

clear testing dependent on actions by another country, rather than on our own national security requirements. Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries. Therefore, I will work for new legislation to permit the conduct of a modest number of necessary underground nuclear tests.

In July 1992, I adopted a new nuclear testing policy to reflect the changes in the international security environment and in the size and nature of our nuclear deterrent. That policy imposed strict new limits on the purpose, number, and yield of U.S. nuclear tests, consistent with our national security and safety requirements and with our international obligations. It remains the soundest approach to U.S. nuclear testing.

Sections 304 and 505 of the Act also raise constitutional concerns. Section 304 would establish certain racial, ethnic, and gender criteria for businesses and other organizations seeking Federal funding for the development, construction, and operation of the Superconducting super collider. A congressional grant of Federal money or benefits based solely on the recipient's race, ethnicity, or gender is presumptively unconsti-

tutional under the equal protection standards of the Constitution.

Accordingly, I will construe this provision consistently with the demands of the Constitution and, in particular, monies appropriated by this Act cannot be awarded solely on the basis of race, ethnicity, or gender.

Section 505 of the Act provides that none of the funds appropriated by this or any other legislation may be used to conduct studies concerning "the possibility of changing from the currently required 'at cost' to a 'market rate' or any other noncost-based method for the pricing of hydroelectric power" by Federal power authorities.

Article II, section 3, of the Constitution grants the President authority to recommend to the Congress any legislative measures considered "necessary and expedient." Accordingly, in keeping with the well-settled obligation to construe statutory provisions to avoid constitutional questions, I will interpret section 505 so as not to infringe on the Executive's authority to conduct studies that might assist in the evaluation and preparation of such measures.

GEORGE BUSH

The White House,  
October 2, 1992.

*Note: H.R. 5373, approved October 2, was assigned Public Law No. 102-377.*

## Statement on National Energy Strategy Legislation

*October 2, 1992*

I strongly urge the 102d Congress to pass the national energy strategy before it adjourns. For the last 18 months, my administration has worked diligently with the Congress to produce the most comprehensive national energy strategy in 20 years. This bipartisan legislation was crafted not in a time of crisis but in a time when our long-term energy needs could be addressed with balance and reason.

The conference report to the national energy strategy will soon come before the

Congress. This bill is good news for Americans. The legislation will increase conservation efforts, promote domestic renewable resources and alternative fuels, increase competition in the electric utility industry and reduce consumer costs, and remove regulatory barriers to increased use of clean-burning natural gas. The bill also provides much-needed alternative minimum tax (AMT) relief for independent oil and gas producers, thus removing a substantial disincentive to domestic oil and gas produc-

tion.

Congress has demonstrated overwhelming support for the national energy strategy. The Senate passed this legislation on July 30 by a vote of 93–3, and the House passed

it on May 27 by a vote of 381–37. This legislation should not fall victim to the end-of-year rush to adjourn. The Congress should not adjourn without passing this legislation.

## Statement on Humanitarian Assistance to Bosnia

*October 2, 1992*

All Americans, and people of compassion everywhere, remain deeply troubled by the cruel war in Bosnia and the broader turmoil in what was Yugoslavia. We took several important initiatives in August, and today I am announcing further steps to help ease this conflict.

The United States has been working intensively with other concerned nations to contain the conflict, alleviate the human misery it is causing, and exact a heavy price for aggression. This international effort has produced some results. The recent London conference set up an international mechanism for addressing all aspects of the Yugoslav problem and put in motion an active negotiation. The tenuous truce in Croatia is holding. International observers are on their way to neighboring countries and other parts of the former Yugoslavia to prevent the violence from spreading. The United Nations trade embargo has idled roughly half the industry of Serbia, whose leader bears heavy responsibility for the aggression in Bosnia. Our demand that the Red Cross be given access to detention camps has begun to yield results, and the release of detainees has now begun. The U.N. resolution we obtained to authorize “all necessary measures” to get relief supplies into Bosnia has led to the creation of a new U.N. force to be deployed for that purpose.

We will continue to honor our pledge to get humanitarian relief to the people of Sarajevo and elsewhere in Bosnia. To this end, I have directed the Secretary of Defense to resume American participation in the Sarajevo airlift tomorrow morning. I wish I could say that there is no risk of attack against these flights, but I cannot,

although we are taking precautions. We can be proud of the Americans who, along with courageous personnel from other countries, will go in harm’s way to save innocent lives.

Still, the savage violence persists in Bosnia. Despite agreements reached at the London conference, Bosnian cities remain under siege, the movement of humanitarian relief convoys is still hazardous, and innocent civilians continue to be slaughtered. At London, the parties agreed to a ban on all military flights over Bosnia. Yet the bombing of defenseless population centers has actually increased. This flagrant disregard for human life and for a clear agreement requires a response from the international community, and we will take steps to see that the ban is respected.

Now, a new enemy is about to enter the battlefield: winter. Some weeks ago, I asked for an assessment of the effects that the combination of war and winter could inflict on the suffering people of Bosnia. The answer was profoundly disturbing: thousands of innocent people, some uprooted, others trapped, could perish from cold, hunger, and disease. Anticipating this danger, the United States has been working with other nations and with the United Nations to mount a major expansion of the international relief effort and to support the tireless negotiations of U.N. and EC envoys, Cyrus Vance and David Owen, to get the fighting stopped.

I want the American people to know what the United States intends to do to help prevent this dreadful forecast from becoming a tragic reality. I have decided to take a number of further steps:

First, having authorized a resumption of U.S. relief flights into Sarejevo, I am pre-