Department of Justice have supported any statutory compliance assistance programs. Their command and control methods remain firmly ensconced—not just in rhetoric, but in practice.

I agree that strong enforcement is necessary as a deterrent against environmental violations. I have never suggested that we should hamstring our regulators. We can, however, look at audit laws as a positive and reasonable way to supplement strong enforcement. When the goal is a cleaner, healthier environment, we should not be afraid to be innovative. We can do it in a reasonable and thoughtful way. We can agree not to penalize good behavior.

The EPA and the Department of Justice have shown a complete unwillingness, however, to cooperate. They have repeatedly argued against State and Federal audit laws. They maintain that such laws are unnecessary and dangerous. They describe numerous imaginative scenarios where laws could be abused. When asked for constructive suggestions, however, they choose instead to mischaracterize audit laws, implying that there is no middle ground. In the rhetorical attacks on audit laws, the EPA and Department of Justice always start by constructing their own premises—not those of the actual law—so the most frightful conclusions can be drawn to support their position.

I point this out because the term ''secrecy'' has been the most recurrent fallacy dragged across this debate. It was used to excess in the recent Environment and Public Works Committee hearing. The EPA maintains the danger of secrecy by suggesting that audit laws will shield evidence of wrongdoing and impede public access to information.

Nobody in this body has been talking about creating an audit law to allow secrecy or fraud. These are things the EPA argues against. They are things I have argued against. Under a well-crafted audit law, this kind of abuse can be easily avoided.

First, the EPA claims companies will conduct audits to hide evidence. I want to expose the holes in that argument. An audit report can only include information gathered during a specific time period and according to a defined audit procedure. Because privilege is not extended to cover fraud or criminal activity, it cannot reach back to cover prior malfeasance.

For example, in Wyoming, before a company conducts an audit pursuant to our State law, they must tell the regulators they plan to conduct an audit. Only information that is gathered after that date, and as a part of the audit, can fall under the audit protections. An audit report cannot include information that is otherwise required to be disclosed, such as emissions monitoring. It can only include information that is voluntarily disclosed.

How does the privilege work in practice? First, if nothing is discovered and nothing is disclosed, the report may not be privileged. If the company does find a deficiency during the audit, then it must report the problem and clean it up with due diligence. If these conditions are not met, then it cannot assert privilege to the information related to the deficiency. The privileged information is never secret because the deficiency must be disclosed.

Remember, the company must report the deficiency and clean it up to assert privilege. The public can view the disclosure form. They can know about the problem and they can make sure it is cleaned up. As long as these conditions for privilege are met, the report may not be admitted as evidence in a civil or administrative action. The end result of this is a cleaner environment—not secrecy—as the EPA suggests.

One only has to think logically to expose the flaws in EPA's arguments about secrecy. If a company says they are going to conduct an audit, then they must find violations, disclose them, and clean them up to get any benefit from the law. If they don't disclose anything, they gain no protections from an audit law. A company would not spend money to conduct an audit and then keep the violations secret. If they did so, they would face criminal liability for knowingly violating the law.

I ask my colleagues, if a company conducts an audit, discloses its violations, and cleans them up, what have we lost? Haven't we improved environmental quality? That is the goal of our environmental laws. That is the point of compliance assistance.

The EPA and Department of Justice maintain that audit laws run counter to our common interest in encouraging the kind of openness that builds trust between regulating agencies, the regulated community, and the public.

Mr. President, litigation does not build trust. Using voluntarily gathered information to prosecute good actors does not build trust. Enforcement depends on intimidation to act as a powerful deterrent. But it does not build trust.

Reasonable audit laws will promote cooperation between regulated entities and their regulators. We should ensure that people who act in good faith and who go the extra mile don't face stricter enforcement than those companies that do nothing. Audit laws do build trust.

Most importantly, they will result in a cleaner and healthier environment.

I look forward to working on this issue when the Senate reconvenes next year. It has been a broad bipartisan issue in the States and I know it can be a broad bipartisan solution here in the U.S. Senate.

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. 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.

Mr. LIEBERMAN. Mr. President, I ask if it is appropriate that I be allowed to address the Senate in morning business?

The PRESIDING OFFICER. It is more than appropriate. The Senator from Connecticut is recognized to speak in morning business for up to 10 minutes.

BOSNIA AND IRAQ

Mr. LIEBERMAN. Mr. President, a short while ago, the Senate adopted the foreign operations bill. Last week, the Senate adopted the Department of Defense authorization bill. Previous to that, we adopted the Defense appropriations bill for the coming year—all of those aimed at keeping America both strong and involved in the world.

There is no small measure of common sense and reason for us to do that. Mr. President, all we have to do is follow the news of the day to see how much our own leadership in the world is depended upon by other people and how critical that leadership is to the peace and stability of the world. This is, apparently, the last day in which the people's forum, the Senate Chamber, will be open for public discussion, particularly in morning business, which is such an extraordinary and, I think, constructive forum for public debate.

I want to address my colleagues on two matters that may well be acted upon, or decided partially at least, in the time after we leave this first session of the 105th Congress and before we come back in January. Those are events abroad relating to, first, Bosnia and then to Iraq.

Mr. President, if I may speak briefly about the situation in Bosnia. As the record is clear here, acts of aggression were occurring, acts of genocide, slaughter, unseen in Europe since the end of the Second World War which, in this case, was being portrayed on our television screens every night, bringing understandable agitation and demands for action. Ultimately, particularly after the fall of Srebrenica and the slaughter that occurred there, the President led the NATO forces to decisive airstrikes, which led to the Dayton conference, which led to the Dayton peace accords and to the cessation of hostilities on the ground in Bosnia and the beginning of a civilian reconstruction of that war-torn country, based on the Dayton agreements, based on a goal of trying, over a period of time, to reconstruct a multiethnic country there in Bosnia, on the premise that partition into ethnic conclaves was inherently unstable because one group would inevitably strike another group. If one looks at this glass, there is still plenty of empty room in it. It is also a glass that, thanks to the

allied effort, an effort that encompasses in this case Russia as well, not only has the slaughtering stopped and have troops been disengaged, but there is substantial progress being made on the road to civilian reconstruction.

I have felt all along, Mr. President, that we made a mistake in setting deadlines for the presence of American personnel as part of, first, the IFOR and then the SFOR—Implementation Force and then the Stabilization Force—in Bosnia. I understand that the deadline was probably attached as a way to garner sufficient support for the American involvement. But, in my opinion, respectfully, it was a mistake. Better to have set out goals for our participation in Bosnia and when those goals were reached to withdraw, than to establish the expectation, both in this Chamber and more broadly among the public, that we were going to pull out by a date certain, only to have to come back and say, no, no, no, that is not what we meant, and then imposing another deadline.

It is clear from statements that are coming from the President, the Secretary of State, others in the administration of our country, and our allies in Europe, that there is a strong inclination to keep American troops on the ground in Bosnia as part of a follow-on force after the previously, and I think mistakenly, set deadline of June 30, 1998. I support that inclination. I hope it is a fact, because I think if we pull out now—we Americans—the Europeans will follow suit, and what is likely to take place at this stage is a slide back downward into the pit of separation and of conflict.

I do hope that, in extending our presence there, we are mindful of two factors. One is to not repeat the mistake of again setting an artificially explicit deadline. If we are going to stay there, let's try to define the goals most comfortably related to the Dayton process, the Dayton agreement, and see if we can express more generally what those goals are, and when we achieve them, be ready to pull out.

Some have said—and it may be a good beginning point—that we can and should leave, we should not be there for a long time, we certainly should not be there forever. We can and should leave when the Dayton peace process appears to be self-sustaining. That is not a bad goal. So I hope, one, we don't repeat the mistake of setting an artificial and misleading deadline.

Second, if we decide to keep American troops as part of the follow-on peacekeeping force in Bosnia as a way of guaranteeing that the conflict does not erupt there again, that we don't threaten stability in Europe, that we don't run the risk of a wider war throughout the Balkans and beyond. If we decide to keep American troops there, I hope we will leave it to the professional soldiers, to the Pentagon, to the Secretary of Defense, advised by our military on the ground in Bosnia, by the chiefs of the services involved here in the Pentagon, as to how many American troops we want to leave there. There has been some indication, some comment, that it would be a good idea to reduce the number of American personnel there as a way of showing that we continue to be on the way out. The fact is that we started out with almost 30,000; we are down to about 8,500 American personnel.

The point I want to make is this: The administration should not feel pressured, as a way to build more support here or among the American people for our continued presence in Bosnia, to reduce the number of American soldiers that are there, unless that is what the generals in charge and the Secretary of Defense advise and request. We are getting down to a relatively small number of Americans there. We have an obligation to each and every one of them to make sure that we keep a critical mass present on the ground so that, in case of trouble, in case of conflict, in case of the eruption of hostilities, we have enough people and resources there so that we can minimize the risk of any damage to our personnel.

This is an occasion like the next one I want to speak of, where, though there is disagreement here among Members of the Senate and the other body and the American people about whether or not and under what circumstances or not American personnel should remain in Bosnia, this Senator is convinced that if the President as Commander in Chief states the case, and particularly one which is strongly backed up, as to the number of American personnel there by our military, the majority of the Congress across party lines will support the President in that leadership.

Second, Mr. President, is the question of Iraq—once again, very much on our minds and, once again, threatening stability under Saddam Hussein in the Middle East, an area of vital interest to the United States, morally, militarily and economically. This is a crisis that is totally the work of one man—Saddam Hussein. An agreement made to end the gulf war, in which we were the dominant power, with our allies involved an agreement by Iraq to have international inspection teams constantly there to make sure that Saddam Hussein and his government were not concealing or constructing weapons of mass destruction—ballistic missiles—done not in a punitive way, but because the record makes clear who Saddam Hussein is and what he is prepared to do. In the time he has been the leader of Iraq—I believe I have this number right—he has carried out five invasions of neighboring countries. When he has had capacity to wage warfare with gas, a relatively rudimentary form of chemical warfare, he has done so. He has used gas against his own people in Iraq to suppress an uprising. He used it against the Iranians in the Iraq-Iran war during the 1980's. There is some evidence to believe that he would have armed his personnel in the gulf war with chemical weapons that might have been used against American personnel were it not for his fear that we might retaliate with nuclear weapons.

So we know the ambitions of this leader, we know his willingness, beyond the formal considerations of devastation to humans, to use every weapon in his control to achieve a wider hegemony over the Middle East and particularly over the oil resources there that we continue to depend on.

As I said before, this crisis is one that is totally of his making—by forbidding Americans from being part of this international inspection team, by threatening now to evict, to eject, to push out of Iraq that small number of Americans that are part of that inspection team. And while the threat posed at the current moment is not as visually frightening and destabilizing as the Iraqi invasion of Kuwait in 1990, its consequences, the consequences of U.N. inspections stopping and the Iraqis developing and broadening their capacity at special warfare, at warfare with weapons of mass destruction and the ballistic missile capacity to deliver them to distant targets, is every bit as consequential and profoundly disruptive of stability in the Middle East and profoundly threatening to the vital interests of the United States, and we have little choice but to respond.

The threat may be at least as fundamental and destabilizing as the Iraqi invasion of Kuwait in 1990. But the challenge to leadership internationally will be to marshal the same kind of international coalition against the possibility of Iraqi aggression that was marshaled in 1990 and 1991.

Part of the problem is that time has passed and people's taste for conflict is reduced. People in some sense have to be reminded of what is on the line. Part of the problem is that some of those nations that stood by our side and fought with us in the Gulf war may have short memories and be drawn more by economic interests in doing business with Iraq than a realistic appreciation of the consequences of allowing Saddam Hussein to develop chemical weapons of mass destruction and ballistic missiles to deliver them. It won't be easy for those in the alliance—the international alliance—who understand the seriousness of this threat from Iraq under Saddam Hussein to marshal as broad an international coalition to respond. But it is most certainly a worthy effort and in our national interest.

If we cannot by inspection guarantee that Saddam Hussein is not developing weapons of mass destruction and the ballistic missile capacity to deliver them against our troops on land and sea in the region to our allies in the Arab world and in Israel, then we must consider doing so by intervention—if not by inspection, then by intervention. Because history tells us—and it is fresh history—that whatever capacity

for war making Saddam Hussein develops and possesses, he will use. And that is why it is so critical to deny him that capacity.

The specific course that President Clinton and some of those of our allies who seem more likely to stand with us—such as the British, probably the Turkish, others, hopefully in the moderate nations of the Arab world—the specific course that President Clinton as Commander in Chief chooses to take is, of course, respectfully his judgment. But I hope in the fateful days that are ahead when this Congress is out of session and these decisions will probably have to be made that the President appreciates what I sense as I talk to colleagues here in the Senate, that there is a broad bipartisan understanding of the seriousness of the challenge that Saddam Hussein has cleverly and diabolically set before us; and that there will be broad bipartisan support for an effective response as determined by the President of the United States, hopefully in joint action with a large number of our allies.

So, Mr. President, this has been a long session—a session of extraordinary accomplishments, certainly on the balanced budget, and some disappointment, of course, as always is the case in other areas.

But, as we depart, we leave some immense decisions to be made by the President and the administration. And I hope that they will be made in the spirit that this Congress across party lines will support the Commander in Chief when he chooses to lead, and that across party lines we understand that partisanship, though it may occasionally rear its head too often perhaps here in Congress, certainly does end at the Nation's coasts when our security and our values are threatened throughout the world.

I thank the Chair. I thank my colleagues for their patience.

I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

EXTENSION OF MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that morning business be extended until 2:30 p.m. under the same terms as previously agreed to.

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

Mr. ALLARD. I yield the floor.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Thank you, Mr. President.

A PERSONAL MESSAGE TO SADDAM HUSSEIN

Mr. TORRICELLI. Mr. President, almost 10 years ago I had an opportunity in visiting Baghdad to meet with Saddam Hussein and members of his cabinet.

I went to Iraq because of a brutal and seemingly endless conflict between the armies of Iran and Iraq that were consuming hundreds of thousands of lives. Like many people in our Government, I was concerned about how this would impact the region, and whether, indeed, it threatened world peace. I left Baghdad with unmistakable impressions of Saddam Hussein who continued to influence my own judgment, and which I revisit now—that we are on the verge of yet another conflict with the army of Iraq.

President Hussein knew little of the Western World, and profoundly misunderstood the United States. Because we are a good and a decent people willing to engage in dialog, it was interpreted as a lack of resolve; a failure of will.

It was for these reasons when President Bush sent American forces to the Persian Gulf that I was proud as a Member of the House of Representatives to be the Democratic sponsor of the war resolution.

In the years since American men and women triumphed in the Persian Gulf war to uphold the will of the United Nations and serve the best traditions of our country, the Saddam Hussein that I met on that day has not only not changed; he remarkably seems to have learned very little.

His rape and pillage of Kuwait is now known to have included not simply combatants but thousands of innocent Kuwaiti citizens. Six years after his retreat from Kuwait he continues to hold 620 unaccounted for Kuwaiti civilians. Upon his retreat he torched the land with oil fires and sullied the water, creating the largest oilspill and oil fires in history.

In 1988, he employed mustard gas against his own people killing more than 5,000 Kurds.

The Saddam Hussein that America met in the Persian Gulf war was not an isolated departure from good judgment. It was part of a long record of brutality against his own people and his neighbors.

Today we are on the verge of yet another conflict with Saddam Hussein, because not only is there a long tradition of such irresponsible international behavior but because nothing seemingly has changed.

In 1992, he violated the terms of the gulf war cease-fire by moving antiaircraft missiles into northern and southern Iraq. The world responded. The coalition held. And more than 100 United States, British, and French planes fired on missile stations.

A year later—in 1993—still not having learned the price of his misjudgements, Saddam Hussein ordered an attempt on the life of former President George Bush. President Bush was visiting Kuwait. Not only was Saddam Hussein not humbled in the face of the victor; he planned an assassination leading to an American military response against his intelligence headquarters.

In 1994, he sent battalions of Iraqis 20 miles north of the Kuwaiti border. Again, the United States needed to respond and 40,000 troops were again sent to the Persian Gulf.

And, last year, despite a willingness by the United Nations to begin easing sanctions in order to ease the pain on the Iraqi people in a food for oil program that was instituted, Saddam Hussein responded by military attack against the Kurds in the town of Erbil needing a response with the oil for food program.

There are few comparisons in contemporary history of any leader in any government that has so routinely miscalculated at the disadvantage of his government and himself.

The Saddam Hussein that I met a decade ago may not have understood much about the world, or his place in it, the relative power of his country as opposed to potential adversaries, the use of technology, his measure of international will—his misunderstanding of the United States may have been legendary—but it is almost unbelievable that with these annual confrontations, this extraordinary record of miscalculations, that virtually nothing seems to have been learned.

What more is necessary to be understood about the resolve of the United States? This Government is clearly prepared to pay the price to maintain the peace in the Middle East. This country has a deep determination to deny Saddam Hussein every and all classes of weapons of mass destruction.

The United States will provide leadership for international response when necessary, but clearly is both capable and willing to act unilaterally if required.

What is it, Saddam Hussein, that you do not understand about the world resolve? And what is it about us that could still be unclear?

Last month, this long and extraordinary record of miscalculation added yet another chapter. Saddam Hussein barred access to U.N. weapons inspectors under the pretext that they included American citizens. He challenged the right of the United States to be a part of the inspection teams of the United Nations, and asked rhetorically by what right we would be present.

Saddam Hussein, it comes to mind that the United States has about 500,000 reasons why we have a right to participate and will demand full compliance—a reason for every man and woman that left family, friends and home to put their lives on the line in the Persian Gulf war to end your occupation of Kuwait. And those 500,000 reasons have not yet run their course. They will stand for a long time.

The record since the United Nations began the inspections to ensure compliance with its resolutions has not been without success.

Since 1991, U.N. inspectors have found and destroyed more illegal weapons in Iraq than were destroyed during