transmitting, pursuant to law, the report of a rule entitled ''Screening Requirements of Carriers'' (RIN1115–AD97) received on April 29, 1998; to the Committee on the Judiciary.

EC–4781. A communication from the Acting Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, the report of settlements (Property Damage and Personal Injury) for calendar year 1997; to the Committee on the Judiciary.

EC–4782. A communication from the Associate Attorney General, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC–4783. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of two rules: ''Texas Regulatory Program and Abandoned Mine Land Reclamation Plan (Recodification)'' (TX–040–FOR), ''Pennsylvania Regulatory Program (Coal refuse disposal)'' (PA–112–FOR) received on April 21, 1998; to the Committee on Energy and Natural Resources.

EC–4784. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program (Bond liability for remined lands)'' (MD–042–FOR) received on April 16, 1998; to the Committee on Energy and Natural Resources.

EC–4785. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule entitled ''National Forest Exchanges'' (RIN1004–AC97) received on April 28, 1998; to the Committee on Energy and Natural Resources.

EC–4786. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule entitled ''Royalties on Gas, Gas Analysis Reports, Oil and Gas Production Measurement, Surface Commingling, and Security'' (RIN1010–AC23) received on May 1, 1998; to the Committee on Energy and Natural Resources.

EC–4787. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a modification report relative to the safety of dams; to the Committee on Energy and Natural Resources.

EC–4788. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a report on threatened national historic landmarks; to the Committee on Energy and Natural Resources.

EC–4789. A communication from the Acting Deputy Chief of Operations, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities'' received on April 20, 1998; to the Committee on Energy and Natural Resources.

EC–4790. A communication from the Acting Associate Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Smith River National Recreation Area'' (RIN0596–AB39) received on April 20, 1998; to the Committee on Energy and Natural Resources.

EC–4791. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of Financial Assistant Letter 98–02 received on April 16, 1998; to the Committee on Energy and Natural Resources.

EC–4792. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of an administrative directive regarding In-House Energy Management received on April 21, 1998; to the Committee on Energy and Natural Resources.

EC–4793. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of an administrative directive regarding suspect and counterfeit items received on April 21, 1998; to the Committee on Energy and Natural Resources.

EC–4794. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''A Role for Federal Purchasing in Commercializing New Energy-Efficient and Renewable-Energy Technologies''; to the Committee on Energy and Natural Resources.

EC–4795. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Building Energy Efficiency Standards Activities''; to the Committee on Energy and Natural Resources.

EC–4796. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Metal Casting Competitiveness Research Act for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–4797. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Strategic Petroleum Reserve for calendar year 1997; to the Committee on Energy and Natural Resources.

EC–4798. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the uranium industry for calendar year 1997; to the Committee on Energy and Natural Resources.

EC–4799. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''International Energy Outlook 1998: With Projections Through 2020''; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following report of committees was submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2037. An original bill to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, 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. BYRD (for himself and Mrs. HUTCHISON):

S. 2036. A bill to condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces from the Republic of Bosnia and Herzegovina; to the Committee on Foreign Relations.

By Mr. HATCH:

S. 2037. An original bill to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes; from the Committee on the Judiciary; placed on the calendar.

By Mr. CHAFEE (for himself, Mr. BAUCUS, and Mr. WARNER) (by request):

S. 2038. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2039. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. Res. 223. A resolution commending the Prince William Sound Community College on twenty years of education service; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. COCHRAN, Mr. CHAFEE, Mr. HOLLINGS, Mr. INOUYE, and Mr. MURKOWSKI):

S. Res. 224. A resolution expressing the sense of the Senate regarding an international project to evaluate and facilitate the exchange of advanced technologies; considered and agreed to.

By Mr. ABRAHAM (for himself and Mr. LIEBERMAN):

S. Con. Res. 94. A concurrent resolution supporting the religious tolerance toward Muslims; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself and Mrs. HUTCHISON):

S. 2036. A bill to condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces from the Republic of Bosnia and Herzegovina; to the Committee on Foreign Relations.

THE BOSNIA FORCE REALIGNMENT ACT

Mr. BYRD. Mr. President, the bill that I introduce today, on behalf of the distinguished Senator from Texas, Mrs. HUTCHISON, and myself, is an attempt to reduce the American portion of the NATO deployment to Bosnia and Herzegovina. It does so in a carefully staged manner over the next 2 years, going from the administration-planned force size of 6,900 ground troops at the end of this June, to 2,500 troops in February, 2000. In the interim, the amendment calls for a force size of 5,000 U.S. troops to be arrived at by February 1999, and 3,500 by July 1999.

This is a gradual drawdown to a level which more accurately approximates the size of the forces of France and Germany at this time. The United States would continue to honor its commitment to NATO to play an appropriate role in the Bosnia stabilization force, but the amendment provides

crucial leverage on our allies in Europe to assume the leadership role that is appropriate for them in an operation near their borders in Europe.

The current plan by the administration, including the requirement for meeting a series of general benchmarks in the areas of democratization, an independent press and judiciary, and other reforms, could keep the United States with the leading force in Bosnia for an indefinite period. I do not believe the American people will support the proposition of a semi-permanent deployment with no end-game. Nevertheless, this year, for the first time, the President has said that there is no definite end-game, or exit schedule which he would propose. Thus, the pressure is off our allies to pick up more of the leading role, and our allies are perfectly content to keep the United States spending some $1.8 billion per year on this operation, in addition to the funds we contribute to NATO on an annual basis.

My good friend from the state of Michigan, the ranking member of the Armed Services Committee, Mr. LEVIN, has also been concerned over the permanent nature of the American deployment and the lack of leadership being displayed by our European partners. He has offered a proposal, as a provision in the supplemental appropriations bill, which was approved by the conference committee on that bill, to urge the President to reach an agreement on the deadlines for closure on the various benchmarks in the President's report. This is a good amendment by Mr. LEVIN, and it is a very good starting point, and I am supportive of it, but I am afraid that it does not contain the kind of pressure that would cause the administration to act decisively with our allies on the matter of sharing the burden of leadership in Bosnia. I do not think that the Levin amendment, which, as I say, I strongly support, goes far enough.

The administration seems not to work very effectively, except under the pressure of explicit deadlines and an explicit schedule with specific numbers, dates, and goals. This specificity is provided by the amendment which Mrs. HUTCHISON and I presently intend to offer to the fiscal year 1999 Department of Defense authorization bill when it comes to the floor. I hope that my colleagues will have a careful look at the details of the amendment. I believe that it deserves strong bipartisan support. It is a responsible approach, and it provides the time and the impetus for our allies to get their acts together and begin to take responsibility for the peace of the European Continent. The United States will continue to play an important supporting role in this effort, but I hope we will begin to wean our allies from the overdependence upon the United States that they currently exhibit.

Reports over the last few days on the very disturbing developments in the Serbian province of Kosovo need the focus of the Senate and the administration and of all Americans. These events demonstrate my point. We may well have a catastrophe in the making, and the question of heading off, or at least containing ethnic unrest in Kosovo must be addressed by the administration, as well as by NATO. I don't see any evidence that the administration is moving in the direction of providing that kind of address. There may be steps that we need to take right now to prepare for worst-case eventualities. The administration needs to inform the Senate in detail on its policy regarding the possible scenarios involving the situation in Kosovo.

The amendment offered by Senator HUTCHISON and myself does provide that the forces which we move out of Bosnia proper can be redeployed to the periphery of that troubled region—into Hungary, for instance, and particularly into Macedonia, in an effort to demonstrate to the Serbs and other parties that NATO will not stand for the spreading of the ethnic conflict beyond the borders of Bosnia and Serbia. But the spread of the ethnic conflict in Kosovo is a separate issue which must be addressed by the administration, and I hope that the administration will get busy and give us just such an address. Everything possible should be done to forestall a spread of the ethnic conflict in Kosovo. Bosnia and its violent disposition must be contained and must not be allowed to infect the rest of Europe. We cannot countenance the spread of the ethnic violence into the southern Balkans, and we must do everything that we can to forestall the involvement of Greece and Turkey in future instabilities caused by the Bosnia and Kosovo situations.

The reduction in U.S. forces over a two-year period arranges a sure but gentle glidepath during which a reconfiguration of the composition of allied forces can be accomplished without opening up vulnerabilities for U.S. forces or causing uncertainties on the part of Serbian elements as to the staying power of NATO, while Bosnian unrest remains a threat to the peace of the continent. Yet, history must move in Europe, and the role of leadership on the ground, through the presence of American armies, must transition to one where a healthier balance of responsibility is created. This transition is especially important in light of the recent developments in Kosovo. In the long run, in an era where new states are being incorporated into NATO, and new practices of consensus-building and peacekeeping must be developed among the states of the alliance, Europe must begin to get a surer grasp of its own destiny through a spirit of close cooperation among its European NATO partners.

Mr. President, I hope that my colleagues will review the details of the amendment, and will choose to cosponsor it.

Mr. President, I send the bill to the desk on behalf of the distinguished Senator from Texas, Mrs. HUTCHISON, and myself and I ask that the title be stated.

The PRESIDING OFFICER. The clerk will state the title.

The bill clerk read as follows:

A bill to condition the use of appropriated funds for the purpose of an orderly and honorable reduction of U.S. ground forces from the Republic of Bosnia and Herzegovina.

Mr. BYRD. Mr. President, the distinguished Senator from Texas and I expect this bill to be referred to the appropriate committee.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. BYRD. As of now, Mr. President, I yield the remainder of whatever time I would have had to Mrs. HUTCHISON, that she may add it to the amount of time that she would have had under the request.

Let me express my appreciation for her cosponsorship of this amendment. She will work hard on its behalf as I will, and I feel honored and fortunate to have her as cosponsor of the bill. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, how much time is left on our amendment?

The PRESIDING OFFICER. Twenty-four minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I want to say how pleased I am to be working with my colleague, the senior Senator from West Virginia, who was honored last night on the Senate floor for having cast the most number of votes of any Senator in the history of our country—15,000. It was quite awesome. I am pleased to have someone of his stature and experience to take the lead on this very important act that we hope the Senate will pass in the form of an amendment to the defense authorization bill, or failing that, the appropriations bill, because it is time that Congress step up to the line and fulfill its constitutional responsibility for allocating the military dollars.

Mr. President, as the senior Senator from West Virginia has stated, our bill will begin the orderly and honorable withdrawal of U.S. ground forces from the Republic of Bosnia and Herzegovina.

U.S. forces in Bosnia have accomplished the military mission assigned to them. They were sent to enforce the Dayton peace accords by keeping the warring factions separated. We all owe our troops a debt of gratitude for having done this with no combat loss of life to any American.

I have just returned this weekend from my seventh trip to the Balkans. I saw a well-trained professional force capable of performing any mission that we would give them as long as we give them the support they need. But I also saw a force on a mission with no clear direction and certainly no exit strategy. It has no end date. These troops

have been spending more and more time away from home than at any other point in their careers.

The continuing and open-ended commitment of U.S. ground forces in Bosnia is subject to the oversight authority of Congress. When we narrowly voted to support this mission in 1995, I voted against it because I was afraid what would happen is exactly what is happening. We are now in an open-ended mission. This was not supposed to be an open-ended mission. It was supposed to be a 1-year commitment. That deadline was missed and the next deadline was missed.

It is very important that we have an exit strategy. The Secretary of Defense, and the Chairman of the Joint Chiefs, have said an exit strategy and an exit date is most important if we are not going to have mission creep. But, in fact, what I fear is that we do have mission creep in Bosnia, and as a matter of fact, we also have deadline creep.

NATO forces have increased their participation in police activities, something for which they are not trained. General Joulwan has said our military forces are not trained for police missions, and yet that is what they are doing more and more.

U.S. commanders in NATO have stated on several occasions that, in accordance with the Dayton peace accords, the principal responsibility for law enforcement rests with the parties to the Dayton agreement—the Serbs, the Croats, and the Muslims.

In a recent letter to Congress, President Clinton identified a host of additional missions that seem to go well beyond the peacekeeping scope of the U.S. forces in Bosnia and are aimed really at nation-building. These include—and I quote from his letter—''supporting * * * the conduct of elections and the installation of elected officials,'' and ''supporting * * * media reform efforts.''

During our recent trip we were briefed that establishing a rule of law and a judiciary were also among the criteria that must be established prior to our troops' withdrawal.

Mr. President, these are goals that could take 50 years to achieve, and they define a mission without an exit strategy. I would just say that the distinguished Senator who is presiding at this moment was also in the meetings we had in Bosnia this weekend. I think I speak for all of us who were there in saying that what we were told about an end date is a recipe for a mission with no exit strategy. Congress has had little to say, as the President has authorized an ever-longer commitment of troops for an ever-growing number of missions.

I believe that exceeds the war power authority of the President, although this is debatable and I cannot say that it is totally clear. But while the Constitution leaves some issues unsettled regarding war powers, there is no such conflict over the power of the purse. The Congress alone has the power. We have the responsibility to provide the money for our military and to look at the big picture.

The big picture, Mr. President, is that our troops are being flung around the world in police missions and peacekeeping missions, and we are losing the edge that a superpower must have to be able to act when no one else can or no one else will.

Senator BYRD and I do not want Congress to ever shrink from its constitutional responsibility. And it is Senator BYRD who understands the Constitution better than anyone on this floor. But I, as a new Member, am trying to see things in a way that our Founding Fathers intended and to remain true to the balance of power that they attempted to create.

Our bill is aimed at getting our European allies to start taking a greater share of the responsibility for their own regional security matters. This will free the United States to respond where our allies cannot or will not and where the United States is the only power that is capable of doing so.

It is in the interest of our allies that we maintain the capability to keep the world safe from threats that would endanger our mutual security. The United States has nearly twice the number of troops on the ground as our next closest ally, Great Britain. We have three times more than the French and German allies.

Our bill provides for a gradual-phased timetable of reduction of the level of U.S. troops so that by February in the year 2000 the American ground combat level would not exceed 2,500. This timetable is consistent with the stated objectives of the Clinton administration.

In a recent letter to several Senators, President Clinton said, ''The deployment will not be open-ended. . .SFOR will be progressively reduced.

Mr. President, the Senator from West Virginia and I hope to aid the administration by offering a credible and orderly timetable for such reductions so that we can provide the ability to finance the mission with some sense that we will know what to expect.

Our bill provides 6,900 troops by June 30, 1998; 5,000 by February 2, 1999; 3,500 by June 30, 1999; and 2,500 by February 2, 2000.

Our bill exempts from these totals those forces that are needed to protect the U.S. troops as the drawdowns proceed. We also exempt those forces necessary to protect U.S. diplomatic facilities. Most important, we exempt any U.S. ground forces which may be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.

It is my belief that one of our principal objectives in the Balkans should be to prevent the conflict in Bosnia from spilling over into neighboring European countries. Should the President propose to establish a NATO containment perimeter around Bosnia, our bill would permit that.

Why is our legislation needed? What does it have to do with military readiness? Just last week this Congress approved adding a half a billion dollars to the Bosnia operation. This brings our total to $8 billion. The President has asked for another $2 billion for the next year. That makes a $10 billion operation, five times the original estimate this administration gave Congress.

Where is this money coming from? It is coming from future readiness. We are borrowing from the future to pay for a mission that is clearly capable of being performed by countries other than the world's only superpower. If they can do this, the United States can be ready to respond in other areas where we have mutual security threats with our allies, such as the Middle East and Asia.

There are ample indications that our readiness has begun to suffer as we have drawn forces and resources off to support regional conflicts. In the U.S. Pacific Command, the commander in chief testified before Congress that some forces required for long-term commitments in the Asia-Pacific area of responsibility are now positioned in the Persian Gulf. He further reports that the Pacific fleet is short over 1,900 sailors in key technical ratings.

In the Pacific Air Forces, the F–16 cannibalization rate is 12.8 percent—a more than 100 percent increase since 1995 due to lack of spare parts.

The Army faces similar shortfalls. A recent Army Times report revealed that while the 1st Armored Division was staffed at 94 percent, its combat support and service support specialties were filled at below 85 percent, and captains and majors were filled at 73 percent. Noncommissioned officers are also in short supply in the divisions, particularly sergeants. In the 10th Division, 24 of 162 infantry squads were not fully or only minimally filled.

According to Major General Carl Ernst, commanding general of the Army's premier infantry training post at Fort Monroe, VA, this is having a serious negative impact on the Army. General Ernst recently told a congressional panel at Fort Monroe, ''We are now dangerously close to the breaking point.''

What about the Air Force? In the Air Force, only 29 percent of the pilots eligible for a $60,000 bonus to sign up for 5 more years signed up. That is half the number that took that bonus last year.

Our military is stretched to the breaking point. Our military cannot continue to provide peacekeeping operations all over the world. This causes them to lose the skills for which they have been trained and dulls their fighting edge. We are letting it happen because the operations tempo is too high and the amount of money we have is finite.

What is suffering is the quality of life of our military. We are losing our most experienced people. Also our modernization suffers as we try to keep our

best planes in the air, with the parts that they need to function, and, perhaps most important, the systems that we will need to meet the future security risks of our country and those of all of our allies. This includes the threat of an incoming ballistic missile with a nuclear, chemical, or biological weapon. We know that 30 countries in the world have ballistic missile capabilities, yet we are not deploying as quickly as possible any defenses.

What the Senator from West Virginia and I are asking is that our allies, who are perfectly capable of performing these peacekeeping missions as well as anyone can, take that responsibility. Let the United States build our forces through modernization and technology and develop missile defense systems so that we can be there if there is a real threat to our mutual security. We cannot have a military that is unable to respond. We must not have a military that is not respected by our allies, nor our adversaries.

The Senator from West Virginia has stood for the constitutional responsibility of Congress. I hope to follow in his footsteps in always reminding our Senate of the importance that we uphold our one-third of the balance of power in our Government. Our one-third is that we must be the stewards of the funds. Only Congress was empowered to declare war. I do not believe that our Founding Fathers intended for us to be sending troops abroad in operations other than war. They intended it to be a tough decision, to put our troops in harm's way.

Mr. President, I am going to stand for the U.S. Senate's responsibility to assure that we do not fling our troops around the world in operations other than war and dissipate our resources and our readiness. I am proud to cosponsor with the Senator from West Virginia the bill that will begin the orderly and responsible exit from Bosnia, with our allies, as a team, coming together and sharing this burden in a way that meets the regional test and meets our responsibility in the world to do that which no one else can.

I thank the Senator from West Virginia for his leadership in this area. I hope we will have the strongest bipartisan support for our bill so that we can make this law, so that our allies will know that when we say we are going to do something—whether it is something they like or don't like—that we will keep our word. That is in their best interests as well as ours.

I yield the floor.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. Six and a half minutes.

Mr. BYRD. I thank the distinguished Senator from Texas for a very knowledgeable and forceful statement, well articulated, and one which shows a great deal of wisdom with respect to the impact upon the readiness of our military forces, the impact caused by having our forces in Europe under the circumstances which we have described.

Mr. President, in order that Senators may be well informed as to the substance of the bill which the Senator from Texas and I are introducing, I ask unanimous consent it be printed in the RECORD.

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

S. 2036

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 ''Bosnia Force Realignment Act''.

SEC. 2. FINDINGS.

(a) The Congress finds the following:

(1) United States Armed Forces in the Republic of Bosnia and Herzegovina have accomplished the military mission assigned to them as a component of the Implementation and Stabilization Forces.

(2) The continuing and open-ended commitment of U.S. ground forces in the Republic of Bosnia and Herzegovina is subject to the oversight authority of the Congress;

(3) Congress may limit the use of appropriated funds to create the conditions for an orderly and honorable withdrawal of U.S. troops from the Republic of Bosnia and Herzegovina;

(4) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in about one year.

(5) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(6) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed confidence that the Implementation Force would complete its mission in about one year.

(7) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(8) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(9) In November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(10) The President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(11) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 17, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(12) NATO military forces have increased their participation in law enforcement, particularly police, activities;

(13) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for such law enforcement and police activities lies with the Bosnian parties themselves.

SEC. 3. LIMITATIONS ON THE USE OF FUNDS.

(a) Funds appropriated or otherwise made available for the Department of Defense for any fiscal year may not be obligated for the ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina except as conditioned below;

(1) The President shall continue the ongoing withdrawal of American forces from the NATO Stabilization Force in the Republic of Bosnia and Herzegovina such that U.S. ground forces in that force or the planned multi-national successor force shall not exceed:

(i) 6900, by June 30, 1998;

(ii) 5000, by February 2, 1999;

(iii) 3500, by June 30, 1999, and;

(iv) 2500, by February 2, 2000.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) to the extent necessary for U.S. ground forces to protect themselves as the drawdowns outlined in sub-paragraph (a)(1) proceeds;

(2) to the extent necessary to support a limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of the enactment of this Act; or

(3) to the extent necessary to support noncombat military personnel sufficient only to advise the commanders North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina; and

(4) to U.S. ground forces that may be deployed as part of NATO containment operations in regions surrounding the Republic of Bosnia and Herzegovina.

(c) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

(d) LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES IN BOSNIA.—None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended after the date of the enactment of this Act for the:

(1) Conduct of, or direct support for, law enforcement and police activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnian Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4. PRESIDENTIAL REPORT.

(a) Not later than December 1, 1998, the President shall submit to Congress a report on the progress towards meeting the drawdown limit established in section 2(a).

(b) The report under paragraph (a) shall include an identification of the specific steps

taken by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

By Mr. HATCH:

S. 2037. An original bill to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes; from the Committee on the Judiciary; placed on the calendar.

DIGITAL MILLENNIUM COPYRIGHT ACT

Mr. LEAHY. Mr. President, the Digital Millennium Copyright Act, which the Senate Judiciary Committee is reporting today, is important for our economy, for our creative industries and for the future of the Internet. This legislation is based on the WIPO implementing legislation, S. 1121, recommended by the Administration and introduced last year by the Chairman, Senators THOMPSON and KOHL and me.

Following intensive discussions with a number of interested parties, including libraries, universities, small businesses, online and Internet service providers, telephone companies, computer users, broadcasters, content providers and device manufacturers, the Committee was able to reach unanimous agreement on certain modifications and additions incorporated into the bill and making this bill a product of which we can all be proud.

Significant provisions were added to the bill in Title II to clarify the liability for copyright infringement of online and Internet service providers. These provisions set forth ''safe harbors'' from liability for ISPs and OSPs under clearly defined circumstances, which both encourage responsible behavior and protect important intellectual property rights. In addition, during the Committee's consideration of this bill, an Ashcroft-Leahy-Hatch amendment was adopted to ensure that computer users are given reasonable notice of when their Web sites are the subject of infringement complaints, and to provide procedures for computer users to have material mistakenly taken down put back.

This bill contains a number of provisions designed to help libraries and archives. First, libraries expressed concerns about the possibility of criminal sanctions or potentially ruinous monetary liability for actions taken in good faith. This bill makes sure that libraries acting in good faith can never be subject to fines or civil damages. Specifically, a library is exempt from monetary liability in a civil suit if it was not aware and had no reason to believe that its acts constituted a violation. In addition, libraries are completely exempt from the criminal provisions.

Second, the bill contains a browsing exception for libraries. Libraries have indicated that in an online environment dominated by encrypted works it may be impossible for them to gain access to works to decide whether or not to acquire them. The current version of the bill permits libraries to circumvent access prevention technologies in order to make a good faith determination of whether or not it would like to buy a copy of a work. If the library decides that it wishes to acquire the work it must negotiate with the copyright owner just as libraries do today.

Third, the Chairman, Senator ASHCROFT and I crafted an amendment to provide for the preservation of digital works by qualified libraries and archives. The ability of Libraries to preserve legible copies of works in digital form is one I consider critical. Under present law, libraries are permitted to make a single facsimile copy of works in their collections for preservation purposes, or to replace lost, damaged or stolen copies of works that have become commercially unavailable. This law, however, has become outmoded by changing technology and preservation practices. The bill ensures that libraries' collections will continue to be available to future generations by permitting libraries to make up to three copies in any format—including in digital form. This was one of the proposals in the National Information Infrastructure Copyright Protection Act of 1995, which I sponsored in the last Congress. The Register of Copyrights, among others, has supported that proposal.

In addition, the bill would permit a library to transfer a work from one digital format to another if the equipment needed to read the earlier format becomes unavailable commercially. This change addresses a problem that should be familiar to anyone whose office has boxes of eight-inch floppy disks tucked away somewhere.

These provisions go a long way toward meeting the concerns that libraries have expressed about the original bill, S. 1121, introduced to implement the WIPO treaties.

Another issue that the bill addresses is distance learning. When Congress enacted the present copyright law it recognized the potential of broadcast and cable technology to supplement classroom teaching, and to bring the classroom to those who, because of their disabilities or other special circumstances, are unable to attend classes. At the same time, Congress also recognized the potential for unauthorized transmissions of works to harm the markets for educational uses of copyrighted materials. In the present Copyright Act, we struck a careful balance and crafted a narrow exemption. But as with so many areas of copyright law, the advent of digital technology requires us to take another look at the issue.

I recognize that the issue of distance learning has been under consideration for the past several years by the Conference on Fair Use (CONFU) that was established by the Administration to consider issues relating to fair use in the digital environment. In spite of the hard work of the participants, CONFU has so far been unable to forge a comprehensive agreement on guidelines for the application of fair use to digital distance learning. The issue is an important one, and I commend Senator ASHCROFT for his attention to this matter.

We made tremendous strides in charting the appropriate course for updating the Copyright Act to permit the use of copyrighted works in valid distance learning activities. The Chairman, Senator ASHCROFT and I joined together to ask the Copyright Office to facilitate discussions among interested library and educational groups and content providers with a view toward making recommendations that could be incorporated into the DMCA at the April 30 mark up. The Copyright Office did just that, once again providing a valuable service to this Committee.

Based on the Copyright Office's recommendations, we incorporated into the DMCA a new Section 122 requiring the Copyright Office to make broader recommendations to Congress on digital distance education within six months. Upon receiving the Copyright Office's recommendations, it is my hope that the Senate Judiciary Committee will promptly commence hearings on the issue and move expeditiously to enact further legislation on the matter. I know that my fellow members on this Committee are as anxious as I am to complete the process that we started in Committee of updating the Copyright Act to permit the appropriate use of copyrighted works in valid distance learning activities. This step should be viewed as a beginning—not an end, and we are committed to reaching that end point as quickly as possible.

Senator FEINSTEIN had sought to clarify when a university would be held responsible for the actions of its employees in connection with its eligibility for the safe harbors spelled out in title II of the bill. Chairman HATCH, Senator ASHCROFT and I agreed with Senator FEINSTEIN that the best way to address this issue is to have the Copyright Office examine this issue in a comprehensive fashion, because of its importance, complexity, and implications for other online service providers, including libraries and archives.

Amendments sponsored by Senators ASHCROFT, HATCH and I were also crafted to address the issues of reverse engineering, ephemeral recordings and to clarify for broadcasters the use of copyright management information in the course of certain analog and digital transmissions.

Legislative language was incorporated into the bill to clarify that the law enforcement exemptions apply to all government agencies which conduct law enforcement and intelligence work, as well as to government contractors engaging in intelligence, investigative, or protective work.

Chairman HATCH, Senator ASHCROFT and I agreed to language to assuage the concerns of the consumer electronics

manufacturers, and others, that the bill might require them to design their products to respond to any particular technological protection measure. We also agreed to incorporate provisions into the bill clarifying that nothing in the bill will prevent parents from controlling their children's access to the Internet or individuals from protecting personal identifying information.

By reaching agreement on this bill, this Committee is helping to create American jobs, protect American ingenuity, and foster an ever more vibrant Internet. In short, the WIPO treaties and this implementing legislation are important to America's economic future. The bill addresses the problems caused when copyrighted works are disseminated through the Internet and other electronic transmissions without the authority of the copyright owner. By establishing clear rules of the road, this bill will allow electronic commerce to flourish in a way that does not undermine America's copyright community.

In a recent letter about the DMCA, Secretary Daley said, ''The United States must lead the way in setting a standard that will protect our creative industries and serve as a model for the rest of the world. And we need to act as quickly as possible.''

This bill is a well-balanced package of proposals that address the needs of creators, consumers and commerce well into the next century. I urge all of my colleagues to support the Digital Millennium Copyright Act and work for its prompt passage.

Mr. KOHL. Mr. President, I rise to express my support for the Digital Millennium Copyright Act of 1998. In my view, we need this measure to stop an epidemic of illegal copying of protected works—such as movies, books, musical recordings, and software. The copyright industry is one of our most thriving businesses. But we still lose more than $15 billion each year due to foreign copyright piracy, according to some estimates.

This foreign piracy is out of control. For example, one of my staffers investigating video piracy on a trip to China walked into a Hong Kong arcade and bought three bootlegged computer games—including ''Toy Story'' and ''NBA '97''—for just $10. These games normally sell for about $100. Indeed, the manager was so brazen about it, he even agreed to give a receipt.

Illegal copying has been a longstanding concern to me. I introduced one of the precursors to this bill, the Motion Picture Anti-Piracy Act, which in principle has been incorporated into this measure. And I was one of the original cosponsors of the original proposed WIPO implementing legislation, the preliminary version of this measure.

In my opinion, this bill achieves a fair balance by taking steps to effectively deter piracy, while still allowing fair use of protected materials. It is the product of intensive negotiations between all of the interested parties—including the copyright industry, telephone companies, libraries, universities and device manufacturers. And every major concern raised during that process was addressed. For these reasons, it earned the unanimous support of the Judiciary Committee. Of course, as with any legislation, some tinkering may still be needed.

I am confident that this bill has the best approach for stopping piracy and strengthening one of our biggest export industries. It deserves our support.

By Mr. CHAFEE (for himself, Mr. BAUCUS, and Mr. WARNER) (by request):

S. 2038. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts and to further define the criteria for capital repair and operation and maintenance; to the Committee on Environment and Public Works.

THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. CHAFEE. Mr. President, today I am introducing the John F. Kennedy Center for the Performing Arts Authorization Act. I am introducing this bill at the request of the Kennedy Center Board of Trustees, in my capacity as Chairman of the Committee on Environment and Public Works. Joining me as cosponsors of the bill are the chairman and ranking member of the Subcommittee on Transportation and Infrastructure, Senators WARNER and BAUCUS.

The concept of a national center for the performing arts originated during the administration of President Dwight D. Eisenhower. President Eisenhower envisioned a national cultural center in the nation's capital, and in 1958, with the support of Congress, he signed into law the National Cultural Center Act, which established the Center as an independently administered bureau of the Smithsonian Institution. Following the death of President Kennedy, the Congress in 1964 renamed the Center in honor of the late president.

The Kennedy Center was opened to the public in September 1971. The response was overwhelming—so much so that the Center's Board of Trustees requested help from Congress in maintaining and operating the Center, for the benefit of the millions of visitors. In 1972, Congress authorized the National Park Service to provide maintenance, security, and other services necessary to maintain the facility. For the next two decades, the Park Service received federal appropriations for the maintenance and operation of the Presidential monument.

In the early part of this decade, however, it became clear that the Kennedy Center facility—which had not seen comprehensive capital repair since its opening—had deteriorated significantly due to both age and intensive public use. Those repairs that had taken place—such as the 1977 repair of the leaking roof—were undertaken in response to threatening conditions. The Board of Trustees, with the support of the Park Service, therefore set out to achieve a more effective long-term approach to management of the facility, with one entity responsible for both the care of the physical plant and the staging of performance activities.

In 1994, therefore, Congress approved and the President signed the John F. Kennedy Center Act Amendments (Public Law 103–279). That Act authorized the transfer of all capital repair, operations, and maintenance of the facility from the Park Service to the Board of Trustees.

The Act also directed the Board to develop a comprehensive, multi-year plan for the restoration and ongoing maintenance of the Kennedy Center. In 1995, the Board delivered the Comprehensive Building Plan, which set forth a long-term, two-stage program for the remediation of substandard building conditions, as well as continuous maintenance for the future. Phase I, scheduled for Fiscal Years 1995 through 1998, has concluded successfully. During this time, several major projects were completed, including the installation of a new, energy-efficient heating and cooling system, replacement of the leaking roof and roof terrace, and the major renovation of the Concert Hall. Phase II is scheduled to take place over the next eleven fiscal years, through Fiscal Year 2009. This stage will involve the massive ''Center Block'' project, during which the Opera House will be overhauled, as well as projects to make improvements to the plaza, improve accessibility to the theaters, install fire and other safety technology, and make a host of other repairs designed to ensure that the facility meets life safety standards.

That brings us to the legislation I am introducing today. For the major Phase II projects to get underway, Congress must revise the 1994 Act to authorize appropriate funding for the next several fiscal years. The bill I am introducing today authorizes significant funding levels for the next eleven fiscal years for maintenance as well as capital repair work.

Over the next several weeks, I and other members of the Committee on Environment and Public Works intend to review carefully the planned repair activities and the authorization request. The Kennedy Center is a living Presidential memorial and a national monument, and as such demands a high standard of maintenance and upkeep. As an ex-officio member of the Board, and Chairman of the authorizing Committee, I am dedicated to the appropriate restoration and preservation of the facility, which millions of Americans have enjoyed for more than a quarter of a century. Nevertheless, it is Congress' duty on behalf of the taxpayers to scrutinize this request closely. I look forward to working with my colleagues in the Senate, the Administration, and the Kennedy Center Board

to ensure that we allocate federal resources in an effective and responsible manner.

By Mr. BINGAMAN:

S. 2039. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

THE EL CAMINO REAL DE TIERRA ADENTRO NATIONAL TRAIL ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. This legislation is important to New Mexico and contributes to the national dialogue on the history of this country and who we are as a people.

In history classes across the country, children learn about the establishment of European settlements on the East Coast, and the east to west migration which occurred under the banner of Manifest Destiny. We in New Mexico, however, also know the story of the northward exploration and settlement of this country by the Spanish, a little known but important piece of America's history.

My legislation recognizes a proud chapter in American history; the northward exploration and settlement of the Southwest by the Spanish. Building upon a network of trade routes used by the indigenous Pueblos along the Rio Grande, Spanish explorers established a migration route into the interior of the continent which they called ''El Camino Real de Tierra Adentro,'' the Royal Road of the Interior. My bill will amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, and give the National Park Service a mandate to develop interpretive displays explaining the importance of the trail during the Spanish settlement of the southwest United States.

This legislation is especially appropriate in this year of the Cuartocentenario, which commemorates the 400th anniversary of the establishment of the first Spanish capital at San Juan Pueblo, the first terminus of the El Camino Real de Tierra Adentro.

In 1598, almost a decade before the first English colonists landed at Jamestown, Virginia, Don Juan de Oñate led a Spanish expedition which established the northern portion of El Camino Real de Tierra Adentro. The road was the main route for communication and trade between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros, San Gabriel and then Santa Fe, New Mexico.

From 1598 to 1821 El Camino Real de Tierra Adentro facilitated the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the borderlands. The Spanish influence from that period can still be seen today in the ethnic and cultural traditions of the southwestern United States.

In the 17th century, caravans of wagons and livestock struggled for months to cross the desert and bring supplies up El Camino Real to missions, mining towns and settlements in New Mexico. On one section known as the Jornada del Muerto, or Journey of Death, they traveled for 90 miles without water, shelter, or firewood. Wagons heading south carried the products of New Mexico to markets in Mexico.

El Camino Real became an integral part of an international network of commerce between Europe, the United States, New Mexico and other provinces of the Mexican republic. The route is a symbol of the commercial exchange and cultural interaction between nations and diverse ethnic groups that led to the development of the southwestern United States. It is also a proud symbol of the contributions of Hispanic people to the development of this great country.

As we enter the 21st century, it's essential that we embrace the diversity of people and cultures that make up our country. It is the source of our dynamism and strength. I look forward to helping to advance our understanding of our rich cultural history through this initiative.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2039

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 ''El Camino Real de Tierra Adentro National Historic Trail Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and Santa Fe (1610–1821);

(2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) in 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States;

(7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) EL CAMINO REAL DE TIERRA ADENTRO.—

''(A) IN GENERAL.—El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

''(ii) consult with affected Federal, State, and tribal agencies in the administration of the trail.

''(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. GRAMS, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.