

not been released—formally or informally—to the Congress qualifies as “working with the Congress.”

There are a number of questions that I believe must be answered about the mandate of these additional troops. How many additional troops are being planned for and what will they be doing? Will these men and women be an additional part of the U.S. contribution to IFOR? Or will they be deployed as part of a post-IFOR force of some kind? Will these new troops be under the command of NATO, or of a U.S. commander, and what rules of engagement must they abide by? Is the timing of this deployment at all related to NATO announcements last week that it was studying the anticipated security situation in Bosnia over the next few months?

Then there continue to be questions on the political-diplomatic side. The Organization for Security and Cooperation in Europe [OSCE], the international body tasked with implementing the elections, recommended the postponement of municipal elections because of security concerns, allowing only national elections to take place on September 14. These municipal elections are currently scheduled for November, but many observers feel they should be postponed until the spring of 1997. My question is what kind of U.S. troop commitment will the Administration be looking for if the elections are postponed? And when do they intend to notify the Congress of their plans?

I know that many of these questions will be answered at today's hearing before the Armed Service Committee. But I also would like to remind my colleagues here, and at the Department of Defense, that the Senate Foreign Relations Committee continues to have a significant interest in the details concerning any deployment of U.S. troops. I think it is fair to assume that if the Administration expects to have Congressional and public support, as it has said in public testimony, then it should make some effort to consult with all the relevant committees before its plans are announced in the morning newspaper.

A year ago—in October 1995—I asked whether or not the U.S. would be able to withdraw troops from IFOR in December 1996, as the administration said then, even if the mission clearly had not been successful.

I had my doubts then that the stated goal—ending the fighting and raising an infrastructure capable of supporting a durable peace—would be doable in 12 month's time. I foresaw a danger that conditions would remain so unsettled that it would then be argued that it would be folly—and waste—to withdraw on schedule.

My concerns and hesitations of 1 year ago can only be compounded by the fact that additional troops are being deployed to Bosnia—perhaps even as I speak—without the Congress having been notified in advance.●

THE REPEAL OF CONTROLS ON INDEPENDENT COUNSEL COSTS

● Mr. LEVIN. Mr. President, the appropriations bill we passed on Monday contained pleasant surprises, such as reasonable funding for education and research programs. But there have also been some troubling provisions. One was so troubling that I could not allow it to pass without some expression of my dismay. This provision, section 118, overturns one of the reforms Congress made in 1994 to independent counsel law to hold down costs.

The provision in the bill was never approved by any committee. It was never voted on by either House. It was never included in a bill that either body approved. This provision appeared for the first time in the omnibus appropriations bill on Monday and was presented to the Senate under rules that didn't permit a single amendment to the bill.

I first heard of this provision last week, when I was told that some House Republicans had added it to their wish list for the bill. Senator BILL COHEN and I, as chairman and senior Democrat respectively of the Senate subcommittee with jurisdiction over the independent counsel law, immediately expressed our joint opposition to the provision. We thought that bipartisan opposition from the authorizing committee would be enough to prevent such a last-minute circumvention of the committee system. But we were wrong. The provision somehow got included in the bill and is now law.

It is a mistake in process and substance.

In simplest terms, the issue relates to holding down the cost of independent counsel investigations. In particular, it has to do with commuting costs—whether and how long independent counsels and their staff can use taxpayer dollars to pay for transportation and living expenses when they reside in one city and agree to prosecute one or more cases in another city.

The issue arose in the context of the Iran-Contra case. In that case, the independent counsel, Lawrence Walsh, chose to continue living in his hometown of Oklahoma City, while prosecuting cases based in Washington, DC. There was no law against it, but when the bills came in for his hotel, airfare, and other living expenses, plenty of loud complaints followed. Some pointed out that any other Federal prosecutor who agreed to prosecute a case in another State would have to move there—taxpayers would not be required to pick up their hotel and transportation expenses. Then Senator Dole was in the forefront of the critics calling for reform, criticizing Mr. Walsh for “spend[ing] most of his time in Oklahoma.” These commuting expenses were a prominent part of calls for legislation to tighten controls and reduce the cost of independent counsel investigations.

In 1994, the Congress responded to these criticisms by enacting legislation

which tightened controls over independent counsel expenses in a whole host of ways. One of the reforms we enacted was to limit commuting expenses. We revised the law to allow independent counsels and their staffs a maximum of 18 months of commuting expenses. After 18 months, independent counsels and their staffs were expected either to move to the city where the prosecutions were based or start picking up their own commuting expenses.

Section 118 of the omnibus appropriations bill effectively repeals that limit on expenses. If effectively permits independent counsels and their staffs to charge taxpayers for unlimited commuting expenses. Lawyers can live in one city, like New York or Los Angeles, prosecute cases in another city, and charge literally years of airfare, hotel meals and other living expenses to the taxpayer. That's an expensive proposition. It's why we created the limit in 1994. It's why the omnibus appropriations bill was wrong to change it. It is wrong to change it without any hearings, a consideration much less approved by an authorizing committee.

Limits on independent counsel expenses were enacted in the last Congress with bipartisan support. No case has been made for repealing these limits. Many would say that limits on expenses are needed more than ever. This issue needs to be revisited.●

FIVE CHALLENGES FOR PEACE: UNFINISHED BUSINESS IN FOREIGN POLICY

● Mrs. KASSEBAUM. Mr. President, for the past 18 years, I have been privileged to watch the march of world history from the vantage point of the U.S. Senate. The world has changed dramatically in my time here.

We live in an era of great transition from a terrible cold war order we understood to a new order we do not yet know. We are, to borrow from Dean Acheson's trenchant phrase, “present at the re-creation.”

As I prepare to leave the Senate, I want to offer some parting thoughts on unfinished business in American foreign policy and five challenges we must meet in coming years.

I. INFRASTRUCTURE FOR PEACE

The principal challenge of our time is to re-engineer the structures that can sustain the peace we have won. From the institutions and alliances of the cold war, we have inherited an unprecedented infrastructure for peace.

That infrastructure rests on three pillars. Each must be strengthened.

The first pillar is the only worldwide institution focused on international peace and security—the United Nations.

We need to rebuild the consensus, both domestically and internationally, on what we want the U.N. to be and what we want it to do in the international system of the 21st century. I believe we must build this consensus among the major donor countries and powers.