Continuing speculation about the PBGC premium increases and comparison of the PBGC to the Federal Deposit Corporation (FDIC) only intensifies the pressure, subsequently driving employers away from defined benefit plan sponsorship.

Another option Congress has would be to try to stabilize the premium, so as not to deter plan sponsors away from the system, and instead let the Federal Government absorb the loss. This option is a reality which even the administration cannot deny. In the President's budget for fiscal year 1993, the administration has already introduced the idea of budgeting for fixed and expected future PBGC liabilities. Unfortunately, it did not accurately assess how much would be obtained from premium income and collections of plan assets. Therefore, the likely long term impact on the budget could not be realistically assessed. But one thing is for certain, adding billions to our $4 trillion national debt is no way to help balance the budget.

Our third option is to be sure that companies fund their pension promises and promise within their means. This can be done through stricter funding rules for underfunded plans, to require the faster funding of present obligations. An additional requirement, that companies fund up their plan or put up collateral if they increase benefits, will prevent presently underfunded plans from getting worse.

It might seem cruel to some to force companies to promise within their means. But it is far more cruel for workers to expect a certain level of benefits when they retire, only to find out later that the money they expected to have for their retirement isn't there. After all even the PBGC only guarantees, on average, about 80 percent of what is currently promised.

Our bill incorporates the principles embodied in the third alternative, because as one can deduce, it is the only choice that ensures a responsible national retirement income policy.

Time and time again we as legislators need to be reminded that there is no such thing as a free lunch. Programs need to be paid for with real money, not I.O.U's. Retirement benefits need to be paid for. As workers live longer they will need a sufficient amount of pension money to be assured some quality of life. All segments of society need to play a role in this. Social Security alone will not suffice. Employees at all income levels need to save. Employers need to offer pension plans and responsibly fund for what they promise to provide. Government needs to encourage adequate funding so that pension money can earn interest. Companies should not have the stress of needing to use this year's corporate earnings to pay for this year's retirees. This is especially dangerous for companies in cyclical and declining industries.

So let's act now to enact the Pension Funding Improvement Act. Let us not wait until 10 years down the road when the Federal Government is forced to step in to examine the debris leftover from the defined benefit plan system. Let's act now and send a message to America that the defined benefit plan system, and indeed our Nation's retirement income policy as a whole, needs to grow and flourish. While enactment of the Pension Funding Improvement Act is not the total answer to our country's retirement policy problems, it will greatly diminish our PBGC deficit problem by ensuring that workers have funded pensions today in order to be sure they are not a burden to their children tomorrow. It's a positive step in the right direction, deserving the serious attention of all those concerned with the future.

Hopefully, all my colleagues will consider it worthy of their serious attention today.●

By Mr. RIEGLE (for himself and Mr. JEFFORDS):

S. 3164. A bill to establish a program to demonstrate the environmental, economic, and social benefits and feasibility of carrying out response actions to remediate environmental contamination and redeveloping or reusing land blighted by environmental contamination; to the Committee on Environment and Public Works.

ECONOMIC OPPORTUNITY AND ENVIRONMENTAL IMPROVEMENT THROUGH RECYCLING LAND ACT

● Mr. RIEGLE. Mr. President, today I rise to introduce with Senator JEFFORDS the Economic Opportunity and Environmental Improvement Through Recycling Land Act of 1992.

This legislation addresses a basic issue of environmental and economic policy in this country: whether we allow contaminated industrial and commercial sites to be abandoned, or whether we reinvest in the infrastructure of these sites and recycle them for new uses that will help rehabilitate and provide jobs in some of our Nation's most distressed areas.

The legislation I am introducing today seeks to demonstrate the wisdom of conserving public and private capital by recycling this Nation's industrial and commercial sites and facilities where economically feasible.

For several years now the U.S. Congress has been debating the need to reinvest in the infrastructure that supports the efficient operation of our economy.

I believe that this country cannot afford to abandon the sites that have employed thousands of our Nation's workers. We do not have the capital to be so profligate. We should conserve our resources as much as possible.

This legislation responds to those needs. In my State of Michigan alone, thousands of sites are contaminated from past industrial or commercial uses. These sites where previously successful businesses lie in some kind of economic limbo, need rehabilitation to make them viable for reuse. This legislation provides funds and assistance for that regeneration.

In fact, the Michigan State Legislature is creating a special committee to consider aggressively what initiatives the State might take to facilitate the recycling of these sites for contemporary uses that will attract or retain private employers. And, Michigan is not alone in its focus on this problem. States and cities throughout America, from California to New Jersey, from Long Beach and Oakland to Trenton and Newark, are similarly seeking to conserve resources and reuse abandoned industrial sites and facilities.

The legislation I am introducing today will complement and support these efforts at the State and local level and enhance the capacity of those governments to respond to the very pressing demand to act now to remediate those facilities and improve the economic prospects of its citizens—particularly the disadvantaged and chronically unemployed who live near these areas. This focus is good social policy as well as good environmental and economic policy.

Mr. President, there are some who argue that protection of the Earth's natural environment is our most urgent national and international goal. There are others who argue that providing economic opportunity for our citizens—particularly during the current, protracted recession—is our most

urgent national purpose. I argue—and my bill demonstrates this—that we can and must both protect the environment and create economic opportunity, especially for the benefit of the unemployed and disadvantaged. My bill is designed to protect the environment by recycling, where feasible, land—one of this Earth's obviously limited resources—and the improvements to that land.

Land reuse has the same environmental goal and benefit as recycling other resources in limited supply. This country is becoming more aware of the need to recycle newspapers, glass bottles, aluminum cans, and other materials and products. Recycling our land and the very substantial public and private utilities and other infrastructure that has improved the value of that land is the next logical step.

Mr. President, representatives of State economic development agencies and environmental regulatory agencies, counties, cities, economic and community development organizations, Federal Reserve System banks, environmental and land policy organizations, the Office of Technology Assessment, and other groups and individuals have contributed to the development of this legislation and support its purpose and concept.

I intend the bill to be part of the community revitalization initiatives that I hope the Congress will act during the balance of this session. Members of my staff and staff of members of the Environment and Public Works Committee have discussed this bill. I look forward to working closely and intently with my colleagues on that Committee to move aggressively on this legislation.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

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

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Opportunity and Environmental Improvement Through Recycling Land Act of 1992".

SEC. 2. FINDINGS.

The Congress finds that—

(1) past uses of land in the United States for industrial and commercial purposes have created many sites throughout the United States that are blighted with environmental contamination;

(2) the Congress and the governments of States and political subdivisions of States have enacted laws to prevent future environmental contamination and to carry out response actions to correct past instances of environmental contamination;

(3) many of the sites are located in or near the cities and urban communities in which large portions of the population, including poor and unemployed individuals, have concentrated;

(4) the manner in which the population of the United States is distributed and the manner in which communities accommodate the growth of the national economy affects employment opportunities, the availability of capital to provide economic opportunity, environmental conditions, and the availability of natural resources for the enjoyment of the people of the United States;

(5) the private market demand for sites impacted by environmental contamination is reduced or eliminated;

(6) the capital available for the redevelopment or reuse of the impacted sites is limited by the continuation of environmental contamination at the sites;

(7) the abandonment or underutilization of the impacted sites impairs the ability of the Federal Government and the governments of States and political subdivisions of States to provide economic opportunities for the people of the United States, particularly the poor and unemployed;

(8) the abandonment or underutilization of the impacted sites also results in the inefficient use of public facilities and services as well as land and other natural resources, and extends conditions of blight in local communities;

(9) cooperation among Federal agencies, State and local departments and agencies and between the departments and agencies and private persons is required to accomplish timely response actions and redevelopment or reuse of impacted sites; and

(10) there is a need for a program to demonstrate the public purposes and benefits of response actions and redevelopment or reuse of impacted sites.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ENVIRONMENTAL CONTAMINATION.—The term "environmental contamination" means the existence at a facility of one or more hazardous substances that may pose a risk to public health or the environment for which a response action is required under law.

(3) FACILITY.—The term "facility" has the meaning provided under section 101(9) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(9)).

(4) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning provided under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(5) IMPACTED SITE.—The term "impacted site" means a facility (other than a facility used primarily or exclusively for a residential use) or a combination of economically related facilities within the same unit of general local government that has environmental contamination that prevents the timely redevelopment or reuse of the facility primarily for an employment purpose in accordance with State or local community development strategies.

(6) RESPONSE ACTION.—The term "response action" has the same meaning as given the term "response" under section 101(24) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. (42 U.S.C. 9601(24)).

(7) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(8) STATE.—The term "State" has the meaning provided under section 102(a)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5301(a)(2)).

(9) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" has the meaning provided in the first sentence of section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).

SEC. 4. DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall establish and carry out a program to provide grants to States to establish a State program to provide grants to units of general local government, or a direct grant program to provide grants to units of general local government to demonstrate—

(1) the economic feasibility of redevelopment or reuse of impacted sites;

(2) the environmental, economic, and social benefits to distressed communities from focusing financial resources and cooperative action on the redevelopment or reuse of impacted sites;

(3) the beneficial impacts on patterns of community development and use of public resources of redevelopment or reuse of impacted sites;

(4) the feasibility of timely, cooperative action among Federal agencies and departments and agencies of States and political subdivisions of States that have jurisdiction over response actions and redevelopment or reuse of impacted sites, as well as between those agencies and private parties; and

(5) the use of response actions as an integral part of a facility redevelopment or reuse project.

(b) SCOPE OF PROGRAM.—

(1) IN GENERAL.—In carrying out the demonstration program established under subsection (a), the Administrator, in consultation with the Secretary, may award a grant to a State pursuant to section 5, or unit of local government that submits an approved application to the Administrator pursuant to paragraph (2).

(2) GRANT APPLICATION.—An application for a grant under this section shall include a proposal for a response action and redevelopment or reuse of an impacted site, and shall be in such form as the Administrator, in consultation with the Secretary, determines to be appropriate.

(3) SELECTION OF SITES.—For each of the fiscal years 1993 and 1994, the Administrator, in consultation with the Secretary, may select not more than 50 impacted sites as the subject for a grant award. For each of the fiscal years 1993 and 1994, the Administrator, in consultation with the Secretary, shall select not more than 3 impacted sites in any State as the subject of a grant award. If the Governor of a State establishes a State demonstration program pursuant to section 5, the Governor shall select the impacted sites to receive assistance under the grant program.

(4) GRANT AWARDS.—Except as provided in paragraph (5), the aggregate amount of grants awarded for response actions at an impacted site for fiscal years 1993 and 1994 shall not exceed—

(A) $4,000,000; or

(B) an amount equal to 75 percent of the total eligible costs of carrying out a response action at the impacted site,

whichever is lower. Each unit of general local government that receives a grant award under this Act shall be required to make a non-Federal contribution in an amount equal to 25 percent of the total eligible costs of carrying out a response action at the impacted site that is the subject of the grant award.

(5) EXCEPTION.—Subject to section 9, the Administrator, in consultation with the Secretary (or in the case of a State demonstra-

tion program under section 5, the Governor) may fund up to 100 percent of the total eligible costs of carrying out a response action at an impacted site if the Administrator (or the Governor) obtains satisfactory assurances from the grant recipient that—

(A) a transfer of the impacted site to be remediated will occur as part of a response action and redevelopment or reuse of the site;

(B) the net proceeds realized from the transfer of the site will reasonably approximate at least 25 percent of the eligible costs of carrying out a response action at the site; and

(C) an amount reasonably approximating 25 percent of the eligible costs referred to in subparagraph (B) from the net proceeds referred to in subparagraph (B), will be paid promptly by, or on behalf of, the grant recipient to the Administrator (or the Governor) as reimbursement for funds to be received pursuant to a grant to be awarded pursuant to this section.

SEC. 5. DELEGATION OF IMPLEMENTATION TO STATE DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, may, in lieu of awarding grants to individual units of general local government, award a grant to the Governor of each State that submits an approved application to the Administrator to conduct a State demonstration program to award grants to carry out the purposes referred to in section 4(a). Subject to the limitations referred to in section 4(b), under a State demonstration program, the Governor of a State shall have the authority to select impacted sites and allocate assistance from amounts awarded to the Governor pursuant to this section.

(b) ALLOCATION OF FUNDS.—If the Administrator, in consultation with the Secretary, chooses to establish a demonstration program to provide grants to States, the Administrator, subject to the limitations of section 4(b), and in coordination with the Governors of the States that submit an approved application, shall allocate the amount of assistance made available pursuant to this Act for each fiscal year among those States. In allocating the assistance, the Administrator, in consultation with the Secretary, shall consider—

(1) the relative commitment of each State to achieving successfully the purposes referred to in section 4(a);

(2) the need to allocate funds in amounts that will contribute to achieving successfully the purposes referred to in section 4(a); and

(3) the desirability of carrying out demonstration projects that vary in location, characteristics, issues, and types of participants.

SEC. 6. NON-FEDERAL CONTRIBUTION; WINDFALLS.

(a) IN GENERAL.—The non-Federal contribution required by section 4(b)(4) may be made in the form of grants, loans, abatement of past due or future property or income taxes, in-kind contributions, private party contributions, or other direct or indirect financial contributions approved by the Administrator, in consultation with the Secretary. The unit of general local government that is the recipient of the grant may make the contribution or another person may make the contribution on behalf of the unit of general local government.

(b) AVOIDANCE OF WINDFALL TO GRANT RECIPIENT.—A grant recipient under this Act, must, as a condition to receiving a grant award, enter into an agreement with the Administrator (or in the case of a State demonstration program under section 5, the Governor) that states that, if the grant recipient recovers compensation for any cost of carrying out a response action at an impacted site that is the subject of a grant award under this Act from another person, other than as contemplated by section 4(b)(5), the grant recipient shall pay the Administrator (or the Governor)—

(1) if the amount recovered is greater than or equal to the aggregate amount of grant awards received under this Act by the grant recipient, the aggregate amount of the grant awards received under this Act by the grant recipient; and

(2) if the amount recovered is less than the aggregate amount of grant awards received under this Act by the grant recipient, the full amount recovered.

(c) OTHER RECOVERY OF FEDERAL ASSISTANCE.—

(1) IN GENERAL.—As part of the agreement referred to in subsection (b), a recipient of a grant award under this Act, must, as a condition to receiving the grant, agree that if, with respect to the impacted site that is the subject of the grant—

(A) a response action for the facility has not been initiated by the date that is 1 year after the date that the grant is awarded;

(B) redevelopment or reuse has not been initiated by the date that is 1 year after the date of completion of all required response actions; or

(C) the redevelopment or reuse has not been completed in a timely manner (as determined by the Administrator, in consultation with the Secretary, or, in the case of a State demonstration program under section 5, the Governor),

the grant recipient shall be required to repay the full amount of the grant award (in addition to making the non-Federal contribution described in subsection (a)), plus interest accrued from the date of the awarding of the grant. Any such repayment shall be due immediately following notice to the grant recipient by the Administrator (or the Governor) that any of the conditions described in subparagraphs (A) through (C) has been met.

(2) INTEREST.—Any interest payable under this Act shall be accrued at the same rate as specified for interest earned pursuant to section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)).

(3) WAIVER.—The Administrator (or the Governor) may waive (in whole or in part) the requirement for repayment under paragraph (1) if the Administrator, in consultation with the Secretary, (or the Governor) determines that—

(A) the grant recipient acted in a manner consistent with the requirements of the grant program and the purposes described in section 4(a); and

(B) exigent circumstances contributed to the delay.

SEC. 7. CRITERIA FOR SITE SELECTION.

(a) IN GENERAL.—The Administrator (or in the case of a State demonstration program under section 5, the Governor) after receiving completed applications for grant awards under this Act, shall select impacted sites and allocate assistance by taking into account the following criteria:

(1) The extent to which the environmental, economic, and social benefits of the response action and redevelopment or reuse are likely to exceed the costs of the response action and redevelopment or reuse. The benefits referred to in the preceding sentence shall be measured by factors that include a consideration of the amount of job opportunities to be retained or created, expected increases in economic activity and synergy within the community, expected increases in local tax revenue, and capital and natural resources to be conserved.

(2) The extent of contribution of non-Federal resources, including capital investment by private parties, expected to occur in connection with the response action and redevelopment or reuse of the site.

(3) The level of economic and social distress of the unit of general local government in which the site is located, measured by any community employment loss in the industrial sector, the rate and period of unemployment, and any decline in economic activity, population loss, or population growth disproportionate to local economic opportunity.

(4) The degree of cooperation among appropriate governmental agencies, as well as between those agencies and private persons.

(5) Whether or not the State or unit of general local government has established an ongoing program for response actions at impacted sites.

(6) Whether or not the environmental contamination at the site will be satisfactorily and efficiently addressed by the proposed response action.

(7) Such other factors as the Administrator considers relevant to the purposes of the program authorized by this Act.

(b) PRIORITY.—The Administrator (or in the case of a State demonstration program under section 5, the Governor) shall give the greatest degree of priority to the criteria referred to in paragraphs (1) through (6) of subsection (a), and shall give equal priority to each criterion referred to in such paragraphs.

SEC. 8. FEDERAL SUPERFUND SITES AND FEDERAL MILITARY FACILITIES EXCLUDED; UNDERGROUND STORAGE TANKS.

(a) EXCLUDED SITES.—The impacted sites selected by the Administrator (or in the case of a State demonstration program under section 5, the Governor) shall not include—

(1) a site on or expected to be included on the National Priority List maintained by the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(2) a site controlled or to be remediated by a military department, Defense Agency, or the Department of Energy.

(b) SITES WITH UNDERGROUND STORAGE TANKS.—The Administrator (or in the case of a State demonstration program under section 5, the Governor) shall provide no assistance under this Act for the removal or replacement of, or other response action with respect to, any underground storage tank for which assistance for such activities may be obtained pursuant to subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

SEC. 9. ELIGIBLE COSTS.

(a) ELIGIBLE COSTS.—For the purposes of the grant program established under section 4, eligible costs for response actions under this section shall include administrative and nonadministrative costs.

(b) NONADMINISTRATIVE COSTS.—For the purposes of this section, the term "nonadministrative costs" shall include the cost of—

(1) identifying the probable extent and nature of, and preferred manner of carrying out a response action at an impacted site;

(2) fees relating to applications for agency approvals necessary to response actions;

(3) costs of removal, or on-site or off-site treatment of contamination; and

(4) costs of monitoring ground water or other natural resources.

(c) ADMINISTRATIVE COST LIMITATION.—Not more than 10 percent of the amount of a grant award under this Act may be used for administrative costs.

SEC. 10. LIABILITY UNDER OTHER LAW; AVOIDANCE OF WINDFALL.

(a) LIABILITY UNDER OTHER LAW.—Nothing in this Act shall be construed or interpreted to relieve any person from liability under, or the requirements of, any other law regarding environmental contamination.

(b) AVOIDANCE OF WINDFALL.—The Administrator, in consultation with the Secretary (or in the case of a State demonstration program under section 5, the Governor) shall implement the grant program under this Act in a manner that does not—

(A) relieve from liability under any other law regarding environmental contamination any person who, prior to the initiation of a response action assisted by a grant award under this Act, was potentially liable for the response action with respect to the impacted site that is the subject of the grant; and

(B) reduce the incentive of a person described in subparagraph (A) to participate in funding the non-Federal contribution required under section 6.

SEC. 11. EVALUATION AND REPORT.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than March 31, 1995, the Administrator, in consultation with the Secretary, shall conduct an evaluation of the grant program established under section 4. The evaluation shall be based on information available at the time of the evaluation.

(2) DATA COLLECTION.—As a condition to receiving a grant under this Act, the Administrator (or the Governor) shall require each grant recipient to submit data that indicate the actual costs, benefits, sources and uses of funds, and results of an assisted response action and redevelopment or reuse project.

(b) REPORT.—Upon completion of the evaluation referred to in subsection (a), but not later than March 31, 1995, the Administrator shall submit a report to Congress that describes the findings and recommendations of the Administrator.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated (from funds other than the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1986), to carry out this Act, $100,000,000 for fiscal year 1993, and $100,000,000 for fiscal year 1994, to remain available until expended.●

● Mr. JEFFORDS. Mr. President, I am pleased to be an original cosponsor of Senator RIEGLE's bill to promote the reuse of abandoned manufacturing facilities. These idle facilities—mining operations in the West, textile mills in the South, steel mills in the Northeast, and machine tool shops along the Great Lakes—represent a tremendous waste of physical resources and capital. And too often, the abandonment of these facilities and sites has led to the deterioration of the surrounding communities, many of which are located in our inner cities.

This bill builds upon the pioneering work the Northeast-Midwest Institute has done to promote industrial facility reuse. It convened a conference on the subject last year and has published "New Life for Old Buildings," which contains scores of successful reuse case studies from around the Nation. I successfully offered an amendment to the highway bill directing the Department of Transportation [DOT] to conduct a study of the impediments to reuse. Transportation Secretary Card has informed me that in addition to conducting the study, DOT will also compile an inventory of abandoned facilities nationwide. I anxiously await their report.

Mr. President, abandoned manufacturing facilities have tremendous potential. Infrastructure—roads, utilities, rail sidings, and the like—already is in place. Surrounding communities usually are economically distressed and hungry for good jobs. We have to reinvest in our cities, and in our manufacturing. The bill that Senator RIEGLE and I are introducing tonight is a start in the long process of bringing these sites and communities back to life.●

By Mr. REID:

S.J. Res. 331. Joint resolution to designate the month of January 1993 as "National Cowboy Poetry Month"; to the Committee on the Judiciary.

NATIONAL COWBOY POETRY MONTH

● Mr. REID. Mr. President, each year, in the last week of January, ranchers, cowboys, and lovers of the West travel long distances to a remote town in northeastern Nevada called Elko. Arriving from many different parts of the country, these individuals meet to celebrate the long tradition of the American West by listening to cowboys share their poetry about life on the range. The Cowboy Poetry Gathering is a unique cultural event providing entertainment for those men and women who treasure the memory of our western heritage. The nature of this heritage is re-created and retold in poems depicting the emotion, character, and environment of the cowboy.

The first poetry meeting was held in 1985 in Elko, a town rich in the cowboy tradition. Since then, the Cowboy Poetry Gathering has flourished as a cultural event, attracting thousands of participants including folklorists, academics, musicians, artists, journalists, and tourists. Cowboy songs, music, and dance, as well as handcrafted paraphernalia, create an exciting atmosphere that preserves and invigorates the undying legacy of the cowboy. As Darrell Arnold wrote in "The Western Horseman," "No amount of words and pictures can truly convey the mood of the assemblage, the excitement of the participants, and the joy of reuniting with people who share a philosophy of the West that is akin to one's own."

This year, the eighth Cowboy Poetry Gathering drew 10,000 people for 6 extraordinary days of poetry reading. Cowboy poets have been featured on National Public Radio and the "Tonight Show." As a result of its success, the Cowboy Poetry Gathering has inspired similar meetings in Texas, Montana, Oklahoma, North Dakota, Utah, New Mexico, Colorado, Wyoming, and Idaho. Additionally, poetry readers can now subscribe to their own cowboy poetry magazines.

The cowboys of yesterday and today stand as living embodiments of a vital aspect of our national character. They represent those qualities of independence and fortitude that contributed so much to the building of this Nation.

We should be grateful that this tradition is carried on in the present day by those who still dedicate themselves to life on the range. Why do they do it? William Kittredge, author of "Hole in the Sky: A Memoir," perhaps said it best:

> People stick to ranching because they love the feel of a quick little horse moving intently after cattle, or the smell of greasewood after summer rain or new-cut alfalfa on a spring morning, or the stretch of damp rawhide as they work at braiding a riata, or the look of a mother cow as she trails her dusty way back to her calf after a long walk to water. People stick to it because they enjoy the feel and smell and sound of things, and because they share those mostly unspoken loves with other people they can trust as being somewhere near to decent.

> All over the American West, cowboys and ranchwomen . . . have been gathering to declaim their verse to one another . . . These are celebrations of things ranchland people respect and care about most deeply—the land they have chosen to live on, their work, and, right at the center, one another, this companionship.

To designate the month of January 1993 as "National Cowboy Poetry Month" is to proclaim our appreciation and regard for the history of the U.S. cowboy. May the efforts of these active poets and their readers continue to commemorate the age-old tradition of writing poems of historic and traditional value.●

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. MITCHELL, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1361, a bill to remedy the serious injury to the U.S. shipbuilding and repair industry caused by subsidized foreign ships.

S. 1677

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cospon-

sor of S. 1677, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the Medicaid Program, and for other purposes.

S. 1931

At the request of Mr. STEVENS, the names of the Senator from Missouri [Mr. BOND], the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. HELMS], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 1931, a bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

S. 2083

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2083, a bill to provide for an extension of regional referral center classifications, and for other purposes.

S. 2103

At the request of Mr. GRASSLEY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2103, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2104

At the request of Mr. GRASSLEY, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2104, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physical assistance, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 2268

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2268, a bill to make the import alert issued by the Food and Drug Administration with respect to the drug RU-486 ineffective and for other purposes.

S. 2400

At the request of Mr. PRYOR, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2400, a bill to amend title XVIII of the Social Security Act to extend special payments under part A of Medicare for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries.

S. 2484

At the request of Mr. KASTEN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2769

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 2769, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for economic growth and affordable housing, and for other purposes.

S. 2810

At the request of Mr. SASSER, his name was added as a cosponsor of S. 2810, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 2837

At the request of Mr. HARKIN, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 2837, a bill to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

S. 2873

At the request of Mr. BREAUX, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2873, a bill to amend the Internal Revenue Code of 1986 to establish medical care savings benefits.

S. 2904

At the request of Mr. MURKOWSKI, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2904, a bill to amend the Internal Revenue Code of 1986 to permit rollovers into individual retirement accounts of separation pay from the Armed Forces.

S. 2940

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2940, a bill to reduce to 100,000 the number of members of the Armed Forces of the United States assigned to permanent duty ashore in NATO countries of Europe by the end of fiscal year 1995.

S. 3002

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 3002, a bill to amend title XIX of the Social Security Act to provide for optional coverage under State medicaid plans of case-management services for individuals who sustain traumatic brain injuries, and for other purposes.

S. 3008

At the request of Mr. ADAMS, the names of the Senator from Tennessee [Mr. SASSER], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 3008, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a White House Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes.

S. 3085

At the request of Mr. LAUTENBERG, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 3085, a bill to amend the Internal Revenue Code of 1986 to provide that amounts in individual retirement plans not be counted in determining eligibility for aid to families with dependent children, to allow withdrawals from such plans to pay for higher education expenses, and for other purposes.

S. 3118

At the request of Mr. CONRAD, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 3118, a bill to increase employment and business opportunities for Indians, and for other purposes.

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

SENATE CONCURRENT RESOLUTION 133

At the request of Mr. AKAKA, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. KOHL], the Senator from Virginia [Mr. WARNER], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Concurrent Resolution 133, a concurrent resolution concerning Israel's recent elections and the upcoming visit by Israeli Prime Minister Yitzhak Rabin to the United States.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 133, supra.

SENATE CONCURRENT RESOLUTION 134

At the request of Mr. CRANSTON, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Concurrent Resolution 134, a resolution to commend the people of the Philippines for successfully conducting peaceful general elections and to congratulate Fidel Ramos for his election to the Presidency of the Philippines.

SENATE RESOLUTION 325

At the request of Mr. D'AMATO, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of Senate Resolution 325, a resolution expressing the sense of the Senate that the Government of the Yemen Arab Republic should lift its restrictions on Yemeni-Jews and allow them unlimited and complete emigration and travel.

SENATE RESOLUTION 332—AUTHORIZING TESTIMONY AND PRODUCTION OF DOCUMENTS BY MEMBERS AND EMPLOYEES OF THE SENATE

Mr. PELL (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 332

Whereas, in the case of United States of America V. Clair E. George, Crim. No. 91-521, pending in the United States District Court for the District of Columbia, counsel for the defendant has requested the production of documents from the custodians of records of the Committee on Foreign Relations and the Select Committee on Intelligence;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the custodians of records of the Committee on Foreign Relations and the Select Committee on Intelligence, and current or former Members and employees of the Senate from whom testimony may be necessary, are authorized to testify and produce documents in the case of United States of America v. Clair E. George, except, with respect to Members of the Senate, when their attendance at the Senate is necessary for the performance of their legislative duties, and except concerning matters for which a privilege should be asserted.

Sec. 2. That the Senate Legal Counsel is authorized to represent the custodians of records of the Committee on Foreign Relations and the Select Committee on Intelligence, and current or former Members and employees of the Senate from whom testimony may be necessary, in connection with their testimony in United States of America v. Clair E. George.

AMENDMENTS SUBMITTED

AUTHORIZATION OF MULTILATERAL ACTION IN BOSNIA-HERCEGOVINA

WARNER (AND OTHERS) AMENDMENT NO. 2925

Mr. WARNER (for himself, Mr. DOLE, and Mr. STEVENS) proposed an amendment to the resolution (S. Res. 330) relating to authorization of multilateral action in Bosnia-Hercegovina under article 42 of the United Nations Charter, as follows:

At the end of the resolution, add the following new paragraph:

(4) The United States Senate strongly supports the measures announced by the President on August 6, 1992.

MCCAIN AMENDMENT NO. 2926

Mr. MCCAIN proposed an amendment to the resolution (S. Res. 330), supra, as follows:

Strike the words "giving particular considerations to the possibility of demonstrations of force," from section 1.

BROWN AMENDMENT NO. 2927

Mr. COHEN (for Mr. BROWN) proposed an amendment to the resolution (S. Res. 330), supra, as follows:

In the resolved clause, add the following new subsection:

"(4) No United States military personnel shall be introduced into combat or potential combat situations without clearly defined objectives and sufficient resources to achieve those objectives."

BYRD (AND OTHERS) AMENDMENT NO. 2928

Mr. PELL (for Mr. BYRD, for himself, Mr. MITCHELL, Mr. BOREN, Mr. DECONCINI, Mr. REID, Mr. SPECTER, Mr. D'AMATO, Mr. FOWLER, Mr. MURKOWSKI, Mr. BIDEN, Mr. PRESSLER, Mr. DODD, Mr. KERREY, Mr. MOYNIHAN, Mr. LIEBERMAN, and Mr. KENNEDY) proposed an amendment to the resolution (S. Res. 330), supra, as follows:

At the end of the resolution, add the following:

SEC. . (a) Congress makes the following findings:

(1) National elections for the President and Parliament of Romania are scheduled to be held on September 27, 1992.

(2) Romania lacks an historical tradition of political democracy.

(3) The Romanian elections of 1946, in a major step toward the Soviet and Communist enslavement of Eastern Europe, were fraudulently manipulated to bring the Communists to power.

(4) Romania, since the violent overthrow of the Communist Ceausescu regime in 1989, has professed to pursue a democratic course.

(5) Progress toward achieving democracy has been marred by acts of violence, perpetrated by groups of miners in June 1990 and September 1991, that were aimed either at suppressing political dissent or at undermining the democratic institutions of the Romanian government.

(6) In February 1992, the first free and fair local government elections in a half century were held in Romania.

(7) There are many encouraging signs that the parliamentary and presidential elections scheduled for September 27, 1992, can be fairly and democratically conducted.

(8) Among those signs is the recent enactment of legislation in Romania that creates an audiovisual council with the responsibility for fairly allocating radio and television access to the various candidates.

(9) Although international human rights monitors have observed that Romania has made progress in the area of human rights, the monitors have also identified significant unresolved problems with regard to free speech, the activities and control of the Romanian Intelligence Service, and the rights and treatment of minorities.

(10) Recent press reports indicate that Romania may be serving as a conduit for the transport of goods to Serbia and Montenegro in contravention of United Nations sanctions.

(11) A bilateral United States-Romanian trade agreement, which was signed on April 3, 1992, has been submitted to the Senate.

(12) To become effective, that trade agreement must be approved by the Senate.

(13) The support of the Senate for extending the favorable aid and trade treatment needed to help improve the performance and growth of the Romanian economy will depend heavily on the conduct of the fall election campaign and on the election day procedures.

(14) In considering the trade agreement, the Senate will also take into account Romania's record on human rights and its compliance with the United Nations sanctions against Serbia and Montenegro.

(15) The development of democratic procedures and institutions in Romania is at a critical stage, and the elections scheduled for September 27, 1992, represent an historic test of the commitment of the Romanian leadership and political system to developing such procedures and institutions.

(b) It is the sense of the Senate that—

(1) the elections for the President and Parliament of Romania that are scheduled to be conducted on September 27, 1992, will be an important measure of Romania's progress toward democracy;

(2) those elections should be conducted in a free and fair manner that includes reasonably equal access to the mass media by the major candidates;

(3) the Secretary of State should initiate an international effort to ensure that a sufficient number of United States and international observers are placed in Romania to monitor the scheduled elections, and any run-off elections that may be held, in order to ascertain whether such elections are conducted in a free and fair manner; and

(4) consideration by the Congress of any legislation to grant nondiscriminatory (most-favored-nation) trade status to Romania should be withheld until the Secretary of State has certified to the Senate that the elections in Romania scheduled for September 27, 1992, and any subsequent run-off elections that may be held, are conducted in a free and fair manner.

STEVENS AMENDMENT NO. 2929

Mr. STEVENS proposed an amendment to the resolution (S. Res. 330), supra, as follows:

At the end of the resolution, insert the following new section.

(4) The United States Senate pledges to provide such funds as are necessary for United States participation in such humanitarian relief and multilateral military force activities, pursuant to such mandates as may be adopted by the United Nations Security Council, consistent with the terms of this resolution.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests. The purpose of the hearing is to receive testimony on grazing management and grazing fee issues.

The hearing will take place Thursday, September 3, 1992, beginning at 9 a.m. and concluding at approximately 4 p.m. The hearing will be held at the Wyoming Oil and Gas Conservation Commission Building, 777 West First Street, Casper, WY.

A number of witnesses representing a cross-section of views and organizations will be invited by the subcommittee to testify. Time will also be set aside to accommodate as many other individuals as possible who would like to make a brief statement of no more than 3 minutes.

Although the subcommittee will attempt to accommodate as many individuals desiring to speak as time permits, it may not be possible to hear from all those wishing to testify.

Written statements may also be submitted for the hearing record. It is only necessary to provide one copy of any material submitted for the record. Comments for the record may be brought to the hearing or submitted to the Subcommittee on Public Lands, National Parks and Forests, room 304 of the Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Mona White in Senator WALLOP'S Casper office at (307) 261-5415 or David Brooks of the subcommittee staff in Washington, DC at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. PELL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Monday, August 10, at 9 a.m. for a hearing on the subject: The Effects of Traffic Radar Guns on Law Enforcement Officers.

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

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Credit be allowed to meet during the session of the Senate on Monday, August 10, 1992, in SR-332 on S. 3119, the USDA National Appeals Division Act of 1992.

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

ADDITIONAL STATEMENTS

ROBERT WOODS JOHNSON FOUNDATION ARTICLE

• Mr. BRADLEY. Mr. President, I recently read an excellent statement, included as part of the annual report of the Robert Woods Johnson Foundation in Princeton, NJ, concerning a new nemesis facing our country. The article points out that the longtime political rival of the United States, the Soviet Union, has disintegrated into a number of smaller republics struggling for democracy. That political rivalry between our two countries has now changed from competition to one of cooperation and assistance as we work to encourage democracy throughout Eastern Europe.

However, the foundation correctly points out there is a new nemesis that is threatening the safety and health of our citizenry—one that is embedded within all of the serious problems we face, from crime, to poverty, to drug abuse, to jobs and education. One that transcends economic, social, and ethnic classifications and affects the poor, the elderly, our children, families, the unemployed as well as the working men and women all across America. The new Nemesis is the health care crisis, where tens of millions of Americans have little or no access to basic health care and all of us face a growing threat from skyrocketing costs. The foundation has authored an eloquent nomination to designate the health care crisis as our Nation's "New Nemesis." I second that nomination and ask that the statement be printed in the RECORD at this point.

The statement follows:

STATEMENT: THE NEW NEMESIS

There is nothing quite so shattering, politically or philosophically, as having one's nemesis inconveniently die—as this nation is beginning to discover upon the demise of the Soviet Union. It will be interesting to see whether we have the maturity and courage to look for a replacement archenemy within our own borders and souls.

There are plenty of worthy candidates: ignorance, crime, intolerance or any of a host of social inequities.

And every one of them—every moral, political and economic fault or failing—figures in our present health care crisis. Every problem a society experiences ultimately presents itself in some form at the hospital door.

A pessimist may find in that interconnectedness reason to despair of any solution to this crisis. But there might be equal reason to see it as an opportunity to learn how our society really works—or doesn't work.

If we are to solve the country's health care problems, we can't limit ourselves to dealing with them at the door of the emergency room or the doctor's office. We will be obliged to discover where they originate, how they mutate into medical problems, and how to stop the process. And stopping the process will mean solving those original problems or, at the very least, greatly reducing their effect.

That would be a worthy undertaking for a great nation—and a sound approach to the myriad problems we confront as a society. The health care crisis is an ideal focal point for such an endeavor. It is acknowledged to be a matter of the utmost urgency by virtually every leader of every political persuasion; it leads back to the most diverse array of problems; it is an issue of great importance and cost to the nation; and the success or failure of its reform can be readily measured.

Moved that the forces depriving this nation of comprehensive, cost-effective health care be declared the new Nemesis.

Do we hear a second?•

(At the request of Mr. DOLE the following statement was ordered to be printed in the RECORD)

NATIONAL HOSIERY WEEK—AUGUST 10-16

• Mr. HELMS. Mr. President, the week of August 10-16 marks the 21st annual observance of "National Hosiery Week." It is with great pride that I use this occasion to recognize an industry which has contributed so much to the free enterprise system of our Nation as well as to the economy of North Carolina.

During the past year, the hosiery industry has made great strides in the area of foreign trade. Exports in 1991 leaped 30 percent over 1990 levels to 8,949,962 dozen pairs. This increase in exports helped push total U.S. production to 320,149,000 dozen pairs—and that, Mr. President, is a lot of hosiery.

At a time of rising levels of imports, it is vital that we continue to support the textile and apparel industry which employs so many American workers. The hosiery industry represents significant portion of the textile and apparel complex. It alone employs more than 70,000 people in 417 plants around the Nation and continues to grow. The large size of the hosiery industry makes it a major contributor to our Nation's economy.

But Mr. President, it is in the many smaller communities where the hosiery industry makes its most significant contribution, because it is there that these companies constitute a large part of the local economy. In many cases, a hosiery company will serve as the major employer in the area, providing good, stable jobs for its employees.

Mr. President, members of the National Association of Hosiery Manufacturers produce and distribute 85 percent of U.S. hosiery, contributing more than $6 billion to the U.S. economy each year. The hosiery industry has made great strides in improving productivity in its mills and in improving the quality of its product. These efforts to make the hosiery industry more competitive have resulted in significant technological and design improvements in the manufacture of hosiery.

Mr. President, National Hosiery Week is of special importance to me because North Carolina is the leading textile and hosiery State in the Nation. North Carolina is proud of the leadership of the hosiery industry and the fine quality of life that it has provided for so many people.

On behalf of my fellow North Carolinians, I extend my sincere thanks and congratulations to the hosiery industry and to its many thousands of employees for their outstanding contribution to our State and Nation.•

TAKING THE LEAD ON EDUCATION

• Mr. KASTEN. Mr. President, we all know that education is the highway of hope—the sure-fire way for young people to start building a successful future. I would like to draw the attention of my colleagues to one Wisconsin community that takes education very seriously.

The River Cove Apartments in Stevens Point, WI, are a 40-unit subsidized section 8 HUD housing project. But they are a housing project with a difference.

Fact: One out of every four tenants at the River Cove Apartments is currently enrolled at an institution of higher education.

These tenants know that what you earn depends on what you learn. They are taking their future into their own hands and mounting the ladder of economic opportunity. Dozens of River Cove tenants have already succeeded in finding better jobs, and others are on their way.

The key to educational success is creating a climate where learning is respected and encouraged. I commend Jane Staples, the owner and operator of River Cove Apartments, for her work in making this happen. And I hope all my colleagues will join me in applauding the River Cove tenants, who are fighting for their own dreams—and in succeeding, setting an example for us all.•

CORPORATE RESPONSIBILITY

• Mr. SIMPSON. Mr. President, I realize we have a short time agreement, and I appreciate the opportunity to briefly express my appreciation to Senator BYRD and Senator DOMENICI for bringing this amendment to the consideration of the Senate. I am very pleased to be cosponsor of the amendment.

The first amendment is a sacred right which all of us possess—yet it does not preclude the right to condemn the speech of others which acts to desensitize a civilized society. The lyrics of "Cop Killer" are beyond disgusting.

I also found the lyrics of a little ditty entitled "KKK Bitch"—which is found on that same recording—to be particularly offensive. If any one of my colleagues wishes to have me send a copy of the lyrics of these songs—if you can call them that—I certainly shall. I believe you will agree that anyone with any degree of human sensitivity would be appalled by these lyrics. Corporations should demonstrate more civic responsibility than that. And I shall name names for Time-Warner has shown us very little of that attribute with this recording.

I cannot speak more eloquently than Charlton Heston did to a meeting of the shareholders of Time-Warner on this topic. He laid it all out very succinctly—and he named names. I have written to Mr. Heston to commend him for the position he took. It is a position which I am confident is overwhelmingly supported by a vast majority of the American people.

He is owed a debt of gratitude from all of us in the Senate. So are Senators BYRD and DOMENICI for sponsoring this resolution.•

TRIBUTE TO J. EMMANUEL WILLETT, Ph.D.

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a gentleman whose career has had a positive impact on countless Kentuckians. J. Emmanuel Willett will be retiring at the end of this month after a 25-year career of serving the northern Kentucky community in the field of mental health.

During the past quarter of a century as president and chief executive officer of the Comprehensive Care Centers and Children's Psychiatric Hospital of Northern Kentucky, Mr. Willett has build a wealth of services for those suffering from mental health disabilities.

Mr. Willett's path to the office of executive director of Northern Kentucky Mental Health/Mental Retardation Regional Board and the Comprehensive Care Centers it operates has been no simple walk in the park. His trek began as a University of Kentucky graduate student. At that time Mr. Willett was supported by a State stipend program which included working summers at the Albert B. Chandler Medical Center. After finishing his internship, he worked full time at Thomas Moore College.

To repay his stipend, Mr. Willett became involved in organizing the regional board and construction plans for the new Northern Kentucky Comprehensive Care Center. After his task was completed he was offered the position of executive director of the center. Mr. Willett was not only the first, but has been the only executive director employed by the center.

During the past 25 years, Mr. Willett has worked dutifully to ensure that the center remains a model of quality mental health care. During Mr. Willett's tenure, the regional board has developed a number of innovative services to help the community.

Mr. President, please join me in honoring this doctor, educator, and visionary who has realized his dream of being able to help others. J. Emmanuel Willett, Ph.D., is a point of light to the many citizens of Kentucky who have received the special care they needed at the Comprehensive Care Center and Children's Psychiatric Hospital of Northern Kentucky.

I wish Mr. Willett a wonderful retirement and the best of luck in his future endeavors.

Mr. President, I would like the following article from the Kentucky Psychological Association Newsletter to be submitted into the CONGRESSIONAL RECORD.

The article follows:

PROFILE OF CENTERS' PRESIDENT

The journey of life is full of turning points, both personally and professionally. For J. Emmanuel Willett, Ph.D., President, two such moments occurred in 1954. It was that year he married his wife, Dorothy, whom he grew up with in his hometown of Fancy Farm, Kentucky. He also visited his sister in Cincinnati who thought he needed to get out of his present construction job and go back to teaching. She lined up interviews for him with a number of local colleges, but it wasn't until six months later that he was offered a position teaching education at Mount St. Joseph College. A few years previously, he had attended St. Mary's College in Lebanon, Kentucky with his eye on the ministry. He realized the ministry wasn't where he belonged, but continued to have a desire to help others. He considered a career in teaching and enrolled in the MA program in Guidance and Counseling at Catholic University.

He taught at Mt. St. Joseph for seven years and at the same time took courses at the University of Cincinnati. It was there Dr. Willett met George Kisker and took an Introduction to Clinical Psychology. He realized then that this could be a means of helping others. Dr. Willett took a sabbatical and finished graduate school at the University of Kentucky, concentrating on clinical psychology. Graduate school included two years of coursework and one year as a clinical psychology intern at the Albert B. Chandler Medical Center. After finishing his internship, he worked at a mental health center on a full-time basis and taught part time at Thomas More College. During his graduate school career, he commuted via Greyhound

bus from Cincinnati to Lexington, staying at a boarding house throughout the week.

Dr. Willett's involvement with the development of the Center began when he was working for the Department of Mental Health in 1964 to repay the state for financial assistance which helped him to complete his doctoral work at UK. To serve out the remaining twelve month indenture, Commissioner Dale Farabee charged him with the task of organizing the newly incorporated Northern Kentucky Mental Health-Mental Retardation Regional Board. This was accomplished in May 1966. His state commitment would be satisfied by December, so he began planning to search for employment elsewhere—only to have the Board offer him the position of Executive Director of Northern Kentucky Community Mental Health Centers. He assumed his new position on October 1, 1966. He was not only the first, but has been the only Executive Director employed by the Center. Never forgetting his commitment to teaching, Dr. Willett taught part time at Thomas More College until 1983, donating his salary back to the institution.

Dr. Willett is a native of Fancy Farm, a small, rural community in Western Kentucky. He was raised on a farm settled in 1821 by his great-grandfather, Samuel Willett. As a high school student at Fancy Farm, he took four years of Latin, English, and Math, along with Chemistry and French classes. In 1942, at age 16, he received his high school diploma. He was too young for the military and decided to stay with his sister in Cincinnati to work as an apprentice glass-blower in a war plant. He later apprenticed as an electrician and then enlisted in the Air Force in 1944. He was a clerical worker until his discharge.

For twenty-five years Dr. Willett has worked faithfully, offering his time and expertise to ensure that the Center remains the best provider of quality services that it can be. Under his leadership, the Center has experienced positive changes and growing pains. With the support of the Regional Board, he and the Center staff have been able to maintain quality, professional mental health and mental retardation services in the Northern Kentucky Region. Dr. Willett's dedicated leadership has provided stability to the Center's history of struggles and successes.•

THE FREEDOM OF CHOICE BILL

• Mr. MOYNIHAN. Mr. President, this bill is an attempt to prohibit States from enacting laws that regulate abortion in a manner inconsistent with the Supreme Court's decision in Roe versus Wade. This attempt arises from a concern over the Court's recent decisions to narrow the scope of the constitutional right to abortion established in Roe, and indeed by a concern over the fact that four sitting Justices now favor overturning Roe outright.

I lend my support to the bill because I share these concerns, although I am not entirely persuaded that a legislative option is truly available to us. It seems likely to me that if this bill ever becomes a law, its application would be challenged as a violation of State sovereignty in these areas. It seems equally likely that the very Court we are trying to circumvent would sustain such a challenge, as conservative Courts are wont to do. I tend to think the current Court would not uphold this bill as an enactment under either the commerce power or section 5 of the 14th amendment. But the question is perhaps close enough to make the attempt worth a try.

In my view, it remains the case that the best, and perhaps only, remedy against further erosion of a woman's right to choose is to elect a President who would make the appropriate appointments to the Supreme Court. I would hope that in the rush to pass this bill, this reality not be overlooked.•

SMALL BUSINESS EQUITY ENHANCEMENT ACT OF 1992

• Mr. KASTEN. Mr. President, I rise today in support of the Senate substitute for H.R. 5191, the Small Business Equity Enhancement Act of 1992, a bill that will positively impact small businesses and job creation by helping to get more investment capital to America's entrepreneurs.

Venture capital is the key to creating new jobs in the United States. Along with a good business idea, venture capital makes it possible for prospective entrepreneurs to take on the risk of jumping in and fighting to make a new business succeed.

This legislation, which will help reform the U.S. Small Business Administration's Small Business Investment Company [SBIC] Program, is the culmination of nearly 2 years of work by the Senate and House Small Business Committees. It addresses the needs of equity-based and debt-based SBIC's, both of which are important to the SBIC Program. Two years ago the SBIC industry was having problems, and the steady flow of capital to small businesses through SBIC's was threatened.

The SBIC Program has had a successful history. Over the years, the SBIC Program has been one of the few constant and effective sources of support for small business entrepreneurs.

The past accomplishments of SBIC's are well documented. Over 70,000 small businesses have created an estimated 1 million new jobs with the help of SBIC financing, and this number is growing. These jobs are created more efficiently—with less venture financing needed to provide each job—than those produced by Fortune 500 companies. In the last 15 years, SBIC's have reported over $2 billion in pretax income, and corporate SBIC's have paid over $500 million in Federal taxes. Clearly the program fills a real need across the country, and in my home State of Wisconsin where we have a number of successful SBIC's.

Recently, however, the available pool of venture capital has been shrinking in the United States, due to the recession and to the changes made in 1986 which dramatically increased the capital gains tax rate. The capital and credit crunch in many parts of the United States makes it urgent that the initiatives in H.R. 5191 be implemented soon.

The biggest problem for SBIC's has been to make equity investments in companies. Under the current program, there is a fundamental mismatch between Government leverage and the needs of the SBIC industry.

The Small Business Act of 1958 currently states that SBIC's making equity investments can only receive debt financing from the Government. In other words, SBIC's would have to pay back SBA loans right away, but might have to wait several years to receive dividend payments from the companies they invested in. New start-up businesses, the kind that SBIC's often invest in, usually don't show a profit during the first several years. SBIC's are often trapped by the mismatch of leverage, and this hinders the effectiveness of equity investments.

Equity investments are important because they help form a lasting partnership between the business and the financier. The level of SBIC funds going toward equity investments increased in the last decade—showing a desire by many in the industry to make more equity investments.

H.R. 5191 creates a new preferred participating security which will allow the Federal Government to share the profits made by an SBIC, and make it easier for SBIC's to make equity investments. I want to stress that this security is an original idea to promote SBIC equity investments. The Government will cover the cost to an SBIC during the early years of an investment. Once the SBIC begins to show a profit, the Government will be first in line to have their money repaid and then will collect a portion of the remaining profits.

Mr. President, I also want to address the question of risk to the Government. This legislation will implement important reforms in the program to protect taxpayers' dollars from risk.

One reform is an adjustment of the leverage ratio between Government and private capital. H.R. 5191 will create a leverage system where the share of Government dollars at risk will decrease as the size of an SBIC increases. In other words, the larger the SBIC, the lower the Government's participation or the more the Government is protected.

The Government will also become the senior investor in SBIC's. This means no money will go to private sources until the SBIC has paid off its debt to the SBA. Profits will then be shared between private sources and the SBA so that everyone can benefit from positive investments.

One important addition in the Senate substitute for H.R. 5191 that is not in the original House version is a provi-

sion included by the distinguished chairman from Arkansas preventing SBIC's from declaring bankruptcy—and leaving the Government with nothing. This section has already passed the Senate as part of the Bankruptcy Reform Act, S. 1985. I believe this is an appropriate addition to H.R. 5191, and that it will help improve confidence in the SBIC Program.

H.R. 5191 also takes the important step of allowing State and local government funds to be invested in SBIC's. Pension funds are the single largest source of investment capital in the United States. Opening up SBIC's to State and local investment will not only increase the pool of capital for the industry, but it will also help government directly contribute to job creation in their community. SBIC's can effectively direct public dollars to stimulate job creation. This will be an important future resource for small business entrepreneurs.

This bill has the strong support of the Bush administration, the SBIC industry, and both Democratic and Republican members of the House and Senate Small Business Committees. Mr. President, I hope that we can reconcile the House and Senate versions of this bill, send it on soon to the President so he can sign it into law, and get back to creating opportunities for entrepreneurs and jobs for Americans.•

GRAZING AND CONSERVATION COMPATIBLE

• Mr. WALLOP. Mr. President, while reading the Sunday, August 2, edition of the Washington Post, I came across a very nice piece about Wyoming rancher Jack Turnell, a longtime friend and fellow cattle producer. The article is a very fitting description of a man who, like so many ranchers utilizing public and private lands throughout our Nation, cares deeply about environmental preservation and is committed to proving that ranching and environmental concerns are compatible. He is a fine example of the ongoing partnership between Government and industry to maintain, utilize, and improve our environment.

The article discusses specific steps which can and are being taken by Jack to "bridge the gap between environmentalists, the bureaucracy, and industry." Although not mentioned in the article, he was appropriately recognized by the National Cattlemen's Association just this year, when he received the National Environmental Stewardship Award. I have stayed with Jack and his lovely wife Lili on their beautiful Pitchfork Ranch in Meeteetsee, and I've seen firsthand the spectacular job being done there.

A few years ago, Jack brought livestock producers, environmental groups, land and water management agencies, and the cattle industry together to form the Wyoming Riparian Association. The association develops workable, environmentally conscious, riparian management programs. The Federal grazing allotment on the Pitchfork is one of many successful efforts underway in the cattle industry nationwide to improve riparian areas.

As we consider various national issues affecting agriculture, this is an opportune occasion to remind ourselves and others that cattle ranchers, like Jack and Lili, throughout our country are committed to the beneficial use of our natural resources. For generations, they have successfully managed America's vast public and private lands while improving water, forage, and other essential resources on those lands for wildlife and livestock. Last year, while improving range resources available for wildlife, the Pitchfork produced 300,000 more pounds of beef than it did 10 years ago. With Jack's permission, the U.S. Forest Service and others utilize his ranch for tours to demonstrate that productive ranching and environmental concerns are complementary.

Mr. President, once again, my congratulations to Jack Turnell, one of America's outstanding land managers. I request that the Washington Post article "The Lesson of the Black-Footed Ferret: Grazing and Conservation Compatible, Preaches Wyoming Cattleman" be entered into the RECORD.

The article follows:

[From the Washington Post, Aug. 2. 1992]

THE LESSON OF THE BLACK-FOOTED FERRET: GRAZING AND CONSERVATION COMPATIBLE, PREACHES WYOMING CATTLEMAN

(By Tom Kenworthy)

MEETEETSE, WY.—If Wyoming rancher Jack Turnell were rewriting the lyrics to that old standard "Home on the Range," it might begin something like this: "Oh give me a home, in a riparian zone."

At a time when ranchers and environmentalists throughout the West are at each others' throats over an assortment of issues involving cattle grazing on federal land, Turnell is something of an oddity, a cowboy who gets along with the greens and talks about biodiversity and streamside ecology as fluently as he talks about Herefords.

"I guess I've learned how to bridge the gap between the environmentalists, the bureaucracies and the industry," Turnell said as he took a visitor on a tour of the Pitchfork Ranch, a spectacularly beautiful spread south of Cody that extends into the Absaroka Mountains on the Shoshone National Forest. The ranch takes in 120,000 acres, including 40,000 acres of Forest Service land where Turnell has grazing rights.

This is a ranch rich in history: Butch Cassidy committed his first crime here—horse theft—and did his drinking at a saloon in town that is still in business.

Since he was converted to more environmentally sensitive range management techniques several years ago, Turnell has become something of a shuttle diplomat between cattlemen and the environmental movement. This year, for example, he spoke at the annual meeting of the Greater Yellowstone Coalition, a conservation group active in efforts to protect America's oldest national park and its larger ecosystem. He also makes the circuit of cattle groups, preaching to ranchers, some of whom "think I've lost my marbles."

For the first decade after he took over management of the Pitchfork Ranch, which has been in his wife's family for four generations, Turnell says he punched cows pretty much as his predecessors always had. He knew little about the plant physiology of native grasses or the sensitivity of riparian (streamside) areas in the mostly arid West.

"I'd never heard the word 'riparian,' even though I went to college," Turnell said.

Turnell's early indifference to range science is not atypical, according to numerous studies by the government in recent years showing the poor condition of much of the 250 million acres of federal forest and grassland used by about 26,000 public land ranchers in the United States.

Critics of livestock grazing on public acreage controlled by the Interior Department's Bureau of Land Management and the Agriculture Department's Forest Service charge that after decades of heavy use, America's fragile public range lands are in lousy shape from overgrazing, erosion of stream banks and depletion of water supplies.

The deterioration of this land has prompted some environmentalist to call for removing sheep and cattle from the public range and returning the land to the antelope and deer. "Cattle Free in '93" is their battle cry. At the same time, congressional efforts to raise the fees that public land ranchers pay the government are gaining strength every year.

Neither makes any sense, said Turnell, who believes that if cattlemen are kicked off the public range, ranches like his will quickly be sold off to developers and chopped up into vacation sites.

What does make sense, he said, is better stewardship of the land, a process that he began about a decade ago with the discovery of a small population of black-footed ferrets on the Pitchfork Ranch. The ferret was supposed to be extinct, and the discovery brought a flood of scientists and environmentalists to the ranch.

"The ferret forced me to cooperate with people who I'd traditionally been an adversary of," said Turnell, who had shared the prevailing western contempt for such agencies as the Fish and Wildlife Service. "I found out, by God, they were people and they were interested in something good."

One thing led to another, and Turnell gradually began changing how he operated the Pitchfork. He systematically began rotating pastures, keeping his cows away from the river and streams that course out of the mountains until the surrounding grasses had matured and spread their seed for the next season, gave up most use of fertilizers and pesticides, and crossed his Hereford and Angus with a French breed that does not like to congregate around water. Most decisions are now made in consultation with range and wildlife scientists, and progress is monitored religiously with photographic studies.

Over time, Turnell said, the results have been impressive. The Greybull River and other streams on the ranch are lined with willow and other plant life, providing lush habitat for an expanding population of wildlife. Antelope scamper almost everywhere , and the ranch is host to deer, moose, elk, bear and mountain lion.

And Turnell makes more money because better quality grass puts more meat on his cattle. "We're selling 300,000 more pounds of beef per year than we did in 1987," Turnell said. "It makes sense to do it right."

"Sure, we graze cattle on the top of that mountain," said Turnell, pointing up at the 13,000-foot peaks of the Absarokas and the Shoshone National Forest. "But we don't hassle the elk and the antelope and the deer when they come down here in the winter. To me, that's a fair trade."•

ACCESSIBILITY AND AFFORDABILITY OF PRESCRIPTION DRUGS FOR OLDER AMERICANS: A STATUS REPORT

• Mr. PRYOR. Mr. President, today, Senator COHEN, is joining with me in releasing a very shocking and eye-opening report of the Special Committee on Aging. The information in this report confirm what we have been saying all along: that the spiraling costs of prescription drugs are forcing many older Americans to go without taking their lifesaving medications.

Mr. President, just 2 weeks ago, the American Association of Retired Persons released a report that found that about 8 million Americans over 45—almost 10 percent of this age group—say that they have to cut back on food or fuel to pay for their medications. The report also found that about 43 percent of older Americans age 55 and over—23 million in this age group—have absolutely no prescription drug coverage.

The information contained in this Aging Committee report adds to this mounting evidence that Congress needs to address the cost of prescription medications before its too late. More and more elderly are going without their drugs. More and more elderly are not having prescriptions filled. More and more elderly are having to split their tablets in half or skip a dose to stretch out their prescription. How many more stories like these do we have to hear before we are willing to act?

Mr. President, here are the reasons why we have reached this unacceptable situation in our Nation today:

First, older Americans need to take more prescription medications because they usually have more than one medical condition, such as high blood pressure, diabetes, and arthritis. In fact, the average older American takes about 15 prescriptions each year—more than 3 times the number of prescriptions taken by the average American under 65.

Second, although they take a significant number of medications, it is very difficult for older Americans to find or afford any type of private insurance coverage that will pay for the cost of medications. Because of this, most older Americans pay for their drug costs out-of-pocket.

Third, drug industry has pushed up prices at three times the rate of inflation over the past 10 years. Since 1982, prescription drug price increases have made many elderly forgo the medicines that they need to stay alive.

Fourth, older Americans' prescription drug buying power has dropped sharply. While the average annual increase in the typical older American's Social Security check has only been 3.8 percent since 1985, the average prescription drug price has increased 8.8 percent since that time.

Mr. President, some will say, "Well, we have Medicaid and Medicare for older Americans that cannot afford their medications. Medicaid and Medicare covers the cost of drugs for most poor older Americans." Unfortunately, nothing is further from the truth. Only about 2 million poor or near poor older Americans qualify for the Medicaid prescription drug program, only 16 percent of all indigent elderly. The fact is that about 10 million near poor or poor elderly—84 percent—do not have the Medicaid safety net for prescription drugs. And, while Medicare does a good job of covering hospital and doctor bills, it does not cover the cost of medications for our older Americans. Medicare does not have a drug benefit.

When we look to Canada or to Europe, we see that other countries have done a much better job of providing prescription drugs at a reasonable cost for their citizens. Government-funded health care programs in many other industrialized nations pay for the majority—if not all—of the costs of prescription drugs. In contrast, only a small percentage of the costs of precription drugs—12 percent—are paid for by Government-funded programs in the United States.

In spite of the industry's pronouncements that drug inflation is slowing down, between June 1991 and June 1992, while the overall rate of inflation was 1.5 percent, drug manufacturer inflation was 6.3 percent, more than four times the increase. Mr. President, older Americans do not believe that drug inflation is slowing down, I do not believe it, and data from the Bureau of Labor Statistics do not show it.

What we can believe is that drug manufacturers are making more profits than ever off the backs of the sick and poor. While most Americans are trying to survive the longest economic downturn since the Great Depression, second quarter 1992 data show that drug manufacturers are still on the economic gravy train. Older Americans are sick and tired of subsidizing the obscene profits of the drug industry.

Mr. President, drug manufacturers say that they have special programs that provide their medications free-of-charge to poor people that have no means to pay for them. The unfortunate truth is that very few older Americans or their doctors know that these programs exist or take advantage of them. Drug companies simply do not do enough to publicize them. Even when a poor American does use one of these programs, it often takes weeks for the patient to get their drugs. In short, these programs are woefully inadequate and poorly publicized. This report will help to correct this unfortunate situation. It lists 36 drug companies that have these programs, and tells poor people and their doctors how to use them. I call on the drug manufacturers to do more to make the American public aware that these programs exist.

Mr. President, this report and the AARP report should make every Senator become committed to bringing the cost of medications under control. We must work together as the health care reform debate continues to ensure that we enact strong cost containment measures for drugs, and expand private and public prescription drug coverage insurance for all Americans, especially older Americans. Only then will reports like these become a thing of the past.

The report follows:

EXECUTIVE SUMMARY

The purpose of this report is to provide an update on the accessibility to and affordability of prescription drugs for older Americans. The report makes the following findings:

Finding 1: In 1990, over 10 percent of all health care expenditures in the United States—about $67 billion—were for prescription drugs. Without some form of pharmaceutical cost containment enacted under health care reform, these expenditures are expected to increase to $145 billion by the year 2000 (Chart 1).

Finding 2: Unlike costs for hospitalization and physician services, most prescription drug costs in the United States are paid out-of-pocket. In fact, while only 5 percent of hospital costs and 19 percent of physician costs, are respectively paid out-of-pocket, over 70 percent of prescription drug costs in the United States are paid out-of-pocket (Chart 2).

Finding 3: The inability of many older Americans to afford their prescription medications has reached a crisis point in the United States. Contributing to this crisis are many factors, which include:

Prescription drug price increases in the United States that have tripled the rate of general inflation increases since 1980 (Chart 3);

Prescription drug price increases that have far outpaced increases in the income of the average older American (Chart 4);

The fact that the average older American takes about 15 prescriptions each year to treat multiple chronic medical conditions—more than three times the number of prescriptions taken by the average American under 65 (Chart 5); and

The lack of affordable public or private outpatient prescription insurance coverage for older Americans in general.

Finding 4: The majority of prescription drug costs for older Americans—over 64 percent—are paid out-of-pocket. However, for older Americans classified as poor or near poor—those within 100 to 200 percent of the poverty level—out-of-pocket outpatient prescription drug costs increase to a staggering 75 percent.

Finding 5: Medicaid is the primary public (Government) prescription drug insurance program for the elderly. However, only about 16 percent of older Americans—about 1.9 million—that are classified as poor and near-poor elderly qualify for Medicaid and its prescription drug program. Almost 84 percent of

poor or near poor older Americans—about 10 million—do not qualify for Medicaid prescription drug coverage, and must pay for their medications out-of-pocket.

Finding 6: Government-funded health care programs in many other industrialized nations pay for the majority—if not all—of the costs of prescription drugs for their citizens. In contrast, only a small percentage of the cost of prescription drugs—12 percent—is paid for by Government-funded programs in the United States. This coverage is provided primarily through the Medicaid program (Chart 6).

Finding 7: Medigap plans—which help to pay for those medical services not covered by the Medicare program—are a very inadequate source of prescription drug coverage for many older Americans. Many elderly Americans, already living on very limited incomes, cannot afford the additional premiums necessary to purchase these policies. Therefore, Medigap policies are unlikely to meet the growing need for prescription drug insurance coverage for older Americans.

Finding 8: As a result of the inability of many older Americans to afford their medications, quality of care is suffering and therapeutic outcomes may be compromised in certain patients. Many older Americans are not taking their drugs as scheduled because they are trying to "stretch" a prescription by splitting tablets in half, or simply not having prescriptions filled or refilled. By not complying with their prescriptions as directed, the health care system may be incurring more costs in hospitalizations and other medical care services because older Americans are not getting better, or because their medical conditions are going uncontrolled.

Finding 9: Almost all major brand name pharmaceutical manufacturers have programs to make prescription drugs available free of charge to indigent patients. These are patients who are not poor enough to qualify for Medicaid, or that cannot afford private drug insurance, but have high out-of-pocket costs for prescription drugs. While many of these manufacturer-based programs have existed for a number of years, it appears that only a very small number of indigent patients are knowledgeable of, or take advantage of these programs. There is an urgent need to increase awareness among indigent patients about the existence and availability of these programs. In addition, the pharmaceutical industry should undertake major reforms of the programs to make them more "user friendly" for indigent patients and their physicians. (To increase public awareness of the existence of these programs, this report includes a directory of current drug manufacturer indigent patient programs.)•

A CHILD NAMED DISASTER

• Mr. DASCHLE. Mr. President, every hungry child has a name and a face. We sometimes forget that. Perhaps we forget because we leaders and the media fail to give these children the attention they deserve. Perhaps we forget because it is too painful to remember.

But it is our moral duty to remember, and in an editorial in the August 3, 1992, New York Times, Michael Dorris helps us. "The Elements Defy Hungry Zimbabwe" tells the story of "a child named Disaster," whose struggle symbolizes Zimbabwe's, and southern Africa's, struggle to survive a drought much worse than the 1980's drought that inspired the generosity of so many Americans.

Hunger and poverty threaten children on every continent. The images of swollen stomachs in Ethiopia, of Kurdish children barefoot in the snow, of orphans tied to bus seats in Bosnia, will never leave us. For each of those children we see, there are hundreds of thousands who suffer beyond the camera's eye.

In the face of the deteriorating human conditions brought on by the combination civil war and drought, Disaster, Zimbabwe, and much of the world depend, as Dorris writes, "on sustained human empathy, even over long distances, even with the repetition of demand."

How shall we sustain our empathy? By opening ourselves up to stories like Disaster's.

Mr. President, I ask that the full text of "The Elements Defy Hungry Zimbabwe" be printed in the RECORD following these remarks.

The article follows:

[From the New York Times, Aug. 3, 1992]

THE ELEMENTS DEFY HUNGRY ZIMBABWE

(By Michael Dorris)

CHUNGA, ZIMBABWE.—I went to Zimbabwe, the House of Stone, and met a child named Disaster. She was born in September 1991, a daughter of the Tonga tribe, and now—and until she reaches her fifth birthday or dies—she is eligible, through a joint emergency program of Save the Children and the Zimbabwean Government, to receive one meal of corn mush a day. Even so, she hasn't gained any weight since April.

Sometimes when she's able, her mother, Angeline, who cares for four other children, including two whose parents died of AIDS, varies the diet with a wild fruit she must gather, cook, peel and cook again with ashes, to neutralize its natural poison.

"Is it good? I ask her in the way of ordinary conversation.

Angeline looks at me as if we have experienced a language problem. "It's food," she corrects.

Most Zimbabweans, unlike their counterparts in Ethiopia, the Sudan or Somalia, have never before had to worry about basic sustenance. Their 13-year-old country normally exports grain, and in and around Harare, the aquifer-fed sprinklers still keep golf courses and lawns green. The prosperous city looks like the rest of Zimbabwe before the rains stopped coming in February, before this year's crops failed, before the river beds turned to dust. For those who still manage to live as they used to, depleting in the process the finite underground water, the imminent prospect of famine seems the stuff of someone else's very bad dream.

And yet by most estimates Southern Africa has an immediate and desperate need to import five times the tonnage of food that the nations of the Horn required during the worst hungry years of the 1980's.

When Disaster—whose name was chosen not for its meaning but because it sounded exotic—grows up, she'll spend most of her time walking the eight miles to the shallow well near the river where she'll compete with impala and elephants for water. She'll try to catch five gallons, lug it home and return again to the muddy hole—hoping not to meet a starving lion like the one that killed a cousin, implicitly trusting, because she has no choice, that the silty, loamy soil will act as an effective filter against typhoid bacteria.

If she takes after her mother, Disaster will be beautiful, smiling, shy and strong. She'll own one dress at a time and no shoes. She'll curtsy to strangers and live in a society of women; the men are mostly off at commercial fishing companies or the mines. Her homeland to the north was flooded to make a dam, and now she dwells in a dusty lower veldt, a place where the January summer temperatures can reach 120 degrees and where, in winter, the skies fill with the smoke of slash-and burn fires.

Several hundred miles to the south, in Mutema, water is the chief concern of a pump minder, Jonathan Bhizeki. Only five of the 35 deep wells and one of the 14 bore holes for which he bears responsibility have water, and they are rapidly becoming exhausted. For the 12,000 people in and around this plateau, it has been a calamitous year. Not a single crop could be harvested, there is no food in the shops and no rain is expected until November. Handsome and distracted, Jonathan Bhizeki looks almost embarrassed, as if the sky's failure were his own.

Dressed formally, as befits his position, in a tan tie beneath a maroon and white argyle sweater, Clever Gwenzi, principal of the local elementary school, is not hopeful. Even his father, born fewer than 15 miles away, has never seen such a drought. Children are fainting in the classrooms from lack of food. And it would cost an impossible 700 Zimbabwean dollars (about $140) to provide healthful lunches to the 423 students each week. If the well that serves the community clinic and the school—in addition to much of the area's population—fails, everything will close down.

In the dazzling African sunset, aridity is invisible. Stark white buildings stand in relief against a red-orange cloudless sky, and not even the sound of birds intrudes on the silence. There's a dying tree in the center of a circle of stones, a gesture toward landscaping. I ask the species, but no one knows. It's not indigenous.

"I had a farm in Africa," quotes Gerry Salole, Save the Children's regional director. And I understand my host's allusion to Isak Dinesen, for indeed, the romantic European view of Africa is gentler than the parched bed of the nearby Sabe River, marred with animal carcasses.

One of the worries of emergency relief workers is that Zimbabweans are not psychologically prepared for catastrophe. The country, formerly the British colony of Southern Rhodesia, has had a healthy, varied economy, and so the population is schooled in optimism. "Rain will no doubt come," I was told again and again by urban and rural people. "It always has. It must."

But, according to meteorologists, it won't, barring a miracle. And even with ideal weather, no crops will be ready for harvest before late May. In the interim there are several crucial needs, none of them impossible to meet. Existing wells must be deepened, at an average cost of $600 each. New dug wells cost $3,000. Trucks to transport the emergency food supplies en route must be leased or brought.

Philanthropic and supplementary feeding programs now in place must be sustained at current levels, despite the decline in contributions experienced by many international charities—often attributed to a malaise on the part of the fortunate known

as "famine fatigue." Enough goats and cattle need to be kept alive through the next six months to form the core of communal livestock herds.

These things are matters of life and death. The longer-term social issues will have to wait: a minimum monthly wage roughly equivalent to the cost of 10 Wimpie double cheeseburgers (about $30); the residual "racialism," as it's locally termed; the fact that most of the affluent believe they must hire a poor man to stand outside their homes all night to deter intruders. In the advent of a disaster, complication is a luxury necessarily deferred.

Zimbabwe, after all, even with about half of its population in need of food assistance, is the success story of a region that includes Mozambique, Angola, Malawi and Zambia—all far worse off in one way or another. Zimbabwe has the political infrastructure, the good roads, the system of dependable communications to be stable—but not if it must impoverish itself in order to merely survive, not if it must buy food with money set aside for economic development.

There are 641 foreign nongovernmental organizations registered in Zimbabwe. Some, like CARE, Save the Children, the Red Cross and Africair, are working directly to mitigate the suffering caused by the drought, but they depend upon philanthropy and that, in turn, depends on sustained human empathy, even over long distances, even with the repetition of demand. If the font of global generosity dries up, along with the water, Southern Africa will face a food and water crisis of truly enormous proportions.

Disaster, Angeline's daughter, needs a response, and she needs it before her stomach swells with hunger, before pellagra sets in, before her shallow bowl is completely empty. When it doesn't rain, she simply needs a deeper well.•

THE 100TH ANNIVERSARY OF AFRO-AMERICAN

• Mr. SARBANES. Mr. President, this year marks the 100th anniversary of one of our Nation's foremost African-American owned newspapers, the Afro-American. The Afro, as it is commonly called, is held in the highest regard because of its rich history, tradition, and unswerving commitment to its African-American readership and to the community. That commitment is reflected in its coverage of local, national, and international news that most directly affects African-Americans.

In its early years the Afro declared itself to be "independent in all things, neutral in nothing." The philosophy has been the underpinning of the paper, which has always spoken out decisively on issues dealing with all aspects of African-American life—civil rights, health, education, housing, and employment.

Like most African-American newspapers, the Afro grew from religious roots. In August of 1892, Rev. William M. Alexander, pastor of Sharon Baptist Church, established a paper he called the Afro-American to disseminate church news and advertise his store. John H. Murphy, a 50-year-old former Montgomery County slave and superintendent of St. John A.M.E. Sunday school, started a paper with which he hoped to unite State Sunday schools into a convention. His paper was called the Sunday School Helper. Rev. George F. Bragg, pastor of St. James Episcopal Church, also printed a religious community oriented paper called the Ledger.

Mr. Murphy purchased the Afro-American from Reverend Alexander for $200 and combined the two papers into a commercial enterprise keeping the name Afro-American. In 1970, the Ledger was merged with the Afro-American. John H. Murphy headed the Afro-America until his death in 1922. At his death, John Murphy insisted that the paper be kept in the family. His son Carl then took control of the paper and thrust it into national prominence by reporting on the news of the African-American community which at that time was not covered by the white press.

During this time the Afro, like its readership, fought for equal opportunity on all fronts. On a local level, it fought to integrate Baltimore's police force and the University of Maryland Law School. It also served as a role model for the community by sponsoring campaigns to improve city neighborhoods.

The Afro, however, is and always was much more than a community newspaper. The paper has covered events depicting the horror of lynchings in Georgia and the segregation of black troops in the Armed Forces during World War II. An Afro reporter was covering the first "Freedom Ride" when the bus on which he was riding was firebombed by white racists. Another reporter was on hand to report the bombing of the 16th Street Baptist Church in Birmingham, AL.

Presently, the Afro is one of the oldest and most respected voices in African-American newspapers. The Afro has regional editions in Washington, DC, and Richmond, VA, and also publishes the nationally distributed Dawn magazine. This revered Baltimore institution is celebrating its 100th anniversary with a firm pledge to continue to serve its constituents. Still operated by the family, the paper continues to be a calm steadying voice for African-Americans.

Mr. President, the Afro can be proud of the vital role it has played in Maryland's history. The need for an informed and enlightened people cannot be overstated, and the Afro has consistently provided this service for 100 years. I join in wishing the Afro well as it continues to voice African-Americans' views on the social, economic, and political issues of the time.•

The PRESIDING OFFICER. The majority leader is recognized.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m., Tuesday, August 11, that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement, the Chair lay before the Senate the conference report accompanying S. 5, the family and medical leave bill, that the Senate proceed to its immediate consideration; that once the conference report has been reported, and without intervening action or debate, the conference report be adopted, and the motion to reconsider laid upon the table; and that upon adoption of the conference report, there then be 45 minutes for debate on the conference report with the time controlled as follows: Thirty minutes under the control of Senator DODD or his designee and 15 minutes under the control of the Republican leader or his designee; that when the Senate resumes consideration of Senate Resolution 330 at 10 a.m. tomorrow, the only amendment remaining in order be the Stevens amendment on which there be 30 minutes of debate equally divided and controlled in the usual form, with Senator STEVENS being recognized at 10:30 a.m. to offer his amendment; that at the conclusion or yielding back of time on the Stevens amendment and on Senate Resolution 330, the resolution be laid aside until 12:15 p.m., at which time the Senate proceed to vote on the Stevens amendment; that upon disposition of the Stevens amendment the Senate stand in recess until 2:15 p.m., in order to accommodate the respective party conferences. And at 11 a.m. the Senate proceed to the consideration of Calendar No. 590, H.R. 11, the urban aid bill, for debate only, prior to 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object I understand the 30 minutes will be used tomorrow but we will use some of the time this evening, is that correct?

Mr. MITCHELL. My understanding of the agreement is that the Senator can use as much time as he wishes this evening and will have an additional 30 minutes in the morning. The 30 minutes tomorrow morning is unaffected by the length of time used by the Senator tonight.

Mr. STEVENS. I thank the Senator. My amendment has been offered. I had offered an amendment that was originally a 2-hour time limit. I do not intend to use the full time this evening. There will be 30 minutes left tomorrow equally divided, is my understanding.

Mr. COHEN. Will the Senator yield? I ask he include in that unanimous-consent request that the Republican time under the agreement be divided as follows: Senator DOLE 10 minutes and Senator WARNER 5 minutes.

Mr. MITCHELL. Mr. President, I so modify my request.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I would like to add to my request that, following the party conferences, at 2:15 p.m. the Senate vote on adoption of the resolution without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy, and I yield the floor.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. PELL. Mr. President, if there is no further business, on behalf of the majority leader, I now ask unanimous consent that the Senate stand in recess as previously ordered.

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

There being no objection, the Senate, at 10:46 p.m., recessed until Tuesday, August 11, 1992, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate August 10, 1992:

DEPARTMENT OF STATE

HARRY J. GILMORE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. HANSFORD T. JOHNSON, [redacted] U.S. AIR FORCE.