

better than medicine to put people to sleep. Nobody cares much about it. Nobody understands it much. It is, to some people, just plain theory. But, if you are a shipper and you are somewhere along the line someplace and the company that has captured the competition and is now the only opportunity for you to ship says to you, "By the way, here is my price; if you do not like it, tough luck," all of a sudden, this has more meaning than theory.

If you are a traveler on an airline and you have no competition when you used to, but now the only remaining carrier that bought its competition and became one says to you, "By the way, here is my price; if you do in the like it, do not travel," then this is more than theory.

That is what persuades me to believe that in a free market system, if you preach competition but do not care very much about whether meaningful competition exists, or whether we have adequate enforcement of antitrust standards, then in my judgment you do no favor to the free market economy.

I hope people will consider this on its merits and consider that it would be wise for our country and for public policy to ask that this legislation be amended with the amendment I have offered, along with Senator BOND.

Mr. President, I yield the floor. I make the point of order a quorum is not present.

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

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I rise to speak against the Dorgan amendment.

I do very much appreciate the chairman of the committee putting forward this legislation. Our budget resolution envisions that the ICC will go out of existence. I think it is important that we pass this legislation. But I do not think it was the intent of the committee to change all the rules under which we have been operating as it concerns mergers in this area. I think turning over the power to the Department of Justice and changing the criteria that are being used for antitrust purposes would not be a very good thing for us to do, and there is no reason to do it. We are talking about saving money here. We are talking about doing away with the duplication of administration. I do not think we have to also change all of the rules and the precedents that have been set for the last 70 years in railroad mergers.

There are many people who have legitimate concerns about some of the railroad mergers that are being considered right now. But these were brought into play before we brought this bill to the floor. And I think to change the rules is not necessary, nor desirable. I

think we have the capabilities to judge any mergers. We have the ability to judge the issues under the standards that we have had before in transferring that to the Department of Transportation.

The second reason I think it is important to keep the standards we have is that the Department of Transportation and the new Board that will be created will have the transportation background. They will specialize in this area. That will be their area of expertise and concern. I do not think it does us any good to go to the Department of Justice, which has so many other areas of interest, and I do not think that having this transfer does anything for the merits of the issue, and it could hurt by changing precedent that has been in place.

One of the things that is so important in our judicial system is the value of precedent. We place a great deal of emphasis on being able to determine from what has happened in the past what will be allowed in the future. That is one of the ways that businesses make their decisions. They would look at a merger, they would look at a precedent, and they would make a business decision if this is something that would go through and what the concerns would be.

I think it is important we keep that value of precedent so that we will have an orderly business climate that allows people to make good business decisions without disrupting 70 years of precedent in this area.

So I hope that we can defeat the Dorgan amendment and stick with the committee bill. I think it is a good bill. It has many merits. It is certainly going to save money.

We are on the road to eliminating the ICC because it is not necessary. Let us not throw out the value of what has gone on in the past just because we are putting it into a more efficient system. I think it could cost us much more in the long run and certainly cost competitiveness and cost to customers if we increase the regulatory environment and therefore cause people to have to raise prices. So I hope we can defeat this amendment, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, I ask unanimous consent that I be recognized as if in morning business.

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

#### SENDING AMERICAN TROOPS TO BOSNIA

Mr. INHOFE. Mr. President, I feel compelled today to make a couple of

statements about the President's message last night.

I am very disturbed at what is happening, and I think all of America needs to know what is going on. I commend the President on giving a beautiful, persuasive speech, as he is very good at doing. However, I suggest, Mr. President, that as we are speaking now and as time is creeping by, our troops are on their way to Bosnia.

It is my understanding that the distinguished Senator from Colorado, who will be here in just a moment, made a trip over Thanksgiving, which is essentially the same trip I made the week before, into the northeast sector of Bosnia, which is the area where our troops are going to be. A number of people have gone over to Bosnia but have not gone beyond Sarajevo and do not really have a feel for the environment in which our President has this obsession of sending our American troops.

Mr. President, last night he talked about morality and about what our moral obligation is in Bosnia, and the fact that we have a moral obligation to see how many people we are going to be able to save from the brutality that could be taking place there.

He talked about our commitment to NATO. And I would like to throw out a couple of ideas, a couple of thoughts. Mr. President, when I went to Sarajevo it was the middle of a blizzard, a snowstorm. We had a hard time getting up there. There were not any Americans up there. There were not any Americans going to the northeast sector, that area around the Posavina corridor and Tuzla, and south of Hungary, which is an area where our troops are going to be deployed from the 1st Armored Division where they are being trained for this kind of deployment. And that may be happening and is happening, I suggest, as we speak.

I heard several people say that we need to wait until we have hearings and let some time go by. But each hour that goes by, the American people need to know the President has a strategy to get our troops over there, to put us in a position where we are going to have to, by denying the authorization of sending troops into Bosnia on the ground, we are turning our backs on troops who are already there. And this is a position that we are now getting into. And each hour that goes by we are getting in deeper and deeper.

I can recall not being able to get up there until General Rupert Smith, who is the successor of Michael Rose as the commander there of the U.N. forces in Bosnia, he agreed to take me up. And as we went up we went over almost every square mile of that area that is called the northeast sector, where our troops are going to be deployed, not more than 100 feet off the ground—because I have a background in aviation,

I know we were not anywhere higher than that—we were in the middle of a blizzard.

Mr. President, this is not the Rocky Mountains we are talking about. This is an area of cliffs and caves. For the first time I could see why during the Second World War that they were able to withstand the very best that Hitler had to offer on a ratio of 1 to 8 because of the very unique geography we are dealing with.

As I looked down I thought, there are not any roads down there, there are not any valleys, not the traditional valleys that you would have in the terrain that we think of as being mountainous terrain. And so all these tanks and all these armored vehicles would not really have any way to maneuver in that area.

And, Mr. President, I think the President of the United States is putting us in a position where it is going to be too late. You know, we could come back and talk about whether or not we should send troops over, whether or not there are strategic interests as far as our Nation's security is concerned. And by that time, we are going to have our troops over there.

I think the President is looking at—he has been talking about 20,000 or 25,000 troops for so long now, for 2 years, I think it is an obsession with him. He is no longer thinking of them as being faces of real human beings. I think it is a faceless gesture when he says, we want to send 20,000 American troops into Bosnia.

But I went up to where the 1st Armored Division was training these young men and women who will be the first to go, who I suggest—I had breakfast with many of them in the mess hall. And they are on their way to Bosnia right now as we speak. And those individuals all asked me, "What is our mission? We don't understand what our mission is." Of course, I tried to be as optimistic as possible. I said, "We're always behind our troops. Whatever happens, we're going to be supporting our troops." But as far as the mission is concerned, I do not know what the mission is.

In the speech last night the President kept using the term over and over again—he said, "The mission is clear and limited." But he never said what the mission was. It is a humanitarian mission. And I think we have about half the world that is covered with problems, with ethnic cleansing, with human rights violations. I am not sure whether we feel that we—or the President feels that we—have the resources and the military assets to go out and take care of all these problems. Obviously, we do not. We are operating on a defense budget now that is down comparable to what it was in 1980 when it could not afford spare parts. Yet we are taking on all these humanitarian problems around the world.

I had occasion to talk to James Tayrien. James Tayrien is from Poteau, OK. He would be one of the

first ones to go. I came home and talked to his mother, Estella, down in Poteau. She asked me the same question. I cannot answer it. It is very easy to get engaged in these things and send troops in, but it is hard to bring them out.

Look at Vietnam. It was very easy to send them in. Look at the other cases that we have. Mission creep. If there was ever a classical environment for mission creep, that is it over in Bosnia. In fact, we have already crept. The mission was to be peacekeeping. Now it is peace implementation. There is a big difference, Mr. President, between peacekeeping and peace implementation. Peace implementation is the recognition there is no peace to keep right now.

The President last night said, of course, the war is over. The war is not over. We went up there. We were in Tuzla. We could hear the firing, the firepower that was going on. It has not stopped. And we are dealing with three major factions over there. And I suggest to you that one of the factions was not in Dayton, OH. Milosevic does not speak for the Bosnian Serbs.

It was my experience—and I see the distinguished Senator from Colorado is here. He is the only other Senator or House Member, to my knowledge, who has been in the northeast sector, in the Tuzla area. The point I am trying to get across here is that those people who are around that peace table are not speaking for the factions that were firing guns as we were up there just a couple weeks ago.

I mean, they are up there. They could be Croats. They could be Serbs. They could be Bosnian Serbs. They could be Moslems. We do not know who they are. They could be any of these rogue factions. We hear a lot about the major factions that are over there. We know that three major factions have fired on their own troops just to blame the other side for sympathy. Anyone with that mentality is going to be firing on American troops. But we do not say anything about the other rogue factions, such as the Black Swans, the Arkan Tigers. We have Iranians. We have all kinds of factions up there, more than just three major factions.

I would like to ask the Senator from Colorado, if that is the same environment as I have just explained that he experienced just this past week? I am sure he would have rather been doing something else on Thanksgiving. But it is my understanding he was up in that northeast sector during Thanksgiving. Is that correct?

Mr. BROWN. I did. We had taken a plane, U.N. plane into Sarajevo and got a U.N. crew, a Norwegian helicopter crew, to take us in that region. And we did a flyover over much of that area. I must say the Senator's description is right on.

What I found was in that area that is absolutely ideal in terms of guerrilla warfare. What I was surprised to find, and I think Members may be surprised

to find, is that the plan is not to set up a border and patrol of that border. In other words, in fact, they indicated many of these areas where the line has been drawn, it simply does not even correspond to things on the ground. It is not the peak of a hill or the depth of a valley or the flow of a river. It is a line on the map that has not been translated on the ground.

And their plan is not to erect a fence or even to check people coming across. There would be free flow of people across it. But I found very rugged terrain, and I found the roads that were there were very narrow, and very heavy timber cover so that it would be very difficult to spot things from the air. And it would be almost impossible to get our armored personnel carriers and our armored vehicles, tanks, into full play in that region. It is as difficult a situation from a terrain point of view as I have seen almost anywhere.

Mr. INHOFE. Let me ask the Senator from Colorado, since this was about a 10-day period between the time I was in the northeast sector of Bosnia, south of the Posavina pass and south of Hungary and north of Tuzla, if he did have occasion to speak to any of those who were in command up in Tuzla, such as General Haukland?

Mr. BROWN. I did talk to the Norwegian general. He said he would be relieved when the U.S. troops came in. I also talked to Gen. Rupert Smith in charge of the U.N. forces there, as well as a discussion at the Embassy with all the U.S. forces. As the Senator knows, there is a number of U.S. military personnel who are stationed in Sarajevo. They indicated a couple of things. One, none of them expected this to be wound up within a year.

Mr. INHOFE. This is the question I was going to ask the Senator. Even last night we talked about 12 months.

When the Senator and I sat next to each other at the Senate Armed Services Committee, when we had Secretary Perry and General Shalikashvili, and we asked the question that they had written up, "Are you going to commit yourself to 12 months, to a time period after which we withdraw and we come back?" they said, "Yes, we are absolutely committed to that."

Did you find anyone, who were the military people, either with NATO, the United Nations, with any of our NATO partners, or anyone up there in the Tuzla area who felt there is even a remote idea or notion we could be out of there in a 12-month period as far as achieving peace?

Mr. BROWN. I talked to Norwegian personnel, military personnel from Iceland.

There were doctors there from Sweden. I talked to a general from Great Britain. I talked to U.S. military personnel. I talked to Embassy personnel. I talked to Bosnian officials. Nobody, not anyone, none of them thought this mission could be achieved or completed within a year.

Mr. INHOFE. That is exactly what they thought 10 days prior to that time. I have these horrible visions of what happened with Somalia. I can remember when we were trying to bring our troops back from Somalia, and we sent resolutions to President Clinton month after month to bring our troops back from there.

It was not until 18 of our Rangers were murdered and the mutilated corpses were dragged through the streets of Mogadishu that the American people finally woke up and said, "We want them back. We don't have strategic interests there that are worth this kind of a sacrifice." I see similar things like this are happening over there.

When you talk about the morality of the issue and the fact that we are, in a sense, rewarding those individuals who are guilty of the most serious war crimes, because we are now saying we are on their side and we are doing this, this is something that I think we need to talk about before a decision is made that we are going to go along with this, because I see that happening.

I see discussions taking place in this Chamber and outside the Chamber, "Well, let's wait until we have some hearings. Let's wait until this," and as this is happening, our troops are being deployed over there.

Mr. BROWN. Let me say to the Senator, if I can, in response, I think it is very analogous to what happened in Somalia in this respect: There is not a clear military plan. There is not a clear plan as to what we are going to do once we are there.

For example, one of the things you could do is put up a fence and man a border. That is not what they plan to do. One of the things you can do is you can stop people from moving from one side of a border to another, stemming terrorism, guns, ammunition. That is not what they plan to do. When I asked what they do plan to do with the troops there, there was no clear answer by anyone.

The reality is, the President is committing troops to that area for show. There is no clear military plan, and there is no clear, effective way to defend or protect those troops.

I might say, it is cold as can be right now in Bosnia. There is no structure there for our troops to stay in. There is no structure there for our troops to stay in. There is no supply of clean, healthful water. There are no normal sanitary conditions. There is no established supply line at this point. I suspect there will be at some point in the future. But this is a catastrophe in the making, and I believe it shows a reckless disregard for those who serve our country.

I think we have an obligation to people who put on the uniform of this Nation. You can agree or disagree with the mission, you can agree or disagree with the personalities, but we have an obligation when someone comes and puts on the uniform of the United

States to make sure that we do not endanger their life without a real purpose.

Some will say we should not endanger their life. If you are not willing to put your life on the line, you should not be in the military. I understand how these men and women would risk their lives, and our freedom is important enough to do that. But, Mr. President, and I say to the Senator from Oklahoma, keeping our prestige high or avoiding an embarrassment because someone made a commitment they should not have is not a reason to commit American troops to a situation where they cannot defend themselves or cost American lives.

We have an obligation to people who put on that uniform to stand beside them and do all we can to protect them, and it is very clear—it is very clear—that we are not able to do that in this circumstance, and, moreover, we have not even supplied them with a purpose or a reason for them to sacrifice their lives.

If they were there to defend freedom, I think the Senator from Oklahoma and I would be right there with them to stand behind them and support them and to encourage this action to stand up for freedom. But this is not that effort. This is an effort to save face in the world community, and I think it is much more important to stand behind our troops.

Mr. INHOFE. Let me ask the Senator from Colorado—

Mr. PRESSLER. If my friends will yield for a split moment, we are trying to get a vote ordered at 5:15, and I have to make a unanimous consent request. If I can do that, then you can go back into your mode, because they are going to hotline this.

Mr. INHOFE. I yield to the Senator.

#### INTERSTATE COMMERCE COMMISSION SUNSET

The Senate continued with the consideration of the bill.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. PRESSLER. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Dorgan amendment at 5:15 this evening and that the time between 5 p.m. and 5:15 be divided: 5 minutes under the control of Senator PRESSLER; 5 minutes under the control of Senator EXON; and 5 minutes under the control of Senator DORGAN.

Mrs. BOXER. Reserving the right to object, Mr. President, I would like to add to that that I have an opportunity to lay aside the Dorgan amendment and offer an amendment. I will only need 5 minutes to speak on it, and it, too, can be laid aside. If I have that opportunity, then I will not object.

Mr. PRESSLER. Can the Senator offer her amendment at 5 to 5? Would that be OK? I am trying to get to the first vote here. I want everybody to speak as much as they wish.

Mrs. BOXER. As soon as this consent request is agreed to, can I offer it right then and lay it down?

Mr. PRESSLER. My friends will finish their dialog probably by 5 to 5, I guess.

Mr. INHOFE. Yes.

Mr. PRESSLER. Why do you not offer it at 5 to 5?

Mrs. BOXER. So I will get it before the vote on the Dorgan amendment?

Mr. PRESSLER. Yes. I amend that by saying at the hour of 4:55 p.m., the Senator from California will offer her amendment, and then at 5 o'clock we divide up the time.

I want everybody to speak as much as they wish.

Mrs. BOXER. I will not object to that.

Mr. DORGAN. Reserving the right to object, and I will not object, I just observe that the 5 minutes allotted for myself and the 10 minutes allotted for Senator PRESSLER and Senator EXON make it 5 minutes for and 10 minutes opposed. I do not object, but I wish if Senator BOND wishes to come over for support, we could get a minute or two.

Mr. PRESSLER. I will give him half my time.

Mr. DORGAN. I will not object.

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

Mr. INHOFE. Did the Senator from South Dakota have a further unanimous-consent request?

Mr. PRESSLER. I further ask unanimous consent no amendment be in order to the Dorgan amendment and the amendment be laid aside at 5 p.m.

Mrs. BOXER. That is fine.

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

#### BOSNIA

Mr. INHOFE. Mr. President, just a couple of other things I wanted to ask the Senator from Colorado.

In that there is a 10-day timeframe from the time he came back and the time I was over in that area, a concern was expressed to me at that time—and keeping in mind that the lines we have now seen on the map near Tuzla, which I am sure the Senator has had a chance to discuss, there is a problem that there are approximately 3 million refugees, if you count them from all throughout that area that those lines on the map are going to preclude at that time, they said more than 50 percent of them would not be able to return to their homelands.

Their concern was that this is going to increase the number of rogue elements that were there, that anyone who thinks there is a peace accord, first thing a refugee wants to do is go home. The fact that they would not be able to return home would increase the number of rogue elements that are around or that join other elements.

The second thing is their concern over what we refer to, and the administration refers to, has never really been defined as systematic violations. There are two ways we can get out of this. One is, 12 months goes by; and the other is if there is a systematic violation, meaning one of the major factions