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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who hears and answers prayer, we praise You for the answer to our prayers for the release of the three American soldiers imprisoned in Yugoslavia. A week ago today, we joined with millions of people in prayer for them. Today we praise You for the release of Staff Sergeants Christopher J. Stone and Andrew Ramirez and Specialist Steven M. Gonzales. Thank You for the strategic part Jesse Jackson played in the negotiations for their release.

Now, Father, with the same intercessory intensity we pray for the debate here in the Senate on the next steps in the NATO strategy for ending the ethnic cleansing in Kosovo and a safe return of all refugees to their homes. Be with the Senators as they search for an answer. Give them open minds to listen to You and to one another.

The days of this busy week stretch out before us. We commit them to You. Make them productive. We yield our minds to discern Your divine solutions to our problems. Only You have the true perspective, and by Your Spirit You can help us to see through Your eyes. We trust You, for You are faithful. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. HAGEL. I thank the Chair.

SCHEDULE

Mr. HAGEL. Mr. President, the Senate will be in a period of morning business until 1 p.m. today. Following morning business, the Senate will immediately begin consideration of the McCain resolution, Senate Joint Resolution 20, pursuant to provisions of the War Powers Act. A rollcall vote on or in relation to Senate Joint Resolution 20 concerning the deployment of U.S. Armed Forces to the Kosovo region in Yugoslavia is expected to take place at 5:30 p.m. today.

For the information of all Senators, consideration of the financial modernization bill is expected to begin on Tuesday and hopefully conclude on Thursday evening.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. VOINOVICH. I thank the Chair.

MORNING BUSINESS

MCCAIN RESOLUTION REGARDING KOSOVO

Mr. VOINOVICH. Mr. President. I rise today to oppose the McCain Resolution.

First, I congratulate Reverend Jesse Jackson, Congressman ROD BLAGOJEVICH, Joan Brown Campbell and religious leaders for the release of our three servicemen. I am particularly proud that Joan Campbell, the Secretary General of the National Council of Churches and the mother of County Commissioner Jane Campbell, and Father Irinej Dobrijevic, a Serbian-American Priest from St. Sava Orthodox Cathedral in Cleveland, were major participants in the release.

I pray that the letter from Jesse Jackson to President Clinton and other diplomatic moves this weekend with President Yeltsin of Russia will bring all parties to the table so we can end the bombing, death and destruction that is going on in Serbia and Kosovo.

Mr. President, I am astonished at the negative reaction. In fact, Elizabeth Sullivan in today's Cleveland Plain Dealer pointed out that ''the alliance sneers at Yugoslav President Slobodan Milosevic's latest offer, to accept a lightly armed U.N. peace force, refusing to treat it as the basis for further talks.''

In my opinion, our State Department, President and NATO are allowing their egos to get in the way of their common sense and good judgment.

It was this hubris—which is defined as ''excessive pride or self-confidence; arrogance''—and their miscalculation of the importance of Kosovo to the Serbian people and Milosevic that got us into this mess.

It appears that they are ''hell bent'' to get us into a major war that will have catastrophic impact on our domestic and international responsibilities for years to come and may well ignite destabilization of southeast Europe, a new cold war with Russia and the creation of new alliances by this country's adversaries who we have been working to bring into the international community.

I believe it is time to stop the bombing, reduce hostilities on both sides and resume negotiations to bring about peace and restore stability to the region.

I agree with the sentiments expressed yesterday by Majority Leader TRENT LOTT who said ''let's see if we can't find a way to get the bombing stopped, get Milosevic to pull back his troops, find a way to get the Kosovars to go back in a secure way. Short of that, I see a quagmire that is going to go on. It's going to get bloodier.''

So, before we vote on this resolution and continue down the path to a further escalation and a greater involvement, there are three things that we

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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have to ask ourselves: (1) What is the price? (2) What is the risk? (3) What is the prize?

The main price that will be paid will be done so in human lives. There will be casualties—American and NATO troops, Kosovar civilians and refugees, Serb civilians as well as civilians in neighboring countries where we've already mistakenly dropped bombs.

We have to remember the experience of World War II, where 700,000 German troops were held-off by 150,000 Serb guerrillas. Are we willing to make such a commitment?

We also have to consider the financial impact of this war so far. Thus far, it is being paid for by Social Security. If the war escalates to include ground forces and if we're totally honest with the American people, we have to tell them that one of three things will happen to pay for this war—

(1) we'll continue to use Social Security to pay for it and the deficit will go up; (2) we'll reduce spending for domestic programs; or

(3) we'll increase taxes.

In addition, each passing day further diminishes the readiness of our armed forces. We already have a terrible readiness problem—this campaign is only making it worse.

Indeed, comments made by General Richard Hawley, head of the U.S. Air Combat Command indicate that we could run out of the state-of-the-art satellite-guided Joint Direct Attack Munition (JDAM) for our B–2 Stealth bombers sometime this month.

He is quoted as saying ''it's going to be really touch-and-go as to whether we'll go Winchester on JDAM's.'' That's pilot jargon for ''running out of bullets.'' He also indicated that because more crews are being called up for this campaign, fewer crews are available should another crisis appear elsewhere in the world (North Korea, Iraq, etc.)

Our main military goal should be to ensure our readiness to the extent that our adversaries know we are prepared.

There are projections indicate that it will take at least $30 billion to address readiness effectively.

The longer we continue our current efforts, the greater the opportunity that one or more of our NATO allies may decide enough is enough. This could leave the U.S. holding the bag! We could also stir regional resentment among Serbia's neighbors, leading to further political instability and the possibility of a wider war. There are already groups promoting a greater Albania that would include parts of Montenegro, Macedonia, and Greece.

This war could also undermine U.S. and NATO credibility and erode our ability to deter aggression globally.

If we suffer significant casualties, equipment failures, morale loss, etc. potential adversaries in North Korea, China, Iran and Iraq will take note and could react;

Our experience in the Persian Gulf bolstered our credibility but this situation is very different—different terrain, there was an international consensus that Iraqi aggression against a sovereign nation must be reversed, threat of weapons of mass destruction.

AND FINALLY—THE PRIZE

When we win—and I am confident we would win—what do we get?

First there is the need to put in a long-term occupation force to oversee the peace. I am concerned that such a force could be subject to continual guerrilla attacks which would incur casualties.

Then we would have to rebuild the infrastructure and economy of Kosovo and Serbia and that could cost as much as $100 billion.

We would also have to build a new, Western-oriented and democratic state with whatever existing civic institutions there are available. This could lead to a period of ''growing pains'' where there is considerable political uncertainty for a number of years.

Mr. President, as our colleague from Kansas, Senator ROBERTS, has pointed out, there would be a precedent for U.S. to intervene militarily when there are widespread humanitarian abuses.

We have a lot of questions to answer before we find ourselves in a war from which we cannot extricate ourselves.

Fundamentally, what Senator MCCAIN's resolution does is give our President carte blanche, and when you look at the price and the risk and the prize, you can understand why I am opposed to this resolution.

We should not give the President blanket authority to get us into another Viet Nam that could very well have much greater negative impact nationally and internationally than Viet Nam.

Two weekends ago I visited Arlington Cemetery, the Vietnam and Korean memorials and I'm going to do everything in my power to make sure that we do not have a Kosovo Memorial here in Washington.

If the Senate passes anything, it ought to be what the House did this last weekend when they had the courage to stand up and be counted.

Congress must exert its Constitutional authority in foreign policy matters and demand that the President seek a declaration of war or formal authorization before he deploys ground troops.

Again, should the Senate decide to offer alternative legislation to the McCain measure, it should include such considerations.

The way we have conducted ourselves with NATO in regard to Kosovo has created an environment that has allowed Slobodan Milosevic and the Serbs to do exactly what those responsible for bombing did not want to happen regarding human rights and ethnic cleansing in Kosovo.

It has resulted in the destruction of the infrastructure in Kosovo to the extent that thousands of Kosavars will never return to their destroyed homeland.

The decision also has resulted in death and destruction in Serbia that is also unconscionable when one realizes that the alleged purpose is to force Slobodan Milosevic to sign an agreement which is tantamount to the Serbs and giving up their sovereignty.

Think about it, Mr. President. If we had not engaged in ''sign-or-bomb'' diplomacy, we could still be at the negotiating table with 1,600 observers in Kosovo.

The time has come, Mr. President, where NATO needs to get off its high horse, restrain its ego and instead of trying to save face over a major foreign policy blunder and start thinking about saving lives.

It's time to stop the bombing and put everyone's efforts into finding a diplomatic solution that will quickly result in the removal of Serbian troops from Kosovo, end the ethnic cleansing, return the Kosavars to Kosovo and commit to rebuilding both physical and political infrastructure of Kosovo.

We need to fully protect all minority rights including the Serbs and other minorities who live in Kosovo and full participation of all in the Federal Republic of Yugoslavia including the Serbian Parliament.

Last but not least an international force to guarantee in the beginning that the agreement provisions are fully implemented and abided by all parties.

Mr. President, let's get to the peace table. Let's all of us get down on our knees and pray that the Holy Spirit will inspire us to remember Jesus' exultation to us—''Bless are the peacemakers for they shall be called the children of God.''

This nightmare has to end now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DEWINE. 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. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 12 minutes as in morning business.

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

REACHING OUT TO PREVENT TRAGEDY

Mr. DEWINE. Mr. President, I rise today to make a few comments regarding the tragic shootings in Littleton, CO.

Thirteen days after this tragedy occurred, our Nation is still really in shock. The hearts of my own family and all Ohio families, and, of course, all Americans families, go out to the families who have lost loved ones. There is nothing that you can say that

can take the pain away. Anyone who has lost a child understands that. The loss these families have suffered cannot be repaired. But it is important that these families know that there are people—many of us far away from Colorado—whose thoughts and prayers are with them at this terrible time.

What went wrong? Could the shootings have been prevented? What should we do to prevent other tragedies such as this from occurring in the future?

These are all very difficult questions—difficult issues for a public official to talk about, because when you do, people will think that you are claiming to have ''the answer.'' Let me say flat out that I don't claim to have ''the answer.''

What happened in Littleton will always to some extent remain a mystery, and why it happened. Evil is a mystery that exists deep in the human heart. But that brutal fact of human existence that we can't come up with ''the answer'' does not excuse us from our moral responsibilities—our responsibilities, as legislators, as parents, as citizens. In fact, it increases our responsibilities. If we don't have ''the answer,'' we have to work harder to find answers—things we can do to make a difference child by child by child. Some of the things we have to do may not be glamorous, but they will all be helpful. They will save lives.

Fred Hiatt pointed out in a powerful Washington Post article recently that 13 children a day—13 children a day—are killed by guns in this country—in effect, the Littleton massacre every day. Statistically, of these 13 children who die every day, 8 are murdered every day; 4 tragically commit suicide every day, and 1 dies accidentally every day.

Mr. President, maybe we can't prevent a massacre such as the one in Colorado, but we can work on initiatives that would save some of the 13 children a day who are dying in gun-related deaths.

What I would like to do this afternoon is talk briefly about a few of those initiatives that I believe would save lives. We don't know whose lives they would save, but I have had, I think, enough experience in this area to say that they would save some lives, and, therefore, we should do this.

No. 1, I have a bill, which is now included in the juvenile justice bill, that we will be considering in just a few days.

This provision provides incentives to local governments to coordinate the services they offer to the kids who are the most at risk in their county, or their area. I am referring, for example, to the children who have been duly diagnosed as having both maybe a psychiatric disorder and a substance abuse problem, or some other combination of problems. For too long, kids have been falling between the cracks of the court system, the children's services system, the mental health system, and the substance abuse system. Other kids are misdiagnosed or don't get access to all the services that they need. My proposal would promote an approach that has been successful in Hamilton County, OH—in the Cincinnati area—an approach that gives our most problematic kids the multiple services they need, under the overall coordination of the juvenile court system. These kids should not fall victim of bureaucratic turf conflicts. All of them are our kids.

No. 2, parents, teachers and local service agencies need to explore ways to reach out and provide appropriate services to at-risk youth before they end up—before they end up—in the juvenile court system. That is the essence of prevention—to find ways to keep children from ever coming in contact with a juvenile court. That is why a renewed investment in mental health diagnosis and treatment is so vitally important with our children.

We have to as a country, as a people, make a more serious investment in diagnosing and treating these kids with psychological problems. Throughout the whole system, everybody—teachers, probation officers, everyone—will tell you that we do not now have enough resources.

I have talked to so many juvenile court judges who look at these kids they have in front of them, and who know they have mental health problems, and yet who do not have the resources, and try to reach these kids and turn them around, to cure them before it becomes too late. We need to get these kids early.

A third suggestion of things that are, I think, practical and that we could very easily do is keep closer track of kids who have been convicted of violent crimes. The tracking provisions I, along with Senator SESSIONS, have written into the juvenile crime bill we will be considering in just a matter of a few days will help do that.

When a young person commits a crime, and then, let us say, moves to another State and commits another crime, local law enforcement officials and judges many times do not have the available information. They do not know this person has committed a violent crime, and the reason they don't is because we don't have a good nationwide tracking system for juveniles, and we should. We should do it with juveniles who have already demonstrated that they will commit and can commit and may in the future commit a violent crime.

When it comes to making key decisions about juvenile offenders, judges and probation officers need to make judgments based on the best possible information. That is what my provision would give them.

No. 4, we need to get serious about background checks on gun purchases. Everybody talks about the Brady bill. But very few people realize that the Brady background checks are only as effective as the information that goes into them. That is why I have been fighting for almost 15 years for improved law enforcement information systems. That means good criminal records, knowing who has done what.

Last year, I wrote a bill on crime technology. Senators GREGG and HOLLINGS were very helpful in the appropriations process in getting the money for that.

The fact is that 60 percent of the States have criminal records that are less than 80 percent complete. In other words, our criminal record system isn't as good as it should be. The Brady bill will only work as well as the underlying criminal justice system it is based on. We need to fix it and do a better job.

No. 5, we need to get serious about confronting our cultural problems. I thank our colleagues, Senators MCCAIN and LIEBERMAN. I think they were right when they encouraged the President to call a summit meeting of the leaders in the media community—TV, radio, movies, video games and the recording industry—to talk about the responsibility in shaping the messages that we are sending kids.

We can't force them not to air trash that is harmful to people. The first amendment doesn't allow that. I hope the President's summit is a success. The fact is, the President does have, as Theodore Roosevelt said, a bully pulpit, and he needs to use it on this issue. We need to be upfront about the costs of excessive violence in the media—the price paid not just in lives lost in tragic events such as the shooting in Littleton, but also in the day-to-day harm that occurs in the emotional lives of children.

Many have blamed the toxic culture for the shootings in Littleton. I personally have no doubt that if the culture were not as coarsened as it is today, those kids very well may not have committed this crime. We will never be able to prove it or know for sure. It is too simplistic to say the culture caused the shootings; but to deny a connection would also be simplistic, and, I believe, naive. The culture that thrives on cruelty and hatred did not create these killers, but it offered them an outlet, a particular way of self-expression, that ended up devastating a whole community.

We need to work on creating and promoting the alternative to a culture based on death and violence, a culture based, rather, on the value of life, on the principle that every human life is unique, priceless, and worth defending.

We can't ban movie and video games we don't like. But there are things that we can do. I think there are positive steps the media could take to improve our culture and protect children to some extent.

The most important measure of all is parental involvement. Parents are the most important teachers for their kids. They should be their most important influence.

We need to reach out to our children. We need to listen to them. We need to pay attention. It is not a cliche to say

that tragic events are a cry for help. It is the simple truth.

In conclusion, there is no bill we can pass to make any of this happen. For this we have to look inside ourselves. In the meantime, those who are in public life need to do everything they can to make this task just a little bit easier. I mentioned five ideas that I have. I look forward to working with my colleagues in the Senate and concerned people at the local community level in Ohio and across our Nation to make sure we are doing all that we can.

I yield the floor.

DEPLOYMENT OF U.S. ARMED FORCES TO THE KOSOVO REGION IN YUGOSLAVIA

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the Senate will now resume consideration of Senate Joint Resolution 20, which the clerk will report.

The legislative assistant read as follows:

A resolution (S.J. Res. 20) concerning the deployment of United States Armed Forces to the Kosovo region in Yugoslavia.

Mr. MCCAIN. Mr. President, on behalf of the leader, I ask unanimous consent the time today for consideration of S.J. Res. 20 be for debate only.

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

Mr. WELLSTONE. Will the Senator yield?

Mr. MCCAIN. I am happy to yield to the Senator.

Mr. WELLSTONE. I know Senator BYRD wants to speak. I wonder whether I could ask unanimous consent that after the Senator from Arizona and the Senator from West Virginia speak, I be allowed to speak.

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

Mr. MCCAIN. Today, Mr. President, the Senate should begin a constructive, long overdue, and thorough debate on America's war with Serbia. But we will not. We will not because the Senate leadership, both Republican and Democrat, with the passive cooperation of the President of the United States, has determined that we will limit debate on war and peace to a few hours this afternoon. Apparently, the hard facts of war need not inconvenience the Senate at this time, and the solemn duties that war imposes on those of us privileged to lead this nation can be avoided indefinitely.

I heard my friend, the Democratic Leader, say the other day that now is not the time for this debate. When is the right time, Mr. President? After the war ends? Shall we wait to declare ourselves until the outcome is known? Shall those who oppose NATO's attack on Serbia wait until NATO's defeat is certain before voting their conscience? Shall those of us who believe American interests and values are now so at risk in the Balkans that they must be protected by all necessary force wait until victory is certain before voting our conscience?

I would hope not, Mr. President. For that would mean that we have allowed American pilots and, possibly, American soldiers to risk their lives for a cause that we will not risk our careers for. I think we are better people than that. I think we are a better institution than that. And I think we should use this debate to prove it.

All Senators should, for a start, use the opportunity provided by debate on this resolution to declare unequivocally their support or opposition for the war. Having declared their support or opposition, Senators should then endorse that course of action allowed Congress that logically and ethically corresponds to their views on the war. If Senators believe this war is worth fighting, then recognize that the President should exercise the authority vested in his office to use the power of the United States effectively to achieve victory as quickly as possible.

If Senators believe that this war is not worth the cost in blood and treasure necessary to win it, then take the only course open to you to prevent further bloodshed. Vote to refuse the funds necessary to prosecute it. Senators cannot say that they oppose the war, but support our pilots, and then allow our pilots to continue fighting a war that they believe cannot justify their loss. If the war is not worth fighting for, then it is not worth letting Americans die for it.

Last week, a majority in the other body sent just such a message to our servicemen and women, to the American public and to the world. They voted against the war and against withdrawing our forces. Such a contradictory position does little credit to Congress. Can we in the Senate not see our duty a little clearer? Can we not match our deeds to our words?

Should we meet our responsibilities honorably, we will not only have acted more forthrightly than the other body, we will have acted more forthrightly than has the President. The supporters of this resolution find ourselves defending the authority of the Presidency without the support of the President, a curious, but sadly, not unexpected position.

Opponents have observed that the resolution gives the President authority he has not asked for. They are correct. The President has not asked for this resolution. Indeed, it is quite evident that he shares the leadership's preference that the Senate not address this matter. But, in truth, he need not ask for this authority. He possesses it already, whether he wants it or not.

I cannot join my Republican friends in the other body by supporting the unconstitutional presumptions of the War Powers Act. Every Congress and every President since the act's inception has ignored it with good reason until now. We should have repealed the Act long ago, but that would have required us to surrender a little of the ambiguity that we find so useful in this city. Only Congress can declare war. But Congress cannot deny the President the ability to use force unless we refuse him the funds to do so. By taking neither aciton, Congress leaves the President free to prosecute this war to whatever extent he deems necessary.

Although I can speak only for myself, I believe the sponsors of this resolution offered it to encourage the President to do what almost every experienced statesmen has said he should do—prepare for the use of ground troops in Kosovo if they are necessary to achieve victory. Regrettably, the President owuld rather not be encouraged. But his irresponsibility does not excuse Congress'. I beleive it is now imperative that we pass this resolution to distinguish the powers of the Presidency from the muddled claim made upon them by the House of Representatives.

During the Foreign Relations Committee's consideration of this resolution, my friend, the Senator from Missouri, Senator ASHCROFT, criticized the wording as too broad a grant of authority to the President, and an infringement of congressional authority. How, Mr. President, can Congress claim authority that it neither possesses constitutionally nor, as we see, cares to exercise even if we did possess it? No, Mr. President, the authority belongs to the President unless we deny it to him by means expressly identified in the Constitution. In short, and I welcome arguments to the contrary, only Congress can declare war but the President can wage one unless we deprive him of the means to do so.

Therefore, I feel it is urgent that the Senate contradict the actions of the other body and clarify to the public, and to America's allies and our enemies that the President may, indeed, wage this war. And, with our encouragement, he might wage this war more effectively than he has done thus far. If he does not, the shame is on him and not on us.

I regret to say that I have on more than one occasion suspected, as I suspect today, that the President and some of us among the loyal opposition suffer from the same failing. It seems to me that the President, in his poll driven approach to his every responsibility, fails to distinguish the office he holds from himself. And some of us in Congress are so distrustful of the President that we feel obliged to damage the office in order to restrain the current occupant. Both sides have lost the ability to tell the office from the man.

Publicly and repeatedly ruling out ground troops may be smart politics according to the President's pollster, but it is inexcusably irresponsible leadership. In this determination to put politics over national security, the President even acquiesced to the other body's attempt to deprive him of his office's authority. He sent a letter promising that he would seek Congress' permission to introduce ground troops in the unlikely event he ever discovers the will to use them.

My Republican colleagues in the House, who sought to uphold a law that

I doubt any of them believed in before last week, should take greater care with an office that will prove vital to our security in the years ahead. President Clinton will not stand for re-election again. Twenty months from now we will have a new President. And whoever he or she is will need all the powers of the office to begin to repair the terrible damage that this President has done to the national security interests of the United States.

It is to avoid further damage to those interests and to the office of the President that I ask my colleagues to consider voting for this resolution. The irony that this resolution is being considered only because of a statute I oppose is not lost on me. But bad laws often produce unexpected irony along with their other, more damaging effects. So we have made what good use of it we can.

We are here beginning a debate that many did not want, and few will mind seeing disposed of quickly. In my opening comments, I know I have spoken provocatively. Although I believe my points are correct, I could have been a little more restrained in offering them. I was not because I hope it will encourage, perhaps incite is a better word, greater debate today than is contemplated by our leaders. I meant to offend no one, but if any took offense, I hope they will come to the floor to make their case. Let us have the kind of debate today that the matter we are considering surely deserves.

Mr. President, we are debating war. Not Bill Clinton's war. Not Madeleine Albright's war. America's war. It became America's war the moment the first American flew into harm's way to fight it. Nothing anyone can do will change that. If we lose this war, the entire country, and the world will suffer the consequences. Yes, the President would leave office with yet another mark against him. But he will not suffer this indignity alone. We will all be less secure. We will all be dishonored.

This is America's war, and we are America's elected leaders. As we speak, tens of thousands of Americans are ready to die if they must to win it. They risk their lives for us, and for the values that define our good Nation. Can we not risk our political fortunes for them? Don't they deserve more than a few hours of perfunctory and sparsely attended debate? They do, Mr. President, they deserve much better than that.

We might lose those vote and we might lose it badly. That would be a tragedy. But I would rather fight and lose, than not fight at all. I hope that an extended debate might persuade more Members to support the resolution. The resolution does not instruct the President to begin a ground war in Yugoslavia. Nor does it grant the President authority he does not already possess. Nor does it require the President to pursue additional objectives in the Balkans. But if Members would be more comfortable if those objectives and realities were expressed in the resolution than I am sure the sponsors would welcome amendments to that effect.

But even if a majority of Members can never be persuaded to support this resolution, let us all agree that a debate—an honest, extensive, responsible debate—is appropriate in these circumstances. Surely, our consciences are agreed on that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how is the time controlled?

The PRESIDING OFFICER. The time is equally divided between the proponents and the opponents.

Mr. BYRD. Who has control of the time in opposition to the resolution?

The PRESIDING OFFICER. No individual Senator has control.

Mr. MCCAIN. Mr. President, there is no division of time here. This is a unanimous consent agreement, that time today for consideration of S.J. Res. 20 be for debate only.

The PRESIDING OFFICER. I am advised that the time control is written in the War Powers Act.

Mr. MCCAIN. Thank you. I stand corrected. I appreciate the outstanding work of the Parliamentarian.

On behalf of the other side, I ask unanimous consent to allow Senator BYRD to speak for as long as he may deem necessary.

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

The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona. I thank him for his courtesy. I thank him for his leadership on this resolution and for his leadership on many of the great issues that we have debated in this Senate from time to time. There are occasions when I vote with Mr. MCCAIN. There are occasions when I feel that we do not see eye to eye. That is not to say that I do not have the greatest respect for his position, for his viewpoint. I do have.

Mr. President, I commend Senator MCCAIN, and I commend the other Senators, Senator BIDEN and the others, who have cosponsored this resolution, for having the courage of their convictions and for standing up for that in which they believe. I am sorry that I cannot agree on this occasion, but there may be a time down the road when we will be working together and I can agree and they can agree with me.

I shall not use more than 5 minutes, Mr. President.

The course of action that they are advocating—giving the President blanket authority to use whatever force he deems necessary to resolve the Kosovo conflict—is a bold and possibly risky stroke. But whatever the outcome, they are forcing the Senate to confront the Kosovo crisis head-on, and that in itself is noteworthy.

Unfortunately, this resolution troubles me for a number of reasons. First, in my judgment, it is premature. In response to a request from the President, the Senate authorized air strikes against Yugoslavia in March. To date, the President has not requested any expansion of that authority. In fact, he has specifically stated on numerous occasions that the use of ground troops is not being contemplated.

I think that has been a mistake from the very beginning, virtually saying to the Yugoslavian leader that we have no intention whatsoever of confronting you with ground troops. That loosens whatever bonds or chains Mr. Milosevic may otherwise feel constrain him. But the President has not announced that.

Now it is deep into our spring, and by the time we put ground troops on the ground, I assume it will be nearing winter in the Balkans. I think that the President has made a mistake from the very beginning in saying we have no intent. I would prefer to let Mr. Milosevic guess as to our intent than tell him we have no intent of doing thus and so.

If the intent of this resolution is to send a message to Slobodan Milosevic that the United States is serious about its commitment to the NATO operation in Kosovo, there are better ways to accomplish that objective. Swift action on the emergency supplemental appropriations bill to pay for the Kosovo operation would be a good first step.

Second, this resolution has the practical effect of releasing the President from any obligation to consult with Congress over future action in Kosovo. With this language, the Senate is effectively bowing out of the Kosovo debate and ceding all authority to the executive branch.

My friends may say that the Senate is not entertaining any debate anyhow, but at least it might do so. I do not think this is in the best interest of the Nation. The President needs to consult Congress, but nobody can seem to agree on just exactly what ''consultation'' means.

The President has had a few of us down to the White House upon several occasions. I have gone upon three occasions, and I have declined to go upon one, I believe, but those consultations, while they are probably beneficial and should be had, are really not enough. But the President does need to consult with Congress, and if he determines ground troops are needed in Kosovo, he needs to make that case to the American people.

He has to make the case. Nobody can make that case for him. The Secretary of State, Madeleine Albright, cannot make the case. The Vice President cannot make the case. Who is going to listen to Sandy Berger? I am not going to listen very much. So who can make the case? Nobody but the President can really make the case. We in the Senate will do the President no favor by giving him the means to short circuit the process.

Third, this resolution goes beyond policy and infringes on the power of

Congress to control the purse. If the Senate gives the President blanket authorization to ''use all necessary force and other means'' to accomplish the goals and objectives set by NATO for the Kosovo operation, the Senate has no choice but to back that up with a blank check to pay for it.

I think I have to agree with the distinguished Senator from Arizona in most of what he said. Practically speaking, he is exactly right. He is precisely correct when he says that the only real check that the Congress has upon the President is the power over the purse. Money talks. That is the raw power. Congress alone has that power.

If we were to adopt this resolution, we would be essentially committing the United States to pay an undetermined amount of money for an unknown period of time to finance an uncertain and open-ended military offensive. Mr. President, that, by any standard, is not sound policy.

I believe there are better ways for the Senate to address the conflict in Kosovo, ways in which we can encourage the administration to work with Congress and to listen to the views of the American people as expressed through their representatives in Congress. I have repeatedly urged the President to provide Congress—and the American people—with more details on the Kosovo strategy, including the projected level of U.S. involvement in terms of personnel and equipment, the estimated cost and source of funding, the expected duration and exit strategy, and the anticipated impact on military readiness and morale.

Of course, we heard the promises made in connection with Bosnia: We were only going to be there a year. Repeatedly, we put that question to the administration people and they assured us, ''It will only take about a year.''

We have heard those promises before. We do not pay much attention to them anymore. Those assurances do not mean anything.

The President has certainly made a good faith effort to date to consult on this matter, with Members of Congress, but we are only in the opening stages of this operation, and the path ahead is very unclear. The President would be well served to continue consulting closely with Congress and to seek Congressional support for any decision that he contemplates involving ground forces. For its part, the Senate should not take any action that would jeopardize this dialog, as I believe this resolution would do.

Mr. President, again I commend Senator MCCAIN and Senator BIDEN, and the other Senators who are cosponsors, for seeking a straightforward determination of the role that Congress will play in the Kosovo conflict.

There is no question where the Senator from Arizona stands. He steps up to the plate, takes hold of the bat, says, here is how I stand, this is what I believe in. He is willing to have the Senate vote. I admire him for that. I admire his patriotism. I admire his determination to have the Senate speak. But I do not believe that this resolution is the appropriate action to take at this time. I urge my colleagues to table it.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is to be recognized.

Mr. MCCAIN. May I ask, for planning purposes, how long the Senator from Minnesota plans to speak?

Mr. WELLSTONE. I will try to keep this under 20 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I say to Senator MCCAIN, I believe silence equals betrayal, and I think we should be debating this question. Besides having a great deal of respect for him, I appreciate his efforts. We may be in disagreement, but I thank the Senator from Arizona for his important efforts.

It was with this deep belief in my soul that I voted 6 weeks ago to authorize the participation of the United States in the NATO bombing of Yugoslavia. I did so with a heavy heart and not without foreboding, because I knew once unleashed, a bombing campaign led by the world's greatest superpower to put a stop to violence would likely lead to more violence. Violence begets violence, and yet there are those extremely rare occasions when our moral judgment dictates that it is the only remaining course available to us.

I did so because it was my judgment that we had exhausted every diplomatic possibility and that our best and most credible information was that without military action by the United States, a humanitarian disaster was about to occur.

Just as the Senate was about to conduct a rollcall vote on the subject, I sought to make sure that the RECORD reflected the rightness of our course of action.

I was assured that our purpose was to prevent the imminent slaughter of thousands, if not tens of thousands, of innocent civilians living in the Yugoslav province of Kosovo by Serb security forces.

I had no doubt about the wisdom and correctness of our decision, and today I harbor no second thoughts about the morality of the initial course. Others may question the reasoning of some who embarked upon the bombing campaign. History will judge whether there were other rationales involved: the significance of prior threats we had made and how our credibility was on the line; the geopolitical factors that required that we act; the continued viability of NATO as a force to be reckoned with throughout the world.

Whatever the importance these factors may have played in the decisions of others to authorize the bombing, my own was a simple one: Inaction in the face of unspeakable, imminent, and preventable violence is absolutely unacceptable. In short, the slaughter must be stopped.

I have no regrets about that decision. The violence perpetrated against the innocents of Kosovo has been, indeed, unspeakable. My only regret is that our actions have been less effective than I had hoped: over a million humans, mostly women and children, uprooted from their homes; hundreds of thousands expelled from their country, and their homes and villages burned; women raped, thousands of the residents killed, and children separated from their families.

The catalog of these atrocities expands every single day.

Just last week, the Serb paramilitaries in southern Kosovo reportedly forced between 100 and 200 young men from a convoy of refugees heading for the border, took them into a nearby field, made them drop to their knees, and summarily executed them, leaving their bodies there as a warning to their fellow refugees.

The catalog of horror goes on and on and on.

I met a woman from Kosovo in my office on Friday with a businessman. They told me of four little children they had met in a refugee camp. The children had bandages over their eyes. They thought perhaps they had been near an explosion. That was not the case. The Serbs had raped their mother. They had witnessed the rape, and the Serbs cut their eyes out—they cut their eyes out. I do not understand this level of hatred. I do not understand this frame of reference. I have no way of knowing how people can do this.

We have witnessed the destabilization of neighboring countries who cannot possibly handle the new masses of humanity heaped on their doorstep. Hundreds of thousands are homeless, without shelter and food, wandering throughout the mountains of Kosovo, frightened and in hiding. Certainly war crime prosecutions await the perpetrators. And we cry out for justice to be done.

We watch the humanitarian relief efforts underway by our own Government, by our European friends, by the offices of the United Nations High Commissioner for Refugees, and by countless nongovernmental humanitarian relief organizations, and we weep at the abundant good that exists in the world in the face of the unspeakable horror.

As I said, legitimate questions remain. There will undoubtedly be hearings relating to the wisdom and timing of our decision to enter this conflict. But that time is not now. So long as our military forces are engaged in this mission, they deserve our full support.

I began my statement with the phrase ''silence is betrayal.'' I believe it is time to speak out once again, this time about where we are and where we are headed.

First, I want to express my strongest possible support for diplomatic efforts

to resolve this crisis, especially the shuttle diplomacy undertaken by Deputy Secretary Strobe Talbott, and the response of the Yeltsin government in sending Mr. Chernomyrdin to speak with President Clinton here today about his latest concrete proposals for resolving this crisis.

As the NATO bombing campaign enters its sixth week, I think it is imperative that we put as much energy into pushing and pursuing a diplomatic solution to the Kosovo crisis as we are putting into the military campaign. We see exhaustive daily briefings on our success in hitting military targets. I would like to see an equal emphasis on evaluating our success in achieving our diplomatic goals.

I have the greatest respect for Strobe Talbott, and I think he is representing us ably in our efforts to engage the Russians in helping to forge a negotiated settlement in Kosovo. I have told him recently how important I believe it is that we not simply try to get the Russians to agree to NATO's view on how a settlement should be reached.

I support the basic military, political, and humanitarian goals which NATO has outlined: the safe return of refugees to their homes; the withdrawal of Serb security forces—or at least to halt the bombing, a start on their withdrawal, with a commitment to a concrete timetable; the presence of an armed international force to protect refugees and monitor Serb compliance; full access to Kosovo for nongovernmental organizations aiding the refugees; and Serb willingness to participate in meaningful negotiations on Kosovo's status.

But there are different ways to meet these goals. We need to be open to new Russian ideas on how to proceed, including the key issue of the composition of an international military presence—and it must be a military presence—to establish and then keep the peace there.

We should welcome imaginative Russian initiatives. I think the Russians have shown once again—by President Yeltsin's engagement on this issue and by his appointment as envoy of a former Prime Minister—a sincere willingness to try to come up with a reasonable settlement.

Let's encourage them to put together the best proposals they can and assure them that NATO will be responsible and flexible in its response.

I am heartened by the former Prime Minister's visit today to the United States, and that United States-Russian diplomatic channels are open and are being used continuously. These channels should be used continuously to keep the Russian mediation efforts on track, if possible.

I think it is imperative that we not sit back and hope that more bombing, or expanding the list of targets, will eventually work. We really need to put all the effort we can into our diplomacy. I think, as I have said, the Russians may have a key role to play.

Second, we must keep uppermost in our mind that a humanitarian disaster of historic proportions is unfolding in refugee camps throughout the region.

The American people have been horrified by the situation in Kosovo and are anxious to help. Now is not the time for the U.S. Government to be parsimonious about our humanitarian assistance. The lives and well-being of the Kosovars was at the crux of why we entered this crisis in the first place. I believe we may need to bolster the current funding request by several hundred million dollars to provide the aid that will be needed by international aid organizations, the religious community, and others deeply involved in the refugee effort.

If it turns out that it is not necessary, we can return the funds to the Treasury. But we should authorize more now, anticipating that we and other NATO allies who will share this burden will be called upon to do much more in the coming months. Medical supplies, food, basic shelter, blankets, skilled physicians and trauma specialists to aid the refugees, longer-term economic development, and relocation aid all will be critical to relieving this crisis.

Third, on the conduct of the military campaign, we must remember that NATO forces undertook this bombing campaign to stop the slaughter and protect those living in Kosovo. Let me repeat that. The most immediate and important goals of our bombing campaign, from my perspective, were to stop the slaughter and mass displacement of millions of innocent civilians throughout Kosovo and deter further Serb aggression against them.

So far that goal has gone unmet, with terrible results and a very high human cost. Some NATO military officers have been quoted as saying the bombing campaign alone will not and cannot stop the ethnic cleansing.

While it is clear that we made progress in weakening the Serb military machine, including its air defenses, supply lines to Kosovo, oil and munitions sites, other military sites, the hard truth is that while the bombing campaign has gone on, Kosovo is being looted, emptied, and burned.

Now that the Apache attack helicopters and accompanying antimissile systems have arrived in the region, we should be pressing forward with these airstrikes against these paramilitary forces in Kosovo most responsible for the most brutal attacks on civilians. There can be no excuse for further delays.

Mr. President, it is clear that we have not stopped the slaughter. Ethnic cleansing, which we sought to stop, goes on and on and on.

Our response has been to intensify the bombing, especially in Serbia, and to expand the targets to include economic and industrial sites there. Some of these were originally chosen because they were said to be ''dual use.'' I understand that rationale. But now some seemingly nonmilitary targets appear to be selected—including the radio and TV network, Milosevic party headquarters, the civilian electricity grid, and other seeming civilian targets—to put pressure on the people of Serbia who, it is hoped, will in turn put political pressure on the Milosevic regime to back down. I think this reasoning is pure folly and cannot be used to justify the expansion of civilian targets to be bombed. True military targets are legitimate. Certain dual-use targets, especially those directly related to the Serb war effort, may be. But I know of no rules of war which allow for the targeting of civilian targets like some of those we have targeted. We should rethink this strategy, not the least because it undermines the legitimate moral and political claims we have made to justify our military efforts to protect innocent civilians in Kosovo.

Expanding the target list in this way is wrong. Not only does the expansion of civilian, industrial and economic sites greatly increase the risk of civilian casualties, but it is morally questionable if the primary purpose is to do economic harm to the civilian population—people who have nothing to do with the violent ethnic cleansing campaign being conducted by the Serbian military machine.

What are the future military plans being discussed? These now apparently include an embargo against future shipments of oil to Yugoslavia. Russia is the Serbs' major oil supplier. What if oil shipments continue to come from Russia? Will Russian transports be the next targets of NATO forces?

Mr. President, this resolution, as open-ended as it is, is not the right way to proceed on this complex and difficult question. It reminds me in some ways of the now infamous Gulf of Tonkin resolution which helped trigger the Vietnam war. It is too open-ended, too vague, and I will not vote for it. NATO military commanders have not asked for ground troops. The President of the United States has not asked Congress to authorize them. We should promptly table this resolution later today. Even one of its principal sponsors, Senator BIDEN, has observed that they did not intend for this resolution to be brought to the Senate floor now under the expedited procedures of the War Powers Act. But even though we will likely table it, we must continue to move forward in our efforts to achieve a prompt, just and peaceful end to this conflict. And we should have the debate.

Once again, I cannot be silent. In short, I think it is time for all the parties to consider a brief and verifiable timeout. Yes, a timeout before we proceed further down the risky and slippery slope of further military action, before it is too late to turn back.

There are negotiations underway. There are pivotal efforts being undertaken by the Russian leaders. There are discussions. There are proposals and counterproposals being discussed.

Some are being interpreted in different ways by different parties. Ideas are being explored.

Some of our friends in and out of NATO are discussing various ways to end this nightmare. The continued evolution of these plans must be given a chance. There is no ''light at the end of the tunnel'' unless renewed diplomacy is given a chance to work.

With the former Prime Minister and the President talking today, what I am proposing on the floor of the Senate for consideration, if it can be worked out in a way which would protect NATO troops and would not risk Serb resupply of the war machine, is a brief and verifiable halt in the bombing, a cessation of what seems to be the slide toward the bombing of a broader array of nonmilitary targets, a potential oil embargo directed at other countries, and toward deeper involvement in a wider war that I believe we could come to regret.

I am not naive about whether we can trust Milosevic; we have seen him break his word too many times for that. Nor am I proposing an open-ended halt in our effort; but a temporary pause of 48 hours or so, offered on condition that Milosevic not be allowed to use the period to resupply troops or to repair his air defenses and that he immediately orders his forces in Kosovo to halt their attacks and begin to actually withdraw. It would not require his formal prior assent to each of these conditions, but if our intelligence and other means of verification concludes that he is taking military advantage of such a pause by doing any of these things, then we should resume the bombing. .I believe that we may need to take the first step, a gesture, in the effort to bring these horrors to an end.

Such a pause may well be worthwhile, if it works to prompt the cessation of the ethnic cleansing and a return of Serb forces to their garrisons. .It may create the conditions for the possibility of further talks on the conditions under which NATO's larger term goals, which I support, can be met. .A brief cessation might also enable nongovernmental organizations and other ''true neutrals'' in the conflict to airlift or truck in and then distribute relief supplies to the internally displaced Kosovars who are homeless and starving in the mountains of Kosovo, without the threat of this humanitarian mission being halted by the Serbian military.

A Serb guarantee of their safe conduct would be an important reciprocal gesture on the part of Milosevic. .These people must be rescued, and my hope is that a temporary bombing pause might help to enable aid organizations to get to them. .I hope that President Clinton and Mr. Chernomyrdin will consider this idea and other similar proposals in their discussion today. .I intend to explore and refine these ideas further with administration officials in the coming days to see if it might hold any promise to bring this awful war to a peaceful close.

I am not naive. .I understand that the safety of our NATO forces must be held paramount in any such exploration. .But it is, it seems to me, worth exploring further. .One thing that is clear is that the situation on the ground in Kosovo today and in those countries which border it is unacceptable and likely to worsen considerably in the coming weeks.

I am not just talking about a geographical or geopolitical abstraction, the stability of the region. .I am talking about the human cost of a wider Balkan conflict. .For 50 years, we have spent the blood and treasure of Americans and Europeans to help provide for a stable, peaceful Europe. .I believe we must again work with the Europeans, and now with the Russians and others, who have historic ties to the Serbs to try to resolve this crisis before the flames of war in Kosovo and the refugee exodus which it has prompted consume the region. .Stepped up diplomacy, a possible pause in the airstrikes, and other similar efforts to bring a peaceful and just end to this crisis should be pursued right now.

Silence equals betrayal.

It was with that belief deep in my soul that I voted, six weeks ago, to authorize the United States participation in the NATO bombing of Yugoslavia.

I did so with a heavy heart, and not without foreboding, because I knew that, once unleashed, a bombing campaign led by the world's greatest superpower to put a stop to violence will likely lead to more violence. Violence begets violence. And yet, there are those extremely rare occasions when our moral judgment dictates that that is the only remaining course available to us.

I did so because it was my judgment that we had exhausted every diplomatic possibility, and that our best and most credible information was that without military action by the United States, a humanitarian disaster was beginning to occur.

Just as the Senate was about to conduct a roll call vote on this subject, I sought to make sure that the record reflected the rightness of our course of action. I was assured that our purpose was to prevent the imminent slaughter of thousands, if not tens of thousands of innocent civilians living in the Yugoslav province of Kosovo by Serb security forces.

I had no doubt about the wisdom and correctness of our decision. And today, I harbor no second thoughts about the morality of that initial course.

Others may question the reasoning of some who embarked upon the bombing campaign. History will judge whether there were other rationales involved:

The significance of prior threats we had made and how our credibility was on the line; the geopolitical factors that required that we act; the continued viability of NATO as a force to be reckoned with throughout the world.

Whatever importance these factors may have played in the decisions of others to authorize the bombing, my own was a simple one—inaction in the face of unspeakable, imminent, and preventable violence was absolutely unacceptable. In short, the slaughter must be stopped.

I have no regrets about that decision. The violence perpetrated against the innocents of Kosovo has indeed been unspeakable. My only regret is that our actions have been less effective than I had hoped.

Over a million humans, mostly women and children, uprooted from their homes.

Hundreds of thousands expelled from their country, their homes and villages burned.

Women raped, thousands of the residents killed, children separated from their families.

The catalog of these atrocities expands every single day. From Acareva to Zim, villages in Kosovo have been burned by Serb forces. In Cirez, as many as 20,000 Albanian refugees were reportedly recently used as human shields against NATO bombings. In Djakovica, over 100 ethnic Albanians were reportedly summarily executed by Serb forces. In Goden, the Serbs reportedly executed over 20 men, including schoolteachers, before burning the village to the ground. In Kuraz, 21 schoolteachers were reported by refugees to have been executed in this village near Srbica, with hundreds more being held there by Serb paramilitary forces. In Pastasel, the bodies of over 70 ethnic Albanians, ranging in age from 14 to 50, were discovered by refugees on April 1. In Podujevo, Serb forces may have executed over 200 military-age Kosovar men, removing some from their cars and shooting them on the spot, at point-blank range.

In Pristina, the Serbs appear to have completed their military operations in the city and have been ethnically cleansing the entire city. Approximately 25,000 Kosovars were forcibly expelled from the city last month, shipped to Macedonia by rail cars in scenes eerily reminiscent of the holocaust trains, and approximately 200,000 more may be detained there, awaiting their forced expulsion. In Prizren, Serb forces reportedly executed between 20 and 30 civilians. In Srbica, after emptying the town of its Kosovar inhabitants, Serb forces are believed to have executed 115 ethnic Albanian males over the age of 18. Over twenty thousand prisoners are reportedly still being housed in an ammunition factory near the town, under Serbian guard. Just last week, Serb paramilitaries in southern Kosovo reportedly forced between 100 and 200 young men from a convoy of refugees heading for the border, took them into a nearby field, made them drop to their knees, and summarily executed them, leaving their bodies there as a warning to their fellow refugees. The catalog of horrors goes on and on.

We have witnessed the destabilization of neighboring countries who cannot possibly handle the new masses of humanity heaped on their doorstep.

Hundreds of thousands homeless, without shelter and without food, wandering throughout the mountains of Kosovo, frightened and in hiding.

Certainly war crime prosecutions await the perpetrators and we cry out for justice to be done.

We watch the humanitarian relief efforts underway, by our own government, by our European friends, by the offices of the United Nations High Commissioner for Refugees, and by countless non-governmental humanitarian relief organizations and we weep at the abundant good that exists in the world in the face of this unspeakable horror.

As I said, legitimate questions remain, and there will undoubtedly be hearings relating to the wisdom and timing of our decision to enter this conflict. But that time is not now, and so long as our military forces are engaged in this mission they deserve our full support.

I began my statement with the phrase ''silence is betrayal.'' And I believe it is time to speak out once again, this time about where we are, and where we are headed.

First, I want to express my strongest possible support for diplomatic efforts to resolve this crisis, especially the shuttle diplomacy undertaken by Deputy Secretary Strobe Talbott, and the response of the Yeltsin government in sending Mr. Chernomyrdin to speak with President Clinton here today about his latest concrete proposals for resolving this crisis. As the NATO bombing campaign enters its sixth week I think it is imperative that we put as much energy into pursuing a diplomatic solution to the Kosovo crisis as we are putting into the military campaign. We see exhaustive daily briefings on our success in hitting military targets—I would like to see equal emphasis on evaluating our success in achieving our diplomatic goals. I have the greatest respect for Strobe Talbott and I think he is representing us ably in our efforts to engage the Russians in helping to forge a negotiated settlement in Kosovo. I have told him recently how important I believe it is that we not simply try to get the Russians to agree to NATO's views on how a settlement should be reached.

I support the basic military, political and humanitarian goals which NATO has outlined: the safe return of refugees to their homes; the withdrawal of Serb Security forces—or at least, to halt the bombing, a start on their withdrawal, with a commitment to a concrete timetable; the presence of an armed international force to protect refugees and monitor Serb compliance; full access to Kosovo for non-governmental organizations aiding the refugees; and Serb willingness to participate in meaningful negotiations on Kosovo's status. But there are different ways to meet these goals. And we need to be open to new Russian ideas on how to proceed, including on the key issue of the composition of an international military presence to establish and then keep the peace there.

We should welcome imaginative Russian initiatives. I think the Russians have shown once again—by President Yeltsin's engagement on this issue and by his appointment as envoy of a former Prime Minister—a sincere willingness to try to come up with a reasonable settlement. Let's encourage them to put together the best proposals they can and assure them that NATO will be flexible in its response. I am heartened by the former Prime Minister's visit today to the U.S., and that US-Russian diplomatic channels are open and are being used continuously. These channels should be used continuously to keep the Russian mediation efforts on track, if possible.

I think it is imperative that we not sit back and hope that more bombing, or expanding the list of targets, will eventually work. We need to really put all the effort we can into our diplomacy. And I think, as I've said, the Russians may have a key role to play.

Second, we must keep uppermost in our mind that a humanitarian disaster of historic proportions is unfolding in refugee camps throughout the region. The situation is so tense that it is being reported there have been near-riots in some camps over the desperate conditions there, and the situation in camps near Blace in Macedonia and at Kukes in northern Albania are especially grim. Shortly, we will consider an emergency supplemental package to fund the military and humanitarian costs for the Kosovo crisis. I am deeply concerned that the amount requested for refugee assistance may not be enough to meet the overwhelming needs of this emergency—the largest refugee crisis since World War II.

We are meeting the military challenge by spending millions a day to assist NATO in its war against Serb aggression. The humanitarian challenge we face is just as great. If we have learned anything in recent weeks, it is that we must prepare for the worst of the worst-case scenarios.

Hundreds of thousands of refugees are still trapped inside Kosovo, waiting for an opportunity to escape. A further massive exodus seems likely. We must be prepared to meet their needs. Extensive medical supplies and possibly another field hospital will also be needed, since more and more new arrivals are requiring medical attention. Our experience in Bosnia has taught us that these refugees will not be going home anytime soon. Long-term assistance is required. Further, we must support Albania and Macedonia who are struggling to meet basic needs of their own people, let alone those of the Kosovar refugees.

The American people have been horrified by the situation in Kosovo, and are anxious to help. Now is not the time for the US government to be parsimonious about our humanitarian assistance. The lives and well-being of the Kosovars was at the crux of why we entered this crisis in the first place. I believe we may need to bolster the current funding request by several hundred million to provide the aid that will be needed by international aid organizations, the religious community, and others deeply involved in the refugee effort. If it turns out that it is not necessary, we can return the funds to the Treasury. But we should authorize more now, anticipating that we and our other NATO allies who share this burden will be called upon do much more in the coming months. Medical supplies, food, basic shelter, blankets, skilled physicians and trauma specialists to aid the refugees, longer-term economic development and relocation aid—all will be critical to relieving this crisis.

Third, on the conduct of the military campaign, we must remember that NATO forces undertook this bombing campaign to stop the slaughter and protect those living in Kosovo. Let me repeat that. The most immediate and important goals of our bombing campaign, from my perspective, were to stop the slaughter and mass displacement of innocent civilians throughout Kosovo, and to deter further Serb aggression against them. So far that goal has gone unmet, with terrible results and very high human costs. Some NATO military officers have been quoted as saying that the bombing campaign alone will not and cannot stop the ethnic cleansing.

While it is clear we have made progress in weakening the Serb military machine, including its air defenses, supply lines to Kosovo, oil and munitions sites, and other military sites, the hard truth is that while the bombing campaign has gone on, Kosovo is being looted, emptied and burned. Now that the Apache attack helicopters and accompanying anti-missile systems have arrived in the region, we should be pressing forward our air strikes against those paramilitary forces in Kosovo most responsible for the most brutal attacks against civilians. There can be no excuse for further delays.

There will be time to determine whether our bombing accelerated, or whether it increased, the slaughter. In any case, it now seems clear, from detailed and credible reports in the media and elsewhere, that the Serb ethnic cleansing campaign, labeled the other day by the Washington Post as ''one of the most ambitiously ruthless military campaigns in Europe in half a century,'' was carefully and meticulously planned for months before the bombing. The attacks have reportedly seriously damaged over 250 villages, with well over 50 being completely burned to the ground. Systematically integrating Interior Ministry (MUP) forces, regular Yugoslav army forces, police units and paramilitary gangs for the first time,

this effort was clearly coldly calculated to terrorize the populace, and ultimately to rid the entire province of its ethnic Albanian majority. It is clear that we have not stopped the slaughter. Ethnic cleansing, which we sought to stop, goes on, and on, and on.

Our response has been to intensify the bombing, especially in Serbia, and to expand the targets to include economic and industrial sites there. Some of these were originally chosen because they were said to be ''dual use.'' I understand that rationale. But now some seemingly non-military targets appear to be selected—including the radio and tv network, the Milosevic Party headquarters, the civilian electricity grid, and other seeming civilian targets—to put pressure on the people of Serbia who, it is hoped, will in turn put political pressure on the Milosevic regime to back down.

I think this reasoning is pure folly and cannot be used to justify the expansion of civilian targets to be bombed. True military targets are legitimate. Certain dual use targets, especially those directly related to the Serb War effort, may be. But I know of no rules of war which allow for the targeting of civilian targets like some of those we have targeted. We should rethink this strategy, not least because it undermines the legitimate moral and political claims we have made to justify our military efforts to protect innocent civilians in Kosovo.

Expanding the target lists in this way is wrong. Not only does the expansion to civilian industrial and economic sites greatly increase the risk of civilian casualties, but it is morally questionable if the primary purpose is to do economic harm to the civilian population—people who have nothing to do with the violent ethnic cleansing campaign being conducted by the Serbian military machine.

I am also very concerned about reports from the NATO summit that future targeting decisions will likely be placed in the hands of NATO military officials, without careful review of elected civilian representatives—a policy that I think is at odds with our constitutional insistence upon civilian control.

And what other future military plans are being discussed? These now apparently include an embargo against future shipments of oil to Yugoslavia. Russia is the Serbs' major oil supplier. What if oil shipments continue to come from Russia? Will Russian transports be the next targets of NATO forces?

While I recognize the legitimate concern of NATO military officials that we must not put pilots' lives at risk to hit oil production and distribution facilities servicing the Serb armies, while allowing oil to pour in to them through ports in Montenegro or through other means, we must be very careful as we proceed here.

And then there is the question of the introduction of ground troops. After the NATO summit last weekend, plans are being ''taken off the shelf and updated.'' Propositioning of ground troops is being advocated by some within our own government. It doesn't take clairvoyance to see where some seem to be headed.

This resolution, as open-ended as it is, is not the right way to proceed on this complex and difficult question. It reminds me, in some ways, of the now infamous Gulf of Tonkin resolution which helped trigger the Vietnam War. It is too open-ended, too vague, and I will not vote for it. NATO military commanders have not asked for ground troops, the President of the U.S. has not asked Congress to authorize them; we should promptly table this resolution later today. Even one of its principal sponsors, Senator BIDEN, has observed that they did not intend for this resolution to be brought to the Senate floor now, under the expedited procedures of the War Powers Act. But even though we will likely table it, we must continue to move forward in our efforts to achieve a prompt, just and peaceful end to this conflict.

And so, once again, I cannot be silent. In short, I think it's time for all the parties to consider a brief and verifiable time-out. Yes, a time-out, before we proceed further down the risky and slippery slope of further military action, before it's too late to turn back.

There are negotiations underway. There are pivotal efforts being undertaken by the Russian leaders. There are discussions. There are proposals and counter proposals being discussed. Some are being interpreted in different ways by different parties. Ideas are being explored. Some of our friends, in and out of NATO, are discussing various ways to end this nightmare. The continued evolution of these plans must be given a chance. There is no ''light at the end of the tunnel'' unless renewed diplomacy is given a chance to work.

With the former Prime Minister and the President talking today, what I am proposing for consideration—if it can be worked out in a way which would protect NATO troops, and would not risk Serb resupply of their war machine—is a brief and verifiable halt in the bombing, a cessation of what seems to be a slide toward the bombing of a broader array of non-military targets, a potential oil embargo directed at other countries, and toward deeper involvement in a wider war that I believe we could come to regret.

I am not naive about whether we can trust Milosevic; we have seen him break his word too many times for that. Nor am I proposing an open-ended halt in our effort. But a temporary pause of 48 hours or so, offered on condition that Milosevic not be allowed to use the period to resupply troops or to repair his air defenses, and that he immediately orders his forces in Kosovo to halt their attacks and begin to actually withdraw. It would not require his formal prior assent to each of these conditions, but if our intelligence and other means of verification concludes that he is taking military advantage of such a pause by doing any of these things, then we should resume the bombing. I believe that we may need to take the first step, a gesture, in the effort to bring these horrors to an end.

I know there are risks and costs associated with such an even temporary halt in the airstrikes. I am not yet sure, for example, that we could develop a verifiable time-out plan which would prevent Serb forces from quickly repairing their air defense systems such that they would pose new risks to NATO pilots; that cannot be allowed. I know there would be real problems in verifying that Serb attacks on the ground in Kosovo had stopped, and military and paramilitary units were actually pulling back, during any bombing pause. I am no military expert, but I am posing those and other questions to US military officials and others, to see if there is not room for such an initiative.

Such a pause may well be worthwhile; if it works to prompt a cessation of the ethnic cleansing and a return of Serb forces to their garrisons, it may create the conditions for the possibility of further talks on the conditions under which NATO's longer-term goals, which I support, can be met.

A brief cessation might also enable non-governmental organizations and other ''true neutrals'' in the conflict to airlift or truck in, and then distribute, relief supplies to the internally-displaced Kosovars who are homeless and starving in the mountains of Kosovo, without the threat of this humanitarian mission being halted by the Serbian military. A Serb guarantee of their safe conduct would be an important reciprocal gesture on the part of Milosevic. These people must be rescued, and my hope is that a temporary bombing pause might help to enable aid organizations to get to them.

I hope that President Clinton and Mr. Chernomyrdin will consider this idea, and other similar proposals, in their discussion today. I intend to explore and refine this idea further with Administration officials in the coming days, to see if it might hold any promise to bring this awful war to a peaceful close. I am not naive, and I understand that the safety of our NATO forces must be held paramount in any such exploration. But it is, it seems to me, worth exploring further.

One thing that is clear is that the situation on the ground in Kosovo today and in those countries which border it is unacceptable and likely to worsen considerably in the coming weeks.

It has been argued by the Administration and others that an intense and sustained conflict in Kosovo, which has sent hundreds of thousands of refugees across borders and could potentially draw Albania, Macedonia, Greece and Turkey into a wider war would be disastrous. That is true. We may not be able to contain a wider Balkan war

without far greater risk and cost than has been contemplated. And we could well face an even greater humanitarian catastrophe than we face now in the weeks and months to come.

I am not just talking about a geopolitical abstraction, the stability of the region. I am talking about the human cost of a wider Balkan conflict. For fifty years, we have spent the blood and treasure of Americans and Europeans to help provide for a stable, peaceful Europe. I believe we must again work with the Europeans—and now with the Russians and others who have historic ties to the Serbs—to try to resolve this crisis before the flames of war in Kosovo and of the refugee exodus which it has prompted consume the region. Stepped-up diplomacy, a possible pause in the airstrikes, and other similar efforts to bring a peaceful and just end to this crisis should be pursued right now.

Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I yield such time to the Senator from Arkansas as he may consume.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I thank the Senator from Arizona. I especially thank him for his strong leadership on this issue and for pushing this issue to the point that we are having this debate on the floor of the Senate.

I have believed for some time that this debate has been sorely needed and greatly lacking. Senator MCCAIN is truly an American hero. He is one that I respect immensely, along with Senator HAGEL and the other cosponsors of this resolution.

Though I disagree with them and though I rise in opposition to the resolution, I believe they have taken a principled position, a principled stand that is justifiable and behind which there are rational arguments. I believe they reciprocate that respect for the principled position and belief that we do not have a vital national interest in the Balkans and that we have made a policy mistake and that given where we are, the placement of ground troops is not the next step that we should be taking.

I regret the silence that has characterized Congress to this point, particularly the Senate. I applaud those who have pushed that we might have this time today.

As I read the resolution, I read that it authorizes the use of all necessary force and other means. That, I do believe, is a blank check. I believe it grants blanket authority, and it does take us out of what is a very, very important role for the Congress. I read also that all necessary force and other means is granted to accomplish NATO's objectives in the Federal Republic of Yugoslavia, Serbia and Montenegro.

One of the questions I have is, what are our objectives? I do not believe those objectives have been clearly outlined. Does the resolution refer to military objectives, which we have been told means to degrade the military capability of Milosevic—whatever that term ''degrade'' may mean, subjective as it is—or does this reference to the objectives of NATO refer to political objectives, which have been defined in a much broader sense in reference to the withdrawal of Milosevic, the incorporation of an international peacekeeping force, humanitarian aid and a number of things?

So I am not certain what objectives are in mind in the resolution or how one would determine whether or not they have been achieved.

When I made reference to the silence that I think has been embarrassing for the Senate, I think Members of the Senate have been reluctant to speak on this for a couple of reasons. We have been reticent to speak out because nobody wants to be portrayed as not being in support of American troops.

I went to Aviano. We have the bravest young men and women imaginable involved in this. They are willing and have been risking their lives daily in pursuit of this policy and the orders they have been given. I support them and I believe in them. I believe in their effectiveness and I believe in their courage. But I think that is one reason people have been hesitant to get into this debate, because they are afraid of being portrayed as not being supportive of the military, and also because of the horrible atrocities that have been committed by the Serbs and the Milosevic war machine.

Nobody wants to be portrayed as being uncaring or not having a humanitarian concern for the ethnic cleansing and for the killing and massacres that have gone on, which truly are deplorable and ought to be condemned by all right-thinking people. I care about that just as I care about the 1.3 million-plus civilians who have died in the Sudan in the Sudanese civil war, and just as I care about those who died in the Ethiopian civil war, and just as I care about those who died in Rwanda, and just as I care about the oppression that goes on today in China. I care about those tragedies that are going on all over the world, not just in the Balkans.

I have agonized a great deal about what is the right position not only on this resolution but on this, what I believe is a misguided conflict. The war in Kosovo reveals the extent to which we have overstretched our armed services. They are overdeployed and underfunded. For example, over the last 3 fiscal years, the Congress has added $21 billion to the President's meager defense requests. Unfortunately, even these increases have not kept pace with the military's increased tempo of operations. The President has committed United States forces to Haiti, Somalia, Iraq, Bosnia, Macedonia, the Taiwan Strait, and now Kosovo. Each of these much-needed congressional plus-ups was passed over the administration's objections, and the administration simply said the Pentagon hadn't asked for the additional money.

Between the years 1945 and 1990, the U.S. Army was deployed only 10 times, Mr. President. But since 1991, the U.S. Army has been deployed 32 times. That is an increase in deployments of over 300 percent. Simultaneous with our 300-percent increase in deployments around the world, we have cut funding for the U.S. armed services by one-third. That is a simple calculation that, if you ask the armed services to do 300 percent more and you give them one-third less, you are inviting a disaster and you are creating a crisis, and that is what we face today.

This overuse of America's limited military might threatens our ability to execute our national security strategy to be able to fight—and this is our stated strategy—and win two near-simultaneous, medium, regional conflicts. This past Friday in the Washington Post, Bradley Graham authored an important article on this very point. In the article, General Richard Hawley, who heads the Air Combat Command, told reporters—and General Hawley is retiring in June and therefore he spoke with particular candor—that 5 weeks of bombing Yugoslavia have left United States munitions critically short, not just of air-launched cruise missiles, as previously reported, but also of another precision weapon, the joint direct attack munition dropped by B–2 bombers. So low is the inventory of the new satellite-guided weapons, Hawley said, that as the bombing campaign accelerates, the Air Force risks exhausting its prewar supply of JDAMs before the next scheduled delivery sometime in May.

In the past 8 years, the U.S. military has been weakened appreciably. While we are occupied in Kosovo, United States intelligence assets are necessarily focused on military operations there. If another country conducts a ballistic missile test while the bulk of United States intelligence assets are focused in Kosovo, and if that country only needs one test before deployment, like North Korea, for instance, then we will not have missed simply the one test, but we will have missed all the tests necessary to know what they are deploying and when they will deploy it.

There is a great deal going on in our world, including a deteriorating relationship with Japan, with the People's Republic of China, with Russia; a dangerous situation in North Korea; Iraq is busy again on their ballistic missile and weapons of mass destruction programs, with no U.N. inspections to inhibit them; India and Pakistan launching ballistic missiles and testing nuclear weapons; Iran, and other surprises yet to come. The United States needs to be sure it has the resources to focus on more than one troubled spot at a time. We need to decide what is important and see that we have the necessary capabilities.

As reported in this most recent edition of National Review:

General Henry Shelton, the Chairman of the Joint Chiefs of Staff, told Congress, ''Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long-term health of the total force is in jeopardy.''

Today's military is 36 percent smaller than it was during the Gulf War. Last year, the Pentagon determined that there was a high risk of being unable to [fight and] win two [near] simultaneous wars, a capability that current U.S. strategic doctrine demands. And even though [the Pentagon doesn't consider] the Kosovo assaults . . . as one of these major engagements, they have led to fewer patrols being flown over Iraq, and a [substantial] gap in naval forces in the Pacific.

President Clinton responded to the readiness alert sounded by his military chiefs by proposing an additional $12 billion for next year's defense budget. But $8 billion of this ''increase'' represents savings from lower fuel costs and inflation rates that would be going to the military anyway. A good portion of the remaining $4 billion is dedicated to items like commissary operations and renovation of the Pentagon, which leaves precious little to meet our crying readiness demands.

I believe that since we started what I believe is a misguided war in the Balkans, it has been flawed since its implementation. President Clinton and his national security team have mismanaged this operation from the very beginning.

The U.S. and NATO should stop saying what the allies will or will not do. For example: We will hit only these targets. Why should we tell them that?

We will only hit those targets at 2 a.m. when nobody will be hurt. We are running out of cruise missiles. Why should we tell them that? We are bringing in A–10 aircraft, or Apache helicopters, in four weeks.

Why do we say that? Once again, such statements only help the enemy.

It would also seem that the President did not learn many lessons from a war that he so forcefully and vocally opposed. A ''graduated response'' didn't work in Vietnam for President Johnson; it won't work for NATO in Kosovo. It will cost lives. If the United States is going to get into a fight, if we are going to place America's sons and daughters in harm's way, then it is worth winning, and we should hit hard and hit hard up front. Hoping for a measured antiseptic war—''immaculate coercion''—to be successful, without deaths on either side, is the only hope of the unschooled.

The present practice of ''war by committee'' is another area ripe for scrutiny. There are too many lives at risk for NATO to continue to operate as it has for the first 6 weeks of the air war, with delays for the approval of each of the targets and delays on the dispatching of various weapons systems, such as the Apaches. If a ''war by committee'' is difficult to implement in an air campaign, I believe it would be virtually impossible to execute in a ground campaign.

Even Margaret Thatcher, who herself advocates ground troops, has harbored doubts about Operation Allied Force and its implementation. During a speech delivered last week, the former British Prime Minister stated:

So here we are now, fighting a war . . . on treacherous terrain, so far without much effective local support, with imperfect intelligence, and with war aims that some find unclear and unpersuasive.

The key question that confronts the Senate and the Congress and the country is, What will guide our national security policy? Will it truly be our vital national security interests, or will it be that guided by understandable humanitarian concerns? Is Kosovo in our national security interest?

Another excellent article that appeared recently that I would like to quote from, I think, speaks eloquently about this issue of our vital national interest. Ultimately, it says our vital interests must somehow be involved.

Sometimes, as with President Clinton's attempts to relate America's interest to Kosovo with the outbreak of two world wars in the Balkans, it takes the form of bad history. Apart from the fact that the beginning of World War II had nothing to do with the Balkans, World War I began at a time when the interests of three vast empires collided in the region, making it one of extraordinary geopolitical sensitivity. That is no longer the case. Now, properly considered, it should be an insignificant backwater, and it has taken a good deal of determined and sustainable political effort to make it otherwise.

The article goes on to conclude with an interview with Lawrence Eagleburger, whom the article rightly describes as ''one of the few Americans who both understands foreign policy and has a close firsthand knowledge of Yugoslavia''. Mr. Eagleburger is quoted as saying:

Serb nationalism is the real ruler here. Whoever would follow Mr. Milosevic would certainly be just as bad. Or he might even be worse—a true believer in the nationalist cause.

Mr. Harries continues:

But if Serb nationalism is the real ruler, it doesn't make a great deal of difference whether the ostensible ruler is or is not a true believer, for in either case he is riding a tiger.

Mark Helprin, writing recently, raised similar points. He rightly asks if it is the policy of the United States to support separatism and secession wherever they may be close to ignition and war?

He goes on:

The Administration's answer is that the Balkans are ''in the heart of Europe.'' The Balkans, of course, are not in the heart of Europe. They are a backwater separated from the European heartland by mountain ranges and salt water. They are entirely unastride the major routes of communication and/or axis of invasion, and they are strategically and economically unessential. In citing them as the origins of the First and, incorrectly, Second World Wars, and therefore as justification for his policy of internationalizing their conflicts, President Clinton seems not to comprehend that one of the reasons for the First World War was that the great powers of the time stupidly, mistakenly and fatally internationalized the conflicts there.

May I say, Mr. President, that is what we are doing. We are taking the conflict in the Balkans and we are ratcheting it up. We are internationalizing the conflicts in the Balkans.

What is the proper role of Congress in all of this? I have applauded Senator MCCAIN for ensuring that debate took place. There has been too much congressional silence—perhaps afraid of the political repercussions, perhaps wanting to make this a political winner for one party or the other.

But at the Constitutional Convention in Philadelphia, one of our Nation's Founding Fathers, James Wilson, a signatory of the Constitution, not only implicitly equated declaring war and entering war, but also explicitly foreclosed exercise of the power by the President acting alone. And he emphasizes the role of our national interests in entering a war.

He said:

This [new] system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large; this declaration must be made with the concurrence of the House of Representatives; from this circumstance we may draw a certain conclusion that nothing but our national interest can draw us into a war.

So it was envisioned by our Founding Fathers that nothing but our national interest can draw us into a war. It has yet to be adequately demonstrated to Congress or the American people that it is our vital national interest that has drawn us into this conflict. In fact, I would say we have stumbled into this conflict. We have slipped into this war.

I want to take just a moment, Mr. President, to talk about the difficulties of a ground war.

Escalating the conflict in Kosovo to include U.S. ground forces would require broad and deep public support, which is presently lacking.

Deploying a NATO-led force of any consequence, would require the broad consensus of NATO's nineteen member states. Judging by the limited commitment of forces made by some of our NATO allies to the present operation, I strongly doubt that a consensus could be reached on deploying 200,000 or more soldiers into Kosovo.

In fact, as important as this exercise is today, as important as this debate is today, it may truly be a moot point, because the likelihood of receiving consensus among our NATO allies is remote.

Deploying a NATO-led force large enough to expel the Serbian Army and any paramilitary forces would take several months, by which time Slobodan Milosevic may have succeeding in expelling all of Kosovo's ethnic Albanian population. If anyone doubts this point, I would encourage them to re-examine just how long it took the Army to deploy just 24 Apache helicopters and their supporting equipment from Germany to Albania. That deployment alone took over one full month.

Any ground operation in Kosovo, however it ends, would require an armed NATO-led presence in Kosovo for decades to come. While the American people have focused—focused well and focused appropriately—on the humanitarian disaster in the Balkans, they have not yet focused on the length and cost of the commitment that this resolution would be asking us to make—truly a decade-long commitment. One need only look at the Korean peninsula where American troops have been deployed for over 45 years.

Remember the first time I mentioned the decade-long commitment to the press, and the eyebrows went up and a look of skepticism. No one is skeptical about tenure with experts in foreign policy now saying 20, 30, 40 years, or a generation for sure. That is the kind of commitment that we are talking about. Americans must also keep in mind, as Andrew Bagevich wrote recently:

> . . . success will not come without cost, in blood as well as treasure. Once achieved, it will impose new burdens that few Americans will welcome: the U.S. will inevitably bear the chief responsibility for rebuilding and rehabilitating a post-Milosevic Yugoslavia (Estimates for rebuilding the Balkans already stands at over $30 billion.). Clinton, Albright, Berger, et al., will retire to write their memoirs. The rest of us will end up taking care of the broken crockery.

It will be an enormous cost. It is a major commitment. We must ensure before we take that step that, in fact, this is a vital national interest to us, and therefore worth it and we can do it. Nor should we pull back, nor should we become isolationists. We do have a burden to bear as the leading democracy in the world and the remaining superpower in the world, but we must choose our fight well.

The other great question as to what would happen with the introduction of American ground troops in Kosovo is the Russian question. I don't know the answer to that, but I know that we bet a lot that they are bluffing; that we bet a lot when we say they will back down; that they are more concerned about IMF loans than they are in being a major world power or player. But I do know this: They have 20,000 nuclear warheads still, which cannot only be used but can be sold, and that threat is a serious one and I think arguably a more serious one than a bully boy in Serbia.

The issue of NATO's credibility comes up repeatedly in the United States, and the argument is that it may have been unwise to go in. Maybe we shouldn't have taken this step. But we did. And now that we are in it, we have to win it because otherwise we lose credibility. How many times have we heard advocates of escalation put forth the argument that NATO's credibility is at stake?

At this time the near consensus among the foreign policy elite in Washington is that whatever the flaws of the original case for waging war over Kosovo, there is no alternative to pressing on, even if it means sending in ground troops. The cost of not doing so, it is insisted, would be prohibitive. But while it is certainly true that it would be very high, that there would be a high cost of not winning it, that in itself, in my estimation, is not a conclusive argument. The real question is whether it would be higher than the cost of the alternatives. There will be a high cost if we exit the Balkans without a clear and unambiguous victory, but we must weigh that against what the cost will be if we go down that road and we then do not have a clear and unequivocal victory. That question is not as easy, and I suggest to those who sincerely offer this resolution that is a serious issue for us to debate.

For ordinary Americans, the strongest argument for continuing is likely to be to alleviate the condition of the Kosovar refugees. If you ask most Americans why, that is their justification for being there. It is graphically demonstrated on television screens every night. The American people are compassionate people and it is understandable and commendable that they react to those scenes that way.

Senator WELLSTONE spoke earlier. It was the humanitarian disaster that became the primary justification. When President Clinton speaks about this war, it is primarily the humanitarian disaster that becomes the rationale for our involvement. Yet, if that is our rationale, where do we not go—because humanitarian disasters are occurring around the world, oftentimes as a result of bitter ethnic civil wars. Can we ask the American people to bear that burden and to introduce American troops in all of those places?

In contrast to the reaction of the American people, for the foreign policy establishment the overriding argument turns on the necessity to protect America's and NATO's future credibility. If, having started the thing, we do not now prevail, the future costs all over the world in terms of emboldened thugs and rogue states will be steep.

While those arguments are both serious and valid, those arguments were equally valid in 1965 when the question of how to proceed with respect to Vietnam was the issue, and in the end the policy they gave rise to turned out to be not such a great idea.

This administration, I believe, needs to remember the ''Rule of Holes.'' If you find yourself in one, stop digging. To simply say that because we are there, we stumbled in or slipped in, because we are there, we must now stay regardless of the cost, I think, is misguided thinking.

An infantry campaign in the Balkans will forever alter the unstable politics of Russia, may well provide it with the organizing principle for rearmament, and will most assuredly play into the hands of the ultra nationalists. When we think about the cost in American credibility, in NATO credibility, this alone will more than cancel out the benefits of impressing potential enemies with our resolve, the fact that we upset that balance of power in Russia. Anyone seriously planning to challenge American interests will be unimpressed if America itself cannot clearly define where those interests are, and thus we indiscriminately squander our military assets.

It has been said nothing is more comforting to a soldier than to see the enemy fire wildly and waste ammunition. We need to ensure that when we go in, we go in with full force and that we have adequate justification from a national interest standpoint and that we have marshalled the support of the American people.

I fear this resolution provides a carte blanche to the administration. It is a blank check. It takes Congress out of the process too early. This would be a wrong step to take. If we should go in pursuit of a misguided policy and, if, then, NATO fractures, the consensus is lost, and if at some future point we bail out of what we have escalated to the point of ground troops, I suggest to my colleagues that our long-term credibility would be damaged far more in that circumstance than making the prudent decisions denying this conflict now.

I reluctantly, and with enormous respect for those whom I regard as American heroes who are sponsoring this resolution, take exception to their principal position and will vote against the resolution before the Senate today.

I yield the floor.

Mr. MCCAIN. I yield myself 30 seconds to thank Senator HUTCHINSON for his principled stand and his articulation on his views.

I point out that former Secretary of State Eagleburger, who the Senator talked about in his remarks, has written a letter strongly supporting this resolution and urging the vote on it. I hope that he and other opponents of this resolution recognize that every former Secretary of State, every former Secretary of Defense, every former National Security Adviser, in both parties, support this resolution and support a strong vote on it.

I yield to the Senator from Nebraska such time as he may consume.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nebraska.

Mr. HAGEL. Mr. President, thank you. I wish to strongly endorse and support the McCain-Biden resolution. Mr. President, I'm an original cosponsor. I have listened this afternoon to my colleagues, who have all made significant contributions to this issue.

There are many complicating currents coursing through this very complicated issue. There are no good answers. But surely one of the answers is not to not deal with this issue. We cannot escape our responsibility in this body to debate this issue. We should have had this debate weeks ago.

There are very significant consequences attached to what we're

doing. We've heard some of those stated directly and very well from our colleagues this afternoon. First, let's be clear on the making of war. It is not risk-free. It is not antiseptic. It is not without uncertainty.

One not need read an awful lot of history to understand that. General Eisenhower's comments and what he wrote and put in his pocket hours before the D-Day invasion in case D-Day failed. And he wrote out in longhand a paragraph that said essentially, I take full responsibility for the failure. So you see, as we look back even 50 years ago, we understand that war is uncertain.

But we also understand there are things worth going to war for, and there are things worth dying for. Questions raised today will be continued to be raised about national interests of our country: Should we be at war? All fair questions. Legitimate questions. But first we need to talk about it, debate it, and ask the serious questions.

I've heard today, I've heard over the weeks all the reasons for failure, all the complications, all the problems. Yet I hear at the same time over here, well, we have to stop the slaughter and the ethnic cleansing. If we could just come together. But sometimes we just can't come together. Sometimes there is no more talk. When people are being slaughtered at a rather considerable rate, and genocide is occurring, and ethnic cleansing is occurring, and people are being driven from their homes and their countries at an unprecedented rate, and the other side that we're trying to deal with continues to lie and cheat and kill—then we must face reality. What do we do now? The geopolitical consequences, the humanitarian consequences involved in this are great. They are deep. And they are serious.

I've heard some conversation today about this resolution taking the Congress out of play. This doesn't take the Congress out of play. The power of the purse still resides in the Congress of the United States. And no President surely would go forward unilaterally, arbitrarily, without confiding in, without reaching out to, without wanting the support of the Congress, and the American people. Why would you do that? And certainly not this President.

I don't disagree with many of my colleagues, what they've said today—the Senator from West Virginia, Senator BYRD, Senator HUTCHINSON from Arkansas, Senator WELLSTONE from Minnesota,—about how this war initially was conducted. How irresponsible it was to take off the table certain of our military's abilities to wage this war. So what does that do? Well, I think it's rather obvious what it's done. It's allowed this tyrant, this butcher, Milosevic, to go completely unimpeded and slaughter people and drive people out of Kosovo—without any pressure on him other than withstanding the air war. And that's been antiseptic and that's been timid. So there's no question the conduct of this war from the beginning has been questionable.

There will be much time to debate the miscalculations and the mistakes and the problems. But the fact is we are in the middle of this. Our actions will have consequences. There are other Milosevics out there.

If the word of this Nation, if the word of America—the most powerful nation on Earth, the most powerful nation for good—cannot be trusted, and NATO—the most effective peacekeeping organization in the history of man—if the word of that organization cannot be trusted, then what kind of a world are we going to be dealing with as we now move into this dangerous new century?

We should think through this very carefully. All the problems that surround this. We are forcing the President to lead. That's what this resolution's about. This resolution is not about abdicating our responsibility in the Congress. Although some I suspect wish it be the case.

We're asking the United States Senate to take a stand. What does this country come to—to ask a United States Senator to stand up and take some responsibility for the Nation being at war?

This resolution is about getting the Congress involved in it. This resolution is about forcing the President to take some leadership and responsibility.

Now, we're not going to pass this resolution. Senator MCCAIN and I and others know the reality of that. But if we can make it a little uncomfortable for some people around here to have to deal with an uncomfortable issue, then that's worth it. I've never asked one of my colleagues to support this resolution, nor has Senator MCCAIN, nor has Senator BIDEN, or any of the other cosponsors. But we have asked them to take a look and debate it, and take a position and take a stand.

There are consequences to our actions, and there are consequences to our inactions. If we do not see this through the right way, we will leave the world more dangerous than it is today.

I happen to believe that the Balkans are in the national security interest of this country for many reasons, aside from the humanitarian dynamics of this.

Do we really believe that the greatest, most noble, most free nation on earth can stand aside and watch this butchering and act like it's not there?

History has surely taught us that when you defer the tough decisions, when you let the butchers continue and the tyrants and dictators continue, it gets worse. And it has gotten worse with Milosevic. For ten years we've dealt with him. Four wars he's started. He's lied and cheated and slaughtered all through those ten years. Don't we have some responsibility to deal with this, as imperfect as all the options are?

Again I go back to my first point. As my friend, the sponsor of this resolution, John MCCAIN, said earlier—and said it very well—we must understand something very clearly. Whatever you think of this President, this President is out of office in a year and a half. But the Presidency remains. The vitalness of this Presidency, this Executive branch that a new leader will inherit, must remain strong and must be able to deal with an international crisis. So we must be very careful not to take advantage of this weakened President.

And if that would ever happen—ladies and gentlemen, the world will not be safer and it will not be better. When you weaken the United States of America, you weaken all of freedom everywhere.

So it is, Mr. President, for those reasons that I will support this resolution. I think it is in the best interest of our country, and I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. MCCAIN. Mr. President, I yield such time as the Senator from Wisconsin may consume.

Mr. FEINGOLD. I thank my good friend from Arizona.

Mr. President, let me first express my feelings and those of the Senate and every American that we are so pleased that the three soldiers are freed from their captivity in Yugoslavia. But I do reiterate what the administration and others have said. Mr. Milosevic and his cohorts should get absolutely no benefit out of those incidents that led to the capture and then the release of these soldiers.

I hope no step we take or no comments we make today or at any point in the next few days suggest in any way that Mr. Milosevic deserves any kind of reward for undoing something that should not have been done in the first place. We are terribly pleased that the soldiers are free. That does not change what Mr. Milosevic has done, which is unforgivable.

I, of course, praise the main authors of this resolution, my friend from Arizona, Mr. MCCAIN, and another good friend, Senator HAGEL from Nebraska. These are two of the best people to work with in this entire body. I know that their goal and the goal of the other cosponsors is a very worthy one, an important one, and that is to bring clarity with regard to our policy and our military action concerning Kosovo.

I rise today to make what I believe are two important points regarding S.J. Res. 20, the McCain-Biden resolution authorizing the use of force in the current conflict in Yugoslavia.

First, on the one hand, I oppose this resolution because I cannot at this point wholly endorse the current means being employed by the President to carry out a still murky policy with regard to Kosovo, and I cannot, in light of that, expand the authority of the President through congressional action beyond our current vision and information and understanding, even of the facts today, let alone what the facts

may be tomorrow or in a couple of weeks. This is why I cannot support the resolution today.

On the other hand—and I think this is very important as well—I believe it is very important that the Senate debate this resolution now, as we are doing, because whatever our divergent views on the current crisis may be, we in Congress share a common set of duties under the Constitution and under the War Powers Resolution to do what we are attempting to do this afternoon. I begin by talking a little bit about the process.

Our minds are primarily on the current intervention and involvement, and that is appropriate. We also have to take a moment at a time like this to realize how this fits into the overall context of the role of Congress, the role of the Senate, with regard to the waging of war.

In certain respects, the process so far has established, or at least reiterated, important precedents. In some other ways, I regret that the Senate has at least partially ducked its weighty responsibilities in this regard. There are precedents being set by the consideration of S.J. Res. 20.

Although it was apparently not the intent of the sponsors, S.J. Res. 20 has been determined to be privileged under the terms of section 6 of the War Powers Resolution. That is an important moment, because sometimes Presidents and others have attempted to not take the War Powers Resolution seriously. Not only must it be taken seriously, but because of the appropriate ruling of the Parliamentarian with regard to the meaning of the War Powers Resolution, it is being taken seriously.

I would like to make note of the Parliamentarian's comments at Friday's meeting of the Senate Foreign Relations Committee, on which I serve. Even Chairman HELMS thought it was legally important enough to have the Parliamentarian's opinion be made part of the record of that meeting, and I thought it was as well.

So, Mr. President, I ask unanimous consent to have printed in the RECORD a memo from Mr. Dove at the conclusion of my remarks. This is a memo that I asked to be sent to me summarizing what the Parliamentarian concluded on Friday. I ask that it be printed in the Record.

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

(See Exhibit 1.)

Mr. FEINGOLD. I thank the Chair.

Let me just read to the Senate one sentence. The memo is dated April 30.

> The War Powers Resolution . . . controls the consideration of any such joint resolution.

He was referring to the specific language of and the date of introduction of the joint resolution that is before us.

Mr. President, that is important in terms of the history of the War Powers Resolution.

So while this resolution does not actually make a specific reference to the War Powers Resolution, the very fact that it triggered the provisions of this law demonstrates the vitality—the vitality—of the War Powers Resolution to a degree that I think is often forgotten or ignored when we are between crises of this kind.

The determination by the Parliamentarian leaves no doubt that the debate the Senate is engaged in today is an explicit and required exercise in war powers under the law of this country.

I am pleased about that. But I do have a few concerns about other aspects of the process that we have undertaken.

First, I am concerned about the President's action. I remain concerned that although the President did send a letter to the Congress acknowledging that hostilities had broken out, he did not submit the report required under section 4(a) of the War Powers Resolution.

Now, nonetheless, as the Parliamentarian has ruled, the language of the resolution still triggered the War Powers Resolution on its own. But I believe it required, in a situation like this, the President to specifically refer to the War Powers Resolution. As a number of people have said, obviously, we are at war, or certainly we are in a situation that involves hostilities or imminent hostilities insofar as the War Powers Resolution applies.

Second, I am concerned about the way the Senate has handled this matter. The resolution, of course, has been hurriedly considered. That is in part because I do not think the authors intended, and many people did not realize for a while, that the War Powers Resolution and its clock were ticking. So it was understandable that there had to be some hurry. But there was enough time, in my view, for a more thorough consideration of this matter before the Senate Foreign Relations Committee.

A business meeting on this was hastily scheduled. There really was no time to consider the matter except for a brief hour, hour and a half discussion. There was not really a proper markup. We did not have a chance to offer any amendments or modifications to the language of the resolution, which the distinguished chairman himself properly called one of the most important matters that had ever been taken up by the committee in his tenure on the committee—which is a lengthy tenure. And then, after all of that, the committee reported out the resolution without recommendation, without taking a stand for or against the resolution. Then, finally, it was reported out to the full Senate without a written report.

I do not understand what the Senate Foreign Relations Committee is for if it is not the committee which would take a real look at and amend and mark up and consider, in some detail, a matter of this importance. Again, given the tremendous courtesy and skill of the members of the committee, this is not said out of any disrespect. We were put in a very difficult time constraint, but it seems somehow we should have had a process that was more in keeping with the importance of the resolution and its role within the War Powers Resolution law.

Mr. President, I also was concerned last week that some Members were discussing propounding a unanimous consent agreement that threatened to weaken the force of the War Powers Resolution, or at least I was concerned about the fact that it might do that, by making it easier to eliminate the privileged status of future Senate actions related to war powers.

I want it noted in the record that the proposed unanimous consent agreement did not prevail. It was apparently not even propounded because of concerns. And I am pleased, because I do not think we should take it upon ourselves to make exceptions or weaken the importance and binding character of the War Powers Resolution. That has been attempted far too many times in the past.

We need this law that was passed to give some real content and meaning to the constitutional role of Congress under article I and throughout the Constitution with regard to the conduct of war or hostilities by the United States of America.

Mr. President, I also want to agree with some comments I at least read by the Senator from Arizona, Senator MCCAIN, who, of course, is doing a very, very brave job of leading this whole issue. He did comment that this problem—and correct me if I am wrong, Senator—that this is not really a long enough debate for a matter of this importance. Four hours, split between the two sides, 2 hours each, is not in keeping with the magnitude of this situation or the magnitude of this resolution.

In fact, although I am certainly sometimes guilty of not always being out here on the Senate floor, the fact that I have only seen five or six Senators on the floor for what is soon to be over half of the entire debate on this matter does not remind me of the effort and the care and the listening that went into a similar debate when it came to the Iraq intervention some 8 years ago.

So the debate surely should be longer. And as Senators start arriving and hope to find time to speak before 5:30, I think there may be some frustration. In any event, we certainly should all be listening to each other when it comes to a matter of this importance, as much as we were during the impeachment trial.

Mr. President, finally, I also am a little troubled about the idea of the tabling of this resolution. A motion to table can be interpreted—often is interpreted—as a procedural vote. On something this important, we should be voting on the merits of the language. I do not understand why at 5:30 tonight we are not going to just vote up or down on this resolution.

A tabling motion seems, to me, to be not in keeping with the significance of this. Mr. President, as I have indicated, in the past the War Powers Resolution has sometimes been ignored, but sometimes we have come very close to getting it right.

Two examples where we came close were the Lebanon intervention and the 1990–1991 Iraqi situation. In the Lebanon case, Congress actually authorized continued participation of Marines in the multinational peacekeeping force. Although the 18-month duration of the authorization represented a compromise to get the administration to agree to it, the congressional authorization represented the first time since the War Powers Resolution had become law where Congress obtained a signature by the President on legislation that actually invoked the War Powers Resolution, and also, as I just alluded to a moment ago, with regard to Iraq and the Persian Gulf.

In the case of that war, President Bush actually requested congressional support, which ended up being granted. There was a problem in that case. That request, of course, came significantly after President Bush had already deployed thousands of troops to the area, but at least the President of the United States, in that situation, explicitly acknowledged the applicability of the law in that case.

So despite my concerns—that I did think were important to put in the record for future reference in situations like this—in the end, consideration of this resolution remains an appropriate exercise of the Senate's responsibilities under the War Powers Resolution. We have begun to do our duty, and the vitality of the War Powers Resolution has again been affirmed and respected.

President, as I said, although I would have preferred to vote up or down on the merits of the Senate joint resolution, I will support the motion to table this resolution because I do not support the scope of the resolution and I have real doubts about the policy which it seeks to endorse. Especially given the breadth of the authority that is given under the resolution I am concerned. But I have concerns about the policy in Kosovo in any event.

First, Mr. President, I do not understand how this decision to intervene in Kosovo and to continue and broaden the intervention really fits in with an overall post-cold war American foreign policy strategy. I do not see how this fits in with our long-term goals.

Obviously, the tragedies and the horrors that are being perpetrated in Kosovo demand a response. That response must include the United States. But I do not think the question has been well answered why in Kosovo and not in other places. I give the Senator from Nebraska credit for just attempting to address the issue. He spoke a little bit about his belief that it would be difficult for us to act in some of the places in Africa and other places where there are similar tragedies. I am not sure I agree with that. We are not limited in our ability to act only in Europe or only near our own boundaries, especially in light of the actions that were taken with regard to the Middle East and Iraq. We have shown our ability to act throughout the world. The fact is, in my mind we could have acted in Rwanda. In fact, we apologized to Rwanda for having not taken the action that we could have taken to stop the genocide in that place.

In Rwanda, in Sierra Leone, in East Timor, in Sudan, there are atrocities that are comparable, in some cases arguably worse, if that is possible, than what is going on in Kosovo. Why is it that—it at least appears to some—an accident of geography is sufficient to allow inaction while Kosovo requires a huge commitment? This question needs to be answered not so much for me but for the American people, because they do not understand, and I do not understand exactly why one tragedy demands our attention and our action and another one simply does not, especially when it comes to the use of significant military force.

Another concern, the Senator from Nebraska was suggesting, in effect, is that we must take a stand. He is right, but he assumes this is the only option when he says we must support this resolution. Otherwise, he seems to say, we would have to be accused of taking no action, or we would be accused of being unconcerned or not moved by what is happening in Kosovo.

I am not sure all the other options have truly been explored. What about the possibility of arming the Albanian Kosovars so they have a better and legitimate chance at their own self-defense? The Secretary of State said to me at a hearing recently that they wouldn't be able to do much with the arms anyway. I question that. I bet the Kosovar Albanians would question that. I even remember a briefing the other day by some of the NATO officials indicating that resistance from some of the Kosovar Albanians had had a negative impact on the Serbian troops. This is something that we should encourage rather than simply allow people to be herded around and tortured. They have a right to self-defense like anyone else.

What about support for democratic elements in Serbia, as has been suggested by some of our colleagues in the recently introduced Serbian Democracy Act? Are there further diplomatic efforts that could be taken? What about the United Nations? Have we fully explored all of the options available working with Russia?

It is not so clear to me that the only way to proceed is to give a broad, open-ended blank check to the President with regard to this situation. I don't think it is the only option.

I am also concerned how this fits in with our overall policy just with respect to the Balkans. I am amazed at how infrequently in this debate people even refer to the fact that we are still stuck in the Bosnia intervention. We were promised at the time of the Bosnia intervention that it would be 1 year, that the troops would be home by December 1996, that it would cost no more than $2 billion. But here we are, in 1999, it has cost, I am told, over $9 billion. We no longer even hear any talk about when the troops will come home. It is Christmas after Christmas after Christmas after the time when all of our troops were supposed to be out of Bosnia.

How does this policy in Kosovo connect with the policy in Bosnia? What is the strategy for getting in and for getting out? Sometimes I believe with respect to what we are doing in Bosnia, the administration's policy is sort of a ''less said the better'' attitude. If you don't mention it, nobody is going to remind you that we have been there for an awfully long time and have not been able to get out.

I am also concerned, and I say this carefully, about what I consider to be a somewhat inconsistent application of international law by the administration with regard to this action. Again, I have no sympathy for Mr. Milosevic and his regime. But the fact is, our country recognizes Kosovo as being part of Yugoslavia, and yet we proceed with this action without a real explanation of how this comports with the rules of international law. I can tell you, most experts in international don't have a good explanation of how we can go about doing this.

It would be one thing if we were talking about recognizing an independent Kosovo, but we have not taken that position. I asked the Secretary of State the other day whether that might be in the offing, and she indicated that was not a likely scenario. In the same conversation, I asked her, what about lifting the arms embargo on the Albanian Kosovars? She said we couldn't do that because of international law. Well, this is sort of a cavalier attitude, where we rely on international law as an excuse to not do something we should do in one case, the case of lifting the arms embargo, but we disregard international law or suggest that it is a technicality when it comes to the idea of not recognizing an area separate from Serbia and then going ahead and proceeding to take military action with what our own policy apparently regards as, in effect, a province of Serbia. This troubles me.

I ask unanimous consent that Secretary Albright's comments in this regard from an April 20, 1999, hearing of the Senate Committee on Foreign Relations be printed in the RECORD.

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

EXCERPTS FROM HEARING, SENATE FOREIGN RELATIONS COMMITTEE, APRIL 20, 1999

Senator RUSSELL FEINGOLD. Thank you, Mr. Chairman. Madame Secretary, I've been critical of some of the decisions that have been made getting into this policy, so let me take his opportunity to publicly thank you for your devotion and effort with regard to this. I'm sure it's incredibly difficult, and I thank you for it.

In light of what's happened, are there any circumstances under which the administration would support an independent Kosovo?

Secretary ALBRIGHT. I think that we do not consider it a useful end to this because of the additional problems that it would cause within the region, where the—we see it as potentially destabilizing Albania and Macedonia, then if Macedonia were to fall apart, there's a whole—I don't want to predict all the dire things, but I think it basically is a destabilizing effect for the region, and it is not our position to support independence.

Senator FEINGOLD. Well, I'm still thinking it through as well, but I do hope the administration will at least keep an open mind with regard to whether that is not the way things should end up. And this relates as well to Senator Dodd's comments. I take a little different tack, at least potentially, with regard to the issue of arming the Kosovar Albanians. I think one of the reasons that we ended up having to send ground troops to Bosnia was the failure of the United States to lift the arms embargo for the Bosnian Muslims when we could have. And I notice that we are there many years and many dollars more than we intended to be.

I recognize your comment about the arms embargo that's in place.

At the same time, I wonder about our legal status in terms of bombing a nation with regard to a question having to do with an area that we consider part of that nation, in terms of international law. I'm wondering why in the one instance we are so concerned about an international arms embargo, but we are not particularly concerned about the issues of international law that apply to a situation where we regard Kosovo as part of Serbia.

So, what I'm interested in is what would be the practical effect, on the ground, of arming the Kosovar Albanians?

Secretary ALBRIGHT. Well, the practical effect is that they still—their numbers are not sufficient so that they can defend themselves. Two, and this goes to why are we nice about one legal regime and not another, it's a practical issue, which is that in both the Bosnia case and here the minute that you break an arms embargo it means that the other side is entitled to be also supplied, and I think that we have great concern about the Serb—breaking the arms embargo because the Serbs would definitely be supplied.

I think there is also the effect that we are part of an alliance and this is in Europe, and the Europeans are very much opposed, as are we, to the arming of the KLA and to the independence.

Senator FEINGOLD. Madame Secretary, with regard to Bosnia, I believe that at least one of the factors that helped us leading up to Dayton was the ability of the Bosnian Muslims, through different means, to get greater arms, and I am not at all convinced that this situation wouldn't be assisted. In fact, in listening to one of the NATO briefings the other day, I think there was a specific reference to some of the resistance that the Kosovar Albanians were able to put up as helpful with regard to fighting the Serbian troops. So I would ask that that be kept on the table.

And finally, I notice that Congressman Campbell in the house has introduced two separate resolutions, one to declare war and the other to demand an immediate retreat. I am glad that the senators who have talked earlier today have introduced a resolution in the Senate with regard to our involvement. And I'm wondering, in light of your answer to Senator Hagel's question, whether we're really at war. You seem to have indicated that we are not, at this point. What criteria would need to be met in order for you to agree with those who believe that our action in Kosovo amounts to a war or could amount to a war in the near future?

Secretary ALBRIGHT. I think that a lot of those are legal questions. I think that politically, though, there are a number of reasons why a declaration of war is not helpful in terms of how we operate in the region and with our allies, and so we are opposed to a declaration of war.

Senator FEINGOLD. Thank you, Mr. Chairman.

Mr. FEINGOLD. I would like to make just a couple other points regarding my concern about supporting this resolution with respect to the substance of it, with respect to the intervention itself.

This is almost a cliche—almost every Member of the Congress has said it—but it is still correct; that is, that our strategy is unclear. I don't believe the administration has fully articulated the policy which the airstrikes were intended to support.

I did oppose the airstrikes. I recognize the Senate voted for them. But I didn't see the policy at the time. The goals need to be explained more fully and a better case needs to be made for our continued military involvement. Certainly, if we are going to pass a resolution of this scope, we need a far clearer understanding. I don't think the President has adequately explained the national interest and objectives and cost estimates and exit strategy in this situation.

Finally, with regard to concerns in terms of whether this is a course we should follow, I have to share the view of the Senator from Arkansas, who indicated that this argument, that maybe we made a mistake in the first place but we have to finish it now that we are there, is really a terrible argument. It is a dangerous situation—we have been there before—to suggest that simply because we have gotten into a situation that we have to go full bore into it without really being sure of how far it will go or what the ultimate consequences would be. The mere fact that we started it does not mean we have to take every possible step in pursuit of a policy that had flaws from the beginning.

In any event, after having listed five or six concerns about the substance of this intervention, let me conclude by making just a couple of comments about the fact that the resolution itself is too broad, even if it did support what we are doing exactly in Kosovo at this time. I am pleased the Senate is considering a resolution that would authorize the use of military force, but the resolution before us today does not define parameters of what that military involvement would be. The phrase ''blank check'' is appropriate. That is what this resolution provides. I think it would be irresponsible, very similar to what happened with regard to the Gulf of Tonkin in the Vietnam situation, if we go down this road.

As we think about taking this very extensive measure, let us remember that there is a lack of consensus among the American people and the Congress about the policy to pursue with regard to Kosovo. Even under the current facts and circumstances that the American people know and that we know, this resolution is too broad. But given its breadth and the implications, we have no idea what the position will be in a few weeks, and this resolution gives a blank check.

We do have to take a stand. This Senate did take a stand in favor of the bombing a few weeks ago, even though I voted no. But the fact is, only this body supported the airstrikes. Last week the other body, on a tie vote, 213 to 213, voted not to support the airstrikes, after having watched the impact and the effects of the airstrikes for the last month. So there is no joint resolution by this Congress at any point in support of even the airstrikes. There is no resolution of the kind that went through the House and the Senate in the Iraq intervention. Yes, that was a close vote in the Senate with regard to Iraq, but the difference is, both Houses sent that up to the President as a reflection of the will of Congress.

I share some of the concerns with regard to some of the votes in the other body. I do recognize that it is very hard to understand how some people can vote not to go forward with this action and then in the next minute vote to put additional funding in for the action. That is very confusing as well.

What I am afraid it reflects is that there is no consensus in the Congress or in the country with regard to what we have already done in Kosovo, let alone a consensus that would justify the sweeping language that we find before us today.

Let me conclude by saying that I will vote to table the resolution because we should not rush into further steps in this matter, including deployment of forces, without a consensus in Congress, without a plan from the administration, and without some sense of how this decision to intervene in this tragedy fits into the broader question of what our foreign policy should be in the post-cold-war era, when we are confronted with human tragedy around the world.

Let me finally say that I thank the sponsors because they have triggered events that have allowed us today to exercise our roles to reaffirm the vitality and continuing need for the War

Powers Resolution and the obligations of Congress and the President to comply with them.

I thank the Chair.

(Ms. COLLINS assumed the chair.)

EXHIBIT NO. 1

MEMORANDUM

To: Senator Feingold
From: Bob Dove
Re: War Powers
Date: April 30, 1999

The Foreign Relations Committee met today on S. J. Res. 20—106th Cong., introduced by Senator McCain.

The War Powers Resolution (P.L. 93–148) controls the consideration of any such joint resolution.

Questions raised at Committee Meeting 4/30

1. Is a privileged joint resolution under the War Powers Resolution subject to a motion to table? Yes, and such a motion would carry with it any amendment then pending.

2. Would adoption of an amendment that stated that ''this resolution shall not be privileged under the War Powers Resolution'' kill the privilege. No. That language is not effective until enactment (no bootstrapping). What about language that cuts off funds, text of H.R. 1569 as passed by House on April 28, 1999? Yes it would. That language is as follows:

PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES GROUND FORCES TO THE FEDERAL REPUBLIC OF YUGOSLAVIA WITHOUT SPECIFIC AUTHORIZATION BY LAW.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless such deployment is specifically authorized by a law enacted after the enactment of this Act.

(b) RULE OF CONSTRUCTION.—The prohibition in subsection (a) shall not apply with respect to the initiation of missions specifically limited to rescuing United States military personnel or United States citizens in the Federal Republic of Yugoslavia or rescuing military personnel of another member nation of the North Atlantic Treaty Organization in the Federal Republic of Yugoslavia as a result of operations as a member of an air crew.

3. What is the meaning of subsections 6(a), and (b)? (Section 6 is codified at 50 U.S.C. 1545). Subsection 6(a) requires referral to the Foreign Relations Committee, and requires the committee to report ''one such joint resolution or bill'' by day 36 after the report of the President (or after President should have reported); section 6(b) provides that such joint resolution or bill ''so reported shall become the pending business of the House in question . . . and shall be voted on within three calendar days thereafter . . .''

Mr. MCCAIN. Madam President, I yield myself 60 seconds.

Madam President, I will next yield to Senator LUGAR for such time as he may consume. I tell my colleagues that the list I have after him is Senator BOXER for 10 minutes, Senator SPECTER for 15 minutes, Senator HUTCHISON of Texas for 30 minutes, Senator GORTON for 10 minutes. We also have requests from Senators SHELBY, INHOFE, DOMENICI, LIEBERMAN, BIDEN and KERRY of Massachusetts. I ask my colleagues to come over and get in the queue as they can.

Clearly, with that number of speakers, I think it would be both inappropriate and unfortunate if we had a tabling motion before every Senator who wishes to speak would be allowed to speak on this issue. I will strongly resist an effort to table before every Senator who wants to speak on this very important issue can do so. I remind my colleagues that in the case of the Persian Gulf resolution, there were two opposing resolutions, with two up-or-down votes, and a full day of debate. On Bosnia, there were opposing measures by Senators Dole and HUTCHISON of Texas, with separate up-and-down votes, and a full day of debate on final passage. We are not giving this resolution nearly the attention the previous resolutions got.

I yield such time as he may consume to the Senator from Indiana, Senator LUGAR.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, I thank the distinguished sponsor of this legislation, Senator MCCAIN, for yielding to me. I congratulate him on the resolution. I will advocate that the Senate should affirm the McCain resolution. Certainly, we should not table the resolution.

Madam President, a week after the war began, I wrote in the Washington Post:

> We are losing the war in Kosovo. President Slobodan Milosevic and his Serbian Armed Forces are killing Kosovar political leaders, expelling Kosovars from their homes, and causing a flow of refugees into countries with few resources to care for them. The United States and NATO have the capacity to reverse this situation, but this will require presidential leadership and a commitment to taking the hard steps necessary to win.

I wrote, additionally, in the same column:

> President Clinton still has the chance, as our Commander in Chief, to produce victory, even if what he advocated was based on a hopelessly incomplete vision of the end game and a dubious strategy to reach even severely limited aims.

Madam President, I wrote that on April 1—a month ago—and the situation is identical to that which I described then. We have an opportunity to win the war. We have an opportunity to come to the limited objective the President has listed, but this will require very, very substantial Presidential leadership, hard decisions on the part of our President, and support of those decisions by the American people, as represented by this Congress.

I come today not to argue procedure. I regret, as others do, that we are in a predicament of a 4-hour debate, and a tabling motion was announced in the national press. The leadership of both parties will advocate tabling and disposing of this resolution, thus ending the chapter until, presumably, a more appropriate time to discuss Kosovo. But I come not to lament that fact. It is part of our circumstances, and we shall have the vote in due course and I will vote ''no'' on the motion to table.

I come today not to argue whether we should specifically authorize the President to use air power, as they have done in the House by a 213–213 vote, to temporize on that issue, not on the issue of ground forces, nor whether we have to be consulted before there are ground forces, or any other forces.

We are presently talking about a situation in which the President has set forth some very limited objectives. In my judgment, we have very little hope of meeting those limited objectives, and that translates into defeat for the United States of America, and for NATO. People talk about whether this is the right war, the war we were preparing for, whoever that may have been. We are in a war. It is a big war. It is the only war NATO ever had. It is an occasion for the North Atlantic treaty alliance to work, or for it to fail.

While we can fault our President and others while putting NATO at stake, and we can fault the President for failing to have the resources prepared; for a faulty diplomacy that produced one threat after another, which required some follow-through for credibility; for failure to say from the beginning we have to plan for every potential use of our resources, and we are doing so because we are intent upon coming to the right result.

All of that might have occurred. But, it did not. As I pointed out on April 1, it had not happened then, and it hasn't occurred since. But what has occurred is a very clear statement of objectives, and they are: the retreat, the withdrawal, the end of Serbian forces in Kosovo—out, all 43,000 of them, whether they are police, special police, regular armed forces, or paramilitary forces—these are the people, these particular Serbians, who, in fact, are killing people in Kosovo and expelling those they do not kill from their homes and their country. So, the first objective is all of these forces must leave Kosovo.

The second objective is the Kosovars must be allowed back in. There must be a condition in which people who have lost their loved ones, who have watched atrocities, who have suffered grievously and lost their identities, their bank accounts, their houses, to go back into their country where there has to be an international security force in which they believe—not in which we believe or that we temporize with others, and say a little bit of this or that country, a little balance here and there. The question will be: Do the Kosovars believe in it? Will they go back? If they do not, they are going to be in Macedonia, Albania, and increasingly in Italy, Germany, everywhere, spilling out all over Europe, hundreds of thousands of souls who require support—expensive people, people who could destabilize the economies and the governments of the host countries that have been so generous.

We have barely a month of humanitarian relief, and we understand how tragic it is for those people, how expensive and dangerous it is for the countries in the surrounding area. That has

already happened. You cannot walk away from that. We can take a resolution today and say this wasn't our war and we are tired of it or that we are bored with it or, as a matter of fact, we don't even want to participate anymore. But for the suffering people that are a consequence of this conflict, there is no walking away, and the consequences for us, for Europe, for NATO, for our Armed Forces morale, for civilian leadership intersecting with the Armed Forces, are very great.

So I am saying that you have to have an international force that gives confidence enough to the people who have lost almost everything to go back. There has to be money to pay for the houses they go back to, for the lights and the water, and the possibilities of making a living, and of some safety net of economic support while all that is happening.

Who will pay for that? Congressional leaders asked the President. He said the Europeans will take the preponderant share of that. I hope that is true. I hope the President has worked that out, or has broached that, or at least has some assurance of exactly how burdensharing will go—for humanitarian purposes or military purposes. This is terribly important and very expensive, and lying directly ahead, either in Kosovo, in Macedonia, Albania, or other countries.

Madam President, after these expelled people get back and the money is spent—and we hope to do much of this before the cold weather comes—as the President has pointed out with regard to the bombing raids in September and October—then at this point, negotiations proceed on the tortuous path on what kind of democracy in Kosovo, within the constraints of an autonomous province of Serbia but protected by an international force sufficiently strong, armed, and credible to the Kosovars so that they will come back and try to rebuild their country. That will be a very difficult negotiation.

If you were a Kosovar who had gone through all of this—and there are people advocating independence—the siren song of independence is pretty strong. Yet European countries all around are advocating no independence; that is not on the table. As the President has outlined our objective, independence is not on the table. It is autonomy, where people think about self-government within constraints.

Those are the objectives, narrow as they may be. Madam President, we had all better be giving a lot of thought as to how they might be met.

I believe that the McCain resolution is important because it says to the President, ''Mr. President, take all necessary ways and means to win, to find your objective, the objectives now shared by 18 other NATO allies.'' It is important that the President do that.

Normally, there might be a situation in which the President had planned for several months before the war in Kosovo to preposition equipment, to consider ground troops in Europe in addition to air resources, and other provisions, including provisions for humanitarian fallout that might occur. Ideally, all of that might have happened. But it didn't happen. As a matter of fact, the nation's attention was not on Kosovo, except from time to time throughout this period of time. And certainly there were no Presidential messages to the American people indicating the gravity of the situation, and very little debate here on the floor of the Senate. So that planning might have happened. But it did not.

We are now in a predicament where we are in a very large war, where the consequences are very great. We have limited objectives, but, in my judgment—I have expressed this candidly and personally to the President—we do not have the means to achieve those objectives. We have not had the means from the very beginning of the operation.

In his defense, the President stoutly affirms that the bombing campaign will do it, that you can get to those objectives with the bombing campaign alone. He would also add, some helpful information getting into a Serbia—some better control of that situation will be helpful. So would help by the Russians—and help by anybody, for that matter. But, nevertheless, the President from the beginning said no ground forces. He has followed up and said, ''I am not even planning for ground forces.'' He has almost taken pride in saying there will be no planning for ground forces; it is the bombing campaign.

I have said to the President respectfully, ''Mr. President, you have to have at least plan B. There has to be a safety net. We cannot suffer failure. You cannot suffer failure.'' There may be some Members of Congress—we read about these people in the paper who say, ''This is President Clinton's war, and when he falls flat on his face, that is his problem. He deserves it, having ill prepared for this, having very little strategy that seems to be relevant to getting the job done.''

Madam President, we got over that very rapidly. This is not the President falling on his face. It is not a personal failure of the President. We are in a war. The United States is at war—not President Clinton.

I think what Senator MCCAIN, Senator HAGEL, Senator BIDEN, and others have been saying in essence is, ''Mr. President, we need a much broader strategy. We need more options.''

I have said specifically we need, at a minimum, a public declaration that we are planning ground options—lots of them. We don't know what the situation will be on the ground 5 months from now, but we had better have some options, and it had been better be apparent we are doing that, for our own credibility.

Furthermore, we could preposition supplies and equipment conspicuously so forces can get there, as opposed to constantly saying it will be weeks or months before we can do anything as an excuse for not doing so.

I am advised that the American people in various polls have a low tolerance for casualties. Some people have crassly suggested: What if 100 Americans lost their lives? Would you still be in favor of the war? Would you be in favor of ground forces? How about 200 or 500? At what point do you say, after America loses, we leave; that is an unacceptable set of circumstances?

In polls, however, it may test the political courage of the President, or any of us. If the President is failing even to say, ''I will think about planning for the ground option,'' because he is reading polls that say that is very unpopular, very unacceptable, then the President needs to get over that too, as we do here on the floor of the Senate.

We are talking now about the fate of our country—our credibility with regard to foreign policy and the Armed Forces. We can say, regardless of Kosovo, we are ready for the real war, or the big war, or whatever war comes along. But, Madam President, with what? What kind of political will? What kind of ability to pull this country together, and Congress, and the people? What kind of ability to keep the alliance together with some credibility that we are for real, and that when we go to war, we go to win? And having set the objectives, knowing very clearly what they are, we have to get to the point of winning.

The McCain resolution is tremendously important, because it simply says, ''Mr. President, you have got to do more—a lot more. You have to lead. You have to have a strategy that finally says to whomever—President Milosevic and anybody else—we are going to win, we are going to prevail, the United States means it.''

If we are not prepared to give the President that support, if our debate degenerates into the fact that: ''Mr. President, we would like for you to win. We would like for the alliance to be credible. But do we think everything doesn't really work? We certainly don't want to do the ground forces option. We are not really sure about the money, the humanitarian relief, if the Europeans don't do their share. And we haven't worked it out with them. As a matter of fact, we don't know why we are there and why we got there, and we don't really want to know. We are tired of hearing about the history of this part of the world over the past thousand years. What we really want to know now is specifically, how do we get out of a bad dream?''

As Senators, we are not movie critics. We are not taking a look at a scenario which is a bad dream. We have a responsibility, and the responsibility today is to vote no. The responsibility is to say that it is not simply the President who is responsible—the President's war, the President's plan, the President's request that, if somehow he is inadequate, we simply affirm

that and say how sad that he is inadequate.

Madam President, if we lose the war, the fact is, the Congress is inadequate. We also are elected by the people. We also have a constitutional responsibility and, when it comes to war, a responsibility to win. If the President needs shoring up, that may be our job. If the President needs concerted advice and support, we ought to provide it.

There could be other resolutions today, but we have in front of us a big one.

It does not come as a surprise that Senator MCCAIN's resolution has been well debated throughout the country, even if not here. What will be a surprise today, Madam President, is if Senators, Members of this body, are prepared to take some responsibility as opposed to arguing, as I have already heard, that the resolution is too broad, too sweeping, a blank check for a President in whom many Senators are not certain they have confidence to prosecute the war.

These are useful rationalizations before a war but not in the middle of one. It is a war, not just an exercise; however divorced it may be from our lives, that is not the case for those who are involved.

I am hopeful we will vote no on the tabling motion. I propose that we leave the options open to the President. I propose that as opposed to proscriptive motions—that, in the future we offer advice as to how we can help the President and we try to affirm that certain things should be done, as opposed to taking off the table the necessary means that he may need.

In response to my colleague from Pennsylvania, I am happy to yield for a question.

Mr. SPECTER. I thank my colleague from Indiana. I passed a note to the Senator because I did not want to interrupt the chain of thought.

I think there is no one in this Chamber who carries greater respect than Senator LUGAR on issues of foreign policy. I noted your comments earlier calling for Presidential leadership and referring to your op-ed piece which appeared in the Washington Post. I think it not inappropriate to comment at this time that the President noted your op-ed piece in the Washington Post at a meeting with you, Senator WARNER, and myself in attendance. We were the last three to meet with the President in a very extraordinary meeting that lasted a little over 2 hours. At the very end of the meeting, Senator WARNER, Senator LUGAR, and myself stayed and he commented about your op-ed piece.

The Senator made a comment, again referring to your op-ed piece, that the President has a dubious strategy to meet a limited goal.

The problem that I have, which leads to my question, is the President's leadership. He has initiated the airstrikes along with NATO without a clear-cut strategy, and an overused word, the so-called end game. The Secretary of Defense, the Secretary of State, and the National Security Advisor speculated that Milosevic might relent after the first wave; that there might be a pause; that they might have a different attitude after there was some substantial damage done.

Absent a relenting on the part of Milosevic, where do we go from here? In lengthy meetings—the President has now had four with Members—the President has not asked for troops nor has he asked for the authority which is present in the pending resolution to allow him to use whatever force is necessary.

The question I have for my distinguished colleague: In light of the absence of any request by the President and in the absence of any showing of leadership by the President and acknowledging the correctness of Senator LUGAR's assertion that the situation calls for Presidential leadership, why is it sensible to, in effect, give the President a blank check when he has not asked for the resources and has not demonstrated any capability to exercise leadership to effectively carry out that broad guarantee of authority?

Mr. LUGAR. I respond briefly to my colleague that I believe the President must begin to offer that leadership, that he must begin to offer the strategy. I find it unacceptable if we were, as critics of the President, simply to note that he has failed to do so.

In other words, it seems to me there is about this war a sense of unreality. Clearly, if we had been in the so-called cold war period and we were at war with another country at that point, and the President apparently did not have an adequate strategy and we were losing, it would not be a useful question to ask why the President hasn't asked for what he needs. We have to say at that point that the President needs to ask.

We respectfully request the President to accept some advice and to accept some strategy that we have a responsibility to offer.

Simply left to an inadequate President, history would condemn him, but we would lose and the country would suffer grievous harm. That is our predicament in this situation. The President clearly hasn't asked for the authority, the arms, or whatever he needs. We are saying he needs to ask, and he needs to do so rapidly. We cannot sit around and simply wish that he did so and then lament that he failed to ask. We have a responsibility to act along with him. I hope and pray that he will do that.

I think the President, in this conversation the Senator cited, indicated he could ask General Shelton and General Shelton could produce a plan. In fact, allied armed services could be over there about 5 months and the President felt that might win the war.

We need to define very carefully, if that is the case, what the ground forces' objectives are, where they come in, and include all the options. In other words, that was a rather sweeping statement, but it has gone through the President's mind and what we are suggesting might have some impact.

I hope this debate pushes that forward.

I thank the Senator for his question.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask unanimous consent I be allowed to control the time until such time as an opponent of the resolution arrives. At that time, I will control the time for the proponents of the resolution, and at a later time a designee of the opponents of the resolution will be designated.

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

Mr. MCCAIN. I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I thank the Senator from Arizona for his indulgence. He has been very patient as Members have debated—many speaking against his resolution. He has been very generous in his attitude toward all Members. I greatly appreciate it.

I rise this afternoon to debate the resolution that is before the Senate and to also join with all Americans in rejoicing that the three prisoners of war have been released and have been united with their families.

One of these young men, Sgt. Andrew Ramirez, is a constituent of mine from Los Angeles. I spoke with his mother a few days ago before we knew his release was a possibility. I know how she felt. I heard in her voice the terror of the situation. We are all relieved.

I say today to all the families, you did the right thing by coming forward, by continuing to look into the cameras when it was difficult for you; yet because you did that, you put the human face on these young men. That was very, very helpful. I thank Jesse Jackson for working to secure the release of these brave soldiers.

The irony of the situation is that Milosevic wrongfully abducted these soldiers. Now he allows them to return home, while at the same time he refuses to allow the million Kosovar Albanians who were wrongfully displaced to safely return home.

Yes, the three soldiers come home and now we see no move by Milosevic at all, at all, to allow so many decent families to return to their homes.

Mr. Milosevic could end this war today. I know some have said, let's take a pause in the bombing, and that may be something that NATO wants to do. It is going to be up to them as they go about deciding the best strategy. But I say to Mr. Milosevic that he can end this war today. He has to agree to do three things. They are very simple.

No. 1, pull your army and your special forces out of Kosovo;

No. 2, allow for the safe return of Kosovar refugees to what is left of their homes;

No. 3, allow for an international peacekeeping force, which includes NATO's participation, to ensure the safe return of the refugees.

That is very straightforward. It is very simple in many ways. It takes us back to the days when Kosovo had its autonomy and those people could live in peace. So, yes, we welcome the POWs home with our open arms and open hearts, and we long for the day that Mr. Milosevic will stop this war by allowing the refugees to return home, ensuring a stable situation by allowing an international peacekeeping force into Kosovo.

I know the McCain-Biden resolution was written with the aim of achieving those three goals that I outlined, the three steps that Milosevic must take. However I do not support that resolution for the following reasons. I stated this in the Foreign Relations Committee, but I wanted to expand my remarks a little bit today. No. 1, the resolution is too broad and it is too open ended. Specifically, I am very concerned about the clause that says, ''all necessary force and other means.'' I do not believe it was the intention of the Senators to open the door to every weapon known to mankind. But when you read the resolution, there is no clarity on that point. I think it opens the door for Congress to underwrite the use of chemical weapons, biological weapons, and nuclear weapons.

In the committee, Senator SMITH entered into a colloquy with Senator BIDEN and he said: Senator, I am worried about this being so all-encompassing that it could include biological, chemical, and nuclear weapons. Senator BIDEN said that was not the intent. We can have a colloquy on the floor to say that is not what we meant; we meant conventional weapons. But a colloquy is not enough for Senators to have, it seems to me, when you are voting on a measure so important. It ought to be clear what we are talking about, and this resolution says, in essence, any and all weapons. That is the first reason I oppose it. It is open ended and too broad.

Second, the resolution takes Congress out of the decisionmaking process. In other words, once you pass this sweeping resolution, our job is essentially done; you are handing this over to the President.

By the way, I think this President has shown tremendous leadership on this issue. I disagree with my friend from Pennsylvania and my friend from Indiana on their colloquy. If you think it is easy to keep 19 NATO nations together on one track, think again. This is not easy. Some of these nations have an inclination not to go along. I give tremendous credit to President Clinton and to Prime Minister Tony Blair on this matter, because I think they are the ones who have kept NATO focused.

I am very pleased with the fact that the President has done something here, but I do not want to take the Congress out of this debate. I think this resolution does that. I think my constituents want me to be included in this every inch of the way. If the President asks us for ground troops, we need to vote on that. If he asks us for other means, we should be able to vote on that. I do not see it as others do, that the Congress really should just say: Any and all force.

I support what we are doing. I want to be clear. I want to respond to Senator HAGEL who said those of you who do not support this, essentially you are not courageous and you are not—I don't want to put words in his mouth, but he basically said we are not standing up with courage. I just want to put that into context, because when I voted to support the NATO bombing, I was taking a very strong stand. This is not easy, to see these bombs falling. This is tough. I believe they will bring Milosevic to the table. I do really believe that. So I do not view that vote as just some easy vote. It was a hard vote for me to say use force in this circumstance. So I hope colleagues would not think those of us who do not support them on this want us to leave the scene, to run away.

There are three points of view here that are all very legitimate. One that I have heard represented by several of our colleagues is: Do nothing. Do nothing. This is not in the national interest of the United States of America. Do nothing. I do not agree with that. If it is not in the national interest to stop the most god-awful ethnic cleansing since Hitler—if that is not in our national interest, I do not know what is. We are human beings first and foremost. We cannot allow that to stand. So I do not subscribe to those who say: Do nothing, in terms of military force. I just do not think we have the choice here. Milosevic was engaging in this ethnic cleansing. The only difference now is the light is on it and we see it.

I also do not agree with those who back this resolution, which is: Any and all necessary force, all kinds of weapons, the President has the ability to do that. I think it goes too far, takes us out.

So I am in the middle here. I support the current policy. I do think it is working. I do think we need to be patient. I do know there has been bad weather. I do have faith that the conduct of this war will lead to what we want, an end of the ethnic cleansing.

The President has not asked us for this additional language. I am sure any President would welcome it, by the way. But he has not asked us. As a matter of fact, he sent us a letter.

I ask unanimous consent to have this letter printed in the RECORD, Madam President.

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

THE WHITE HOUSE,
Washington, April 28, 1999.

Hon: TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kovoso.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

However, were I to change my policy with regard to the introduction of ground forces, I can assure you that I would fully consult with the Congress. Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment. Milosevic can have no doubt about the resolve of the United States to address the security threat to the Balkans and the humanitarian crisis in Kosovo. The refugees must be allowed to go home to a safe and secure environment.

Sincerely,

BILL CLINTON.

Mrs. BOXER. What the President said is he is confident we will prevail through airpower, and he says, ''I can assure you that'' if we needed ground forces he would ''fully consult with the Congress'' before he would introduce ground forces into what he called a nonpermissive environment.

So, I support what we are doing now. I also want to comment on the remarks of one of our colleagues, who said, why don't we stop horrible things from happening in other parts of the world? I do not subscribe to the theory that if you cannot stop all evil stop no evil. I think you stop it where you can. In this case, because of the President's leadership, there are 19 nations united. This is a mission of NATO. We can stop this evil and we should stop this evil.

Let me remark on some of the human rights abuses that are being reported by Human Rights Watch. They conducted 19 separate interviews, which showed that 100 men were summarily executed in the town of Meja on April 27. According to the witnesses, these men were pulled out of convoys headed towards Albania, and executed. Witnesses reported the dead bodies covered an area of ground about 12 feet by 20 feet and were stacked 4 feet high.

I ask people to imagine, what does that remind you of; after World War II, when we saw those bodies piled one on top of the other? How my colleagues can say it is not in our national interest to stop this is beyond my capability to understand.

Another witness said he fled his town of Sojevo, leaving behind his paralyzed father and elderly mother in their home because they could not get out, and he believed the Serb paramilitary forces would not harm the disabled and the elderly and the helpless. He returned home hours later to find his father shot dead and his mother's body mutilated. How can people say it is not in our national interest to stop that?

Violence against women in Kosovo has been reported widely. One woman interviewed by Human Rights Watch reported police held a knife to her 3-year-old son, saying he would be killed if she did not produce money or gold.

We know there are several accounts of women being raped by Serb forces in front of their children. I heard a quote on CNN that Milosevic said: ''There are bad things happening in Kosovo, but it's not the military, it's the paramilitary.''

I say to Milosevic: Stop it; you can stop it. The paramilitary, the military, the special police, you control it; you can stop it. You can send three POWs home to us. You never should have taken them in the first place. They were on a peacekeeping mission. You can send three POWs home to us. Let the good people who want nothing more than to live in their homes in Kosovo go home and stop the rape and the torture and the mutilation of old people and sick people. Yes, you admit bad things are happening in Kosovo. You can stop them from happening.

I support NATO, and I support the administration. I believe the best way to show that support for the current policy is to table the resolution. If we are asked to do more, I will consider it. I stand on my vote of March 23 when Congress approved that resolution authorizing the President to conduct airstrikes against Milosevic. I believe the Senate should stand behind that vote and continue to support NATO's effort to end the nightmare in Kosovo.

Last point. I say to my friend, JOE BIDEN, and to my friend, JOHN MCCAIN, Madam President, they are showing leadership in this resolution. They are putting forward their point of view. It is quite a legitimate point of view. I think the other points of view being expressed are legitimate as well. When the House voted, they sent a very chaotic message to the world: Yes, we will keep sending the money; no, we won't bring home the troops; no, we don't like the bombing; no, we don't want ground forces. It was extremely confusing.

The best signal we can send today is a signal that we support NATO. If we table this resolution, that will be my interpretation, that we support NATO today, that we reaffirm our support that was given to NATO in a bipartisan way on March 23.

I thank you very much, Madam President, and I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. McCAIN. I yield 15 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my distinguished colleague from Arizona.

I am opposed to the pending resolution for constitutional policy reasons and for pragmatic reasons.

With respect to the constitutional issue, we have seen a significant erosion of congressional authority, as mandated in the Constitution, to declare war—the President having assumed the authority to declare war under his powers as Commander in Chief. Korea was a war without a declaration by the Congress. Vietnam was a war without a declaration by the Congress, except for the ill-advised Gulf of Tonkin Resolution. The missile strikes against Iraq in December constitute acts of war without authorization by Congress. The airstrikes against the Federal Republic of Yugoslavia constitute acts of war without congressional authorization. There was a resolution authorizing airstrikes which passed the Senate 58–41, but under our bicameral form of Government, the House of Representatives did not concur in authorizing that use of force.

The broad sweeping authority contained within the pending resolution really is, in effect, tantamount to a delegation of Congress' authority.

The President has had a series of four meetings with Members of Congress which I believe have been very constructive and are very much to the President's credit. When he met with Members of Congress last Wednesday, on April 28, he publicly acknowledged this. The President said that he would not order ground troops without prior authorization by the Congress of the United States. He wanted to reserve his constitutional authority to do so without prior congressional approval, but he said as a practical matter, he would get congressional authorization as a good-faith matter because of the sequence of events which have transpired and which he anticipates will transpire before any such move.

If we are to authorize the President, in the language of this resolution, ''to use all necessary force and other means, in concert with United States allies, to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia (Serbia and Montenegro),'' the Congress of the United States would be taking itself out of the picture with respect to being a party to whatever action the executive branch, the President, our Armed Forces might take.

I suggest, Madam President, that there is substantial collective wisdom in the House and in the Senate which ought to be consulted, which ought to be a party to the takeoff, as well as the landing, which ought to be a party to advising what our rules should be, reserving, of course, the military function to the generals and to the admirals and to the executive branch. But the Congress has a very, very significant role to play in deciding what course we ought to take. As a matter of policy, it seems to me important that the Congress reserve its rights and not become involved in such a broad delegation of congressional authority.

As a pragmatic matter, we have seen the ill-advised Gulf of Tonkin Resolution, and I quote from that resolution in part:

> . . .The United States is therefore prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member. . . of the Southeast Asia Collective Defense Treaty. . .

The language, ''to take all necessary steps including the use of armed force,'' is strikingly similar to the language of the present resolution to authorize the use of all necessary force. I suggest that the Gulf of Tonkin Resolution was very, very ill-advised.

Madam President, I supported the resolution passed by the Senate 58–41 to authorize airstrikes, expressly reserving that there should be no ground forces. I am prepared to consider whatever the President may request, providing that very, very important questions are answered.

I believe we need to know to what extent the airstrikes have degraded the military forces of the Federal Republic of Yugoslavia. We need to know what the prospective resistance would be, what the plan of attack would be, what resources would be necessary to implement the plan, what of those resources would come from the United States, what of those resources would come from our NATO allies, and what would be the cost to be borne by our NATO allies as well as the United States?

We are currently looking at a request from the President for some $6 billion, and we are looking at an add-on from the House of Representatives which may bring the total bill to $12 billion, or to $13 billion. Before any such appropriation is authorized, it seems to me that we are going to have to take a very hard look at precisely what is involved and what our obligations are and what our NATO allies have contributed.

Now that there is a surplus and there has been a public declaration backed by consensus that the surplus ought to be used for Social Security, it has been noted that these appropriations are going to come out of the Social Security fund. That puts a political coloration on the matter which is going to require a lot of analysis to be sure that we are doing absolutely the right thing before we deplete funds which might be directed toward Social Security.

There is another aspect in the consideration of this resolution, and that is the high improbability, really impossibility, of an acceptance of this resolution by the House of Representatives, in light of their votes last Wednesday, April 28.

The House of Representatives turned down a resolution on a tie vote, 213–213, for the President to conduct air operations, so that the House is saying, by that tie vote, that they do not approve of what the President is doing at the present time. And in not approving even the limited air operations, with the specific reservation prohibiting the use of ground forces, what is there to support the belief that the House of

Representatives will be prepared to grant even broader authority to the President?

The vote by the House of Representatives on another resolution appears directly inconsistent with their refusal to authorize the President to continue the air operations. The House of Representatives rejected a resolution, 290–139, directing the President, under the War Powers Resolution, to withdraw troops from operations against the Federal Republic of Yugoslavia. Now, there may be some ambiguity or difference between the withdrawal of troops compared to a cessation of air operations, but they amount to about the same thing.

So here you have the House of Representatives saying, ''We will not authorize the President to carry out the air operations,'' and at the same time, ''We do not call for the withdrawal of troops,'' or, realistically viewed, whatever it is that the United States is doing in a military context at the present time.

I believe it is important to consider negotiations, as has been urged by some Members, although I would not suspend the bombing operations.

The return of the three U.S. soldiers by President Milosevic was, indeed, welcome news yesterday. I congratulate Reverend Jackson for his initiatives and his courage in undertaking that daring mission, and in succeeding at it. But I would not reward President Milosevic for doing something, in returning the three GIs, which he should have done weeks ago. I do think that we need to stay the course on the authorization of the resolution that the Senate passed on airstrikes. But I do also believe we ought to be cooperative with the efforts of Russia, and with any other efforts to have a negotiated settlement, providing we do not give up the standing to prosecute President Milosevic as a war criminal if the evidence so bears out.

We know that as long ago as late 1992 then-Secretary of State Eagleburger, in effect, declared Milosevic a war criminal. And I believe that it is very important that the War Crimes Tribunal proceed to gather evidence. I think you will have a very salutary, a very deterrent effect if the evidence is present to proceed with an indictment against Milosevic.

A bipartisan group of Senators met with Justice Louise Arbour last Friday, and she made a very strong plea for the IFOR, for the allied forces, to take Karadzic into custody. And that would be an occasion to take many other high ranking military and political figures into custody: war criminals, for the violation of human rights in Bosnia. And that could have a very, very profound effect on Milosevic's immediate subordinates.

So we ought to be working in a number of directions—at a negotiated settlement, if it can be obtained, consistent with the NATO conditions, to pursue the issue of treating Milosevic and his subordinates as war criminals, and to continue with our airstrikes.

But I do believe that at opposite ends of the poles, it is unsatisfactory, really counterproductive, for the House to reject the current military operations and the airstrikes by the tie vote; and I think it would be counterproductive at the other end of the spectrum to have a broad sweeping authorization of authority for the President to take whatever action he deems appropriate as a blank check.

And in taking that position, I acknowledge the leadership of the distinguished Senator from Arizona, Senator MCCAIN, who speaks with great authority on military matters, and the leadership of his principal cosponsor, Senator BIDEN, the ranking member of the Senate Foreign Relations Committee. But for constitutional policy and pragmatic reasons, I urge my colleagues to vote against the pending resolution.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I yield 30 minutes to the Senator from Texas, Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized for 30 minutes.

Mrs. HUTCHISON. Thank you, Madam President. I, too, thank my colleagues, Senator MCCAIN and Senator BIDEN, for having principle, for stating their principle very forcefully, even though I disagree with what they are trying to do with the resolution that is before us today.

I think every Member of this body has the responsibility to address this issue, to say what we think, and to back that up with action. In fact, I have to say that I was stunned, after the House action last week, that some Members came forward and said, ''Oh, this is partisan.''

Madam President, this is not partisan. There are Members from both sides of the aisle who have very differing views on this. I would never say that someone who does not vote with me is partisan or is coming to this debate with anything other than their own conscience.

So I am going to speak from my conscience and my heart. I am against this resolution. I am not against it procedurally; I am against it on the merits. I respect everyone who is on either side of this issue, and I think we need to have the debate. I think we need to take an action that would turn us in a different direction from the course we are on in Kosovo today.

Madam President, I have to take a moment of personal privilege and say that I was stunned to pick up my paper on Saturday and read that one of my constituents, Larry Joyce, had died on Friday. Friday night, when I was speaking to a group, I was talking about Larry Joyce—not knowing that he had passed away—because Larry Joyce is one of my heroes. He has had an indelible impression on me.

He was watching this debate and this issue very closely, because Larry Joyce was a decorated Vietnam veteran who lost his son in Somalia. Sergeant Casey Joyce was one of the great Army Rangers who lost his life in his first mission as an Army Ranger. When Larry Joyce told me his story, I invited him to come and testify before the Senate Armed Services Committee. I have to say, he gave the most compelling testimony that I have heard in all of my time on that wonderful committee.

Larry Joyce was a hero. He was a patriot. He was very concerned about this Kosovo issue. I wish he were alive to see this issue all the way through, because he certainly had a lot to say that was important.

This resolution is wrong for a lot of reasons. It is the wrong time—through no fault of the authors of the resolution because they could not have known, when they introduced this resolution in the Senate, that we would have the release of our American prisoners over the weekend. Of course, all of us were so thrilled when on Saturday we heard that President Milosevic had agreed to release the prisoners, and then on Sunday, when many of us were waking up, we heard the news that they had already been released.

I was proud to meet with Mr. and Mrs. Gonzales in my home State of Texas on their way to Frankfurt yesterday, and there weren't two more relieved people in the whole United States of America than they were.

This release does give us a narrow window of opportunity for a diplomatic solution. I think it is wrong to pass a resolution on the floor of the Senate saying escalate the intensity of this campaign. That is the wrong message. Instead, I call on President Clinton to take bold action, open a door for discussion with President Milosevic, set a timetable, require that there be immediate cessation of any hostilities toward Kosovars of Albanian extraction, and ask Mr. Milosevic if he will agree to come to the table and talk about a peace.

This is a window. If it fails, what have we lost? Set a timetable, 5 days. Do you think we could lose 5 days in bombing to save maybe hundreds of lives, maybe thousands of lives, maybe years of conflict? I think it is worth a try. I call on the President today to do just that, take a bold step. This is the opportunity for President Clinton to see if President Milosevic is serious. If he is, talking does not hurt, and it just may help.

The resolution is wrong for other reasons. Those who offer this resolution believe it is necessary because Congress has a responsibility to act. I don't think this resolution is an exercise of responsibility. I think it is an abdication of responsibility. It tells the President, in so many words, don't bother us anymore with this war. Congress doesn't want to know what your plan is. We don't want to know what it is going to cost. We don't want to know

from you what the exit strategy is. Congress doesn't want to authorize the use of ground forces. In short, we are saying, President Clinton, go fix it and don't bother us, send us the bill.

I reject that view of taking responsibility for Congress. I think we do have a responsibility to say what we think. If we have learned one lesson from Vietnam, it should be that Congress must take the responsibility that is given it by the Constitution and not let something go on and on and on, when we know we are going in the wrong direction.

In 1964, the Senate passed what became known as the Gulf of Tonkin resolution. That resolution urged President Johnson to take all necessary measures to prevent further aggression in Southeast Asia. The debate on the Gulf of Tonkin resolution was much of the same debate we are hearing today—concern about whether our allies were dragging us into a war that wasn't ours; concern about whether they would accept enough of their responsibility; concern about cost; concern about whether we were actually declaring war, but being too timid to do it; and there was concern about escalation.

We know what happened. Over the next 10 years, every one of us can tell what happened. Congress abdicated its responsibility. They let the war go on and on and on, and we lost 59,000 Americans because Congress did not stand up and say, wait a minute, we are going in the wrong direction, let's do something about it.

I am not going to abdicate my responsibility. If I were the only vote in this body, I would vote against this resolution on the merits right now. That is not to say that I would not welcome the President coming to Congress and telling us what he wants, but he has not asked for more force. He has not submitted a plan. He has not stated goals with which I could agree.

Why would we take an action that would give him more authority to use more force at exactly the wrong time? The President had not submitted a plan when the Senate voted to authorize the air operation, and that is why I voted no. At the time, we were told the operation would deter President Milosevic from hurting the Kosovar Albanians. When the bombing began, we all know that he escalated the atrocities against those poor people. That is not our fault. I would never blame us for that. But it is our fault that we didn't have a contingency plan.

I would never compound that problem by giving the President more authority to send our troops in on the ground and put them in harm's way with no contingency plan. He has not come to Congress; he has not asked for more authority. The last thing we ought to do is give a blanket authority when we do not know the plans. It would be an abdication of our responsibility to do that.

I think the administration has been all over the lot on the policy that we say that we want to solve this problem. Do we want an independent Kosovo? The administration says no. Do we want to drive Mr. Milosevic from power? The administration says no. Do we want to encourage European democracies who are very strong and stable right now to assume more responsibility for European security? The administration says yes, but the crisis is demonstrating the opposite.

Do we want a strong NATO with a clear sense of purpose and the ability to defend a united Europe? The administration says yes, but I think this Balkan policy is going to tear the alliance apart. It goes far beyond what 19 countries can agree to in a consensus.

We are learning that you cannot fight an offensive war by committee. What we want in Yugoslavia, according to the administration, is a multiethnic, multiparty democracy. We seem to be prepared to impose it on both sides, neither of whom are ready to accept our terms.

We have tried an experimental Balkan policy in Bosnia. It is not workable. Thousands of American troops are there with no end in sight. The head of the international observer group has fired elected officials and canceled sessions of parliament because opposition parties oppose what we are doing in Kosovo. People vote in elections and then cannot stay and serve where they are elected.

I do not think that is an example of a democracy. I think it is a collection of countries trying to force their will on the people of another country.

I certainly do not think we should try to do this in Kosovo with Bosnia as an example. Are we going to require the Kosovar Albanians to live under Milosevic? Surely no one could seriously take that as a goal, but that is the goal stated by the administration—an autonomous region within Serbia that is protected by a NATO force with no end in sight.

So, Madam President, I think it is time for us to look for a responsible force that has a chance to succeed. With the glimmer of hope that we have with the release of our prisoners, I urge the President to seize the opportunity to seek a diplomatic solution, try to bring Mr. Milosevic to the table, bring in the other parties, and look for a region-wide solution.

I think the United States should go back to its role in the region of being a friend to all and an enemy to none. As the world's greatest superpower, we do not have to take sides in ethnic conflicts if we are going to be the neutral party that can bring them together. We should be able to bring the powers together to work out a solution that would have a long-term chance to succeed, one that recognizes the open, gaping wounds of all the parties in the Balkans. It would require much more energy than was put into Rambouillet. It would require President Clinton to take a personal interest and an investment in the solution. And he can do that. The effort would be worth it. We should bring Russia back to the brink to forge an alliance with the West, not push them further away from us. We should provide people in the region self-determination so they can create countries that have a chance for longevity.

It would keep the United States from devoting incredible resources for its open-ended commitment in the Balkans, because our ability to fight elsewhere in the world is being jeopardized by this operation. We are now talking about blockading Yugoslavia. That will take more ships than we now have allocated to this mission. It will hamper our ability to operate in the Persian Gulf. We have already seen that it is diverting military resources from as far as the Asian theater.

Madam President, as much time as we have put in on this Balkans issue, I think we need to come out with a solution that is not a ''Band-Aid'' for Kosovo, but something that will settle down the Balkans for a longer term and give them a chance to live as neighbors, side by side, to have stable economies, to get their people back in their respective countries, to be able to live and have self-determination; and then, hopefully, they could become trading partners and friends.

Madam President, I don't think that any strategic planner in the world ever thought, as the cold war ended, that we would propose a new strategic concept for America that would include tens of thousands of troops dedicated to the Balkans in perpetuity, but that is exactly what is happening. I have listened to the arguments that are being made. The basic argument seems to be: I don't really like how we got here, but now that we are here, we have to win. We are in it, so we must win it. I keep hearing that over and over again. That is like saying when you are going in the wrong direction, keep going and speed up.

I don't think the Senate ought to say that. I think we ought to be a partner with the President in trying to say, wait a minute, Mr. President, we don't agree with what you have done, so let's try to take a different course. I am suggesting tonight that that course be that glimmer of hope that we can have a diplomatic solution, which would be much bigger than just a ''Band-Aid'' on Kosovo.

I have heard the argument that the credibility of NATO is at stake. Now, that is a good argument. I want the credibility of NATO to remain intact. But what kind of alliance, with a mistake staring them in the face, would keep going down the same road and say that, in order to remain credible, we have to go down the same road, at any cost in lives, at the cost of any treasure of any of our countries, and we are going to gut it out even though everyone who has any little bit of awareness of what has been going on is bound to say this isn't working very well?

Is there any doubt in anyone's mind that, if NATO were under attack, we

could win a war? No, there is no doubt, because if one of our countries was under siege, we would go all out and we would win. We might use nuclear weapons if we had to, but we would win if one of us had a security threat. But the fact of the matter is, Madam President, we don't have a security risk. We have a humanitarian tragedy. So we are not in this full force. It is a ''gentlemen's war.'' We are doing strategic bombing. We are trying to be careful not to kill civilians, thank Heaven. We aren't going to put in ground troops. The President has said that.

This is not a war on which you can judge the credibility of NATO. If we wanted to win, we would win. We have the force to win, make no mistake about it. Nobody in their right mind would doubt it. But the problem here is the same as we had in Vietnam; we are not prepared to use full force to win, because it isn't a security threat.

To keep NATO strong, I submit that we don't keep going forward on a mission that doesn't appear to be very positive. To keep NATO strong, we should have a clear principle, a clear mission, and not an immediate reaction, but be slow to get into action. And when you go, by God, you go to win. That is what was wrong with Vietnam, and it is what is wrong today in Kosovo. It is not the credibility of NATO that we don't win a ''gentlemen's war.'' The credibility of NATO would be tested if we had a real security threat to one of our countries, and we would go in and we would win.

So I think the resolution today is meaningless, because we know we are not going to use full force. We are not going to use weapons of mass destruction, and we are not going to use ground troops. The President has said that. He hasn't even asked for it. And this operation should show us, and it should be a lesson for NATO, that if we are not prepared to go for a win, we should not take the first step. That is the lesson to keep the credibility of NATO.

If we are not prepared to go for a win and declare war on Serbia we shouldn't have started the bombing, and we shouldn't continue in this direction. That is why the resolution is wrong.

I am not ready to declare war on Serbia. I think they have a despot as a leader. But I don't think the American people are ready to declare war on a country that is not a security threat to the United States. I don't think we should start bombing another country if we are not ready to declare war.

Madam President, I don't think it is right for Congress to say go full force in the same direction you have been going. I think it is my responsibility as a Senator to say: I think we are going in the wrong direction, Mr. President. Let's take stock of the situation, and let's try to do something that would be a positive turn.

I was reading in the New York Times this morning a column by William Safire about the price of trust. The central question is, Do we trust the President to use all force necessary to establish the principle that no nation can drive out an unwanted people? And the answer is no. The distrust is palpable. Give him the tools and he will not finish the job.

Madam President, I don't want to give him the tools in that kind of atmosphere. It would be an abdication of my responsibility as a Member of the Senate to do that. The only responsible action for the Senate is to ask the President to come to Congress if you want to escalate this conflict. Come to Congress, and tell us why and tell us what your plan is. Tell us what the cost is. Tell us how many troops you need, and for how long. Tell us what the mission is. And what is victory?

How could we say that passing this resolution is an act of responsibility? I don't doubt for one minute that everyone who votes for this resolution is doing it because they believe it is right—because they believe in the Presidency. So many of the war heroes in this Senate believe in the Presidency. I think that is why they are standing so tall.

But, Madam President, I am a Member of the Senate. I believe in the Presidency. But I believe that when the President is doing something that is wrong—that I should stand up and say so. That is what I was elected to do. That is what the people of Texas sent me here to do.

I hope that we can have an influence on the President. I hope he will take bold action. I hope he will sit down tonight and decide that there is a glimmer of hope with the release of the American prisoners and it is worth a chance.

That is why I hope we will table this resolution—that we will take our responsibility seriously as Members of the Senate, and say: Mr. President, what we are doing isn't working, and I am not going to escalate it. I am not going to put our troops into harm's way, most assuredly, when you don't ask us to do it. And when you don't give us a plan, and when you don't give us a policy that we can decide if we support or not. The people who elected me to take the tough vote trust me to do what I think is right in my heart. I would never abdicate my conscience by giving a blank check to put our troops into harm's way in support of a policy that I haven't seen, and what I have seen I disagree with. No way.

Madam President, I yield the floor.

Mr. MCCAIN. Madam President, I ask that the Chair recognize the Senator from Washington for 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, should the Congress, in the words of the McCain resolution, authorize the President ''to use all necessary force'' to accomplish U.S. objectives in Yugoslavia? That is the question upon which we will be voting shortly.

In order to answer that question, however, we must, it seems to me, first deal with two prerequisites and vital questions.

First, what are our American objectives in Yugoslavia? And are they so vital to our national interest as to warrant a full-scale war?

Second, do we have a sufficient degree of confidence in the quality of our Presidential leadership to give the President unlimited and unrequested authority to pursue those objectives?

In connection with that first question, our American objectives, we are now engaged in an experiment, a venture, that is an entirely new function for the North Atlantic Treaty Organization—not defensive in nature, but reaching outside of its own borders to attempt to settle one among many ethnic and religious conflicts around the world.

In my view, at the time at which we began this adventure, it was clearly not a vital interest to the United States of America. In addition to the absence of any vital national interest was the appalling lack of contingency plans on the part of the administration, as explained to Members of the Senate of both parties in the days leading up to the beginning of the bombing—no contingency plans as to what took place if the first two stages of bombing in a week or 10 days or 2 weeks was unsuccessful; no recognition of the high possibility or probability of extensive Serb atrocities in Kosovo aimed at the very people our actions were designed to protect.

In summary, Madam President, I believe that the administration's position at the beginning of this conflict ranked somewhere between frivolity and folly and, therefore, I was one of 41 Senators to vote against ratifying what we all knew the administration was going to do whatever the vote in the Senate.

On the other hand, as critical as I am of both the inception of this conflict and of its conduct, it is very difficult, I think impossible, to avoid the conclusion that what was not a vital national interest in the first place now involves a far greater national interest resulting from a flawed concept and a worse execution.

We now do implicate the very survival of the North Atlantic Treaty Organization. And our actions have precipitated a refugee crisis unmatched in Europe since the end of World War II. Well over a million Kosovars are homeless, many of them refugees outside of the boundaries of the Republic of Yugoslavia, all of them far worse off when they are not dead than they were before our intervention began.

Having recognized this, however, what are the possible outcomes? All of them, it seems to me, are bad.

The first is that we quit and come home. And some advocate that. I no longer honestly can do so as much as I opposed the beginning of this conflict.

The other and perhaps best possibility is that our air attacks may still be successful, that Milosevic and the Serbs may still give up, in which case

we get to occupy an absolutely devastated and destroyed Kosovo for perhaps a quarter of a century, and receive a bill to rebuild Kosovo, and maybe Serbia as well, some of which we may attempt with greater or lesser success to pass over on our allies, and will now have to support the independence of that country. Its residents can no longer live with Serbia at all. That independence and that occupation, in my view, are the only way we will persuade Kosovar Albanians to return to their homes.

The next alternative, of course, is the Russian compromise —defeat, disguised as a form of compromise. The Kosovars under those circumstances, without an American occupation, with a Russian occupation, will almost certainly by the hundreds of thousands be rightly frightened to return to their homes. Such a compromise is likely to end up in a partition, in which Serbia ends up with far more of Kosovo than it deserves, given its actions.

However, that is now a course of action advocated by the previous speaker and by many others—defeat disguised as compromise.

Finally, we have the McCain resolution, a ground war led by this administration, which has already shown itself incompetent to run even an air war, and a 19-member steering committee—a prescription for total disaster.

What about the second question, the inevitable question of the quality of our national leadership? By its own criteria, the administration has been a total failure. It has not protected the Kosovars; it has not prevented a spread of the war. Its leadership is all spin, no recognition of its own difficulties, no willingness to explain to the people of the United States what it is all about or where we are going. We can have no confidence in either the preparation of this administration or the conduct of its operations.

We get to the ultimate question. We are asked by this resolution to grant unlimited authority to wage war in Yugoslavia to an administration unwilling to use that authority and incompetent to carry it out if it were willing.

I ask unanimous consent to have printed in the RECORD a Time magazine column by Charles Krauthammer last week stating that position more eloquently than I can.

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

[From Time magazine, May 3, 1999]

NO TO A GROUND WAR

(By Charles Krauthammer)

What in God's name do we do now? There are three schools of thought: (1) now that we're in it, we've got to win it—meaning ground troops; (2) cut our losses before it's too late; (3) keep on bombing until we have a better idea.

Option 3, air war on autopilot, is the current policy of the Clinton Administration. It is a hope and a prayer. It is not a policy. At some point the choice will come down to (1) fight on the ground or (2) retreat under some Russian-brokered deal.

What should it be? There is a powerful groundswell to win. Even those who before the bombing thought Bismarck was right when he said the Balkans were ''not worth the healthy bones of a single Pomeranian grenadier'' are having second thoughts. Many who, like Henry Kissenger, opposed the war, have come to the view that now that we are committed, we must win.

Their case is powerful. Whereas we had no compelling national interest in Kosovo before March 24, we do now. Our actions have created interests. Two in particular. First, a moral obligation to the Kosovars, whom we said we were going in to save and who are now shivering, starving, terrorized and homeless. We owe them—as we did the Kurds, whom we encouraged to rise up against Saddam after the Gulf War—at least safety, if not victory.

Second, the war on Serbia has become a test of NATO credibility. The Administration foolishly staked the credibility—and perhaps the existence—of the most successful defensive alliance in history on the outcome of a civil war in a backwater of minimal strategic significance. But now that we're there, it is minimal no more.

The case seems open and shut. The U.S. should go in and, in the words of John McCain, use all necessary force to finish the job.

Alas, the real question is not Should the U.S. (and its allies) go in on the ground? The real question facing us today is Do you really want this foreign policy team—Clinton and Albright and Cohen and Berger—running a Balkan ground war?

They launched an air war of half-measures, expecting Milosevic to fold at the first sight of Bill Clinton coming over the horizon on a Tomahawk. They had no contingency plan when Milosevic didn't. They had no contingency plan—indeed, they were shocked—when the man they called Hitler countered with a savage campaign of ethnic cleansing. They responded with the feeblest of aerial escalation, recapitulating the disastrous gradualism of Vietnam.

By every one of their criteria—protecting the Kosovars, preventing the crisis from spreading to neighboring countries, keeping the conflict from internationalizing—this campaign has been a disaster. Do we want to entrust a ground war, a far more dangerous and risky enterprise, to a team that has demonstrated a jaw-dropping inability to plan ahead, to adapt to contingencies, to act forcefully?

Even if your answer is yes, consider this: the Clinton team is so viscerally opposed to ground troops that Clinton ruled them out from the very beginning, thus immeasurably emboldening and strengthening Milosevic. Clinton was willing to sacrifice the military advantages of leaving the ground-war question ambiguous in order to rid himself—he thought—of the issue. He is terrified of becoming Lyndon Johnson, stuck in a ground war with no exit. He confessed as much to Dan Rather: ''The thing that bothers me about introducing ground troops . . . is the prospect of never being able to get them out.''

It is one thing to urge a ground war on leaders simply incompetent to carry it out. It is another to urge it on leaders unwilling to carry it out. What kind of ground campaign can we expect from an Administration that has been pressured into mounting one?

And finally, consider Clinton's co-commanders. One of the reasons the air war has been such an abject failure is that every move must be approved by all 19 NATO members. Luxembourg, say, has veto power over targets. France has raised objections to the very minor step of blockading Yugoslav ports. The committee of 19 had to approve the deployment—the agonizingly slow deployment—of Apache gunships. Imagine a ground war run by this hydra-headed body, in which every rule of engagement, every change in strategy, every new operation would have to go before and through the committee of 19.

If we had a serious President (say, John McCain) and a serious Secretary of State (say, Jeanne Kirkpatrick) and a serious NATO commander (say, Colin Powell), it might make sense to go in on the ground to win. But we don't. Which is why we are where we are. Better a face-saving deal that alleviates some of the suffering of the Albanians than a charge up Kosovo hills, led by a reluctant, uncertain Clinton.

A pessimist, says Israeli humorist Yaakov Kirschen, is a person who thinks things have hit rock bottom. ''I am an optimist,'' says Kirschen. ''I believe that things can get much worse.''

And so they can. Especially in the Balkans.

Mr. GORTON. As a consequence, what might be an appropriate response to an administration that sought it, that expressed its goals coherently enough to define what winning was, and competent to reach its goals, is totally inappropriate to grant to this administration—unasked, unwilling, and unable to carry on a war of this importance.

The inevitable vote on this resolution is to vote to table.

Mr. MCCAIN. Madam President, for the information of my colleagues, Senator CHAFEE will be next for 10 minutes; Senator INHOFE for 30 minutes; Senator ROBB for 20 minutes; Senator LEAHY for 10 minutes; Senator BUNNING for 10 minutes; Senator DOMENICI for 10 minutes; Senator LANDRIEU for 5 minutes; Senator DORGAN for 10 minutes; Senator BIDEN for 30 minutes; Senator DURBIN for 10 minutes; Senator WARNER for 10 minutes; Senator NICKLES for 20 minutes; Senator KERRY of Massachusetts for 30 minutes; and Senator DODD for 15 minutes.

I make one additional comment. This resolution does not call for ground operations. This resolution calls for use of whatever force is necessary to bring this war to a conclusion. Those who portray this as a resolution that calls for ground operations simply mischaracterizes the resolution, and I believe I am owed, along with Senator BIDEN, the intellectual honesty to at least portray this resolution for what it is, which is a resolution to use whatever force is necessary, which is exactly the same resolution as the Persian Gulf war.

I yield 10 minutes to the Senator from Rhode Island, Mr. CHAFEE.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the manager of the bill.

Madam President, I will support the motion to table, not because I am opposed to properly carrying out this military campaign but because I believe that setting this resolution aside today will give NATO a better chance to achieve our military objectives in Kosovo.

Since the early days of this military campaign, I have argued that the President ought not have ruled out the use of ground troops as a military option in NATO's campaign against Yugoslav forces in Kosovo. Sending this signal gives President Milosevic some comfort, knowing that his army and Serb para-military forces would not have to confront a NATO ground campaign. That gives Milosevic a freer hand in carrying out his brutal campaign of ethnic cleansing against ethnic Albanians.

Today, the Senate must decide whether to give the President authority to use ''all necessary force and other means'' to accomplish U.S. and NATO objectives in Yugoslavia. Passage would certainly permit the Administration to send U.S. ground forces into Yugoslavia. I commend the efforts of Senator MCCAIN and the other sponsors of this resolution, who I know have only our national interests in mind in bringing this measure forward today.

My instinct is to support this resolution. However, I must oppose considering it at this time for two reasons.

First, it should be clear to anyone following this debate that a majority of Senators needed to pass this resolution simply does not exist today. An acrimonious debate, followed by a vote against granting the President enhanced authority to conduct this military campaign, would weaken significantly NATO's hand in carrying out its mission. Such a vote would give Slobodan Milosevic and his band of marauders in Kosovo aid and comfort in fighting an alliance led by a divided U.S. government. So, in the interests of taking on Milosevic with as unified a front as possible, I think a vote today to table this resolution is prudent.

Second, it is not entirely clear to me whether the timing for passage of this resolution is appropriate. Although many are frustrated at the progress of the six-week air campaign, I think it deserves a chance to succeed. No one ever said that this military campaign would be quick and tidy—as wars rearely are—and it is wrong to demand an immeidate result.

However, if, in the coming days and weeks, the President and our NATO allies decide that ground forces are, in fact, needed to carry out our campaign against Yugoslav forces, I believe that consideration of this resolution would be appropriate and I would vote for it.

Madam President, while my instinct is to support this resolution today, I believe it is premature. Thus I shall vote to table the resolution.

Mr. MCCAIN. I yield 30 minutes to the Senator from Oklahoma, Mr. INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 30 minutes.

Mr. INHOFE. I thank the Senator from Arizona particularly for the way he has conducted himself in this debate in spite of the fact that there are many who do not agree with him and the resolution.

Let me first share some ideas that perhaps have not been discussed. I have done a lot of crossing off as I have listened today, taking off items I was going to discuss, and I have shortened my remarks and probably won't use all of my time.

First of all, months ago I went to Kosovo when I saw the handwriting on the wall, when I felt that ultimately this President was going to send ground troops into Kosovo. In spite of the fact he continuously said he was not going to, I felt very strongly that he was. I went over to find out as much as I could before all of the bombing started, what it was really like in Kosovo. Truly, Milosevic is just as bad a person as everybody says he is. I do not question that. But one of the things I came back with is a knowledge of a little bit of the history of the area and that some of the people over there are bad, too.

For example, you are talking about Kosovo, which is very small. It is about 75 miles in diameter, surrounded by mountains and for 600 years has been an area that has strived unsuccessfully for autonomy. There have been times when the Albanians have been the bad guys and the Serbs have been the good guys, and vice versa. It was about 12 years ago we were all so concerned because the KLA was doing all the raping and looting and burning, and not the Serbs.

Also, I noticed only two dead people in the road going across Kosovo. I turned them over. They ended up being Serbs. They were killed by the KLA. They were executed at point-blank range.

Rounding a corner about 10 minutes later, I saw someone—I found myself in the sights of a rifle-propelled grenade, an RPG–7, a very lethal weapon. After they put it down, we walked over, and it was the KLA, it wasn't the Serbs.

I went on and we saw on the map a place called the ''no-go zone.'' I asked what it was. They said that is where you do not go. They do not care whether you are a United States Senator or whether you are a Serb or an Albanian; if you go in there, you are going to be shot. It was controlled by the KLA.

I guess what I am saying, Madam President, is there are bad guys on both sides.

I would like to just mention one thing about the China scandal, because I see a connection here. I hate to say this, but a couple of months ago on this floor I told the history of what had happened in the China scandal and the fact that back in the 1980s the technology known as the WA–8 technology was stolen and nobody knew about it until about 1995. The administration—the President and the administration found out about it and they withheld that from Congress for quite a number of years—not months but years. So in Senator WARNER's committee we started having some hearings to find out what the truth was.

Sometimes I remember that Winston Churchill said:

> Truth is incontrovertible. Panic may rescind it, ignorance may deride it, malice may destroy it, but there it is.

Ultimately you get to that truth. That is what we are trying to get. And Notra Trulock, who was in charge of the intelligence for the Department of Energy—he said it became very serious a year ago—said we are going to have to tell Congress about this. So he wanted to come. He had to go to his superior, who was the Acting Director of the Department of Energy, Betsy Moler. And she said: No, you can't do that. You can't do that because it might be detrimental to the President's China policy.

Here we are talking about the theft of the most significant nuclear device in our arsenal, the WA–8 warhead. To give you an idea what it is, Madam President, this is something that has 10 times the explosive power of the bomb that was dropped on Hiroshima. It is a fraction of the size. The Chinese actually had missiles that were aimed at us at that time, at the time the President was running around the country, 133 times, saying: For the first time in the nuclear age there is not one missile aimed at American children—when in fact we had some 28 cities that were being targeted at that time. He signed the waiver to allow the Chinese to have a guidance technology to make those missiles more accurate, and he had knowledge of the fact they had, now, the warhead, the WA–8 warhead, that could be fitted on one of these. As a matter of fact, more than one could be fitted on one of their multiple-stage rockets.

I say that there is a connection. There is always talk about the President, every time he gets in trouble, something big happens, like sending cruise missiles into Sudan or Afghanistan or Iraq. In this case, we started a war. But I will say this—I do not want to dwell on this because that is not the subject at hand today—I see a connection. I believe there is a connection. I think we may very well have a ''Wag The Dog'' situation here. I think everyone knows what I am talking about. They do not say it, but they know what I am talking about.

But I did ask, in the committee meeting, since we had two diametrically opposed testimonies coming from Mr. Trulock and Ms. Moler, if they would submit to a lie detector test. Mr. Trulock immediately said he would; Ms. Moler vacillated. And then, in response to a letter, I found he is willing and she said she is not. So I think I know who is telling the truth. Nonetheless, we are going to have to address that in a little bit different way.

We have learned since then, by the way, in the last 6 years, virtually everything in our nuclear arsenal is now in the hands of the Chinese.

What I would like to do is cover this in four areas that have not been discussed by previous speakers. I think

they are significant. First of all, some of the things this President has said that led us to where we are today. The President does have an insatiable propensity to say things that are not true, and he does it with such conviction that people start nodding and agreeing with him. I am not going into the details on that; everybody knows about that.

But one of the things that I think had the greatest impact on the American people in supporting the President to send our assets in there and get involved in a war of a sovereign nation, in a civil war—the first time we have done that, certainly the first time in 50 years that NATO has done that—was when he started talking about the history of World War I and World War II. He gave a very persuasive story of how World War I and World War II started. The only trouble is, he was not telling the truth. I am not a historian and neither is the President, but I will tell you who is: Henry Kissinger. He said he got quite upset with the thing. I am quoting now. He said:

> The Second World War did not start in the Balkans, much less as a result of its ethnic conflicts.

Then he said:

> World War I started in the Balkans not as a result of ethnic conflicts but for precisely the opposite reason: because outside powers intervened in a local conflict.

He said:

> Russia backed Serbia and France backed Russia . . ..

And then Germany jumped in on Austria's side. So we had the same situation as is happening today. We had the great powers dividing up and getting on both sides of this, a civil war. It was a civil war, just like it is today. If that started World War I, certainly that could start World War III.

So what he said to the American people just simply was not true, Madam President. I think we need to talk about that.

The Senator from Washington just a few minutes ago talked about the article by Charles Krauthammer. I think that was very significant, when he talked about the Russians. It is already submitted for the RECORD so I will not resubmit it, but I will read a few things out of it. He said:

> Prime Minister Yevgeny Primakov turned his U.S.-bound plane around in mid-transit to protest the bombing.
>
> * * * * *
>
> Russia kicked NATO's representatives out of Moscow. It sent a spy ship into the Adriatic to shadow the U.S. fleet. It threatened to send military supplies to Belgrade. It boycotted NATO's 50th-year summit in Washington.

I don't know what we could have done that could have precipitated more of a problem between us and Russia than has already been done by this President in getting involved in war.

The last paragraph reads:

> Most important, Primakov will have proved to the world—and to pro-Western Russians—that an anti-American foreign policy puts Russia back on the stage and gives it diplomatic clout, while the pro-American policy followed since the Gulf War yielded Russia nothing but a ticket to oblivion.
>
> We will have vindicated Primakov's vision of Russia as leader of the opposition, friend and broker of rogue regimes [like] Serbia and Iraq [and] balancer of American power. This might even get him elected president next year when Yeltsin's term expires.
>
> Clinton will finally have his legacy.

I would like to make one comment also to clarify the RECORD. I know Senator MCCAIN said this does not authorize ground troops. But it does authorize whatever force necessary, and some of us could interpret it that way. But in my opinion, the President has always known that there were going to have to be ground troops. I know he said he is opposed to ground troops, but he wasn't telling the truth. I offer as evidence of that what, long before we sent bombers in there, General Wesley Clark said.

> We never thought air power alone could stop the paramilitary tragedy. . . everyone understood it.

When he said that, he was with the President of the United States.

We had Secretary Bill Cohen, a man I have a great deal of respect for and served with here in this body, in the Senate, but I asked him the same question about this, and he elaborated a little bit on it, but he said we understood that Milosevic:

> . . . could take action very quickly and that an air campaign could do little, if anything, to stop him.

So when people talk about this resolution doing that, I think this is what the President had in mind all the time anyway.

The second thing I wanted to talk about is the cost of this thing. A lot of people have not realized, they do not stop and think about, the cost in terms of both money and our capability of defending America. I do not think there is anyone who is not going to stand up here and agree with me in this Senate that the President, through his veto power, has decimated the military budget so we right now, today, are at one-half the force strength that we were in 1991, back during the Persian Gulf days. That is very significant. I think people need to hear this and understand it: One-half the force strength. I am talking about one-half the Army divisions, one-half the tactical air wings, one-half the ships, from 600 down to 300.

We are one-half the force strength that we were because of this President. Add to that the deployments. We have had more deployments in the last 6 years than the previous 20 years to areas where we do not have any national security interests. We need to look at that. For Joe Lockhart, the Press Secretary of the President, to stand up last week and say that INHOFE is wrong, we are as strong today as we were in 1991, that is just an outrageous lie, and it is quantified in force strength. Anyone who is working on the committees understands this.

We have the deployments, we have the problems, and we are paying the price. Yet, we do not have the national security interests. I was so proud of Colin Powell this weekend to come out and admit that America does not have national strategic interests in Kosovo, the same as Henry Kissinger said. I have quoted both of them extensively. Yet, here we are making the commitment.

I came back from my last trip to Kosovo just to hear Tony Blair stand up and make his very eloquent statement: We want to escalate the war, escalate the airstrikes. Here is a guy standing up who does have national security interests. He is over there; we are halfway around the world. We do not have strategic interests there, but he does. He stood up and said we need to escalate the airstrikes when, at the time he said this, we had 365 airplanes over there and they had 20. That is easy for him to say. I say he is a better negotiator than we are.

I was very much concerned with what I saw over there. I see several members of the committee here. I have to say that sometimes the NATO interests do not necessarily coincide with our interests. I wonder sometimes what has happened to sovereignty in the United States of America, why we have to take on all these other obligations at the expense of our ability to defend ourselves.

Can we defend ourselves? Again, General Hawley was very brave when he, this weekend, said—keep in mind he is the air combat commander, the top guy, a four-star general. It takes a lot of courage for one of these generals to stand up against the Commander in Chief, President Clinton.

He said that 5 weeks of bombing in Yugoslavia has left U.S. munitions stocks critically short, not just of air-launched cruise missiles, as previously reported, but also of another precision weapon, the joint direct attack munition—that is JDAM—dropped, used by these beautiful B–2s that are performing very well. Now we are short of them.

He went on to say we would be hard pressed to handle a second war in the Middle East or Korea. Let's stop and think about that a little bit. Our national military strategy has always been to be able to defend America on two regional fronts. I do not think there is anyone in here who believes we can simultaneously defend America on two regional fronts.

What General Hawley is saying on the commitments we have made to Bosnia and Kosovo and with the deployments we have made there is we would have a very difficult time. And he questions whether we could defend America if something happened in either North Korea or in Iraq. That is very serious.

I went back to the 21st TACOM, and I know people are tired of hearing me talk about that, but any time we do a ground operation anywhere in that theater, it has to be logistically supported

and run and operated by the 21st TACOM in Germany, down the road from Ramstein Air Force Base.

A year or so ago, I was over there. They said just with what we are doing in Bosnia, we are at 100 percent capacity; we cannot do anymore. And now they are doing more.

As I watched the deployments take place and they were cranking these troops through—5,000 were there a few days ago —as they were taken through, I said: What are you going to do if there is any contingency like in Iraq?

They said: We would be 100 percent dependent on Guard and Reserve.

We know the President's intentions are to activate the Guard and Reserve. He has already called up units. He has notified units.

Anyway, we do not have the capacity. I went over, Madam President, to Tirana, where our troops are, in a C–17. I found some things out there that were really kind of scary. The C–17 I went in was carrying two MLRSs, that is the mobile launch capability, and one humvee, and all the rest filled up with troops. We were at gross weight. We could not hold another pound in that C–17.

We have now done 300 sorties with C–17s. That is the beautiful high-lift vehicle that is going to replace a lot of the others of which we don't have enough and need more. Nonetheless, we are tying those things up. Four hundred of them are going in and out, taking things into Albania.

Then we have our scenarios as to what the cost is going to be. I will only say this. I came back convinced that the paper that was written by the Heritage Foundation was true, because from the officers over there, I learned three scenarios, which are: The most conservative scenario, go in and take over Kosovo, as if you can do that and nothing else is going to happen; second, take over Belgrade; third, take over Yugoslavia.

The first scenario would take 30,000 American troops; the second scenario, 100,000 American troops; the third scenario, 250,000 American troops. While they do not like to think in terms of casualties, casualties under the most conservative scenario would be somewhere between 500 and 2,000 American casualties; the Belgrade option would be somewhere between 5,000 and 10,000 casualties; and the Yugoslavia total effort would be somewhere between 15,000 and 20,000 American casualties. That is very, very serious.

Before I quit, I have two other things I want to share. I have heard many Senators stand on this floor and talk about the horrible atrocities that are going on, and they are. Anytime anyone is killed, anytime there are refugees, anytime there is any degree of ethnic cleansing, it is a tragedy.

For the junior Senator from California to stand up and say, ''the most God-awful ethnic cleansing since Hitler,'' just is not true. I am sure she believes it is true or she would not say it.

We keep hearing these horrible stories. We heard the President walk out into the Rose Garden last week and talk about what Brian Atwood, the AID Administrator, told him about the groups of men that were lined up and doused with gasoline and lighted on fire. I was with Brian Atwood over there a few days before that. Apparently, this allegedly happened before that time. He did not tell me about it.

I don't know what is true and is not true. I will say this. I know despite what you hear to the contrary—and this is most significant—the atrocities that have been committed on the Kosovar Albanians are minor when compared to other places.

I am involved in mission work. I go to west Africa with some regularity. I was in west Africa less than a month ago. This does not have anything to do with being a Senator. It is doing the Lord's work in some of these places. I am talking about Benin, Cote d'Ivoire, Angola, Nigeria, Sierra Leone. For every one person who has been killed, ethnically cleansed, killed in the Kosovar Albanians, for every one, there have been 80 killed in just the two countries of Angola and Sierra Leone.

Are they as brutal? Yes. They went into Sierra Leone and took whole tribes of people, lined up the children and cut their hands off. Entire tribes, the most brutal killing. For every one killed in Kosovo, 80 were killed there. Why aren't we concerned about that? We have now come to the conclusion that it is humanitarian reasons that are motivating us. What is wrong with the 80-to-1 ratio in west Africa?

What about Rwanda? For every one that has been killed in Kosovo, there have been 300 killed in the one country of Rwanda. You can go throughout Africa and see much greater atrocities.

I don't know why people sit back and act like there is no problem anywhere in the world except there. I have to come to the same conclusion that some of the others have come to. There was an article written in the Minneapolis-St. Paul newspaper that I will submit for the RECORD at the conclusion of my remarks that is very specific as to why it might be we are not concerned about this many Africans when just a handful are killed in Kosovo.

You have to also ask why are so many killed in Kosovo. We know it is a tragic thing. I have come to the conclusion that it is because of the bombing. I know that George Tenet, who is Director of Central Intelligence for the United States, said long before the bombing started, and this is from the Washington Post of March 31:

> For weeks before NATO's air campaign against Yugoslavia, CIA Director Tenet had been forecasting Serb-led Yugo forces might respond by accelerating the ethnic cleansing.

I asked the Secretary of Defense, Bill Cohen, before our committee if, in fact, that was true. He said:

> With respect to General Tenet testifying that bombing could, in fact, accelerate Milosevic's plans, we also knew that.

So we did know that. So I am wondering how many of the Kosovar Albanians are dead today who would be alive if we had not gone in there and bombed.

I have to say also that when I was in Tirana with witnesses, with newspapers, with the media from America—who did not repeat this, by the way—I interviewed everyone I could in that refugee camp outside of Tirana. They were doing all right. They were well fed. They were taken care of. I think they were as well taken care of as you would expect refugees to be. There was not one who said they had any problems until the bombing began.

Then I was interviewed by a Tirana Albanian TV station, and they said, ''When are you and the United States going to come out and take care of all these refugees?'' I said, ''Why us?'' They said, ''Because if it weren't for you, they wouldn't be here.'' That is the way they are thinking there.

I am running out of time. I want to say one thing about the troops.

One of the reasons I went over to be there when the troops arrived is because I saw a New York Times article on April 13 that said, ''We're going into Albania, the middle of nowhere, with no infrastructure, naked and exposed.'' And this was an official who gave this quote. So I went over to see if, in fact, that was what I would find. And you know what? That is exactly what I found.

I went over with the troops. As we unloaded, we went down, and the troops were over there building the tent cities. And, bless their hearts, they are doing a great job. Their spirits are high. They are ready to do whatever their commanding officer tells them to do, which is what they said they would do when they joined the military. They are knee deep in mud, and they are exposed.

I will tell you a little bit about Albania that not many people know about Albania. First of all, it is the poorest country in Europe. Secondly, it is one of the three most dangerous countries anywhere in the world. Thirdly, back during the Hoxha regime, they actually declared it as an atheist nation. So it is the only declared atheist nation out there. And fourth, the pyramid scheme that took place in the middle 1990s was one that actually took over, from the military, all of their weaponry. I am talking about RPG–7s; that is the rifle-propelled grenade, a very lethal weapon; the AK–47s—we know what that is—the SA–7s—that is the shoulder-launched surface-to-air missiles; it can knock down our helicopters over there, and every other kind of thing—mortars, other kinds of equipment—and yet our troops are over there standing in the mud without any infrastructure, without any protection, no troop protection. I am very, very concerned about that. If I ever saw a place more ripe for a gradual escalation in mission creep, like Vietnam, this is it.

Some people say, ''Where do you go from here?'' That always bothers me,

when people say, ''What are you going to do now?'' If it weren't for us, we would not be where we are today. ''This is something where we were pushed into it. We had no control over it.'' We have a President who decided he was going to declare war, and joined NATO in declaring war, on a sovereign nation.

So there is where we are. But people say, ''If you try something else, our reputation is on the line.'' How is our reputation on the line, if we have tucked our tail between our legs and run from Saddam Hussein in Iraq? Do we have any weapons inspectors there in Iraq anymore? No, we do not. He kicked us out and laughed at us. In the Middle East we are the laughingstock, and our foreign policy. So we cannot do worse than we did before.

I really believe there is no way out, that the only way to keep our President from sending American ground troops in—then it becomes irreversible. Then we are in for the long haul, when that happens. The only way to stop it is, No. 1, today—or tomorrow morning, whenever this comes up for a vote—to join the House with the votes that they voted last week and not give the permission to use any type of force that is necessary; and, secondly, inform the American people.

Let's face it, this administration is poll driven. This administration does what the polls say most people are going to find acceptable. I will repeat and quote General Hawley one more time: ''I would argue we cannot continue to accumulate contingencies,'' he said. ''At some point you have to figure out how to get out of something.''

You see, it is easy to get into something. We learned that in Bosnia, when the President promised it would be 12 months, and then here it is several years later and we are still in there. So this is what we are facing at this time.

So, anyway, I just think we are going to have to reject the McCain resolution. I anticipate we will do that. I think we need to inform the American people what the real threat is, inform the American people as to what our ability to defend America is, where our vital national security interests are, what it really is. If we do that, I think we are going to have the American people behind us.

I think also we have to keep in mind that if we end up saying, ''All right, those of you in Europe who have national security interests at stake, if you want to go ahead and take care of those national security interests, you fight the battle,'' we will go back and we will regroup and we will start rebuilding our military so we can defend America on two regional fronts, and, ''We will protect you against Iraq and against North Korea.'' I think that is probably the greatest thing we could do for our NATO allies.

Whatever the indication, we need to be out of there. This isn't our war, and whatever it takes to get out we should do.

Mr. MCCAIN. Madam President, I understand the distinguished chairman of the Foreign Relations Committee, Senator HELMS, is to be recognized for 5 minutes.

Mr. HELMS. Madam President, I thank my distinguished friend and great American, Senator MCCAIN.

Madam President, before commenting on the substance of the resolution before us today, I think I ought to make it clear that I take exception to the circumstances that would have been dictated by the War Powers Act had the Foreign Relations Committee not acted voluntarily this past Friday morning to take an action. In my judgment, the War Powers Act is ill considered and fundamentally unconstitutional, as such distinguished Senators of years gone by have declared it to be—along with near unanimity of sitting conservative Senators today.

In any case, Madam President, including the distinguished Presiding Officer at the moment, this past Friday, April 30, the Foreign Relations Committee met formally and officially reported S.J. Res. 20 without recommendation in order to avoid setting a precedent in support of the War Powers Act. Let me repeat, had we not met and had we not reported the type of legislation that we did report, we would have set a precedent in support of the War Powers Act. And I would resign from the Senate before I would have done that voluntarily. The committee reported S.J. Res. 20 without recommendation by a vote of 14–4.

While I do support the underlying sentiment of the resolution offered by my friend, JOHN MCCAIN, to win the war against Serbia, I do not—and I cannot—support S.J. Res. 20.

In times of armed conflict between the United States and a hostile power, it is the duty of the President of the United States, in his role as Commander in Chief, to provide leadership in seeking to achieve our political and military objectives.

The Senate cannot and must not force the President to take measures that he is unwilling or unprepared to take. So I am not prepared to sign off prematurely on measures and methods on which I do not yet have details.

Approval of this resolution would mistakenly—even dangerously perhaps—authorize the President to use force in a manner far exceeding anything that he has thus far publicly or privately indicated to the Congress.

Now, approval of this resolution would also provide the President with prior congressional approval—prior congressional approval—for any and all action he may want to subsequently undertake in prosecuting the war—and that is what it is—against Serbia. And that would have the effect of preventing Congress from exercising its responsibilities in authorizing, or limiting, options as circumstances may change.

Now let me be clear: I detest the unspeakably cruel acts committed by the Milosevic forces, and I certainly pray for that evil man's early and speedy defeat in this war. But that, however, is not what this resolution is about, despite what are, without doubt, the good intentions by the author.

I worry that a negative vote by the Senate on S.J. Res. 20 will provide comfort to Mr. Milosevic, and lead him to assume falsely that the United States is not resolute in its determination to prevail in this conflict. Yet I am more concerned about what may be unintended effects of this resolution.

This resolution would simply give the President a blank check. It would provide the President with prior Congressional approval for anything and everything the President may decide to undertake in prosecuting the war against Serbia.

S.J. Res. 20 puts the cart before the horse. Giving the President carte blanche to do whatever he wants in Kosovo without first coming to Congress to explain his mission and ask for authorization, is not a solution for the President's failure to follow the Constitution.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The majority leader is recognized.

Mr. LOTT. Mr. President, I ask unanimous consent that during today's debate no motions be in order and at 9:30 a.m. on Tuesday, the majority leader be recognized to make a motion to table S.J. Res. 20.

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. LOTT. Mr. President, just one moment to explain what has transpired. We have a number of Senators who wish to be heard on this issue. I view this as a procedural vote by moving to table it. We have this issue before us at this time because of the War Powers Act. There was a lot of feeling that we should have postponed this debate and vote until a later time, but under our rules we couldn't get that done. That is why Senator DASCHLE and I felt at this time that a procedural motion to table was appropriate and that that vote should occur at 5:30.

Senator DASCHLE is on the way back, but I understand he has agreed to this request. You cannot cut Senators off who are asking to speak on a matter of this magnitude. We have worked out an arrangement. We have gone into the night. There are probably an hour or two more of speeches left, and that way we will have a vote in the morning. Even if Senators had to come back for a 9:30 vote, they would have to be here tonight anyway. So I apologize for any inconvenience that may be caused by this delay of the vote for Senators who did come back for the 5:30 vote, but it seems it is the fair thing to do at this time.

I appreciate the cooperation of Senators on both sides of the aisle.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. LOTT. I yield to the Senator from Delaware.

Mr. BIDEN. It is true, Senator DASCHLE does agree with this. I thank the leader for this accommodation. There are a number of people who do wish to speak. I think it is wise not to cut them off. I thank you and the Democratic leader.

Mr. LOTT. Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I thank the majority leader. We have a different view of the meaning of this vote, but I do appreciate his allowing numerous Senators who wish to speak on this issue to speak this evening before the vote tomorrow.

I recognize Senator ROBB for 20 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I rise to endorse emphatically granting to the Commander in Chief the authority he needs to achieve our military objectives and the objectives of our NATO alliance against the Federal Republic of Yugoslavia. Rather than considering limitations to the President's powers, as they are interpreted through the War Powers Act, we ought to be singularly focused on aiding his ability to prosecute and end this war as quickly as possible. That is why I am an original cosponsor of this resolution permitting the use of all necessary force and other means to accomplish our goals in the Kosovo region of Yugoslavia.

We are now weeks into an air campaign that may last months. Americans need to prepare themselves now, psychologically at least, for war. War is not risk free. We have to accept the fact and the responsibility that goes with it that we may well lose significant numbers of American lives, and we can't wait to see how it turns out before we risk taking a stand for which we will be and should be held accountable.

The longer we exhibit a lack of resolve to see this through to conclusion, the longer it is going to last, the more it is going to cost, and the greater the risk that the U.S. and alliances' casualties will mount. In effect, Mr. President, we are exacerbating everything we purport to worry about—time, money, and, most importantly, lives—and we protract the suffering of those we are trying to save.

We cannot and should not tolerate defeat or compromise simply because we lack the will and conviction to win. Doing so would injure the credibility we fought so hard to rebuild in Operation Desert Storm. It is simply inconceivable to me that we would allow the confidence restored in American military power in Iraq to be frittered away in the Balkans. Given the importance of this military campaign, I was stunned by last week's House vote on support for current operations, and remain deeply concerned that individual feelings about our Commander in Chief seem to be influencing votes that have consequences that are so much more important than any Commander in Chief.

At the same time, I am deeply concerned about our unwillingness to accept responsibility for our position of world leadership. I regret that fewer and fewer of our citizens are willing to take necessary risks. There are beliefs and principles that our founders were willing to die for, and we cannot shrink from the challenge that we face today.

This resolution simply gives the Commander in Chief the options necessary to implement our military objectives, and it is consistent with my belief that winning the conflict is of paramount importance.

I commend Senators MCCAIN and BIDEN for their efforts today and urge support for the resolution and opposition to the tabling motion.

With that, Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 10 minutes to the Senator from Kentucky. Excuse me. I am sorry. I apologize to the Senator from Kentucky. The Senator from Vermont is next. I apologize to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Arizona has been doing a good job of running the traffic here today. I commend the Senator from Arizona for helping make the arrangements, and the Senator from Delaware for putting this vote off until tomorrow. I think there are a number of Senators who do wish to speak on both sides of this issue and should have a chance to speak. The Senator from Arizona and the Senator from Delaware and other sponsors of this amendment, the Senator from Connecticut, Mr. DODD, and others are right in saying, give us a chance to speak before voting.

Mr. President, I intend to vote against tabling this resolution. I want other Senators to be very clear why I will not join the distinguished majority leader and the distinguished Democratic leader in their motion to table and why, like what I might normally do in a case like this, I will vote against such a leadership motion.

The United States, as the leader of NATO, is engaged in a costly and dangerous war in Kosovo that has immense importance for the people of Kosovo, for NATO, and for humanity. Horrendous war crimes are being perpetrated by President Milosevic's forces, and I believe that NATO has no alternative but to try to stop them.

We could debate how and why we got into this. We could debate, obviously, whether we are pursuing the best strategy to achieve our goals. We could debate the rationale for the $6 billion in supplemental funds the President has asked for to continue the war and care for the 1.5 million refugees and displaced people who are struggling to survive, many in a life-and-death struggle, but so far we have not had that debate.

Now, I support the supplemental funding. In fact, I believe the request for humanitarian assistance is too little. I believe we are not facing up to the reality that these refugees are not going to go back this year, and we are going to come very quickly to the fall months in that part of the world and into the winter. I know the weather; it is not unlike the weather in my own State of Vermont. They are going to be there—hundreds of thousands, if not well over a million refugees—throughout next winter. We are not looking at what those costs are going to be. I also will oppose this motion to table because I believe it is time for the Senate to debate our policy in Kosovo and take a stand on it one way or the other.

I want to be clear that by voting against tabling, I am not voting on the merits of this resolution. I am voting only to have a debate. The President has not sought such broad, open-ended authorization in the resolution. But even if he had, it is possible that the resolution may be too broadly worded. That is the sort of thing we would find in a debate, and I believe that the proponents of the resolution have done a service to the Senate by bringing it before us for a debate. If we think it should be different, then we can amend it and vote on it.

As my distinguished friend from West Virginia, the senior Senator, has noted, this resolution, if approved, would prematurely write the Congress out of any future debate on Kosovo. He raises a good issue, but one that should be debated. For example, the resolution would authorize the President to deploy ground troops even though he has not expressed an intention to do so, nor provided an assessment of what the costs and benefits of such a deployment would be.

But we need to debate this resolution. We saw what happened last week in the House—a partisan, muddled exercise that sent conflicting messages and solved nothing. For too long, we have seen a policy in Kosovo that is guided more by polls than by a policy with clearly defined, achievable goals and a credible strategy for achieving them.

The Senate can be the conscience of the Nation, and I believe, after my years here, the Senate should be the conscience of the Nation, and sometimes it is—but only when we rise to the occasion and debate an issue, as difficult as it may be. Issues of war and going to war and committing our men and women to war is as difficult an issue as we could ever debate here. It is an issue of the utmost gravity. It cries out for a thorough debate, and we should not shrink from it. We need the Senate to speak with substance, not sound bites, and we need the administration to do the same. The world's attention is on Kosovo. Many American lives are at stake, and so are billions of dollars of taxpayers' money.

So let us debate the resolution. The war is in its second month, and there is

no end in sight. I must say again that I disagree with our leadership in saying that we should table this motion. I don't believe that. I don't believe the Senator from Arizona wishes this resolution to be tabled either. Let us debate. We will either vote for or against it. We will either vote to amend it or not. But 100 Senators will stand up and vote one way or another on this issue. Frankly, I think the American people would like to see that because they would like that kind of guidance.

Mr. President, I will not shrink from that responsibility. I will vote tomorrow against tabling this resolution. The resolution will probably be tabled. I hope that it will not be and that the Senate will stop all hearings, all other matters, and stay here and debate this resolution. We could do it. We have the people here to do it. We have the expertise here. I think we can come out with a very clear statement of American policy—perhaps a clearer one than we have heard to date.

Mr. President, I thank the distinguished Senator from Arizona for his usual courtesy. I see my distinguished colleague from Kentucky on the floor awaiting recognition.

I yield the floor.

Mr. MCCAIN. Mr. President, I thank the Senator from Vermont and apologize for almost putting him out of order. The Senator from Kentucky wishes to speak for 10 minutes. I yield to him for that purpose.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in opposition to Senate Joint Resolution 20 for a number of reasons, and in favor of tabling.

First of all, we have no national security interest to intervene in this civil war. I have not heard one compelling reason from President Clinton, the Pentagon, the Secretary of State, my colleagues, or anyone else as to why America needs to send her troops halfway around the globe and into the middle of another nation's civil war.

I am dismayed to see on television every night the images of refugees fleeing their destroyed homes and villages, and everybody should be disheartened by this horrific tragedy. But if there should be any immediate intervention into this civil war, let it come directly from those European neighbors where this tragedy is occurring. This is happening in Europe's backyard, and it has been happening there for century upon century.

We need to force Europe to deal with this and let them take the lead. Are we going to intervene wherever we see these images and similar ones on our television every night? If so, then America will be everywhere at all times and our military will be spread throughout the corners of the world, into different regional, civil, ethnic, and tribal conflicts, and our military will be stretched to the point of breaking.

Second, by using whatever force necessary by the United States in this region, we will be pulling our troops and weapons out of regions where we truly have an interest.

Are we ready to stop the no-fly zone around Iraq and send our troops into a ground war in Kosovo? This could entice Saddam Hussein to invade other Middle Eastern countries, much like he did Kuwait. Are we ready to dive into a war in Kosovo by pulling our military forces out and away from our presence on the border of North Korea?

Iraq and North Korea are the two most dangerous hot spots in the world. Can we justify scaling back our efforts in those two regions to play referee in a civil war in Kosovo?

Are we prepared to let Saddam Hussein out of the cage and pull away from North Korea, which has a nuclear missile capability? These two areas hold our national security interests. I don't believe Kosovo is even close by comparison.

Third, because of Kosovo, our military readiness is suffering. The Clinton administration believes our military is ready for a variety of missions. Yet, President Clinton has required more of our soldiers with less money and support.

In the past 10 years, the national defense budget has been cut by approximately $120 billion. The U.S. military force structure has been reduced by more than 30 percent. The Department of Defense operations and maintenance accounts have been reduced by 40 percent.

The Department of Defense procurement funding has declined by more than 50 percent. Operational commitments for the U.S. military have increased fourfold.

The Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas, and cut 10 divisions from its force structure.

The Army has reduced its presence in Europe from 215,000 to 65,000 personnel.

The Army has averaged 14 major deployments every four years, increased significantly from the cold war trend of one deployment every four years.

The Air Force has been downsized by nearly 40 percent, while at the same time experiencing a fourfold increase in operational commitments.

And I could go on and on as to how we are decreasing the power and force of our military while asking them to do more and more.

And just last week the President called up 33,000 reservists to answer his call to Kosovo.

Why? It is most likely because recruitment is at the lowest it has ever been and because our soldiers are leaving the Armed Forces in droves.

Here are a couple quotes I found that are very timely to this debate and even more disturbing.

> The high level of operations over the past several years is beginning to wear on both our people and our systems and is stressing our readiness.

That was what Air Force Vice Chief of Staff, General Ralph Eberhart said in the Air Force Times.

Here's another quote. This is from General Gordon Sullivan, former Army Chief of Staff.

> With our national budget now allocating only 3 percent of the gross domestic product to defense, I see our future national security in peril.

And finally a quote from the chief sponsor of this Senate joint resolution who is also a member of the Senate Armed Services Committee.

He said in 1998 in the July issue of Defense Daily, that he currently sees, and I quote, ''very serious echoes of the 1970s when we had a hollow army.''

He said, ''I think that we have failed to modernize the force.''

And he adds, ''We're losing qualified men and women. We've having to lower our recruiting standards.''

Mr. President, with this information, how can we vote and pass a resolution knowing that our military is not ready to carry out a mission which authorizes President Clinton to use all force necessary to accomplish United States and NATO objectives in the Federal Republic of Yugoslavia?

And how can we expect our military to fully enter into this war without being told what their mission is, how long they will be deployed there, and what their exit strategy is.

The military does not know, the American people do not know, the Congress does not know, and I doubt President Clinton knows what those answers are that many of my colleagues in Congress have been asking for months.

Will there be more troops deployed if our goals and mission are not met?

What are the rules of engagement?

How will this mission be paid for and will valuable dollars be pulled from military readiness accounts to pay for this deployment?

What, if any, is our exit strategy?

We need to reject this resolution for the sake of our military and for the sake of the stature of the United States in the world.

We have no national security interests to throw our soldiers into a war in Kosovo.

And we have had no answers from this administration who would dare throw our country into a war as to why this is a national security interest to the United States.

If rejecting this resolution undermines NATO, then so be it and let it undermine NATO.

This administration has already warped NATO by turning it into an offensive force instead of its original nature of being a defensive force against Soviet threats.

Let us not throw our sons and daughters into war to preserve an international organization.

Please let us reject this resolution, and if necessary table it tomorrow.

Thank you. I thank the President.

Mr. MCCAIN. Mr. President, I grant myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am grateful to those of my colleagues who

have come to the floor this afternoon to speak on our war with Serbia, and even those who have spoken in opposition to the pending resolution.

The role of the United States in the Balkans is obviously a matter of life and death, and surely deserves serious discussion in the Senate of the United States. So I thank those Senators who have recognized the importance of having this debate.

I want to respond briefly to a few of the points made in opposition to the resolution. First, the resolution gives too broad a grant of authority to the President.

As I observed earlier, the Presidency already has its authority. The Constitution gives Congress the sole right to declare war. It does not give us the right to declare peace unless we are asked to ratify a peace treaty, or if we refuse to appropriate money for the conduct of the war. That is the only peacemaking authority that we possess.

If this Senate does nothing, and it seems at the moment to be the Senate's preferred course of action, the President has the power to commit all armies to the conflict in Yugoslavia tomorrow, if he should suddenly decide to seek victory there. Unless we cut off the money, nothing but his own lack of resolve can stop him from doing whatever is necessary to win the war.

I offered the resolution not because I felt the President needed the authority but to encourage him to fight this war in a manner most likely to achieve our goals in Kosovo.

So, please, Mr. President, let us hear no more criticism that the sponsors have given too much power to the President. The Constitution wisely gave him that power long before any of us arrived on the scene. If the opponents want to prevent the President from exercising the full power of his office, and fighting this war as if the stakes are as high as he claims they are, then they should not vote for the supplemental appropriations bill that will soon be on the floor. Any Senator who supports the troops but opposes this war as unjust, unnecessary, unwise, and not in our interest should also vote against the supplemental bill.

Mr. President, you can't support the troops and permit them to be sent into a conflict that doesn't justify their sacrifice. Trust me. The troops would rather be spared that kind of support.

If you believe this war is worth fighting, or if you believe that, once begun, America's vital interests and most treasured values are imperiled in this war, then vote to encourage the President to do the right thing by our service men and women. Vote to implore him to fight to win this war as soon as possible so that what losses we do incur will not be in vain. Have no fear that our troops won't appreciate it. They will do their duty, and they will expect us to do ours. They will win this war for us, the alliance we led, the people of Kosovo and for the values of the distinguished America for all of our history. They will win this war if only their elected leaders allow them to.

Mr. President, I ask that the Senator from New Mexico be recognized for up to 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me thank the distinguished Senator from Arizona and those who have joined him in this cause.

While I disagree, it certainly should not be taken as any diminution of the great respect I have for JOHN MCCAIN and a number of Senators who are here on the floor to support this issue.

But, Mr. President, I believe what we should do is to prepare a letter to the President of the United States. I think we should say to the President something like this: ''Mr. President, you are the Commander in Chief. Mr. President, we are engaged in a limited military undertaking joined by our NATO allies in the Kosovo-Yugoslavia area. You, Mr. President, have decided that we should do this; you have decided the limitation and the scope of our involvement.''

When the appropriations bill comes along we will make sure our military men and women get everything they need to protect themselves adequately and in the most safe manner possible, so we are going to support them with all the money they need.

Mr. President, we anxiously await further requests from you. If, as a matter of fact, you believe we should proceed beyond the current limited involvement to a broader involvement. If you desire to have our military men and women on the ground trying to take part in operations in Kosovo and Yugoslavia so that what you, Mr. President, say the goal is might be accomplished, you request that of the Senate. We should sign this letter and say that we await the President's request, and it will be dealt with immediately.

Frankly, the reason I start my comments that way is I don't believe we should say to a President of the United States and his military commanders, who apparently agree with him, how to conduct his military operations. They don't want to even plan for a land war—the President has said that many times. He has said, If you gave me authority I wouldn't use it. He has made up his mind that this is the kind of war he wants to conduct.

We are not privy as Senators to what relationship exists between the NATO countries and the United States of America regarding what is going on over there. What will change some people's minds about their unity of people is if America acts unilaterally or in some way inconsistent with their understandings and agreement. That is not for the Congress; we don't know about those relationships. We don't know about the negotiations taking place now to try to bring this to a conclusion. God willing, it will be brought to a conclusion sooner rather than later.

Why should we take unilateral action when he does not ask Congress for it. Regardless of what the Senate may tell him, he alone has the authority to conduct this war.

My friend from Arizona almost makes my case by saying whether we do this or not, he has the authority. I think that is what I heard him say—whether we do this or not he has the authority. What are we up to?

Mr. MCCAIN. Same thing we were up to in the Persian Gulf resolution.

Mr. DOMENICI. He is not asking for it. That is the big difference with the Persian Gulf resolution. President Bush asked us in writing and stated what it was about.

My other observation—in fact, if the President of the United States and our military commander serving our Nation want to go beyond what we are doing now, I would think he would at least tell us what it means. If they sought from us what President Bush sought, to go into a land war for some reason over there—and it may be necessary—then he should request our approval.

As a matter of fact, I wonder from time to time why the President isn't asking for it. The point is, if we asked for it, he would specify his objectives. He wouldn't just send something up here and say he wants to have our men and women go in and do this. We would have some briefings and we would understand what the end game is. We might even understand the risks involved in his plans. Even in expeditiously treating a request, we would get some answers we don't have today. I think we should expect those answers.

I don't believe we should involve ourselves in a military venture into the great unknown of that area because we want to in some way tell the President of the United States and the generals and Chairman of the Joint Chiefs of Staff, we want to give you more authority than you think you need; we want to tell you we are giving you more authority than you think you need.

We are not offering them any authority that they don't have already under the commander and chief powers of the Constitution.

I want to make it absolutely clear that I don't agree with my friend, JOHN MCCAIN, that in order to support the men and women engaged over there in a military event that the President has ordered, that we should not vote for money to protect them and give them what they need unless we are for this resolution. Those just don't follow. As a matter of fact, I want to assure those who are wondering, this is one Senator who will give them as much money as I can justify, to make sure our military is better prepared when we come out of this skirmish than we were when we went in. I do that without any concern that I have not voted to give the President authority to do more because they

are already there; I believe I am neglectful in my duty if I did not give them emergency money.

First of all, it wouldn't bring them home because they could go on for a long time under the President's Commander in Chief authority. By not doing a supplemental, we wouldn't be getting them out of there. We wouldn't be ending it precipitously.

From my standpoint, the Members of the Senate who don't vote for this resolution ought to join in a letter to the President and tell him unequivocally, Mr. President, we understand you are the Commander in Chief, we understand you put us there. Some of us didn't agree but they are there and now here is a letter from us saying if you need more authority from us to engage in a ground war, would you send us a request and brief us adequately on why you need it and we will vote quickly and decide what are our concerted feelings about that event.

I think that is a far better way to do it. I will have a letter, in case any Senators would like to join me in sending that kind of letter to the President. I ask unanimous consent that this letter be printed in the RECORD.

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

MAY 3, 1999.

DEAR PRESIDENT CLINTON: As a representative of our country's citizens and strong supporter of our military men and women, I feel obliged to convey my position with you regarding the U.S. involvement in hostilities in Kosovo. As you well know, several legislative packages already exist which would propose to preempt, further define, or curtail your authority and responsibilities as President. I believe that these options are neither prudent at this particular time, nor do they necessarily conform with desired consensus in an effort that involves the active engagement of our military in a hostile situation.

I fully acknowledge you as Commander-in-Chief of the U.S. forces. I recognize that this Office gives you broad authorities and grave responsibilities in decisions of national security and foreign policy. As Commander-in-Chief you have chosen to take the lead in this air war. As before, I continue to look to you and your military advisors to determine what objectives our military seeks and determine what means may be necessary to attain such objectives. As you well know, these are decisions that directly impact the daily lives of citizens throughout this country and will have long-term implications for the security and prosperity of the American people.

If you should decide that this operation requires means beyond the current air campaign, I respectfully ask that you send us your request.

Upon receiving any such request, I offer you my commitment to bring the matter before the Senate for deliberation and a decision as expeditiously as possible.

Sincerely,

Mr. DOMENICI. Mr. President, I yield the floor and thank the Senator for yielding me the time.

Mr. MCCAIN. I am intrigued at the prospect of exercising our constitutional responsibility through a letter to the President.

I yield 15 minutes to the Senator from Connecticut.

Mr. DODD. To my colleague from Utah, Mr. HATCH, I yield 1 or 2 minutes for some observations.

Mr. HATCH. I thank my colleague.

Mr. President, today I stand in support of this resolution offered by the Senator from Arizona. I think we all must acknowledge his experience in military issues. And, few of us in the Senate can speak with the authority that his personal experience in war has given him.

I do not believe that we should be debating this today because of the War Powers Act, which I have always believed to be unconstitutional. But, Mr. President, if the War Powers Act is unconstitutional, it is unconstitutional under President Clinton as much as it was under President Nixon. I, for one, will not reverse my legal assessment of the act just because of the current officeholder in the White House.

I confess that I do not have a great deal of confidence in the foreign policy of the Clinton Administration, Mr. President. I have been outspoken about this President's failures, particularly in dealing with this ongoing crisis in the Balkans.

But, I do not think we should shape analysis, shade history, or ignore facts to serve our profound discomfort with this Administration's foreign policy.

For example, I would not join some members of the other body when they argue that Operation Allied Force caused the genocidal campaign now being perpetrated by Milosevic's troops and thugs in Kosovo. That is a deplorable abandonment of analytic thinking, an egregious failure to recognize cause and effect.

We know, Mr. President, that the Serbs were planning this program of ethnic uprooting, of civilian massacres and worse. We know that the Serbs were preparing this for nearly a year. We know that, for many years, the official Serbian regime practiced a form of apartheid toward the Kosovar Albanians. And we know that genocide and ethnic cleansing are what Slobodan Milosevic does. It's on his resume.

This is Milosevic's fourth war. This is not a manipulation of reality. In 1991, Milosevic's Yugoslav military attacked Slovenia and Croatia. In 1992, he began a war in Bosnia that led to the deaths of over 250,000 people, most of whom were civilians.

And, let us not forget Vukovar, Mr. President, the Croatian city besieged and demolished by Serb forces, who, upon the fall of the city, entered and massacred residents, including patients trapped in hospitals.

Let us not forget Srebrenica, Mr. President, when Milosevic's general, Ratko Mladic, captured the Muslim town, marched 7,000 men and boys into open fields outside of town and massacred them in open graves. This is what Milosevic does.

His reward for these wars was to be a negotiating partner at Dayton, Ohio. He survived because the Clinton administration operates under naive notions of peace and a feckless obeisance to polls. When it leads, it follows chimeras of the Vietnam protester generation; most of the time it follows.

For the Clinton Administration, Mr. President, the pursuit of peace is the pursuit of a childish notion: The notion that peace is the absence of conflict. Such a simplistic view of peace explains why they have committed so many mistakes in the Balkans. The absence of conflict, Richard Nixon once wrote, exists only in two places: in the grave and at the typewriter. The point is not the absence of conflict, but the management of conflict so that it does not erupt into violence.

And, Mr. President, to continue to negotiate with Slobodan Milosevic, as we did until last month, and as I suspect the Administration would do if it could, is a guarantee of greater, future violence. The evidence is plenty and irrefutable, in my opinion, that the ultranationalist regime Milosevic must have war to survive. That is why, Mr. President, we are seeing the brutal effects of Milosevic's fourth war today.

Many are very uncomfortable in giving this President the kind of support stated in this resolution. Columnist William Safire in Monday's New York Times called it ''The Price of Distrust,'' and stated that ''Clinton has so few followers in Congress because he is himself the world's leading follower.''

Recall how candidate Clinton advocated bombing Slobodan Milosevic in 1992 as part of the ''lift and strike'' strategy (lift the embargo on the Bosnians and strike the Serbs) to aid the Bosnians, who were desperately holding off Milosevic's forces. I promoted ''lift and strike'' in 1992. But when candidate Clinton became President Clinton, he lost his desire to attack Milosevic and adopted a policy of leading the Europeans, whose mismanagement of the conflict ultimately required American leadership in 1995.

I have a vivid and bitter memory of a dramatic discussion I had with then Bosnian Prime Minister Haris Siladzic in the summer of 1995, when he had come to the U.S. to plead for us to lift our arms embargo against his forces besieged by the well-armed Serbs. He met with me moments after pleading, unsuccessfully, with Vice President GORE. President Clinton had refused to meet with him. When I asked the Prime Minister what was the Vice President's reasoning, I was told that the Administration believed that lifting the arms embargo would cause the Serbs to attack the eastern enclaves of Zepa, Gorazde and Srebrenica.

This is, of course, what the Serbs did anyway, weeks later. Over 8,000 unarmed men and boys were herded out of town and massacred. In retrospect, I do not know what is more astounding: The Administration's completely fallacious logic then, or the fact that, with the graves of Srebrenica as a glaring lesson, they were unprepared for Milosevic's campaign of genocide unleashed in the last month.

In spite of these criticisms, I believe there are essential American national interests at stake in the Balkans. Europe has always been important to the United States, both politically and economically. We cannot stand by and watch while this region is continually disrupted. We cannot accept instability in a region that is a geopolitical crossroads and an economic thoroughfare benefitting U.S. security and trade.

Therefore, Mr. President, I rise in support of this resolution. Its purpose is to indicate a congressional stand on a war that is going into its second month. Countries in the region are being destabilized. Albanian and Croatian borders have been crossed by Serbian military forces, and the slaughter going on in Kosovo has seen nothing like it in Europe since the Holocaust.

In the wake of these events, I believe the United States must lead. If we wish our own interests to be secure, we cannot afford to ignore instability in other key regions. We cannot look the other way and imagine that such conflict will not have an impact on us.

And, we cannot abdicate our role in NATO, perhaps the most successful military alliance of the post-war era. If NATO, comprised of democratic, freedom-loving nations of Europe, fails, we face untold political and military tests in the future.

Yes, Mr. President, there have been egregious mistakes conducted in the prosecution of this war. No mistake has been greater than the repeated assertion that we would not even plan for the possibility of ground forces.

This is not political leadership, Mr. President, it is leadership paralysis. It will lead, I fear, to a defeat for NATO, to a diminution of the symbolic power of the U.S. military, and an increase in the insecurity this country will face in the very near future.

Other NATO leaders such as British Prime Minister Tony Blair—who, never once in his political career has been referred to as a ''hawk''—have at least the sensibility to recommend planning for the possibility of ground forces.

The most critical error made by this Administration has been to reiterate our refusal to consider ground forces. This self-limiting rhetoric—which the public doesn't even believe—has compromised our military campaign so far.

By declaring to Milosevic what we will not do, we have prolonged the air campaign, and thereby increased the risks to the pilots and their support. We have undermined out political goals, which, one must presume, can only be achieved by meeting our military goals. In short, we have given Milosevic the incentive to ''wait NATO out.''

And this is what leads us to this debate today, Mr. President. I believe that NATO, as the alliance led by this country for half a century, embodies both the symbolic and real military strength of this country. If it is to engage in war, as it is now, it should not limit its planning so that we increase the chance of failure. That is what is happening right now.

Some fear that we give this President a blank check with this resolution. We should also consider that such reticence by the Senate position can be interpreted as a lack of resolve by Milosevic and his gang of killers.

It could also be read by this President as an excuse to conclude this war in a way that does not meet even the scant NATO objectives articulated so far.

One thing we have witnessed over the past decade in the Balkans, Mr. President, is that the longer we wait, the lousier the options. Fear of incrementalism can become incrementalism. We have seen this in years of ignoring the situation each time until it escalates and then meeting that escalation with stop-gap measures.

Had we used airpower to degrade or destroy Milosevic's regime in the early part of this decade, we would most likely have seen the rise of a Serbian alternative to his regime. By allowing him to stay in power, he has eviscerated the legitimate democratic opposition in Serbia, and he has coalesced his power by bringing in the worst of the ultranationalists. So today, at the end of a decade of genocidal wars led by Milosevic, we appear feckless in the face of yet another war.

Mr. President, let me predict now that if Milosevic's military is not destroyed—whether by air, by land, or by sea—this will not be the last war. Ask the leaders of Albania and Macedonia if they feel secure having a strong Serb military led by Milosevic camped on their borders. Ask the Hungarian leadership.

Let me be clear about this: This is not an instruction to the President to send in ground forces. I do not believe we should micromanage wars. To the extent that air power can get the job done, I would be very happy not to send American troops into this theater.

But, this resolution indicates that we accept no self-limiting conditions on our military options. The leader of the United States has hamstrung the most modern, effective military operation in history. But, this resolution puts him on notice: If he fails to achieve the objectives, he will not turn to the supporters of this resolution and declare we were responsible for the failure.

Some insist that this is primarily a ''civil war,'' and that there is the matter of Serbian sovereignty to respect. I would make three brief remarks regarding this view.

One, the rapid depopulation of hundreds of thousands of people and their forced movement across borders is an aggressive act, with destabilizing consequences for the region. If, for example, the Chinese were to unleash a million refugees across the Pacific to our shores, we would consider that an aggressive act.

Second, international law is by no means clear in protecting the right of a brutal regime to slaughter its citizens.

And, third, Mr. President, while we can debate the level of national interest in Kosovo, I do not believe that we, in this body, Republican or Democrat, advocate for the sovereign rights of genocidal dictators.

Mr. President, I greatly fear the consequences of failing in our war against Milosevic. Yes, it is complicated, as are most matters of foreign policy. Yes, we do not have excellent options, although rarely in our history have we had them.

But we cannot deny the reality of an aggressive dictator waging war after war in Europe, in a Europe this country has recognized is in our national interest, a Europe over which we fought two hot wars and one Cold War.

The result of our victory in that Cold War was the liberation of eastern Europe. One dictator remaining in southeastern Europe has inflamed the region, and if he continues undefeated, others will rise in Europe and elsewhere. Among them will be some who believe they are destined to challenge America.

Some of these dictators have already shown themselves, such as Saddam Hussein. And, he's taking notes. Seeing the survival of Slobodan Milosevic, he and others will challenge us again and again. I predict, Mr. President, that with the survival of Slobodan Milosevic, the security of this country will be increasingly challenged.

Mr. President, the point of this resolution is to indicate that the Senate of the United States will support whatever it takes to achieve the NATO objectives. If NATO fails—and there is no objective reason that it should—it will be because of a failure of political will.

The supporters of this resolution, every one of them, indicate today that we have the political will. I expect that we will have the opportunity in the near future when members who support tabling the resolution will be able to revisit the debate and demonstrate their resolve as well.

Discomfort and disappointment with the Administration's conduct of this war is not an excuse for us to hedge our political will, Mr. President. That is why I will support the McCain resolution. At the end of the day, history does not wait for a heroic administration.

As I stand to address this debate, I recall the Boland amendment debates in the 1980s, and the constant interference with the President's right to resolve foreign policy issues. I argued that this violated the Constitution at that time, and I tend to disagree today with some Republicans who are reluctant to support the President simply because the tables have turned.

I support the McCain resolution. I think it is the right thing. All we do is give the President the authorization to use all necessary force to support our objectives. It seems to me that is a pretty reasonable thing for which to ask.

Three years ago we met with Milosevic in Belgrade. This is a man

who has put himself in power and kept himself in power through ethnic conflict. If NATO and this President don't do what is right here, this man will continue that ethnic conflict and it will lead to more wars.

In 1992, I recommended a lift-and-strike strategy—lift the embargo and strike Milosevic's army that was committing genocidal war. Had we done that then, we wouldn't be in this problem today.

The President has done what is right in going after this regime and in stopping them from further genocidal conduct and letting them know that enough is enough. But I fear the President has begun something that he is unsure of completing. His goals remain vague and, worse, he has limited the means he declares he will employ.

I commend those who have supported this particular resolution, and I thank my dear friend from Connecticut for allowing me this time.

Mr. President, I ask unanimous consent to have printed in the RECORD ''The Price of Distrust,'' by William Safire.

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

''THE PRICE OF DISTRUST''

(By William Safire)

WASHINGTON.—Congress is not only ambivalent about buying into ''Clinton's War,'' it is also of two minds about being ambivalent.

That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. By its unwillingness to enter Serbian territory to stop the killing at the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up at the negotiating table all he has won on the killing field. He won't.

He will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win but are merely punishing to settle.

Small wonder that no majority has formed in Congress to adopt the McCain-Biden resolution giving the President authority to use ''all necessary force'' to achieve a clear victory. Few want to go out on a limb for Clinton knowing that he is preparing to saw that limb off behind them.

Clinton has so few followers in Congress because he is himself the world's leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, not sanctity of borders vs. self-determination of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust this President to use all force necessary to establish the principle that no nation can drive out an unwanted people?

The answer is no. The distrust is palpable. Give him the tools and he will not finish the job.

Proof that such distrust is well founded is in the erosion of NATO's key goal: muscular protection of refugees trusting enough to return to Kosovo.

At first, that was to be done by ''a NATO force,'' rather than U.N. peacekeepers. The fallback was to ''a NATO-led force,'' including Russians. Now the formulation is ''ready to lead,'' if anybody asks, or ''a force with NATO at its core,'' which means Serb-favoring Russians, Ukrainians and Argentinians, with Hungarians and Czechs to give the illusion of ''a NATO core.''

If you were an ethnic-Albanian woman whose husband had been massacred, sister raped, children scattered and house burned down on orders from Belgrade—would you go back home under such featherweight protection?

Only a fool would trust an observer group so rotten to its ''core.'' And yet that is the concession NATO has made even before formal negotiations begin.

What can we expect next? After a few more weeks of feckless bombing while Milosevic completes his dirty work in Kosovo, Viktor Chernomyrdin or Jimmy Carter or somebody will intercede to arrange a cease-fire. Film will be shot of Serbian tanks (only 30 were hit in a month of really smart bombing) rolling back from Kosovo as bombardment halts and the embargo is lifted.

Sergei Rogov, the Moscow Arbatovnik, laid out the Russian deal in yesterday's Washington Post: (1) autonomy for Kosovo but no independence or partition; (2) Milosevic troops out but Serbian ''border guards'' to remain in Kosovo, and (3) peace ''enforcers'' under not NATO but U.N. and Helsinki Pact bureaucrats. As a grand concession, NATO would be allowed to care for refugees in Albania and Macedonia.

That, of course, would be a triumph for mass murderers everywhere, and Clinton will insist on face-savers: war-crimes trials for sergeants and below, a Brit and a Frenchman in command of a NATO platoon of Pomeranian grenadiers, no wearing of blue helmets and absolutely no reparations to Serbia to rebuild bridges in the first year.

Perhaps Britain's Tony Blair will prod Clinton to do better, and all Serbian troops and paramilitary thugs will be invited out of Kosovo. But the returning K.L.A. will find mass graves and will likely lash out at Serbs; after an indecent interval Belgrade will assert sovereignty with troops in police uniforms.

And what will happen to the principle of no reward for internal aggression? It will be left for resolution to our next President, who, in another test, will have the strength of the people's trust.

Mr. DODD. Mr. President, I want to begin by commending our colleague from Arizona, Senator MCCAIN, our colleague from Delaware, Senator BIDEN, and others who are responsible for drafting this resolution of which I am a cosponsor.

As the Senator from Utah has indicated, this resolution gives our President the means to respond to this crisis, utilizing whatever force may be necessary in concert with our allies. Obviously the best resolution to the crisis in Kosovo would be a political and diplomatic agreement which does not put any more lives in harm's way. Unfortunately, such a resolution depends on Slobodan Milosevic halting his campaign of genocide and agreeing to the reasonable conditions set forth by the United States and our allies. So far, however, he has indicated that force is the only language he understands.

Clearly, this is not a unilateral effort on behalf of the United States. There are 18 other nations that make up the NATO strategic alliance. As a result, it is essential that we act in concert with them.

The resolution before us is fair, balanced, and deserves the support of our colleagues.

As my colleague from Arizona said earlier, it is unfortunate that we are placed under the pressure of casting a yea or nay vote or a tabling motion, if one is made, after such a short period of debate. Ideally, we might have waited a few more days for consideration of this resolution. It was not the desire of the distinguished Senator from Arizona nor the distinguished Senator from Delaware to force this vote. It is one that is being forced upon us by a procedural requirement under the law.

Never the less, the resolution before us is both sound and important. I urge my colleagues to join me in supporting it.

Before I proceed to the matter before us today, let me just take a moment to join my colleagues in expressing how pleased I am that Servicemen Ramirez, Gonzales and Stone have finally been freed from their prison cells and have now been reunited with their families. Reverend Jackson, who led the delegation and secured their release, certainly deserves our commendation.

While we rejoice at the freedom of three brave Americans, however, we must also keep in mind that on the very same day they were released, some 7,000 Kosovars were forced to flee for their lives and seek refuge in neighboring countries. Today, they have joined the ranks of more than one million Kosovar Albanians who have watched their homes disappear behind clouds of acrid smoke, who now know the pain of missing or murdered family members, or who know the personal pain of torture or rape.

These atrocities are not isolated incidents. Rather, they represent a calculated and methodical effort to commit genocide, designed and executed by Slobodan Milosevic and his soldiers and policemen. Mr. Milosevic has left his bloody hand print on more than just Kosovo. Several years ago, we saw his willingness to use murder, torture and rape as tools of a ethnic-cleansing in Bosnia and Herzegovina. Months before NATO dropped the first bomb on Yugoslavia he had already forced 400,000 Kosovars from their homes in spite of the Herculean efforts by the United States and our allies to find a diplomatic or political resolution.

Thus, the notion that NATO forces have contributed or caused the Kosovars to be displaced or put in harm's way is entirely without merit. This tragedy has resulted from the actions of one individual and those of his supporters who have allowed this policy to go forward.

The messages we send, both by the words we utter and by the votes we cast, often travel far beyond the walls of this chamber. Rarely, however, do they travel as far or as widely as will the messages we send during this debate.

Firstly, our service men and women are listening at their posts around the

world. They want to know where they stand when it comes to the Senate. They ought to know, in performance of their duties, they have the backing and the support of their elected representatives. It ought to be abundantly clear that we stand shoulder to shoulder with them when they fight under the American flag. It was not their decision to be engaged in combat. Yet, the jobs they do are monumentally important. We must not take any action here in the Senate which will send the signal that they have anything but the highest level of support we can muster.

The innocent men, women and children of Kosovo are also listening tonight. More than 665,000 are in refugee camps in Macedonia or Albania living under tremendously difficult conditions. While they are safe, they desperately want to be able to return to what is left of their homes and villages and begin the difficult process of rebuilding. Hundreds of thousands of others are hiding in the hills of Kosovo without adequate food or shelter, praying that Serb forces will not find them. They too are listening to the message we send here today, wondering when they will be able to come out of the hills without a fear of death or torture.

They are also listening in Belgrade tonight. President Milosevic is listening for a crack in the United States' resolve to oppose his reign of terror in Kosovo. I hope there is no debate in this Chamber that his actions should be ignored. Similarly, I hope that the Senate will not stand silent instead of expressing our sense of outrage over what this man has done to so many innocent people simply because of their ethnicity. We must never stand silent in the face of Mr. Milosevic's genocide.

All across Europe, our NATO allies are listening. It has not been easy for the 19 member nations to come together in a common purpose. I hope that, as our allies watch these proceedings tonight and tomorrow, they understand how highly we regard this alliance. I have heard some of our colleagues say it does not make any difference to them whether or not NATO is damaged as a result of our votes or action. I cannot disagree more vigorously. It would be a grave mistake to damage this important alliance. Yet, we could do just damage by the votes we cast and statements we make over the next several hours.

Finally, the governments and citizens of the front-line states are listening. It is critically important that we demonstrate our support to Albania, which has borne the greatest burden, and Macedonia, which despite its complicated political situation, has taken in large numbers of refugees. The province of Montenegro also deserves commendation for, despite is status as a province of Yugoslavia, it has refused to subjugate its police forces to Yugoslav control and has taken in tens of thousands of Kosovar refugees. Bulgaria, Romania, Slovenia, Croatia, Hungary and Bosnia also deserve international commendation. With the exception of Hungary, none of those is a NATO ally, yet they are standing with us. Yet, in contrast to their steadfast support, in a little more than 12 hours, the United States Senate may decide that this crisis is not worthy of our vote to give the President and NATO the backing they need to deal with this issue.

I want to point out to my colleagues, that the world—from a newly orphaned child in a Macedonian refugee camp to our allies to Slobodan Milosevic—does listen to the messages we send. Mr. President, 60 years ago next week a ship called the ''St. Louis'' sailed from Hamburg, Germany. Aboard were 937 passengers with one-way tickets. Ninehundred six of the passengers were Jewish refugees who, having lived through Kristallnacht six months earlier, already feared for their lives. Holding what they believed to be valid entry permits for Cuba, they left their homes and lives behind, hoping to find safety on the far side of the Atlantic Ocean. When they arrived in Havana two weeks later, however, only 28 were permitted, to go ashore. After lying at anchor for a full week under the oppressive sun, the St. Louis left Havanna and tried to enter American waters, but they were told that they were not welcome in this country, that we could not take 900 more people into the United States.

That ship and its passengers returned to Europe more than a month after it left. The United States Holocaust Memorial Museum just a few blocks from here has traced the lives of the St. Louis' passengers. The fates of the more than one third of the St. Louis' passengers who later perished in the Holocaust should stand as a stark warning to us here today.

There are no ships at sea tonight, but I make the case that there is indeed a ''St. Louis.'' It is called Albania; it is called Montenegro; it is called Macedonia. And there are many more thousands inside Kosovo who are now watching and listening to what we, the leader of the free world, the leader of the effort to try to bring some order to the chaos which has been visited in the Balkans, are saying.

To all of the different parties listening to our debate tonight and to our votes tomorrow, we must send the same message and we must send that message with a clear and convincing voice. We should support the McCain resolution in order to demonstrate that we will give NATO the backing and support it needs politically, diplomatically, and, yes, if need be, militarily, to respond to this situation. If we fail to respond, we may well place not only Kosovo but the rest of Europe in harm's way

The lessons of history are before us. We have been told by George Santayana that ''Those who cannot remember the past are condemned to repeat it.''

I hope that in the next 12 hours or so, before we vote on this matter, our colleagues think long and hard about this resolution. I hope we will find the strength to overlook the personalities. Whether or not we like this President or voted for him or agree with him on every issue, there is an organization called NATO which we will place in jeopardy if we fail to act properly and prudently. There are people's lives who are in jeopardy at this very hour as we debate this issue on the floor of the Senate. And there is the future precedent being set by how we act here.

If we do not approve this resolution, history will judge us. Let the words of the Nobel Peace Prize Laureate Elie Wiesel be a warning to us here tonight: ''Rejected by mankind, the condemned to not go so far as to reject it in turn. Their faith remains unshaken, and one may well wonder why. They do not despair. The proof: they persist in surviving not only to survive, but to testify. The victims elect to become witnesses.''

So, Mr. President, I urge the support and adoption of the McCain-Biden resolution. I believe it is the right thing to do. History will judge us properly and well if we support this important resolution. Our future, our children and generations to come, both here in America and around the world, will applaud the action of a Congress that has not lost sight of the lessons of history.

Mr. President, I see the arrival of the majority leader and I yield the floor.

Mr. LOTT. I thank the Senator from Connecticut for yielding. Mr. President, I do have a unanimous consent request to propound momentarily. This is on the financial services modernization bill.

While I am waiting, I commend Senator DASCHLE for his leadership, helping to get us to a position where we could move to that legislation tomorrow; and Senator GRAMM and Senator SARBANES have been working together. I think this is a good agreement, a fair one, and allows us to get to a substitute that could be offered.

UNANIMOUS CONSENT AGREEMENT—S. 900

Mr. LOTT. I ask unanimous consent that following the vote relative to S.J. Res. 20, if tabled, the Senate move to proceed and agree to the motion to proceed to S. 900—that is, the financial services modernization bill—and, following opening statements, Senator SARBANES be recognized to offer an amendment in the nature of a substitute, the text of which is S. 753, and no amendments or motions to commit or recommit be in order during the pendency of the substitute, and, if the amendment is agreed to, it be considered as original text for the purpose of further amendment.

I further ask that, following disposition of the Sarbanes substitute, the next two amendments in order be first-degree amendments to be offered by the chairman or his designee.

I also ask that following the disposition of two Republican amendments,

Senator SARBANES or his designee be recognized to offer an amendment, the text of which is the CRA provisions of S. 753 substituting for the CRA provisions of S. 900 and no amendments or motions to commit or recommit be in order during the pendency of the Sarbanes/CRA amendment.

Finally, I ask that all amendments in order to S. 900 be relevant to the financial services legislation.

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

Mr. LOTT. I thank my colleagues and yield the floor.

DEPLOYMENT OF UNITED STATES ARMED FORCES TO THE KOSOVO REGION IN YUGOSLAVIA

The Senate continued with the consideration of the resolution.

Mr. MCCAIN. Mr. President, I yield 30 minutes to the Senator from Delaware, Senator BIDEN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, may I make a parliamentary inquiry? Is Senator DURBIN next on the list after me? The reason I ask is, Senator DURBIN apparently agreed to switch spots with Senator KERRY.

Mr. MCCAIN. After Senator BIDEN is Senator KERRY, Senator WARNER, Senator NICKLES, Senator DURBIN, then Senator DORGAN, Senator LIEBERMAN, Senator CLELAND, Senator LEVIN, Senator HOLLINGS, and Senator BROWNBACK.

Mr. BIDEN. I thank the Senator. I know the Senator has a very important appointment he has to make. I am prepared, if it is all right with the Senator from Arizona, to switch with him and follow him. In other words, then the Senator from Massachusetts will be next and then I will speak.

Mr. MCCAIN. I ask unanimous consent that the Senator from Massachusetts, Mr. KERRY, be recognized for 15 minutes, followed by Senator BIDEN for 30 minutes, and the RECORD will show the incredible generosity of the Senator from Delaware, Mr. BIDEN, having allowed two—not one, but two—Senators to precede him.

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

Mr. MCCAIN. Mr. President, I ask that Senator KERRY be recognized for up to 30 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Chair, and I particularly thank Senator BIDEN for his courtesy. I appreciate this enormously. I also thank Senator DURBIN, who is not here, but will be here shortly, for his courtesy.

Mr. President, I join with the Senator from Arizona, the Senator from Connecticut, Senator DODD, Senator BIDEN and others in support of this resolution. I understand the sensitivities of a great many of our colleagues and the administration to where we find ourselves. But I think that a fair analysis of what the Senate has before it and what the country has before it really mandates that the Senate be prepared to back up its own steps, the steps that we took when we supported the bombing itself.

I heard a number of my colleagues in the course of the debate over this afternoon, most recently the Senator from New Mexico, say, ''Well, we need to recognize that the President made a decision and the President, having made a decision, we now need to know from the President what the strategy is; we need to know from the President what the exit strategy is; we need to know from the President what is called for.''

Frankly, I say to my colleagues, there is not a small measure of contradiction in those statements today. There may even be some measure, I think, of confusion about the road that we have traveled.

The fact is that the President made it clear to us at the outset what our goal was. The goal has always been the capacity of the Kosovars to live in peace within Kosovo. The goal has been a return to the status quo before Mr. Milosevic withdrew autonomy which had been enjoyed by the ethnic Albanians in Kosovo for years, in the wake of his sudden discovery that playing the nationalist card, in fact, was a road to power, as it was also the road to some four wars and to an extraordinary amount of killing in Bosnia, in Slovenia, Herzegovina and Croatia.

Now, Mr. President, we find ourselves in the situation where the Senator from Arizona and some of us are suggesting that the course that we chose in the beginning is, in fact, a correct course, and the course that we ought to follow. The truth is that it was not just the President of the United States who made a decision. So did the Senate of the United States. A majority of the Senators in this body voted to approve the bombing, and having approved the bombing and having decided to send American forces into harm's way, they embraced the goals that were then stated.

One component of those goals did change, obviously, dramatically. The effort initially was to prevent the ethnic cleansing from taking place and to hope we could sufficiently degrade the military machine to prevent that from happening. That, obviously, did not occur, and the ethnic cleansing continued. We now find ourselves with more than half the population dislocated outside of Kosovo, a significant portion displaced within Kosovo, and as to how many that may be is imprecise.

It seems to me that this is not a time for the Senate to engage in covering its own posterior, not a time for the Senate to engage in a wholesale set of contradictions. It is rather the time for the Senate to declare, as unequivocally as it declared 40 days ago, that we are prepared to move forward with the bombing, that the same goals and the same objectives are viable today.

It is interesting. I know that some have hearkened back to the Tonkin Gulf resolution and have hearkened back to some of the lessons of the Vietnam war. There is no small irony, however, in the fact that we are beyond, in a way, the Gulf of Tonkin resolution. There was a time for people to question why we were bombing, what the motives were of bombing, what we hoped to achieve through the bombing and whether or not it was appropriate to start bombing and then suddenly stop, short of achieving those objectives. That, I think, would have been appropriate.

Having decided that you were going to bomb, I think most people accepted the notion that the reason for bombing was legitimate enough, that the reason for putting American forces in harm's way was legitimate enough, that the goals that we were trying to achieve were legitimate enough, and that if you were prepared to take the risks of putting those people in harm's way, you were also accepting the responsibility for achieving the goal that was set out.

Back in the 1960s, when the Gulf of Tonkin resolution came to the floor, there were two Senators who stood up and, as a matter of conscience, said: I disagree with this, and voted against. One was Wayne Morse; the other was Ernest Gruening. It took a long time for history to prove those lone Senators correct. It may well be that those Senators who voted against the resolution supporting air strikes against Yugoslavia and who might choose to vote against those things necessary to achieve the goals may be proven correct by history. I do not know. At least that opposition is consistent, and at least that opposition is devoid of the disingenuity that we seem to see in those who voted to start bombing, those who have been saying for a year and a half or 2 years or more, you have to stop Mr. Milosevic, those who were crying for the United States to take a stand only a year ago, and then once the President does take a stand—the only stand that most people in the world thought he could take—all of a sudden they begin to vanish and run for the sidelines and take cover. I find that rather extraordinary, not to mention that it is, in fact, a contradiction of enormous proportions.

I understand how some in this Chamber have reservations about bombing. I understand full well about how some, given the history of the Balkans, may have inherent reservations about the United States, through NATO, even being involved there. Some of those people reflected those deep-rooted beliefs and fears in their original vote.

But the majority of the Senate voted by a greater margin than the majority who sent this Nation to war in Desert Storm—a greater majority. After Desert Storm, all those who had voted against it came together to suggest that the stated goals of the United States were such that we ought to

guarantee the outcome. And we were committed to do what was necessary in order to achieve that, and we would support any efforts in order to achieve that.

Mr. President, I think one of the great lessons of the Vietnam period—and I think Senator HAGEL feels it very strongly, Senator MCCAIN feels it very strongly, Senator ROBB, myself, and others—is that if you are going to commit American forces, you make the decisions at the outset about what you are trying to achieve, and you make decisions at the outset that if you are going to send those soldiers—airmen, seamen, all of them—into battle, you do so with the understanding that you are committed to achieving the goals that you have set out.

I think it would be astonishing, in the face of the reality that the goals are achievable here, that this is so distinctly different from a Vietnam or even a Desert Storm in some ways—that we should ourselves provide these ingredients of doubt and reservation that seem to back off the original commitment that we made.

I have heard many people questioning, not only today, some of the rationale for why we are there or how the war is proceeding. But some seek a reservation in the notion that the President has not asked for this authorization of force or the Joint Chiefs of Staff have not asked for it. But those same people are always quick to come to the floor and assert the powers and prerogatives of the U.S. Congress in the conduct of foreign policy.

They are often the first to come to the floor to suggest some alternative policy to the President. They have often come to the floor with amendments to change Presidential policy in foreign policy, to amend it, to strengthen it. I think there is an irony that all of a sudden they are suggesting so much power to the President, so much prerogative away from the Congress, when they have spent an awful long time here asserting the very opposite.

In addition to that, I have heard colleagues deeply disturbed—as anybody should be appropriately—about collateral damage and what happens in the bombing. I do not think there is an American, in good conscience, who does not feel pangs or deep reservations about any errant missile or errant bomb and what the effects are. But there is no moral equivalency whatsoever between those errant impacts and what we are trying to achieve and what Mr. Milosevic has been achieving. There is simply no moral equivalency.

Let us not get confused between collateral damage and the murder, rape, organized rape, pillage, plunder, decimation of ethnicity, robbing of identities, the wholesale destruction of villages, the killing of teachers and parents in front of their children, the remarkable—remarkable—dismemberment of the people that Mr. Milosevic is engaged in and not for the first time. Having seen the record of what he did in Bosnia, to allow that kind of moral equivocation to enter into our thinking in this is, to me, to miss the point altogether.

The fact is that Senator DODD from Connecticut pointed out, and others have pointed out, that what we do here can have a profound, long-lasting, deep impact on our capacity to negotiate, to pressure, and to speak about and stand for morality and for a standard of behavior that is different from the kind of killing and marauding that has governed so much of this century.

Now, some will say, ''Well, the Balkans are different.'' Some will say, ''Well, we can't always affect the outcome of these things.'' The fact is, we can affect this outcome. We can affect this result. We do have the power and the ability to be able to do this.

I have heard some of my colleagues come to the floor and say this is going to affect our capacity to fight some other war somewhere. What war? Where? What are they talking about? I mean, are we planning suddenly some other war of which we are not aware?

This is staring us in the face. It is here. It is now. We are at war. The question we must ask ourselves is whether or not we are prepared to win or whether we are going to put obstacle after obstacle in front of ourselves to deprive ourselves of the capacity to achieve the goals that are achievable.

I hear some refer to Vietnam a lot, but other kinds of conflicts as well. I suggest that this is not a Vietnam—unless we make it a Vietnam, unless it is our own lack of resolve and pursuit.

Some have said, well, if it is a mistake in the first place, you do not want to go down the road pursuing a mistake. I support that notion. I recall coming back from Vietnam and saying, ''it is pretty hard to ask somebody to be the person to die for a mistake or especially the last person to die for it.''

I am sensitive to that. But the original question is, Is this a mistake? When 58 of us voted on the floor of the Senate to send people into harm's way in order to achieve our stated goals, we were making a judgment about whether or not we thought it was a mistake to intervene. And now that we have decided to intervene, let us at least have the courage to persevere.

Why did we intervene? Well, I believe that the imperatives of intervention outweigh the alternatives so far that it is hard to really measure the counterarguments. Any one of us in the Senate can hear this well of the Senate ringing out with the voices of those who would have come to the floor if the images of CNN night after night had been of Milosevic running unstopped over the people of Kosovo, unstopped, and no effort whatsoever to try to prevent him. I could hear people coming to the floor and saying, ''Where is a President with the courage of Ronald Reagan or George Bush who's willing to draw the line as they did?'' You can hear those speeches now. They would have been spoken.

President George Bush, in fact, had the same policy that President Clinton has. George Bush, before he left office, said we would draw the line in Kosovo and told Mr. Milosevic, in no uncertain terms, ''Don't monkey around with this one.'' And because he had the credibility of what he had done in Kuwait, you can bet that that made a difference.

That is why we are here on the floor with this resolution, to give our effort the kind of credibility that it deserves, to back up our soldiers who are running those risks on a daily basis, with the understanding that there is a rationale for our having asked them to do what they are doing. I do not, by any sense of the imagination, believe that we have exhausted the air campaign in this.

It astonishes me, in some ways, that so many people are so questioning of an air campaign that—knock on wood—has not yet cost us the life of one of those pilots. I am astonished, as a former serviceperson, at the quality and care with which this has been prosecuted. We lose more people every week in the military of this country in normal training exercises and operations. The fact that this has been carried on now for 40 days, melding Dutch, British, Germans, Americans, French, Greeks, 19 different countries together, melding all of these airplanes and those multiple sorties, and bringing that together, is really a remarkable accomplishment.

At the same time, day by day by day, albeit some Members of the Yugoslav Army may feel better and think, gee, we have been given a purpose in life, the fact is that on a daily basis their capacity to wage the war is being stripped away. Who in their right mind would choose Mr. Milosevic's hand to play in this versus the hand of NATO?

The question before the Senate and this country is, Will we have the capacity to stay and play out the hand that we have?

This is not Vietnam. This is not a country that stretches from the equivalent of New England all the way down to the tip of Florida with a Laos and a Cambodia on its borders, with a superpower, the former Soviet Union, and China sitting in the background supplying, pushing down the Ho Chi Minh Trail, ready to come in when we threaten to use whatever force may be available to us. This is not the United States essentially acting alone.

Taken together, Serbia and Montenegro are slightly smaller than Kentucky and are essentially surrounded by friendly people. Kosovo is approximately the size of Los Angeles county. Unlike North Vietnam and South Vietnam at the time, unlike that country, where we became involved on the side of one of the combatants, where we chose to carry on years of colonial effort that had been misconstrued by the population and outright opposed and reviled for years, unlike the inadvisability of having been embroiled, we

have been very careful here to suggest we are not for independence for Kosovo, we are not for the KLA ravaging their countryside any more than we are for Mr. Milosevic and the Serbs doing so.

We are fighting for the standards of internationally accepted, universally accepted behavior that country after country has signed on to through United Nations conventions and other instruments of international law and through their own standards of behavior.

I can't think of anything more right than taking a position against this kind of thuggery and this kind of effrontery to those standards as we leave the end of this century.

Some people say to me, ''well, Senator, we are going to have some people there for a long time.'' My answer is, So what? If that is what it takes in order to try to begin to establish a principle that is more long lasting, so be it.

What is the difference between 4,000 troops who have been asked to be part of a peaceful effort to change the standards of behavior in Kosovo as part of southern Europe—what is the difference between that and the 500,000 troops we had at a high point in Europe after World War II? Don't forget the way in which most Americans were skeptical of Harry Truman and the Marshall plan. How on Earth could the United States of America, having fought the Germans, turn around and put money back into their country? How on Earth could we try to bring the Germans into NATO?

Well, where are we today? A united Germany, the Berlin Wall gone, Berlin about to be the united capital of Germany, and the result, Germans participating with us in standing up against the very kinds of things that stained the history of this century and of their country during World War II. Is there a more beautiful circle in terms of understanding what is at stake? I do not think so.

It seems to me, Mr. President, that an investment of some 5,000, 6,000, 7,000 troops in southern Europe to guarantee that Greece, Macedonia, Montenegro, and Albania can remain stable and not be dragged into this, that is worthwhile.

Some would say, Senator, we heard that old domino argument before; that is the one they gave us in Vietnam.

Once again, the facts on the ground are proving the reality. Can anyone here tell me with a straight face that Montenegro, without our current efforts and involvement, could possibly withstand the strains of what is happening? Can anybody tell me that if the entire population of Kosovo were driven out into Albania, you wouldn't somehow see Macedonia, Greece, Albania dragged into this? Ultimately, there isn't a person in the Senate who doesn't understand that we would have been dragged into it, too. There was an inevitability that NATO would be called on to take a stand.

How astonishing it is that people find some kind of moral equivalency here between some of the difficulties of waging a fairly carefully prosecuted—not fairly, a very carefully prosecuted war, and what we are trying to achieve. How astonishing that people are so concerned about finding that equivalency measured against what Mr. Milosevic has done.

I believe if we will stand our ground and be steady and show the resolve that we need to show as a great country and the leader of the free world, that we have the ability, through this air campaign, to achieve ultimately the diplomatic outcome that we would like to achieve.

But we have also learned through all of history—Henry Kissinger and Richard Nixon will tell you this, in dealing with the North Vietnamese in the Christmas bombing, and I hated it back then, but I have come to understand that there are, in fact, sometimes some things that do speak and make a difference to certain people. Like it or not, as I have been deeply involved in that part of the world in the last years, I have learned that that did help make a difference to people's decisions to try to come to some kind of resolution.

The fact is that we are now backing up diplomacy with force. I have heard some people call for a stay in that force, that somehow it would be diplomatically nice if we were to turn around and have a bombing pause.

My response to that is very simple: Do not let the politicians decide, after sending the military personnel in to risk their lives, when you are going to have a bombing pause, without adequately passing it by the military to ensure that you are not going to put your people at greater risk if you don't achieve your goals at the back side of it.

I can't go into all the reasons for that, but people understand that there are a great many repercussions to a bombing halt which could have greater jeopardy to our pilots and greater jeopardy to the use of whatever force we need to use down the road. I am perfectly committed to having that happen at the right moment, but I want that to be driven by the military needs of achieving our goals and not simply the political imperatives at the time.

Finally, Mr. President, let me say that I hear colleagues say: Well, we want to know what the end game is; we want to know what the strategy is. We have even heard mention of the Boland amendment and other things. Are we in this to win?

There are only three or so choices in this, Mr. President. That is about it. Anybody ought to be able to figure them out. Stop the bombing and fail to achieve your goals. And if you stop the bombing; NATO would be irreparably damaged, if not simply finished. Mr. Milosevic can declare victory, do what he wants, and you will have no force in there. That is one choice.

Another choice is that you continue to prosecute the air war as you press the diplomatic effort, with a guarantee that you are going to press that until you get that effort.

The third is—and it is the best end game, best exit strategy of all—you win. That is the exit strategy. You achieve the simple stated goal of returning the Kosovars into Kosovo, allowing them to live in a protected structure where people won't be killing them, and at the same time have a force that has the capacity to prevent the UCK/KLA from also engaging in killing. It is called peace. I think that is an end game worth fighting for.

If the impact of the air war is substantial enough to force Mr. Milosevic to yield and accept NATO's terms for ending the war, then we will have won. However, if bombing alone is not enough, then winning will require that we have the determination and resolve to do whatever is necessary on the ground to achieve these objectives—to win.

I think when you measure the history of Europe and the importance of southern Europe, and the success of the integration process in Europe, you cannot question the need to achieve our stated goals in Kosovo. NATO has played an important role in the integration process—just talk to the officials in Spain or in other parts of Europe about the impact of NATO as an organizing principal, as a means of having brought countries together around democracy. They will tell you unequivocally of the degree to which the process of meeting, of coming together, of having mutual responsibilities, of needing to work together have had a profound impact on the capacity of Europe to develop so that they now have a common market and are working on the last efforts of integration, with more power in Brussels and more capacity as a European entity to speak to the world and to stand for these principles.

Are we going to deny that to southeastern Europe? Are we going to ignore the lesson that we would sent to Baghdad or Pyongyang or Tripoli or to other parts of the world if we fail to do what is necessary to win in Kosovo? I hope the answer of the Senate would be unequivocally no. The lessons of history are such that they taught us that this is the right thing to be doing for the right reasons. They are, I think, efforts that are worthy of our commitment in order to see it through to the end.

I am confident that if the Senate and the country were to speak with a single voice on this, in a short period of time we would see this resolved and, most likely, Mr. President, without recourse to ground troops or to prolonged war.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been authorized, since nobody else is on the floor, to go down the list here. I believe I am to be yielded 30 minutes

at this point. I ask that I be able to proceed.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 30 minutes.

Mr. BIDEN. Mr. President, there are few issues that this body debates which are of consequence equal to what we are debating today. We are literally talking about the life and death of thousands of people, including possibly American personnel, American soldiers.

I have been here for 27 years, and on those occasions when I have been put in the position of having to vote on matters that relate to whether or not someone will live or die, I have tried my level best to be as intellectually honest and rigorous with myself as I possibly can. I have listened to the debate on the floor today with great interest and with some disappointment. It comes as no surprise to my colleagues that have served with me in the last 10 years or so, or even those in the last year or so, how strongly I feel about the Balkans. I am given blame, or credit, depending on the place from which you come, for getting us as involved in Bosnia as we are. I came back in the early nineties from a long, several-hour meeting late in the night in the office of Slobodan Milosevic, the President of Yugoslavia, and I came away convinced that this was a man with an agenda that was anathema to our interests and was literally genocidal.

I wrote a report years ago, referred to as ''lift and strike,'' whereby I urged us to change our policy. And so I don't want to attempt to hide in any way the intensity of my feelings about what the appropriate action for the United States, NATO, and the world is relative to Mr. Milosevic. But when I recently got back from Macedonia late at night on a Sunday, I got home. After flying, I guess, for 12 or so hours—whatever the timeframe was—I did what most people do after a long trip. I took a shower and brushed my teeth and tried as quietly as I could to climb into bed and not disturb my wife, who was asleep.

After I got settled, thinking I had accomplished not awakening her, she leaned over and said, ''Welcome home.'' Then she asked me a question, which I suspect the American people are asking. You are going to ask every one of us. My constituents are going to ask me. It was absolutely sincere. She said, in the dark of the night—and I could not even see her face—''Joe, are you sure you're correct?''

That sort of cut right to the quick of things. I had been so outspoken on this issue, and that took me aback for a moment. I answered her with complete honesty and candor. I said, ''I don't know. I am not positive. I can't guarantee it, but I feel so strongly that I'm right, that I'm going to continue to pursue pushing us in the direction of doing what I think is right.''

If my wife is asking me if I'm sure I'm right, and she is privy to my thoughts, concerns, and serious contemplations about whether or not I should be a party to causing some Americans to die, then I wonder what the majority of the American people must think. They must be moved by, or find appealing, the arguments of some of my colleagues today on the floor: It is not our fight. We should not be there. We are doing it the wrong way. The President of the United States is not worthy of our trust as Commander in Chief. We should bring the boys home. We have no vital interests.

You know, I sit in a seat now that men such as Vandenberg sat in. I am a senior Senator. There is only one person on the Foreign Relations Committee that has been there as long as I have been there. When I was the age of these pages—this is the truth—I used to wonder, when I was in high school and college, as we studied about Hitler and Germany, why nobody did anything in 1934 or 1935 or 1937 or 1938 when the price would have been incredibly lower. You look back now and just think what would have happened had the world united and gone in and taken Hitler out. Just think how different it would have been.

By the way, I note parenthetically that I am not equating Milosevic to Hitler in terms of his capacity, ability, or his danger. As the Senator from Massachusetts pointed out, he does not represent a country of 50 million people, an industrial giant. He does not have the military power of a country as great as Germany. He does not present the same threat.

But it is analogous in the following way: In a closed meeting of the Foreign Relations Committee, with senior Members of the Senate in attendance from the Committee on Appropriations and, I believe, Armed Services, I was making a case several months ago about why we had to be involved.

One of my colleagues, for whom I have an overwhelming amount of respect, a veteran who put his life on the line for this country, a very promilitary guy, looked at me and asked the following question, which answered for me that question I could never answer as a young man, Why did we not act? After listening to my case as to why we should be involved with NATO, he said, ''But, Joe, can you guarantee me no American will be killed?'' It was as if somebody took one of those little hammers that the doctors use to test your reflexes, those little rubber hammers, and went bing, and hit me right in the head. The light went on, and all of a sudden I realized why the Vandenbergs of the world didn't do anything.

It is difficult to explain to the American people how you would risk even one American life, or more than that, how you would be able to say I can assure you that Americans will die for something that hasn't happened yet. How do you do that? I am sure somebody said, in 1935: If we go in after Hitler, it is going to cost 100 or 1,000 or 2,000 American lives to get the job done.

I am sure Senators like the Presiding Officer and me sat there and said, ''How am I going to go home and explain that to my folks? How can I go home and explain we are going to lose several thousand American lives to take out a guy they do not know anything about, who is no immediate threat to them now, and all he is doing is beating up Jews and gypsies?'' Hard sell. That is where we are now. We have a guy who is doing more than beating up Jews and gypsies. We have a guy who, if you turn on your television, is loading thousands of people into railroad cars in the heart of Europe. He has corralled them like cattle, putting them in railroad cars. I looked at it, and I thought to myself: This is almost like a video game, or something. Is this real? This is 1999. They are loading people on railroad cars because of their ethnicity and religion.

The Senator from Oklahoma, Mr. INHOFE, said he was recently in the camps in Macedonia. So was I in the same camps. We came away with two different impressions. We agreed they were happy to be there. We agreed they were getting fed well. But do you know what struck me? As a Senator, I have been in refugee camps all over the world. It was the following. I was standing there talking to people. And there was thousands of people in line—like a long movie line. They were about six or eight wide, snaked all through this camp. I was standing there answering questions for people, and asking questions of refugees. All of a sudden it struck me. I was standing next to a guy who had on a sport coat that must have cost $750. Another guy—I looked down at his shoes. They had been to be $300 Italian-made leather shoes. In between them was an old lady in a babushka with her teeth missing. All of a sudden it came to me. This is the enormity of the cleansing. It had nothing to do with their economic station. It had nothing to do with the specific territory they lived in. It had to do with their religion and their ethnicity.

It is as if someone marched into an office building in downtown Washington and took out the $400,000 lawyers along with the cleaning lady because they were both Moslem.

People say ''no vital interest.'' Let me ask my colleagues who are listening and the staff of my colleagues who are monitoring this debate. Ask yourself the following question: Can anyone say that they will be leaving their children and grandchildren a more secure future if NATO and the United States do nothing to stop the ethnic cleansing in the heart of Europe? Forget for a moment whether or not I and others are right, that if we do not act, it will result in an open war and the split between Greece and Turkey, a division within Europe that is reminiscent of 1910 and 1915, although the Hapsburg, Ottoman, German, and Russian Empires were still in existence. Forget

that. Assume we are wrong about that. Tell me, anybody explain to me, how my child and granddaughters are going to be more secure if, in fact, you have a million people displaced, you have thousands of people—at least now documented hundreds of people —brought out in the backyards of their homes and knelt down and had their heads blown off.

There are 11 million ethnic Russians living in Ukraine. There are thousands, tens of thousands of Hungarians living in Romania. There are hundreds of thousands of Turks living in Bulgaria. Tell me how this works. Someone explain to me. And then, even if they can explain that, explain to me how the United States of America can be prevent itself from being dragged into a war in Europe.

Look, I am not saying to you all that if we don't act right now, within the next 5 years our future is doomed. But tell me what Europe looks like in 20 years. Tell me how it is possible that the United States can conduct its foreign policy anywhere in the world without a stable and secure Europe, not because we are ''Europhile'' and we only think Europe is important or more important than Asia. But tell me how with our economic, political, cultural, and military ties there can be a Europe divided and our interests not be affected. I find it absolutely astounding that anyone in this Chamber could say we have no vital interest.

I also find this moral relativism very fascinating. It kind of goes like this. If there is an injustice anywhere in the world and we can't deal with every injustice, then we should deal with no injustice. If in Rwanda African tribes are killing one another and the carnage is greater there, or in Cambodia where 2 million people were killed—and the list goes on—if we didn't get involved there, how did we get involved now?

Well, I point out two little facts:

One, we have the means in Europe that do not exist in those other parts of the world; two, we have the ability with the means available to us if we are willing to execute an outcome that we desire; and, three, if Europe begins to disintegrate, we are in trouble, because we are a European power.

I said that I would try my best to be as honest with myself as I could because, by the way, I tell you we are political. I am not suggesting those who oppose our involvement in Kosovo do it for this reason. But I can tell you that it is a lot easier for me in my State to be for noninvolvement. That is a sacred place to be, Mr. President. That is the easier place to be. I didn't look for this fight. This is not why I came to the Senate at age 30 saying I want to be for pushing us to go to war. That is why I examine these arguments the best I can, because if there is a better way that doesn't include war, I am for it.

I listened to all the arguments today. The only one, with all due respect, that I think made sense was PETE DOMENICI's. He is in opposition to the McCain-Biden resolution. What he said, from my perspective at least, adds up, and it makes sense. He said, ''Hey, look. The President didn't ask for this authority. Why are you forcing it on him? He doesn't want it yet. So don't give it to him.'' And we should send him a letter that says, ''If you want it, Mr. President, ask us and we will act on it quickly.''

When the Senator from Arizona and I introduced this resolution, that was basically our intention. We didn't—at least I didn't—contemplate that the Parliamentarian would rule correctly—I am not challenging the ruling—that the War Powers Act was implicated and that we must vote on this resolution. That was not what we anticipated. We anticipated, when we introduced this, for it to be here on the floor ready and able to be brought up when it was needed, because we—at least I—concluded that we should give the air campaign a full opportunity to succeed—I haven't given up on that yet—but that Milosevic and the rest of the world should know we were prepared to do whatever it took to win.

Here we are, voting on it because of the procedural rules not of the Senate, but of the statute, and thereby by the Senate rule.

I understand Senator DOMENICI's argument. By the way, I believe, notwithstanding all the speeches today, if the President of the United States asks for ground troops with NATO, that this body will vote for it; that there are over 51 votes for it. When the rubber meets the road and Members have to vote yes or no, I predict we will see a lot of opinions change.

Now, I heard today time and again the Gulf of Tonkin analogy. With all due respect, it is not at all analogous. In the Gulf of Tonkin resolution, the U.S. Congress said to the President, and I am paraphrasing, Mr. President, use whatever means at your disposal. It didn't say what the McCain-Biden resolution says; it didn't say use whatever means is at your disposal—assuming 18 other nations sign on with you. You do not, if McCain-Biden passes, Mr. President, have the authority to use force unilaterally. It is in conjunction with NATO; not alone, in conjunction with NATO.

At the time of Vietnam and the Gulf of Tonkin resolution, we were essentially alone in the world in concluding that force need be used. With regard to Kosovo, we are in the majority. The entire civilized world, including the Russians, acknowledge that Milosevic is engaged in behavior that violates every notion of civilized conduct. They disagree on the means we should use to deal with that.

I was in Macedonia. I went into a tent city about which my friend from Oklahoma talked. He is right, these are courageous young men and women. I sat in a tent that housed about 20 military folks. I walked in and said, They make the analogy back home about Vietnam; what do you guys think of that? There were two women, as well. What do you think of that? A sergeant looked at me, he was 23, 24 years old, and he said the following:

> Senator, when you were 23 years old, if they had sent you here, would you have any doubt about the morality of what you were undertaking?

The answer is no. It is not analogous to Vietnam. I was a student during Vietnam. We were told there was a monolithic communism that was going to roll out of Moscow and Beijing, roll down through Southeast Asia. Our history professors would say, Wait a minute, the Chinese and the Russians aren't getting along together. And, wait, the Chinese and the Vietnamese have been fighting each other for 300 years. So explain to me how this domino is going to fall.

Did anybody notice fleets of Russians in Cam Ranh Bay? Not because of us, the Chinese weren't going to let them be there. This monolithic communism didn't exist.

I don't want to relitigate Vietnam but it is not analogous, not only for the reasons my friend from Massachusetts stated—the size of the territory, the population, the availability of the arms materiel, the allies. Sure, China and Russia cooperated because it suited their interest to keep the Vietnamese fighting us but not because of the rationale we were given.

I respectfully suggest there is nothing analogous. The Tonkin Gulf resolution is not analogous because it is not giving the President authority on his own in the McCain-Biden resolution as Tonkin Gulf did. It is a different continent, it is a different population, it is a different rationale. There is no doubt on the part of anyone about the morality of the undertaking.

That old joke, and I am paraphrasing, Can 18 European countries that don't have a lot in common be wrong, all at once? Can they all be wrong?

Listening to this debate, one would think the President of the United States just woke up one morning and said: ''You know, I need a war. I would like to have a war. I would like to test our new smart bombs. I would like to figure out if they work better than they did in Desert Storm. We put a lot of money and time into it, and I have just the guy to look to. Eighteen other nations said what this guy is doing is bad.''

Some of my colleagues will say they have been fighting for thousands of years; all those people are the same. There are a lot of bad guys on all sides, but I don't see the Moslems loading up Serbs on cars and sending them off. I don't see this happening anywhere else in Europe.

There is one remaining dictator in the region. His name is Slobodan Milosevic. He is a bad guy. He is a smart bad guy. He is doing very bad things. The idea that the United States of America, when all of Europe has stood up and said this must stop, will

walk away, I think is absolutely bizarre.

Does anybody here truly believe we could stand aside, let this happen, and it not affect our vital interests in the year 2010 and 2012 and 2020 when my granddaughters and their husbands will be sent off?

It seems to me we are making a gigantic mistake here to try to hide behind a lot of arguments. I raise this question with my friend. We use that phrase all the time—''my friend.'' This guy really is my friend. We have been friends for 27 years. We were back in the Cloakroom talking. I said, what the heck is going on here? I think we both came to a similar conclusion, at least in part. On both sides of the aisle people are using code words because they don't want to be isolationist. This is about isolationism or internationalism. That is what this is about.

A lot of Republicans don't trust this President. I am not suggesting they trust him, but just sort of take that nickel when you do the cards at McDonald's for your kids and see whether you won a cup or something. Scrape it off a little bit and right below is the real link—isolationism.

On my side are a lot of the old antiwar Members. By the way, decorated veterans such as Senator MCCAIN and Senator KERRY say we should be doing this.

Look, folks, I don't know how to run an antiseptic foreign policy. I don't know how you can be President of the United States and make every decision you make based upon the following formula: If an American will lose their life, we can't get involved.

Look, if there is any man in this Chamber, or woman, who understands the loss of life in war and the brutality of war, it is my colleague here, Senator MCCAIN. I am not being gratuitous here. He may be the next President of the United States of America. Guys like him, and women like him, may have to say, ''I am going to have to do something that is going to cost American lives.''

People who disagree with us, I say to my friend, act like we are cavalier about it. I don't understand it like my friend understands it, but I think I understand loss of life a little bit. It is not about that. It is about the recognition that this is a mean damn world out there.

So I listen to my colleagues make the strangest arguments. I hear a Democrat stand up and say: You know, we should not be involved in this at all. This is a terrible thing. I voted against the bombing. And, by the way, we have to save the refugees. We are going to save the refugees.

Where the heck are you going to save them?

Mr. MCCAIN. Will my colleague yield for a question?

Mr. BIDEN. Sure, I am happy to yield.

Mr. MCCAIN. What does my friend from Delaware make of the argument that this is not the right time, this is not the right time to vote on this? So we are going to table this motion tomorrow and a whole bunch of our colleagues are going to say—including, by the way, my dear friend from Virginia: Yes, this is a problem. It has only been going on for 5 weeks now. Hundreds of thousands of people have been moved from their homes, thousands have been killed, massacres every day—but this is not the right time to vote on this particular issue. So we will vote tomorrow to table it and cut off debate and cut off discussion and abrogate the responsibilities that we have as Senators.

Frankly, does my friend think that maybe they know better?

Mr. BIDEN. I say to my friend from Arizona, and I spoke to this very briefly in his absence, it is the only argument that has any substance, in my view. I disagree with it. I disagree with it for a lot of reasons I have spoken to. I am going to vote and urge my colleagues not vote to table. We will do it the right way. But at least they have an argument that the President has not asked for it. I think we should be telling the President he has it.

We are not demanding, the Senator from Arizona and I, that he use ground troops. We are saying to him: We want to make sure you understand that you have to win this and you can't come back to us and say you didn't do it because you didn't have the means. At least that is why this Senator is pushing this.

The arguments I find totally disingenuous, though, are the ones that go like this. I heard today: You know, I voted against the bombing, but I tell you what, I am going to vote to table this use of the available ground troops to the President because I don't trust the President. But I tell you what, if this President were a leader, he would do whatever it took to stop this. But I am going to vote against giving him the authority it would take to stop it because I don't trust this President.

How? I don't understand.

Mr. MCCAIN. Will the Senator yield for one more question?

Mr. BIDEN. I sure will.

Mr. WARNER. Mr. President, I do not want to interrupt this important colloquy, but I believe I am up next.

Mr. BIDEN. You are, but I don't believe my time is up yet. If it is—apparently my time is up.

Mr. WARNER. I would like to ask a question of you.

Mr. MCCAIN. Mr. President, I believe I was asking a question. I do not believe the Senator from Virginia has the floor.

Mr. WARNER. I did not mean to interrupt, Mr. President.

Mr. MCCAIN. I ask unanimous consent for 2 additional minutes for Senator BIDEN—excuse me—I grant Senator BIDEN 3 additional minutes.

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

Mr. MCCAIN. The White House, the National Security Adviser, the Secretary of Defense and Secretary of State are now frantically lobbying against this resolution, who are saying vote to table. Has my colleague ever heard of a time where the White House and the administration lobbied actively against obtaining more authority?

Mr. BIDEN. Only on one occasion. The point the Senator is making I understand. But only on one occasion. Two other occasions I can think of where Presidents have asked not to have more authority—when they thought they were going to lose.

I have personally spoken to the President. I have spoken to the National Security Adviser. The National Security Adviser would like to have this authority. But what he does not want to have is a vote that says he cannot have the authority. They are worried if there is a vote that is a straight up-and-down vote and it loses, that it will mean, in conjunction with the House vote last week, that the Congress is on record against ground troops.

My argument to them is it does not mean that. It means they concluded they were not prepared to do it now without the White House asking for it. But I believe there have been circumstances in the past where Presidents have affirmatively suggested they not ask for authority and table something when they thought they did not have the votes.

My colleagues on this side have told them they do not have the votes, as have your colleagues. I think my colleagues on this side are wrong, and I think the colleagues on the other side are wrong about the votes. Because I find an interesting thing, Senator. On very, very important matters—and everyone knows how important this is—Congress likes to avoid responsibility.

I will take us back very briefly to the Persian Gulf. On the Persian Gulf we had great disagreement, and during that time I remember going to my caucus and saying: We must demand a vote. And my colleagues on my side, whose names I will not mention, but I give you my word to this, who were against the action in the Persian Gulf, said: No, no, don't ask for a vote, because they wanted to be in line. Because if it succeeded, they wanted to be able to say, ''Great job, Mr. President,'' and if it failed, they wanted to be able to say, ''Not me.'' I think that is at work here, I say to my friend from Arizona.

But the bottom line of it is that the Senator from Arizona, in my opinion, is dead right. I think the amendment is dead right on. I think we do more to bring a successful conclusion to this war by giving that authority whether or not it is used. I think we would make a tragic mistake being apologists for a policy that in fact makes no civilized sense, when we make moral equivalence about the people in the region, when we argue that a bombing pause would not affect anything, when we argue—my time is up. Ten seconds.

I compliment Reverend Jackson on bringing these folks home. But with all due respect, I can think of a lot of people with his standing who could have gone and probably gotten the same result, if in fact they were willing, and believed as he does, that we should stop the bombing.

I think it is a mistake. It is a little bit like saying: Give me three people back and I will not do anything about the 300 you massacred—which they did, by the way, just 4 days earlier.

I think it is a tragic mistake. I wish we would get our act together. I think the President is going to have to take the case to the Nation more forcefully than he has. I hope we do not table the McCain-Biden resolution, but it appears we are going to do that. As you can tell, I have spoken too long. But I think this is something in our vital interest with the capacity to affect the outcome that would be beneficial to all people, and the idea that it would be a failure if we had to have forces there in order to maintain the peace, who were not being killed, and the genocide stopped—I would consider that victory, not failure.

Mr. MCCAIN. Mr. President, with apologies and respect to my colleague from Virginia for going over time, I yield 15 minutes to the Senator from Virginia, Senator WARNER.

Mr. WARNER. I thank my friend. Before he leaves the floor, I think a colloquy here—and I am very much interested in following the one you and Senator BIDEN had—might be helpful. This Senator intends to vote to table. I do so with a heavy conscience, because I have no better friend, nor a man I respect more, than my good friend, the Senator from Arizona. We sort of served in the Navy together. He had more rank than I did; at one point I had a little more authority than he did. And my good friend from Delaware, you do recall who was your cosponsor. It was Biden-Warner. So I think that points out there are differences of conscience, clear conscience now and then, where we differ.

I want to ask both of you, on the condition you answer on your time, on such time you have, a very simple question: What does this resolution give the President of the United States that the Constitution has not clearly reposed in this President and in every other President since the beginning of this great Republic?

I ask that question because to vote otherwise would possibly, if this were to carry, in my judgment, send a hollow message not only to the United States but across the world. He has the authority under the Constitution to do precisely what you state in here.

I ask simply: What does this confer on the President that the Constitution has not already conferred?

Mr. MCCAIN. I will be brief in my response.

Mr. WARNER. We have the understanding it is on their time, Mr. President.

Mr. MCCAIN. Mr. President, I yield myself 1 minute to respond to the question from Senator WARNER.

This is exactly the same as the authority that was granted to the President in the case of Bosnia, in the case of the Persian Gulf war, in the case of going all the way back to Beirut, exactly the same thing: Telling the President of the United States that Congress does play a role.

We ignore the War Powers Act. We all know that. This is not a war in the classic sense, and we do not declare wars. This is a role for the Congress of the United States to play, endorsing the President's ability to use whatever force is necessary in order to bring the conflict to a conclusion. It is no different than that of the Persian Gulf war resolution, the Bosnia resolution, the Lebanon resolution, the Grenada resolution—there has been literally one in every conflict in which we have engaged.

Finally, may I say that it is also an effort, frankly, to get the President of the United States to do the right thing.

I yield my time.

Mr. BIDEN. May I have 1 minute to respond?

Mr. MCCAIN. I yield 2 minutes to the Senator from Delaware to respond.

Mr. BIDEN. I thank the Senator.

I say to my friend from Virginia, I think it is constitutionally required. I am in the minority in that view. I do not think the President has the authority to commit ground troops without the consent of the Congress, but I think it is politically necessary. I think it is politically necessary because it is of great value to any President to have the Congress on the line with him as he prosecutes a war. I think it is constitutionally necessary and politically wise.

I realize that there are those who disagree with me, that the war clause—not the War Powers Act, the war clause—of the Constitution I believe requires the consent of the Congress for the use of this force now, but it——

Mr. WARNER. By ''this force,'' the Senator means what?

Mr. BIDEN. I am sorry. If he were to use ground forces. But I acknowledge there is a constitutional argument that says that if the Congress had voted and the House did not, but if they had voted, as we had, for the use of air power, that he would not need that additional authority.

I do think there is a constitutional requirement for the Congress to assent to this action. I understand I am in the minority. Beyond that, I think there is a political necessity that we be united.

My friend and I have talked about this privately before. We can all disagree about the lessons from Vietnam, but I think we both agree that one of the lessons out of Vietnam was that no matter how smart, no matter how brilliant a foreign policy is, it cannot be sustained without the informed consent of the American people and their elected representatives being signed on to it.

That is my primary motivation. The place my friend from Arizona and I disagree is, I am not doing this to embolden the President to do the right thing. The reason I signed on to it is to make sure the Congress goes on record saying that we will back whatever action the President takes to meet the four goals that he has stated. There is legitimate constitutional disagreement, but I fall down on the side that I think it is necessary.

Mr. WARNER. Mr. President, I will simply reply to my good friend, only four times in the history of the United States of America has Congress used that phrase, ''declare war.'' World War II is the last; am I not correct?

Mr. BIDEN. You are.

Mr. WARNER. How many times did we send out our troops? Are we suggesting each time, whether it was Vietnam in particular or Korea, that that wasn't the proper authority exercised by the President of the United States? You suggest that, I say to the Senator, when you say——

Mr. BIDEN. Mr. President, yes, I am. In the one case in Vietnam, it was given through the Tonkin Gulf. In Korea, I don't think it is constitutionally—by the way, I am not alone in this. I happen to teach—it does not make me an expert, but I happen to teach constitutional law and separation of powers now in law school. I can assure you one thing: The vast majority of constitutional scholars agree with me.

The point being, you do not need to declare war. As Louis Henkin, who wrote the Restatement of International Law, pointed out, it does not require a declaration of war; it requires a consent of the Congress, which is equivalent to the authority required, just like what we did in the Persian Gulf. When the Congress went on record granting the authority to the President to use the force in the resolution, that is the equivalent of a declaration of war. All constitutional scholars agree on that point.

Mr. WARNER. Mr. President, the resolution of the gulf in 1991 is one I remember, may I say with a lack of modesty.

Mr. BIDEN. I think you drafted it.

Mr. WARNER. I was the author of that resolution. I say to the Senator from Delaware and the Senator from Arizona, there is a clear distinction in that case. There the President of the United States asked the Congress; am I not correct? Did he not ask the Congress?

Mr. BIDEN. He is correct, Mr. President. I am sounding too much like a lawyer now. From a constitutional standpoint, whether they are asked or not is irrelevant. The only relevant constitutional point—and this is getting us off the point here, but the only relevant constitutional point is whether or not the Congress granted authority, asked for or not. That is the only relevant constitutional point.

With the Senator's permission, I would like to ask unanimous consent

to print in the RECORD a legal brief which I have written on this point relative to the war powers clause and whether or not it is required and on the issue of whether or not there is the equivalency of a declaration of war by the consent of the Congress for the action specified.

Mr. WARNER. Mr. President, may that request be granted in such a way that it can appear after our colloquy and at the conclusion of my remarks?

Mr. BIDEN. With the permission of the Senator, I will put it in tomorrow so there is no question that it is not interrupting his remarks.

Mr. WARNER. Mr. President, while I have the Senator's attention, though, he said—very interesting—I don't want to breach confidences, but he and I have been present at three very important consultations with the President of the United States.

Mr. BIDEN. Yes.

Mr. WARNER. My recollection is, the first one was an hour and a half; the second, almost 2; and the third, I think I was the last to leave after 2 hours.

Mr. BIDEN. Long time.

Mr. WARNER. I know my colleague from Oklahoma, who will next speak, was there throughout the 2 hours. I recall the Senator from Delaware was engaged in a very interesting colloquy with the President about the issue of asking and not asking. Does the Senator remember that colloquy?

Mr. BIDEN. I do.

Mr. WARNER. I thought he was quite accurate. My recollection is, did you not solicit?

Mr. BIDEN. I did. Mr. President, again, I am sounding too much like a constitutional lawyer here. I don't want to mix apples and oranges.

Mr. WARNER. Mr. President, let's talk like a Senator. We are all Senators here.

Mr. BIDEN. If I may, the Senator makes a valid point. I will not tell you what the President said, because that will be inappropriate. I will tell you what I said. I am allowed to do that.

Mr. WARNER. I remember it very well.

Mr. BIDEN. There was an issue, and all the Senate and House Members were assembled, and they were about to vote on the floor of the House of Representatives on a resolution relating to whether or not the President would ask for consent to use ground troops. Let me be precise.

A resolution was submitted characterized by the Speaker, as we sat there, as one that would say the following, and eventually was voted on. It said: Mr. President, before you introduce ground troops into Kosovo, you must come to us under the Constitution and ask for our permission.

And the President—I can say this because he said it publicly. The President said, ''I didn't want to do something no President has acknowledged that he has to do in a debate with Congress.'' And I stood up, and I said, ''Mr. President, let me respectfully suggest you send the following letter to the House,'' because I didn't want the vote to turn into the debacle it did. And I suggested the President say the following: ''Notwithstanding the fact that I am not required to ask permission, I assure you that I will, in fact, ask the permission of the Congress before I use ground troops, if I make that decision.''

That is exactly what I said. And then we got a letter from the President which said essentially that. My purpose was not relating to the Constitution. My purpose was trying to keep the House from doing the thing I found to be imprudent, because I was worried that if they passed the resolution, which in fact they have the authority to do—the Congress—it would send a message to Milosevic and others that we were unwilling to use ground troops if need be.

The President was saying, ''I don't want ground troops now.'' So I said, ''The way to settle this, Mr. President, you don't have to give up what you think you're''—you may remember—I said, ''Mr. President, I think you do need authority from the Congress if you're going to send ground troops. But you don't have to give that up. You don't have to give up that legal argument. Say, 'Notwithstanding the fact I, the President, don't think I need that, I promise you I will not introduce ground troops before I ask for your permission.' ''

That is not a constitutional commitment he is making. It is a personal commitment he is making, as President.

And my purpose, I say to my friend from Virginia, was to keep the House from voting on that inappropriate resolution ahead of time, the very inappropriate resolution that the Congress introduced and passed. That is why.

Mr. WARNER. To move this along, I want to pick up on a few words. You said, ''Mr. President, the way to settle this is to send a letter.''

Mr. BIDEN. That is right.

Mr. WARNER. Here is the letter.

I ask unanimous consent to have it printed in the RECORD.

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

THE WHITE HOUSE,
Washington, April 28, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kosovo.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

However, were I to change my policy with regard to the introduction of ground forces, I can assure you that I would fully consult with the Congress. Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment. Milosevic can have no doubt about the resolve of the United States to address the security threat to the Balkans and the humanitarian crisis in Kosovo. The refugees must be allowed to go home to a safe and secure environment.

Sincerely,

BILL CLINTON.

Mr. WARNER. He sent the letter. Why is that, then, the way to settle this as opposed——

Mr. MCCAIN. I have to call for the regular order here. The Senator from Virginia has 10 minutes, and the Senator from Oklahoma and others are waiting. So we have to proceed with the regular order.

Mr. WARNER. Well, this is a time to do that, Senator. I think I am within my time.

The PRESIDING OFFICER. The Senator from Arizona declines to yield further to the Senator from Delaware?

Mr. MCCAIN. I decline to yield.

Mr. BIDEN. I am not seeking recognition.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I will try and summarize.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator still has 11 minutes of the original 15 minutes remaining.

Mr. WARNER. As a courtesy to the managers and the whip, I will not use all that time, but I would like to just finish our colloquy. Because I thought we were making a point, at least I felt very strongly, the President gave the assurances. And you said the way to settle this—and you wanted it for the House, the letter was sufficient for the House—why wouldn't this letter continue to be sufficient for the Senate? If it is sufficient for one body, it is sufficient for the other body. That is my point.

Mr. BIDEN. Would the Senator like me to answer? I will try to do it quickly.

Mr. WARNER. Put it on my time, Mr. President, so we do not interrupt the distinguished manager from Arizona.

Mr. BIDEN. The House was trying to stop an action. The Senator from Arizona and I are trying to start an action. We are not asking for the President's permission. We are trying to encourage the President to use all the persuasion available to him with our NATO allies to let him, the President, know and our NATO allies know——

Mr. WARNER. You are encroaching beyond the minute or two.

Mr. BIDEN. That is my answer. They are trying to stop; we are trying to start. It is a different issue.

Mr. WARNER. I simply say, with great respect to both you and Senator MCCAIN, this does not grant the President of the United States one single bit of authority that he does not possess at this moment and that every President of the United States has possessed from

the beginning of this great Republic. And, therefore, I fear that this could be a hollow message. It could be misunderstood, not only in the United States, but in the other 18 nations that are allied with us; my point being, the success thus far has been the ability—and, indeed, this President has been active, as have other heads of state—in keeping 19 nations solidly together to pursue this military action.

And my concern is, if the Senate were to take a resolution like this, does that not say to the other nations, the 18, ''Well, go to your legislatures. And similarly, don't you have a responsibility comparable to what we have in the United States of America?''

And, Senator, I say this respectfully to my colleague form Delaware, that other nations of that 18 group, their legislatures might well not act favorably on such a piece of legislation, and begin to start a fracturing of the solidarity of the NATO group.

That is my great concern, Mr. President. Therefore, I feel that it is just most unwise. And I shall vote against it. I really salute the Senator from Arizona, as well as my colleague from Delaware, because I believe their steadfast stance on this gave backbone to NATO to begin to at least dust off the plans to look at the introduction of ground forces, both under a permissive and nonpermissive situation.

I ask unanimous consent to have printed in the RECORD remarks that I made as chairman of the Armed Services Committee when the Secretary of Defense and the Chairman of the Joint Chiefs were before our committee, urging them to do just that.

That was weeks ago, before and during the course of the summit the Secretary General announced they would take that step.

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

STATEMENT OF SENATOR WARNER—KOSOVO HEARING—APRIL 15, 1999

I start this morning by expressing my deepest regret for the loss of innocent civilian lives—both Kosovar Albanian and Serbian—in this conflict. I know our forces have done their best to avoid such collatoral damage.

I welcome our witnesses this morning and note that this is the first public hearing before the Congress on the situation in Kosovo since NATO began its military operation on March 24. I thank you, Secretary Cohen and General Shelton, for your willingness to testify on this crucial issue.

Since military operations began, the Armed Services Committee has convened 5 closed briefings for Senators on developments in Kosovo. I thank our witnesses for providing officials to testify at those sessions. Today, the American public will witness the first real public debate between Administration officials and Members of Congress on this issue. It is important that the American people have an opportunity to see such an exchange of views. We have a duty to keep our citizens well informed as our men and women in uniform are in harms way.

As we meet this morning, the NATO air operation against the Federal Republic of Yugoslavia—Operation Allied Force—is entering its fourth week. I was, and continue to be, a supporter of air strikes against Milosevic's military machine. We must see this air campaign through.

However, I have always believed that all options should have been left on the table, including the planning necessary to keep in place a ground option. By taking it off the table, the wrong signal could have been sent to Milosevic.

In the meantime, I believe that positioning NATO ground forces in key locations on Yugoslavia's Serbian border—as is being done now on a small scale—could limit Milosevic's freedom in the disposition of his ground forces and, together with the air campaign, force him to prepare for a possible ground attack by NATO forces. NATO should begin now to move heavy equipment into the region, within striking distance of Yugoslavia, both to threaten Milosevic and to lend protection to countries such as Albania which are now threatened by Milosevic's troops. The decision to use NATO forces to attack Yugoslav troops on the ground in Kosovo could be made later—but the deterrent effect of placing these forces in the region would be, I believe, substantial.

Since last September when I traveled to Kosovo and Macedonia, I have advocated the use of U.S. ground troops in Kosovo as a stabilizing force to allow the various humanitarian organizations to assist the Kosovar Albanians who, at that time, had been forced into the hills by the brutal actions of Milosevic. And I supported the use of U.S. ground troops to implement the peace agreement which was under consideration at Rambouillet.

There have been calls in Congress for a vote on legislation authorizing the President to use ''all necessary means'' to accomplish our objectives in Kosovo. The leadership of both the Senate and the House have decided that such legislation should not be considered this week. That gives all Members the time to gather the necessary information on what it would take to engage in a ground war against Yugoslavia. We need the facts. What would be the basic parameters of such a ground force—the size, type of forces and equipment required, duration of the mission and exit strategy for such an operation? A NATO assessment last summer estimated that it might require 200,000 troops for NATO to fight its way into Kosovo—and win. Is that estimate still valid, or has it changed since the air strikes and Milosevic's intensive military operations in Kosovo began? It is imperative for Senators to have this information before we are called upon to vote to authorize the use of ground troops against Yugoslavia.

It is my hope that we will continue to gather that vital information today, for the Senate, for the American people.

This hearing will also address future NATO strategy as we approach the 50th anniversary Summit. In my view, the most important issue to be discussed at that Summit is a revised Strategic Concept for NATO—the document that spells out the future Strategy and mission of the Alliance. I have recently written to the President urging him NOT to adopt a final version of a new Strategic Concept at the upcoming Summit in Washington, given the uncertainty of events in Kosovo.

The United States and our NATO allies will have many ''lessons learned'' to assess from the Kosovo operation—lessons which will be a pivotal part of any future Strategic Concept for NATO. If NATO is to continue to conduct such ''out of area'' military operations in defense of ''common interests'' in the future, we had better take the time to carefully evaluate the Kosovo experience and incorporate the ''lessons learned'' into any future strategy and doctrine for the Alliance. NATO is simply too important for us to proceed in haste on this key issue.

Mr. WARNER. I am likewise concerned about consultation. The Senate and the House—the Congress—work very hard with this President, as they have with other Presidents, to get consultation on these key questions of our national security and foreign policy.

Were we to pass this, coupled with what I predict will be a strong vote for the emergency supplemental, indeed, the President's advisers might say, ''We've got whatever we need now. Let's go about this. And we need not have the consultation.''

We have had extensive consultation in the course of this very difficult military action, and that consultation has enabled this Senator—sometimes there were 30 other Members of Congress up with the President working in consultation for not just 15 or 20 minutes or a half-hour but hours on end.

I commend the President for sitting there very patiently and entering into a strong colloquy and exchange of views throughout that consultation.

We might well lose consultation. We will send out a message that could be misinterpreted. And, indeed, we could cast an affirmative responsibility on other legislatures which could cause a fracture and a breakdown of the 19 NATO nations standing together.

So, Mr. President, I commend my two colleagues. This has been a good debate. It is going to go on for a while. We owe a great deal to both of you and others who wanted to have this debate. I think it has been a good one. I am pleased to have been a part of it.

I yield the floor.

Mr. MCCAIN. Mr. President, I thank Senator WARNER for his always insightful and well-thought-out debate and discussion. We appreciate his outstanding work as chairman of the Senate Armed Services Committee.

The Senator from Oklahoma is recognized for 20 minutes.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague, Senator MCCAIN, for recognizing me, and I also compliment him for his leadership, although I oppose the resolution that is before us. I also wish to compliment Senator WARNER for his comments. And I agree with his comments. I think we have had some good debate. I think it is an important debate.

I have heard many things on both sides of the issues. I happen to concur with a lot of the statements that some of the proponents have made on this resolution. I just disagree with its conclusion. I think it is going to be interpreted, this resolution, as a blank check for the President to do whatever is necessary to win in Kosovo, whatever that means.

''If you win, you are going to own Kosovo.'' Are you going to occupy Kosovo? Maybe Kosovo is second prize;

first prize will be Serbia. And then we get to run Serbia. I do not think we want to do that. I think it would be a mistake.

I stated on the floor, prior to the bombing resolution, that I thought it was a mistake. And I think it really kind of resulted as a failure in diplomatic effort.

As a matter of fact, I think the diplomatic mission in this area has been a disaster. Unfortunately, it has resulted in a humanitarian disaster.

Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NICKLES. I thank the Chair.

I want to go through a little bit of the chronology to show, at least in my opinion, how we got into the bombing campaign, because what this resolution is kind of implying is, well, the bombing campaign is not working. And we call it a campaign because the polls don't like the word ''war.''

It is interesting, I was with some of our colleagues, and we went to the Kosovo region into the Balkans. We talked to our military planners. They use the word ''war.'' But the politicians do not use the word ''war.'' It doesn't poll very well. People don't like war. So this is called an air campaign. This is a mission.

I disagree with that terminology. How did we get into the air campaign? How did we get into this air war?

I want to go through several statements, because, as I mentioned in my opening comment, I think this has been a diplomatic disaster that has led to a humanitarian disaster. It is not working, and some people are saying, let's double the ante again. Let's throw in troops now and then maybe we can win.

I do not think that would be the result. I want to win, but I question, what is winning? Are we going to have a NATO presence, a U.S. presence in Kosovo forever? Are we going to go all the way into Serbia and occupy Belgrade and take Milosevic out and have him tried as a war criminal? He is a criminal. He is a thug. I have met with him. He doesn't tell the truth. He is responsible for a lot of serious atrocities, and he should be punished. But something tells me this body is not going to say, let's mount up 250,000 or 300,000 troops so we can invade Serbia and occupy Serbia and go door to door at the expense of that. So I just mention that.

Let me go through a little chronology of how we got into the bombing campaign as classified by the State Department. Just to put this in context, we started bombing on March 24. The Senate voted on March 23.

This is from the New York Times on February 19:

> As the deadline neared for a settlement in the Kosovo peace talks, the military and diplomatic pressure mounted today on President Slobodan Milosevic of Yugoslavia to choose between tolerating NATO-led peacekeepers in Kosovo or suffering NATO air strikes for refusing them.
>
> Secretary of State Madeleine K. Albright said she had again spelled out the choice in a telephone call to the Yugoslav leader and that she would return Saturday to the talks, which she visited last week.

That was on February 19th. February 20th:

> President Clinton warned President Slobodan Milosevic of Yugoslavia today not to ''stonewall'' a peace settlement in Kosovo and threatened to bomb Serbia if Mr. Milosevic missed the Saturday deadline for an end to the peace talks.

So we are threatening bombing. ''Mr. Clinton said the two NATO allies''—in this case, he is talking about President Chirac of France—stood ''united in our determination to use force if Serbia fails to meet its previous commitment to withdraw forces from Kosovo and if it fails to accept the peace agreement.''

I will talk about the peace agreement in a moment.

He also says, this is President Clinton, ''I don't think there is an option other than NATO airstrikes.'' This was in the New York Times, February 20th.

Also February 20th, Secretary of State Madeleine Albright says, at a press conference:

> Let me stress that we expect nothing less than a complete interim agreement, including Belgrade's acceptance of a NATO-led force and a civilian mission building on OSCE's Kosovo Verification Mission. Until the parties have accepted all provisions of the agreement, preparations for NATO military action will continue and if that agreement is not confirmed by Tuesday, Secretary General Solana will draw the appropriate conclusions.

I.e., the bombing will begin. It is also interesting that on February 21 she says, according to the New York Times, ''If this fails because both sides say 'no,' there will be no bombing of Serbia.'' Mrs. Albright said that on February 21, as Rambouillet talks were winding down.

It is also interesting to note that 2 days after Rambouillet ended, the European Union envoy to the talks, Mr. Petritsch, said, ''the Yugoslav President decided he was not going to accept NATO troops—and mustered his own forces and propaganda to prepare for this military showdown.''

It is also interesting to note in this same article, it says, In a meeting with Italy's new Prime Minister in the Oval Office with the President on March 5, Mr. Clinton said Mr. Milosevic had ''accepted almost everything,'' according to Italian officials, except for the international peacekeeping force. I added that comment. That wasn't in the quote, but that is what he had not accepted.

This individual was skeptical. He asked the President, what was the plan if there was no deal and NATO airstrikes failed to subdue the Serbian leader. The result, he said, would be 300,000 to 400,000 refugees passing into Albania and crossing the Adriatic into Italy.

''What will happen then,'' Mr. D'Alema wanted to know, according to the Italian officials. Mr. Clinton looked at Mr. Berger for guidance; that is, Sandy Berger. ''NATO will keep bombing,'' Mr. Berger replied. After Rambouillet fell apart, a follow-up conference was called in Paris 3 weeks later. While the world waited, Mr. Milosevic continued to build up his forces in and around Kosovo.

> A defining moment came on March 18 at the International Conference Center on the Avenue Kleber in Paris. To polite applause, four ethnic Albanian delegates signed the peace plan that would give their people broad autonomy for a three-year interim period. The Serbs did not sign. That paved the way to airstrikes.
>
> Ms. Albright said that setting up a deal signed only by one side was a crucial step forward. ''Signing Rambouillet was crucial in getting Europeans two things,'' she said. ''Getting them to agree to the use of force and getting the Albanians on the side of this kind of a settlement.''

February 23, this is, again, Secretary Albright talking about Rambouillet.

> Rambouillet talks to a close. The Kosovo Albanians have requested two weeks for consideration. Belgrade must be ready to move by then as well, or prepare to face the consequences. This period of reflection should not be taken by either side as an excuse for military activities on the ground. We're particularly concerned by recent movements of Serb forces and harassment of members of the Kosovo Verification Mission. The mission's security must be assured, and there should be no doubt that NATO's January 30th decision permitting Secretary Solana to authorize airstrikes remains in force. We also call on the Kosovo Liberation Army to refrain from provocations.

So there is a 2- or 3-week period for the Kosovo representative to consider this negotiation.

March 15, this is in the New York Times:

> A massacre in the Kosovo village of Racak of more than 40 ethnic Albanians by Serbian forces in January spurred the current efforts of Ms. Albright to persuade NATO to authorize air strikes against the Serbs if they reject a settlement.

So there was a massacre, according to this press report, of 40 people who were killed in January. That led to this effort to use military force in a bombing campaign.

March 18, again, this is Secretary Albright, State Department:

> So the situation is as clear as it could be. The Albanians have said yes to the accords and the Serbs are saying no. At the same time, Belgrade's security forces are stepping up their unjustified and aggressive actions in Kosovo and if Belgrade doesn't reverse course, the Serbs alone will be responsible for the consequences.

The war drums are rattling. This is March 19, a few days before the bombing commences. This is also in the New York Times.

> With the Kosovo talks at a dead end, and the Yugoslav leader more recalcitrant than ever, the Clinton Administration was publicly pushing the threat of airstrikes today, but officials said they have no option but diplomacy, at least for another week.
>
> Instead of responding to the threats, Mr. Milosevic has moved in the opposite direction, building up his troops in Kosovo to such an extent there are now deep concerns over whether the 1,400 international monitors in Kosovo can leave safely before his troops trap them by sealing their exit route.

Also in the same article it says, ''American military is warning that airstrikes may not be easy.''

March 22, a couple of days before the bombing campaign begins.

Secretary of State Madeleine Albright said that Holbrooke would warn Milosevic that the NATO allies are preparing comprehensive missile and bombing strikes that could devastate much of his military infrastructure. ''He will make clear that Milosevic faces a stark choice: to halt aggression against the Kosovar Albanians and accept an interim agreement with a NATO-led implementation force, or bear the full responsibility for NATO military action.''

This is just a couple days before, the night before bombing began, on March 23, on Larry King's program. Mr. King asked Secretary Albright:

Is there a timeframe here, Madam Secretary? Like you are going to keep this up for 3, 4 days, let us know by Saturday? Is there a plan?

Secretary Albright:

Well, again I am not going to reveal the operation time line, this is a very well-thought-out military mission. I think it would be a mistake. You wouldn't want me to give the details here so that President Milosevic could hear everything that is going on. But it is going to be a sustained attack, and it is not going to go on for an overly long time.

Then she continues and says: ''No, I mean what we have said. Ambassador Holbrooke said to him''—talking about Milosevic—''he had an opportunity to accept accords signed by the Kosovar Albanians in Paris and have a peace agreement. He had an opportunity also to stop the fighting. Ambassador Holbrooke told him that if he did not do that, there would be very serious consequences. He has not accepted those two threshold objectives and, therefore, he knows there are now serious consequences.''

The next day the bombing began. I might mention that Secretary Albright said, ''We are very well prepared. This is a well-thought-out campaign.'' I just take issue with that.

I am not going to say I told you so, but on the debate we had on March 23, the day before the bombing campaign commenced, I made a speech. On the floor of the Senate, I urged colleagues to vote no because I said I was afraid it would be a mistake. I said—and history has proven—that bombing alone doesn't work. The President has said we are only going to bomb and not use ground troops. Then, I also said that I was afraid it might make things worse. Instead of stopping atrocities, it may turn a guerrilla war into an all-out war. I am afraid that is what has happened. I think we had a diplomatic failure and, as a result, now we have a humanitarian disaster, a catastrophe.

I was in Kosovo a week or so ago with some colleagues and I saw some of these refugee camps. There are 600,000-plus people who are now outside of Kosovo, driven away from their homes—in my opinion, because of a diplomatic disaster. We turned a guerrilla war into a real war. We started the bombing campaign, and I stated this on the floor of the Senate before the bombing started. I said:

Mr. Milosevic, instead of his response being to move back into greater Serbia away from Kosovo, moving his forces out, he may be more assertive and aggressive, and he may want to strike out against the U.S. airplanes that are flying. He might find that unsuccessful. He might have no success against our pilots and our planes, but if he is not successful against our planes, what can he be successful against? Maybe the KLA, or maybe he would be more aggressive in striking out where he can have results on the ground. So by initiating the bombing instead of bringing stability, we may bring instability. We may be igniting a tinderbox that has been very, very explosive for a long time.

I am afraid that is what happened. The bombing campaign has made things worse. I am afraid if we go in and say let's use all necessary force, send in 300,000 troops, we may make things worse. I don't want to compound a past mistake that was a mistake, in my opinion, diplomatically as well as a mistake now through the air campaign, and certainly has turned into a humanitarian disaster. I don't want to further compound that.

Again, when I read the resolution it says to accomplish NATO objectives—we are going to use all necessary force and other means to accomplish United States and North Atlantic treaty objectives with the Federal Republic of Yugoslavia.

I have the Rambouillet agreement. I wonder how many colleagues have read this thing. I urge you to do it. It is 44 pages.

I am looking at some of the comments or statements made in this Rambouillet accord. They said, ''We negotiated and Mr. Milosevic would not sign this accord.'' I will read one paragraph. I brought this to the President's attention last week, and Secretary Albright said: Mr. Milosevic would not even talk to us about an international peacekeeping force. In one paragraph, we were insisting that if he didn't comply, we were going to bomb him. On page 41, paragraph 8 of the appendix B, it says this, talking about the NATO force—and some people say let's give NATO all necessary force. This is one of the things about which we said we are going to bomb you if you don't sign:

NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the Federal Republic of Yugoslavia, including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

Basically, it says NATO gets to occupy not only Kosovo but Serbia as well. Isn't that interesting? I brought that to the President's attention. I don't know if he knew that was in there. I kind of doubt it. Secretary Albright almost acted taken aback. ''What are you doing reading the Rambouillet agreement?'' This is what we were saying he has to sign, or else ''we are going to bomb you.'' I think that is diplomacy failure. It has led to a bombing campaign. We threatened that we were going to bomb and now our credibility is at stake. I have heard that time and time again.

I want NATO to be credible, but for crying out loud, when you are so arrogant to say here is our wisdom, here is this accord, we determined this is in your best interest and you must sign it or else we are going to bomb you—I stated in my speech on the bombing resolution that I don't think you can bomb a country into submission or into signing an agreement. I doubted then that Mr. Milosevic, after the bombs were going to fall, was going to raise the white flag and say: Now I see the wisdom. That didn't happen in Bosnia. It got his attention in Bosnia. In fact, the Croatian army was ethnically cleansing their own, and he was losing the war. He decided to be more interested in a peace agreement.

I think Rambouillet was a diplomatic disaster and a failure and to say, OK, well, we tried to bomb them into agreeing to this, but I don't think that is going to work; maybe now we should use ground forces so they can sign onto NATO objectives. I think it is a mistake. What should we do? I don't want to just complain, but I think this is a disaster. If you had seen the refugee camps, you would know it is a disaster. There were several hundred thousand people. Senator MCCAIN pointed out that it is not just the several hundred thousand people who are outside of Kosovo and Albania and Macedonia, but the hundreds of thousands who are displaced inside of Kosovo. What should we do? I have heard several people in the administration say that he must withdraw forces and accept this international peacekeeping force, and if he stops all the aggression, then we will stop the bombing.

Mr. President, I think we need to have two or three things happen simultaneously. He needs to get his aggressive forces out. We need to have an international peacekeeping force to protect the returning refugees allowed back in. And simultaneously with that, we need to stop the bombing. We need to do all of them simultaneously.

The big difference I can see going on now is the negotiation of who should compose the international peacekeeping force. I heard Secretary Cohen say, and I have read time and time again, that it must be NATO-led or a NATO corps. They are talking about U.S. participation. I think our objective should not be so much just what is the composition of the peacekeepers; it should be to keep the Kosovars safe and sound and return them back to their homes. Those people are living in terrible conditions, living in tents. They have absolutely nothing to do. They are waiting hours to pick up food. They have to wait for a long time to use the restroom facilities—latrines would be a more accurate description. It is not a pretty sight.

In the first place, I want to compliment many of the international relief agencies that are doing a miraculous job. They have a very difficult, if not impossible, job.

Mr. President, I think we need a very aggressive diplomatic effort. I don't think this is a situation where one says, ''Well, let's just double up our military forces; well, if the bombing sorties''—and we are running so many thousands of these bombing sorties—''that is not working; let's throw in another three or four hundred planes, double up the bombing; let's get ready to have ground troop invasion into Kosovo, into Serbia.'' I don't think that is the solution. I think we need a diplomatic solution.

I believe I heard Strobe Talbott, Under Secretary of State, yesterday say we are not negotiating. I almost fell off my chair when he said that. Obviously, Jesse Jackson did some negotiation. I want this administration to be negotiating. They need to be negotiating aggressively to save lives, to minimize the human disaster, the humanitarian disaster, the diplomatic disaster. Let's do everything we can to allow the Kosovars to return safely as soon as possible—hopefully as soon as possible under the guise of an international peacekeeping force. And it can be with NATO participation. It can be U.N. led. It can be the Organization for Security and Cooperation in Europe. But let's make it happen, and make it happen soon.

Mr. President, I urge my colleagues to vote ''no'' on this resolution tomorrow.

Again, my compliments to the sponsor of the resolution. I think this debate is important. He was requesting the debate, and I think we have had an excellent debate as well.

I yield the floor.

Mr. McCAIN. Mr. President, I thank the Senator from Oklahoma. I appreciate his involvement, and deep involvement, in this issue. I respect his views.

I yield 10 minutes to the Senator from Illinois, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Arizona and ask if I may enlarge that time to 20 minutes.

Mr. McCAIN. I have no objection.

Mr. DURBIN. I thank the Senator.

Mr. President, I am joining today in this discussion and debate on what is a critically important issue not just for the current challenge facing America in the Balkans but also, frankly, in terms of the history of Congress and this Nation.

I feel very strongly about that provision of the Constitution which gives to Congress, and Congress alone, the authority to declare war. It is, unfortunately, a power allotted to Congress which for the past 50 years has been largely ignored.

One day after the bombing of Pearl Harbor, President Franklin Roosevelt hobbled to the podium of the House of Representatives and gave his memorable speech referring to a day which would ''live in infamy.'' He then asked from a joint session of Congress for a declaration of war, first against Japan and then later against Germany and Italy.

That was literally the last time a President came before Congress and recognized the authority of Congress to declare war. Every subsequent President—Democrat and Republican alike—found an excuse not to come before Congress and to wage wars of varying magnitude.

It is curious, when you look back after World War II, at the debate on the formation of NATO and of the United Nations, how careful the Members of Congress from both political parties were to preserve the authority of Congress to declare war, to make certain that we would not delegate that authority to any international institution or any treaty organization. Time and time again during the course of that debate we were reminded that even as members of the United Nations, even as members of NATO, we were not ceding the power of Congress under the Constitution to declare war.

The steady decline of congressional involvement in the war-making process resulted, of course, in our participation in Korea, in Vietnam, in a dozen other military undertakings without the express approval of Congress.

Last year, I stood on the floor of this institution and asked my colleagues—Democrats and Republicans alike—to join me in reasserting the principle that Congress, and Congress alone, has the authority to declare war and to engage in any offensive military action. Yes, the President is Commander in Chief and defends American personnel, American territory, and does it without coming to Congress waiting for a quorum and a debate and a final vote before he acts. No one would ever demand that a President restrain that authority to defend this country or its people. But in the case of an offensive military action, one where we were not defending Americans, or our territory, or engaged in some peacekeeping permissive activity, I felt the Constitution was clear. I offered that amendment to the defense appropriations bill last year.

For those who are keeping score at home, they might be interested to know that 15 of the 100 Senators voted in favor of my resolution, and 84 in opposition.

It will be interesting to take the debate on this resolution and the statements made by so many of my colleagues and put them next to that vote and ask them if there has been a change of heart. I think to some extent there has been. I think it is unfortunate that we are considering this particular resolution and that we will have little chance to amend it.

I strongly agree with my colleagues who drafted the resolution that Congress must vote to authorize any escalation of this conflict to include ground troops. I filed an amendment that would prohibit the use of ground troops to invade Yugoslavia unless specifically authorized by Congress. The President said he doesn't intend to use ground troops. He has promised in a letter to congressional leaders that he will ask for a vote of Congress before introducing United States ground forces into Kosovo in a nonpermissive environment.

I think the President must come to Congress before committing us to any ground war. I think it would better for us to vote on that specifically. But I understand that a motion to table Senate Joint Resolution 20 will be made and that it is not likely that I will be able to offer this amendment.

I did vote for Senate Concurrent Resolution 21 on March 23 that supported airstrikes against Yugoslavia. It passed by a vote of 58 to 41. I commend the President and this administration for giving the Senate at least an opportunity to vote before any action was taken. That is a concession that has rarely been made by any President. Most Presidents moved forward as if the Constitution did not exist in terms of congressional authority.

I support the President and NATO's policy. I think we need to have patience and resolve to see the air campaign through. Many have questioned the strategy of conducting an air campaign without committing ground troops.

This is an important debate. But I believe we had no choice but to start the bombing campaign in an attempt to respond to ethnic cleansing, the genocide in Kosovo. We could not stand idly by and watch it happen.

I have listened to the speeches on the floor from some of my colleagues who take exception to the premise that the United States should even be involved in this conflict. I do not agree with that. Frankly, having been there, having seen literally thousands of people in a refugee camp in Brazda in Macedonia, it is clear to me what is going on. The policies of Milosevic in Yugoslavia are directed toward innocent people.

Time and time again I asked these innocent Kosovars why they left Kosovo—an open-ended question. Time and time again the response was exactly the same. In the middle of the night a knock on the door, people in black ski masks, or otherwise concealed identity, gave them literally minutes to leave: Pick up your babies, pick up your grandparents and whatever you can hold, and leave, because we are going to burn down or blow up your home. If they were lucky, they got out. They got out with a family intact. But many were not so fortunate. They were victims of ethnic cleansing—not just displacement but murder. So many times over and over we hear these stories of murder, of genocide against people, not because they have

done anything wrong but because they are of the wrong ethnic persuasion, the wrong culture, the wrong religious belief.

I am not sure what the word ''genocide'' means technically. But what I have seen is the closest I may come to it in my lifetime in that refugee camp in Macedonia—victims of murder, rape, displacement, genocide, suffering. These are the people forced out of Kosovo.

Some of my colleagues will come to the floor and say that is none of our business, we can't be the policeman to the world; the United States has limited capability, limited responsibility. That is a point of view that I would disagree with but I understand. We certainly cannot police the world. But the fact is, we are part of a NATO alliance which is being tested in terms of its existence and its future. If NATO does not come forward at this moment in time unified and determined to rid Milosevic of his killing fields in Kosovo, the NATO alliance is all but moribund and dead and pointless.

For the 20th century, we have invested so much in American treasures, in American lives to preserve Europe: World War I, World War II, and the cold war—thousands and thousands of Americans fighting and dying for the stability and safety and security of Europe.

Now in the closing moments of this century are we to walk away from this corner of the world which has been so important in our alliance in the past? Are we to ignore the barbarism being practiced by Slobodan Milosevic? Are we to say that a man who has initiated four wars in 10 years can now start another war if he cares to, find more innocent victims for his policy of ethnic cleansing? Should we, as the United States, step back as the lead nation in this important alliance and declare it is over? I hope not.

I think President Clinton is right. Fighting this war at this moment in time is critically important because it will validate the future of NATO. I hope for a generation, perhaps even a century of peace in a Europe that has been torn with warfare too many times.

The critical question in Senate Joint Resolution 20 is how far do we go. I voted for airstrikes, I mentioned earlier. But this resolution goes further. I read it in its entirety in the resolution clause:

> That the President is authorized to use all necessary force and other means in concert with United States allies to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia, Serbia and Montenegro.

I cannot support that. As much as I support the current air war, as much as I support our efforts to stop ethnic cleansing by Slobodan Milosevic, I cannot support committing ground troops. I think that is a mistake.

I made a point during my recent visit to ask military experts how it would be accomplished. How can we send troops in the field and accomplish this goal? Time and time again the answer came back: With great difficulty. We don't have the port facility that we can rely on. Frankly, we can't look at the nations surrounding Yugoslavia and find a ready entry strategy. What we would have to do would be elaborate, costly, expensive, time consuming, and dangerous.

That is why, though I support the air war, I don't support the concept of sending ground troops. I don't believe it is necessary nor practical, and I don't think we should do it. This resolution is open ended and gives the President authority for ground troops and beyond.

Just last week, the House of Representatives considered this issue. I am sorry to say, about an institution where I served for 14 years and one which I hold in the highest regard, that it was not one of their finer moments. It was an aimless, pointless, confusing debate. At a time when the American people needed clarity and leadership from the Congress, they received neither. They voted not to expand the war; they voted not to pull out; and then by a tie vote they failed to pass a resolution even supporting the current air war in place in Kosovo and in Yugoslavia.

I am not sure what message was sent. We spend a lot of time here on Capitol Hill talking about sending messages as if we are some sort of e-mail source or Western Union. But that was a very confused day for America, and I am sure the confusion was felt around the world.

I hope our vote here does not lead to the same misunderstanding. I think it is likely that this resolution, because it is so broad and open ended, will be tabled. The decision made by that, I believe, that we will continue the Senate approval of the air war, we will not give to this President something he has not asked for—the authority to commit ground troops or whatever other power is in his hands.

How did we reach this point where we have to debate whether Congress will exercise its constitutional authority? I think there are several reasons. By attrition we have given back to the executive branch the conduct not only of foreign policy but of the military as well, without any real reference for the language of the Constitution. We have said fundamentally, Mr. President, it is your decision to make.

I think it reflects many things. I think it reflects historical attrition. I think it also reflects a timidity on the part of Congress in terms of getting its hands dirty, involved in a military struggle that might result in American casualties. That is a sad commentary because the American people count on us to come forward during the course of debate and with as much clarity as possible to explain the choices and to make the call in terms of our military and foreign policy.

I think, unfortunately, this resolution by Senators MCCAIN, BIDEN, and others, does not express the feelings of Congress today. I think if there were a resolution in the Senate as to whether or not we should continue this air war, as the President has proposed, it again will pass as it did on March 23. This idea of expanding beyond goes too far.

I listened to the Senator from Virginia argue earlier that Congress has a very limited, if any, role, when it comes to the declaration of war. I disagree with him on that score. I believe there is an important element here that must be remembered. The words of James Madison aptly summarize the founders of this country and their thinking on this point when he said:

> In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department. . .[T]he trust and the temptation would be too great for any one man. . ..Hence it has grown into an axiom that the executive is the department of power most distinguished by its propensity to war; hence it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence.

It is hard to imagine a clearer situation for acting on the Congress' war power than the situation we face with Yugoslavia and Kosovo today.

I have offered a resolution which states that if the President seeks to expand this war beyond the current air war approved earlier by Senate resolution, it would require Senate approval. I think with that type of resolution we would continue to assert our constitutional authority to authorize military activity and to draw clear, bright lines as to the extent that the President can go.

I understand the Senator from Arizona, and I have heard him speak many times on the floor and in the press about his belief that we should give to this President all power necessary to complete the war. I appreciate his point of view, though I respectfully disagree with him. I think that involvement in a ground war could be costly and, frankly, not the result for which the American people are looking.

I hope during the course of this debate several things come through loudly and clearly. First, regardless of your point of view on this resolution, we support the men and women in uniform. Regardless of party preference, we are here in support of their actions. I am proud of what I have seen and what I am sure will continue in their service to this country.

Second, we condemn the ethnic cleansing policy of Slobodan Milosevic. He has picked on innocent victims time and time again, and this type of genocide must come to an end.

Third, any expansion of this war beyond the current military undertaking must be with the consent of the American people through their elected Representatives in Congress. I hope, regardless of what the vote may be on

this resolution tomorrow, that that will be a principle which the President will continuing to abide by.

I believe NATO has a future. I certainly believe that America has a future in its leadership in the world. We are being tested in the Balkans. I want to pass that test so the 21st century is a century of peace.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, I rise today as a cosponsor of the pending resolution authorizing the use of ''all necessary force and other means'' to address the crisis in Kosovo. I know our vote will be a procedural one, and that the Senate may well vote to table the resolution.

I would therefore urge my colleagues to demonstrate their support for the resolution by joining the distinguished senior Senator from Arizona, Senator MCCAIN, and the Ranking Member of the Foreign Relations Committee, Senator BIDEN, and others who have cosponsored this legislation.

I am heartened by this bipartisan support for President Clinton's leadership of NATO efforts to stop the killing in Kosovo and allow ethnic Albanians to return and rebuild their homes under the protection of a NATO-led peacekeeping force.

Mr. President, we are not debating whether our values and interests merit the engagement of our armed forces.

President Bush first issued the so-called Christmas warning in 1992, threatening the use of force if Yugoslav forces moved against Kosovo. President Clinton renewed that pledge soon after taking the oath of office for the first time. Unlike our colleagues in the other body, the Senate clearly voted to authorize the President to conduct air operations and missile strikes against Yugoslavia.

Why did we do so? Why does the fate of ethnic Albanians in a province of what remains of Yugoslavia matter to the American people?

Because fundamental United States interests and values are at stake.

The first is the credibility of the United States as a moral leader in establishing rules of civilized behavior among countries, to take a stand against mass killings and mass rapes and mass expulsions of innocent civilians wherever they occur.

The second is the promise of developed nations banding together to enforce these standards of conduct, as members of NATO are doing through joint military action against Belgrade.

At the fiftieth anniversary Summit, the leaders of nineteen democracies strengthened the Euro-Atlantic partnership so we can more often act—particularly in Europe—in concert with allies who generally share our interests and values and who have the capability to undertake fully integrated military operations alongside U.S. armed forces.

Those nineteen heads of state and government were joined by the leaders of many other nations in the Euro-Atlantic Partnership Council expressing solidarity to address the threat to European security from the Milosevic regime in Belgrade.

Third is the credibility of United States threatening the use of force when appropriate.

We have followed through on declarations made by President Bush and President Clinton. Now we must prevail. Otherwise, our leadership around the world will not be taken seriously, and we may find our interests threatened more in the future.

Fourth, we must stop conflicts early, before a small but intense fire becomes a widespread conflagration.

We must help neighboring states, particularly Albania and Macedonia and Montenegro, confront the challenge of helping hundreds of thousands of ethnic Albanians driven out of their native Kosovo. We have already seen the pressure which Belgrade has brought to bear by flooding these countries with refugees.

One cannot fully predict what will happen if we do not prevail, stopping these crimes against humanity, this genocide in the Balkans, rather than permitting this abhorrent behavior to become an ordinary means of controlling events.

Finally, I would remind my colleagues, Mr. President, that Milosevic and his police and military forces are killing people and raping women and driving families from their homes based on their ethnicity—they are committing unacceptable acts. We have an obligation and a responsibility to act to stop genocide.

We cannot stand by and allow these massacres to continue and claim to stand for what is right in this world?

Mr. President, the United States Senate has already decided that our national interests and values justify the engagement of our armed forces. NATO air power has struck targets in Yugoslavia for more than a month now.

There are signs Belgrade's will to resist may be faltering. Therefore, we should not be showing weakness, because civilized values will certainly be under assault.

We must have history reflect that such appalling behavior will trigger sharp rebuff by democratic, life-respecting nations.

Milosevic cannot seriously question the military superiority of NATO. Despite some losses, we have managed to sustain a serious air campaign with relative impunity. We have overwhelming force on our side.

Milosevic is instead pinning his hopes on NATO lacking the unity and political will to use the necessary force to prevail.

The time has come to disabuse him of these delusions. This resolution will tell Milosevic that we are prepared to do whatever it takes to halt and reverse his campaign of terror against the people of Kosovo.

Let me address some of the questions raised by my colleagues who may not support the pending legislation: Does this Resolution mean the United States and our NATO allies will fight their way into Kosovo on the ground? Should we not give air power more time to be effective? Why not negotiate an end to the conflict?

The resolution would authorize the President ''to use all necessary force and other means, in concert with United States allies. . . .'' That would authorize use of resources if the President determines this is necessary. The President has asked us to be patient, to give air power time to achieve Belgrade's acceptance of NATO conditions.

While I am reluctant to wait while the killing and the rapes and the expulsions continue, as a practical matter it will take some time—perhaps months—to plan and mount a ground campaign. NATO Secretary General Solana has rightly decided to update plans for the use of ground forces to liberate Kosovo and escort more than a million displaced Kosovars back to their homes.

By signaling our readiness to commit ground forces if necessary, we can actually improve prospects for Belgrade's capitulation. In any case, the United States should participate in an international force to maintain stability and protect the civilian population of Kosovo, though our European partners will appropriately take the lead in such an effort.

Negotiations are taking place. Former Russian Prime Minister Victor Chernomyrdin, United Nations Secretary General Kofi Annan, and others are trying to mediate a solution. This is all well and good, so long as these mediators understand that we will not negotiate away the principles NATO has set out as conditions for an end to the bombing.

We all appreciate Reverend Jesse Jackson's courageous intervention to secure the release of the three American soldiers captured on the Yugoslav/Macedonian border. However, we cannot accept the ostensibly humane act of their release as a license for Milosevic's forces to continue the mayhem, rape, and killing they are committing even as we speak.

Mr. President, I ask unanimous consent to have printed in the RECORD a description from the New York Times of a singular atrocity.

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

[From the New York Times, May 3, 1999]

SURVIVOR TELLS OF MASSACRE AT KOSOVO VILLAGE

(By Anthony DePalma)

KUKES, ALBANIA, MAY 2—It lasted no more than three minutes, three minutes of savagery unleashed without even a word. ''They just started shooting and I got hit in the shoulder. the dead bodies behind me pushed me over the cliff and into the stream. I was lucky because all of the dead bodies fell on top of me.''

Isuf Zheniqi, who said he survived when 58 men died in a massacre near Bela Crkva in southwestern Kosovo more than a month ago, speaks out hesitantly, fearing Serbian

forces might take revenge on members of his family still in Kosovo.

But after crawling out from under the bodies of his relatives, neighbors and friends, with a bullet from a Serbian automatic rifle embedded in his right shoulder and horrors filling his head, he has carried around the names of almost all the men who died that day.

In crimped handwriting he puts them down on the pages of an address book, name after name of old men, young boys, teenagers and men, like himself, who were suspected by the Serbs of belonging to the Kosovo Liberation Army, which is fighting to make Kosovo independent from Serbia.

He remembers the names of all but one. But he knows there were 58 because he helped bury them, each one with a written name.

As refugees from Kosovo continue to flee across the border, the accounts of atrocities committed by Serbian forces in Kosovo multiply: a killing spree in the village of Velika Krusa, the rampage of troops through the streets of Djakovica, the slaughter of up to 100 men in the village of Meja.

Accounts from different refugees are consistent enough to lend a great deal of credibility to some. But eyewitness accounts by survivors like Mr. Zheniqi are rare, either because the killing was done efficiently enough to prevent survivors, or because the sheer terror of minutes like those on the embankment at Bela Crkva prevents survivors from recounting their ordeals.

Mr. Zheniqi said that when he was brought across the border by relatives he told human rights investigators what had happened at Bela Crkva. But until now, he has not given journalists a full account of his experience.

Human Rights Watch separately interviewed Mr. Zheniqi and four other witnesses, who corroborated parts of his account.

Mr. Zheniqi was the only one who testified that he saw the actual killing, Human Rights Watch officials said. Four women who were separated from the men at Bela Crkva heard the shots as they were walking to Zrze and later returned to see the bodies.

And other refugees told Human Rights Watch that they were among the group of 20 or so people who returned the day after the killings to bury the bodies.

''All the witnesses gave us highly credible and unusually consistent accounts of what happened at Bela Crkva,'' said Fred Abrahams of Human Rights Watch. ''They corroborated what the eyewitness told us.''

The other witnesses appear to have left Kukes since they were interviewed. It was impossible to confirm the killings independently, beyond the refugee accounts, since reporters and independent investigators have been unable to visit that area of Kosovo since the bombing started.

Today Mr. Zheniqi lives in a Kukes pool hall, with his daughter and her family. He cannot use his right arm because of the bullet wound, and during the days he can often be seen dozing in the sun outside the pool hall, trying to steal some moments of the rest that eludes him every night because of his terrible dreams.

''My daughter tells me 'Father, sleep, why don't you sleep?'' Mr. Zheniqi said. ''But I can't. All those dead bodies on top of mine. When I meet someone from Kosovo and they ask me what happened, I cry. I'm embarrassed, because I'm 39 years old and I'm crying.''

The slightly built farmer, who worked for eight years in Switzerland before returning to the fertile soil of southwestern Kosovo, said that before the turmoil in Kosovo began over a year ago, he had almost no contact with Serbs living nearby.

But the area was a known stronghold of the Kosovo Liberation Army, and the Serbs were advancing ruthlessly on rebel positions, including the area of Bela Crkva. Mr. Zheniqi said that he was not a member of the rebel force and that none of those killed had any connection to the Kosovo Liberation Army.

At 9:30 in the morning, Mr. Zheniqi said, 16 special policemen appeared, shooting their automatic weapons in the air. Two families had strayed from the group and Mr. Zheniqi said the Serbs opened fire, killing every member of both except for a 2-year-old boy who had been protected by his mother.

''She hid the baby in front of her and saved him,'' Zheniqi said, His lips quivered and he could not talk. When he continued, he said, ''I saw this with my own eyes, maybe 150 feet from me.

The Serbs then shot their rifles in the air again and shouted, in Albanian, ''Get up and come here.''

The villagers climbed up the banks of the stream with their hands over their heads. When they reached the train trestle, the men were separated from the women and children, and ordered to strip down to their undershorts.

About 3:30 A.M. on March 25, on the First night of NATO bombings in Yugoslavia, Serbian forces started their operation, Mr. Zheniqi said. He said he saw about a dozen Serbian tanks take positions in Bela Crkva. ''One was in front of my house,'' he said. Anticipating violence, he took his family and his brother's family—17 people in all—and ran to the nearby mountains to hide.

When the streets again fell silent, they returned, thinking the tanks has moved on. But they hadn't. Smoke soon rose from the houses of Bela Crkva that were closest to the road from Prizren to Rahovec. Mr. Zheniqi and his family fled again, this time scrambling down the deep banks of a large nearby stream. It was about 4:30 A.M.

''The people from the whole village started to collect there in the stream,'' he said. They went to a place he called Ura e Bellase, where a train trestle crossed the stream. About 800 villagers tried to hide beneath the bridge.

After daybreak, the villagers tried to move toward Zrze and Rogovo, two nearby hamlets they thought would be safe. But Serbian snipers followed their movements.

The police then went through their belongings, Mr. Zheniqi said, taking anything of value. A local doctor trainee, Nesim Popaj, tried to talk to the police in Serbian because his nephew, Shendet Popaj, 17, had been thrown on the ground and was under a policeman's boot.

''The Serb looked at the doctor, said just two or three words, and told him to move over a bit,'' Mr. Zheniqi said. ''Then he shot him. We were shocked. The man was a captain using an automatic rifle. He wore a green camouflage uniform, and on his shoulders were stars. I don't know his name, but he was tall and he had a scrunched-up mouth. I could recognize his picture easily.''

The women and children were sent to Zrze. The men were allowed to get dressed and then were forced to move over to the high ground above the stream. Mr. Zheniqi was in the first line, at the edge of the stream bank, with many men behind him.

''We tried to say something to the Serbs but they didn't let us,'' Mr. Zheniqi said. ''If we tried they just said, 'Shut up.' We all cried. Sahid Popaj cried from the moment we were forced to take off our clothes to the moment he died. He just cried.''

The shooting started without a word from the policemen. Several of them standing just behind the villagers opened fire with automatic weapons. Being farthest away from the gunmen provided Mr. Zheniqi with some cover, but he was struck by a bullet in his right shoulder. The shooting lasted about three minutes, he said. The weight of the men falling behind him pushed him over into the stream.

He fell about six feet, landing in the water. ''At that moment, I was just thinking of getting to one stone and from there holding my head above the water. I stayed there like a dead man for a total of maybe 20 minutes.''

The terror has not ended. The policemen lowered themselves down the embankment.

''I heard someone telling a guy in the stream: 'He's breathing, shoot him; he's breathing, shoot him,'" Mr. Zheniqi said. They found nine men who had hidden themselves in the bushes, and killed them.

He waited another 15 minutes, and when all was quiet he pull himself out from under the weight of his dead friends and relatives. That was when he saw the extent of what had happened in Bela Crkva. ''There in the stream, I saw terrible things: men without eyes, men with half their heads blown off.''

He staggered to Zrze, where he found some of his family and told them about the killing. He said the men organized a group to go back to the stream, but Mr. Zheniqi was not among them. He said they found four other survivors, and piled them into the wagon behind their tractor, dodging sniper fire. On the way back, two of the survivors died.

The following day, about 20 villagers from Bela Crkva returned to the stream to bury the dead. Already, they were thinking of justice and the memory of those who had been mowed down in three minutes.

''We wrote the names of all the dead on separate pieces of paper,'' Mr. Zheniqi said. Then we put the papers inside plastic soda bottles. There was one name in each bottle. We put the bottle inside the grave, not on top. And we buried them, not far from the stream.''

Mr. LAUTENBERG. Mr. President, our cause is just. Our objectives are reasonable. President Clinton has thus far insisted that Kosovo be granted substantial autonomy within the borders of Yugoslavia.

We should be prepared to do whatever is necessary to prevail, to stop the killing and the rapes and the expulsions, to reverse ethnic cleansing.

We must stand up for what is right. I hope my colleagues will agree and will join me in supporting this legislation.

Mr. President, I plan to vote against the motion to table the Resolution. I believe the Senate has the right and the responsibility to clearly address this issue.

And I hope that this Senate, given the opportunity to vote on the Resolution, will rise to the occasion and clearly authorize the President to do what it takes, together with our NATO allies, to prevail over the Milosevic regime, to stop the killing in Kosovo and help bring peace and stability to a troubled region of Europe.

I yield the floor.

Mr. THOMPSON. Mr. President, on its face, this resolution is hard to challenge. Of course, we want to do whatever it takes to win a conflict we are engaged in. However, voting for this Resolution, while appealing to my instincts, would go against what I believe to be my obligation. This Resolution is essentially a Declaration of War—a Declaration of War that the President hasn't even requested. It would give to the President a blank check for an indefinite period of time, regardless of

any changes in circumstances. It does not even require that we act in concert with our NATO allies.

Congress' Constitutional authority to declare war presupposes that the President will support such action. In each of the five wars for which Congress has passed Declarations of War, none have come without a specific presidential request. This resolution today, however, would grant the President authority he has not sought, based on the War Powers Resolution he does not recognize, to fight a ground war he has promised he will not undertake.

If the Commander in Chief decides that we need ground troops in Yugoslavia, then he should come to the Congress and request them. At that time, the Congress would have the opportunity to ask certain questions, such as:

what are our vital national interests here?

what are our military and political objectives?

do we propose to take Belgrade or parts or all of Kosovo?

how do we propose to get our troops into the battle area?

how many troops will it take?

how many casualties do we expect?

what will be the make up of the NATO ground forces?

e.g., how many U.S. troops?

how long will it take us to achieve our objectives?

how thinly spread will we be left in other places in the world where we have military commitments?

what is the overall commitment level of our NATO allies, both with regard to such an operation and with regard to its aftermath?

When and if that time comes, I will ask these questions and others and listen carefully to the answers. I will give it careful consideration and cast my vote depending upon the circumstances that exist at that time. If we pass this Resolution now, however, I fear that these important questions will never be answered.

When Congress was first consulted with regard to the air campaign in Yugoslavia, it was done almost as an afterthought, after the Administration had already made its decision to begin bombing. Many of us felt at the time what we should all now know with certainty—that Administration officials had not adequately considered all of the ramifications of what they were doing. On the heels of that experience, should Congress now, when the stakes have been raised much higher, authorize and even pressure the Administration to fight a ground war that they are clearly not prepared to fight? Does the Senate not want answers to why and how a ground campaign would work—the kind of answers that we should have demanded before the Senate voted to approve the air campaign?

And with regard to the timing of this resolution, some now suggest that more time should be devoted to debating this issue and I agree. However, this argument is being made a little late. It would have been more helpful if we had had a more extended discussion of this issue at a time when it might have had more relevance—before the final decision for the bombing campaign was made. At that time, the President should have explained to the Congress and the American people why going to war in the Balkans was in our national interest. We should have demanded it. However, he didn't and the Senate, after a debate under a 30 minute time agreement, gave pro forma approval to a decision that had already been made.

And now in the middle of a bombing campaign that the President still says will achieve our objectives, we are asked to cast another vote that will have no effect. So be it. But I would hope that in the future we would take up these matters earlier in the process and not let the President present them to us as a fait accompli. Perhaps then the two branches of government could come together with some unity of purpose and we could all go to the American people with a clear message about our intent and about our interests. What we are witnessing now in the disunity of the Congress and among the American people is the result of our failure to do that.

Mr. KOHL. Mr. President, I will be voting to table S.J. Res. 20, which would authorize the President to use all necessary force against Yugoslavia.

On March 23, I voted along with 58 of my colleagues to authorize the use of air strikes against Yugoslavia. I deplore the actions of Slobodan Milosevic, a dictator who has caused pain and suffering for all the peace-loving people of the region. The decision to launch airstrikes was made only after the Administration and NATO worked diligently to bring a peaceful resolution to the conflict in Kosovo. There was, and continues to be, an international consensus that Milosevic's actions demand our continued use of air power. I continue to hope that air strikes will pave the way for an end to hostilities in the region, a return of refugees to Kosovo, and an autonomy arrangement that can be supported by all. The possibility of a diplomatic resolution to this conflict is very much alive.

Thus, the resolution before us today is premature. The President has not indicated that he intends to expand the use of force here, he has not indicated any immediate plans to use ground troops, nor has he asked us to fund such an expansion of the conflict in Kosovo. Thus, I must vote to table this resolution.

Mr. GRASSLEY. Mr. President, I rise today with deep concern over the Clinton Administration's policy regarding Yugoslavia and Kosovo.

I have observed, over the past year, an Administration policy characterized by a lack of vision regarding events in the Federal Republic of Yugoslavia. In recent months, the American public has seen the conflict in Kosovo explode onto the front pages of newspapers and dominate primetime television news. This conflict, however, is not new. It stems from centuries of tension and a decade of deteriorating relations between Serbs and Albanians in Kosovo, made worse because of Slobodan Milosevic's rule over the country.

I do not want to downplay the seriousness of Milosevic's action in Kosovo. Milosevic has treated the Kosovar Alabnians in a barbarous manner. But, have NATO airstrikes solved this problem? No. And the sad fact is: United States policy has—if nothing else—unfortunately speeded up Milosevic's campaign of terror in Kosovo.

And now, with our men and women risking their lives over the skies and on the ground in the Balkan region—we must take time to evaluate past policy and determine how best to move forward toward peace while making wise use of limited military resources.

Military intervention should be the method of last resort in any conflict. Once all efforts have been made to resolve a conflict peaceably—the only way to conduct military operations is with a clear vision of goals to be achieved—goals backed up by sound military advice, common-sense wisdom with maximum objectivity based upon factual evidence.

I follow the Colin Powell doctrine on military operations—you should not get into a military situation you don't know how to exit. In other words, have plans on how you're going to get out of the situation. And, if you do initiate a military operation—you should go in at the beginning with enough force to ensure victory.

A critical miscalculation in Clinton's Kosovo policy was the president's outright statement that ground troops would not be introduced into the region. It was an impassioned, emphatic statement. And it signaled to the world that—right out of the gate—the United States was not serious about this mission. Not only were the military goals vague, but the means to achieve those goals were laid out clearly for Slobodan Milosevic to see. Milosevic knew he had time to further his own twisted goals in Kosovo and has succeeded in wreaking havoc on the region while dodging NATO missiles.

Therefore, we are in a situation where ''gradualism'' is being practiced. This was Clinton's only way of his misstatement regarding ground troops. I say ''gradualism'' because the Administration has already set the stage for troops to be on the ground—regardless of what Congress says about it. First, United States ground forces were sent to surrounding countries to aid in humanitarian efforts. They were followed up by support troops for air divisions—troops to support the Apache helicopter division—troops to support artillery to support the Apache helicopters. Soon, we will need troops on

the ground to protect troops already on the ground. I think it's fair to say we are in a ground war even though we don't have United States military forces on the ground within the geographical confines of Kosovo.

Today we are debating a resolution to give President Clinton the authority to use ''all necessary force'' to achieve Clinton Administration goals in Kosovo. I understand this resolution inadvertently triggered the War Powers Act, which requires a vote. But, the president not only hasn't asked for this broad-ranging authority, he still maintains it isn't needed. Some of my colleagues wish to affirm the president's authority regarding our involvement in Kosovo. I cannot support such a resolution.

I cannot support a policy lacking common sense. I cannot—with a clear conscience—provide limitless authority to an Administration which has failed to demonstrate an understanding of the consequences of its policies. We must have a defined goal—and I'm talking more defined than the United States diminishing Slobodan Milosevic's ''capacity to maintain his grip and impose his control on Kosovo.''

What is our goal? To destroy all Yugoslav military forces and control the entire Federal Republic of Yugoslavia? To occupy Belgrade? To expel Milosevic's forces from Kosovo?

This resolution will not move us closer to a clear goal—a clear strategy.

I support our men and women who are risking their lives—even at this moment—for the sake of NATO's reputation and Clinton's military policy. I condemn Slobodan Milosevic's reprehensible actions in the Kosovo region.

I seek clear military goals and concise, appropriate communication from our nation's commander-in-chief. Congress and the people of the United States are waiting.

Mr. ASHCROFT. Mr. President, I rise in opposition to S.J. Res. 20 to authorize the use of all necessary force in the NATO operation against Yugoslavia. Taking such a step at this time is imprudent, particularly in light of the poor management of the ongoing air campaign against President Milosevic. Nothing in the operation to date indicates we have defined strategic goals in Kosovo or summoned the political will to achieve those goals. Clearly, this is not the time to authorize the Administration to escalate a strategically flawed and poorly managed campaign in the Balkans.

A lack of foresight and planning has defined both the air war and the refugee relief effort, allowing Milosevic to seize and keep the initiative. The air war has been waged in a classic Vietnam-style fashion of escalation. Two principle elements of war, surprise and overwhelming force, have been sacrificed to the political whims of our European allies. The first three weeks of bombing in Allied Force were comparable to one day of bombing in the Gulf War. NATO has waited a full month before targeting Yugoslavia's electrical and television networks. In the Gulf War, such assets were destroyed in the first two days of the conflict.

Even as the President sends additional planes and personnel to enhance NATO's firepower, a lack of leadership continues to undermine our efforts to punish Milosevic. According to statements by NATO Military Committee Chairman, General Klaus Naumann, Apache helicopters will not be sent into Kosovo, but fire into the province from Albania. NATO Commander General Wesley Clark is requesting additional planes, but NATO is running out of basing areas in the Balkans. A lack of preparatory work to have these facilities ready has delayed 400 planes being deployed to the region. NATO has an oil embargo on Yugoslavia but will not use force to stop shipments into the country.

The refugee crisis has been compounded by poor planning for the relief effort. Before the air campaign began on March 24, the Administration had enough food in the region to feed 500,000 people for five months. Almost two-thirds of that amount was stationed in Yugoslavia, however. For relief supplies such as tents and blankets, Belgrade was the only staging area for the U.S. Office of Foreign Disaster Assistance.

Clearly, the Administration's record to date on Kosovo is not a basis upon which to authorize the use of ''all necessary force.'' The Administration misjudged the enemy and started this war with inadequate means. Now that we are engaged, we need to deploy overwhelming air power to accomplish our objectives. I want to see an aggressive air campaign waged before we take the next step of deploying thousands of ground troops to the Balkans.

We should be patient and allow an aggressive air campaign to take its toll, but the air war must be combined with better political leadership if our objectives are to be achieved. An inability to explain why the United States is engaged in Kosovo has plagued this operation from the beginning. Until the Administration has demonstrated the political leadership to define and achieve clear objectives in Kosovo, authorizing the use of ground forces is ill-advised.

Mr. GRAMS. Mr. President, as a strong critic of the Administration's policy in the Balkans, I am uncomfortable expressing my reservations now that we are in a state of war. The U.S. forces conducting air strikes against Serbia have my full support as they go into battle even though I do not support what I believe to be an ill-defined mission.

Mr. President, I opposed the resolution authorizing the President to bomb Serbia, because I did not see how bombing Serbia would end the atrocities being committed, bring about stability in the region, or lead to greater political autonomy for Kosovo. And I am going to oppose this resolution as well. The Senate should not be moving to authorize the President ''to use all necessary force''—when the President has not asked us for that authority—and when the President has given every indication that he has no intention of moving in that direction. I know that the authors of this resolution have the best intentions, but I do not think that it is prudent to push the Commander-in-Chief towards putting U.S. troops on the ground. If the President believes that ground troops are necessary, the President should come to the Congress, clearly explain his objectives and how the use of force can achieve those specific goals. Then, and only then, should the President ask Congress for authorization to use ground troops. That is the way to proceed.

Mr. President, the only lasting solution to this conflict in the Balkans is a negotiated agreement where both sides agree to live with the results. It is inevitable that Russia, and other traditional Serb allies, will play a role in this process. But given the record of the UN in Bosnia, the peacekeeping force would be more credible if it was under a different organization's control. OSCE member nations who did not participate in the NATO bombing campaign could provide a credible force. The conflict between the Serbs and the Kosovars will not end with a NATO defeat of the Serbs, just as it didn't end with the defeat of the Serbs by the Turks in Kosovo in 1389. The conflict will continue to flare unless a political solution is found to this intractable problem, so I urge the Administration to actively engage in finding a negotiated settlement to this conflict which will lead to a sustainable peace in the Balkan region.

Mr. FRIST. Mr. President, for a deliberative democracy, going to war is an agonizing task. It is a slow, cumbersome, sometimes combative process itself. It is discomforting to all.

With regards to Kosovo, I understand the President's vision of what our world should be and what the United States' role in such a world should be. I believe I also understand the foundations of his vision of the role of the United States in a Europe fundamentally different than the one into which NATO was born—where barbarians are not allowed to butcher, and where long term stability on the continent must be defended to maintain the standard of living we have fought so hard to achieve.

I also understand the intent of the authors and sponsors of this resolution. For our Nation to prevail in war, both the citizenry and the Congress must be united behind the Commander in Chief during times of war. I commend my colleague from Arizona for his intent.

As Members of the Senate, we must make no mistake about the importance of this vote, but we must also keep in mind the three critical interpretations

this vote represents, regardless of the specific wording of the resolution:

First, this vote will be interpreted as a vote on whether we approve of the President's strategy so far—a strategy which seems to have initially failed to achieve at least one of our primary goals: to stop ethnic cleansing in Kosovo.

Second, this vote will be interpreted as a vote on what we believe the role of the Congress should be in the future prosecution of this unfolding war.

Third, and most important, this vote will be interpreted as a statement on whether we are willing to commit ground troops to invade Yugoslavia, and whether we are willing to risk a considerable sum in blood and treasure to meet those goals.

On all three accounts, the vote on this resolution is premature. The wisdom or failure of the President's strategy cannot yet be fully determined. More important, at the current time in our military campaign, with the decision of what means will be employed to achieve our ends still undetermined, it is premature for Congress to relinquish any future authority to say how this war will or will not be conducted.

While I said that I fully appreciate the importance of an unencumbered Commander in Chief, I also believe it is necessary for Congress to retain its limited but critical Constitutional role in declaring war. Such a vote, where that limited authority would be relinquished now at a time prior to the President specifically seeking it from the Congress, is tantamount to approval of the deployment of ground troops to invade Kosovo or other parts of Yugoslavia. That is a blessing I am not willing to give at this time—when the Commander in Chief has not even sought that approval.

Because the resolution is premature, I will not support it now. If the Commander in Chief believes this war must be expanded beyond the air campaign, he will have every opportunity to seek that authority. I will listen thoroughly and fulfill my Constitutional duties at that time.

For now, I will vote to table this resolution because such a vote does not tie the President's hands more that he has already. I certainly will not give aid and comfort to our enemies by voting against the possibility of using ground troops. My vote allows the President full range of options but does underscore my insistence that he more adequately address his rationale before the U.S. Congress and the American people before committing ground troops to battle.

Mr. MCCAIN. I yield 15 minutes to the Senator from Connecticut, Senator LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I have been privileged to join with the Senator from Arizona, the Senator from Delaware and others, in cosponsoring this resolution. So I have listened with considerable personal interest as one after another of our colleagues have expressed their points of view. I joined with Senator MCCAIN and Senator BIDEN and the others in cosponsoring this resolution as a way to express my personal support, and hopefully on a bipartisan basis—and the cosponsors of this resolution are a broad and bipartisan group—to give the Senate an opportunity to express our support for the objectives that NATO has adopted in entering the conflict in the Balkans and that the United States and this administration have, of course, subscribed to. Let me read what those objectives are:

> That the Federal Republic of Yugoslavia, (Serbia and Montenegro) . . . withdraw its military, paramilitary and security forces from the province of Kosovo, [that the Federal Republic of Yugoslavia] allow the return of ethnic Albanian refugees to their homes, and [that Serbia] permit the establishment of a NATO-led peacekeeping force in Kosovo.

In light of all the blood that has been spilled, in light of the horrific scenes that we have all not just heard about, not just heard rumored, not heard speculated about, but seen with our own eyes on television, heard the eye-witness reports on television; of all the horrors that we have been forced to witness again that have occurred in Kosovo—when we think of all of those objectives of the NATO campaign, the NATO effort, the NATO war in the Balkans, they are extremely reasonable and extremely just.

So I joined with my colleagues in offering this resolution as a way to restate clearly and simply what our objectives are here and to say that we want to support the President of the United States. We want to support the President of the United States in the decision he has made to join with our allies in NATO to carry out this cause. We want to say by this resolution, so strongly do we believe in this cause, that we are prepared to give this President, as the resolution says, authorization ''to use all necessary force and other means, in concert with the United States allies, to accomplish United States and NATO objectives,'' that I have just described.

To me, it is an opportunity, broad-based, simple, fair, direct, not just to stand together on a bipartisan basis in this Senate, but to stand together in support of the policy that this administration has adopted in support of our NATO allies and, in doing so, to send a message to the enemy, to Mr. Milosevic—who we are reliably informed began this invasion of Kosovo, this massacre, this massive expulsion, as others have said before me tonight and earlier today, based on the ethnic history, identity and religion of the people being expelled—to say to Mr. Milosevic, who, again, we are reliably informed, began his evil deeds in Kosovo with the hope and the belief that the NATO allies would soon break their cohesiveness, would not hold in the face of this onslaught and his clever diplomatic moves, he was wrong.

The NATO allies were here just a week ago. They spoke with unity. They strengthened their ranks. They came together. They agreed to intensify the effort against Milosevic and they have done so in the ensuing week. Those of us who have brought this resolution before the Senate have done so with the hope that we might also make clear to Milosevic that the other belief he had, that he could divide the American people and their Representatives here in Congress, was false. It was in vain. It was folly.

That is the spirit in which this resolution was offered. I have listened to my colleagues speak, and, as others who have spoken before me, it seems clear to me the motion to table this resolution will be agreed to tomorrow. I have heard three or four different reasons given for that. I would say the majority of reasons are procedural, and I understand those. They are not substantive. They do not go to the heart of the policy that we, the sponsors of this resolution, have intended to convey. Some of my colleagues have said the resolution is not needed; it is premature.

What NATO is doing now is carrying out the aerial bombardment of Serbia and military sites in Kosovo. The Senate has already authorized that, to our great credit, on a bipartisan basis. Almost 60 percent of the Senate voted almost a month ago, as the air campaign began, to authorize and support, if you will, the President and NATO in that effort—that valiant effort, that effort that has been conducted by the men and women in uniform for all the NATO countries and for ourselves. I am proud to cite the tremendous courage and skill with which our military personnel have carried out that effort. The Senate distinguished itself in support of that effort. Unfortunately, the House did not do so last week and sent a mixed signal. But I understand some of my colleagues have said tonight the Senate has already spoken on the military effort that is part of this battle against Milosevic, so we need not speak now in more width or depth.

What others have said—the second reason I can hear—is that the President is not asking for this authorization. In fact, since we introduced this resolution, S.J. Res. 20, the President has indicated both at meetings in the White House with a broad, bipartisan group of Senators, and publicly, if it came to a point, which he hopes and believes we will not reach—and of course we all hope we will not reach—when it became clear, tragically, that the Milosevic leadership in Serbia was remaining what I would describe as insanely intransigent in the face of a devastating air campaign against that country—which some experts say, analysts say has already set back the Serbian economy a decade, some say even more—if Milosevic remained intransigent, the President has said, and he was forced to reconsider the statement he has made that he does not believe

we need to employ ground forces there, that he would come to Congress and ask for our consent. So I understand some of our colleagues have said, therefore, that this resolution is premature.

There are others, and I hope and believe, as I will say a little bit later on, that they are in the minority here, who do not support this effort at all, who want to see us negotiate a settlement or, worse, negotiate a settlement with a regime that has blood on its hands, that has violated the values that we hold dear, the humanitarian values, as we have all seen. We know what is happening. This is a regime in Belgrade that has carried out aggression, that has aimed at destabilizing Europe; a regime that, over the last decade, successively has invaded Slovenia, Croatia, Bosnia, and now Kosovo.

This is a regime that, evidence leads us to conclude, by its policies has brought about the death of hundreds of thousands of people. That is what this is about: Destabilization, aggression, ethnic cleansing and genocide in Europe at the end of this century, challenging the premise that brought about the creation of NATO 50 years ago, which was not just to defend against a Soviet invasion of Western Europe, but was to uphold the principles for which the then recently completed Second World War was fought, which were freedom, human dignity, democracy. Sometimes, as I watch the slaughter continuing, the expulsions continuing in Kosovo, as I think of the history of Serbia and Milosevic for these last 10 years, I just say to myself: Have we not learned the lessons of this century, of the last 60 years of this century?

Why did we fight the Second World War and the cold war if not to establish the principle that it was in America's security interest and, of course, even more intensely and intimately in the security interest and the principal interest of our allies in Europe not to allow tyranny, brutality, communism to exist in Europe? It threatened the stability of that great region with which we have historic ties, with which we have extraordinary economic ties, which contains the heart of our alliance, the strength of the partners we would turn to, not just when in crisis in Europe, but when in crisis anywhere in the world, as we did in the gulf war. Whom did we ask to stand by our fight, to fight by our side? Our allies in Europe, first and most significantly.

Will we allow this century to end having fought the Second World War, made vivid in the Spielberg movie, ''Saving Private Ryan''—did those Americans fight that extraordinary fight with that unbelievable courage, lose their lives, so that a dictator, bent on the same kind of aggression and ethnic genocide at the end of the century, would be allowed to work his evil will in Europe?

Did we spend billions of dollars and stand face to face with Communist tyranny for the long years of the cold war, did President Reagan lead us to the great final victories in the cold war, so less than a decade later we would allow a Communist—what is Milosevic? He is an unreconstructed Communist dictator—that we would allow a Communist dictator to work his will in the heart of Europe and in the backyard of NATO, that we would stand by and do nothing? I hope not.

I take issue respectfully on the merits, as I see them, with those who oppose this resolution because they do not think we should be involved. But I understand those who say, as my colleague from Illinois said a moment ago, that the Senate is not ready to make the statement contained in this resolution.

As a cosponsor of this resolution, as one who worked with Senator MCCAIN, Senator BIDEN, and others to fashion this resolution, I have already made the statement, I have already come to the conclusion, so I will stand with all of my colleagues who have cosponsored this resolution and whom I heard speak up to now on this debate, who say they will oppose the motion to table.

We are ready to vote, and we will vote tomorrow morning against the tabling of this resolution. We will vote against the tabling of the resolution with the confidence that if the President is wrong and the air campaign does not bring this war to an end, not on any weakened terms, but on the terms we clearly state in this resolution—the Serbs out, the Kosovars back in to live in peace, and an international peacekeeping force there—then we will return.

Those who have said that they are not prepared now to vote for this resolution, those who have said this is merely a procedural vote—and I understand that—those who are essentially voting to table not because they are against, as I hear them speak, the substance of this resolution——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield 3 additional minutes to the Senator.

Mr. LIEBERMAN. I thank the Senator.

I am confident if that day comes—and, of course, I hope it does not come. But if we are not able to achieve the victory we must have here, that NATO must have to remain credible, the United States must have to remain credible, that we must achieve so that all the bullies, the thugs and the dictators, wherever they may be—in Asia, the Middle East or anywhere else—will not see an opportunity to take advantage of us, if we return at that point to the Senate and ask for support for the next necessary means to achieve our objectives, I am confident that on that day a bipartisan majority in the Senate will not walk away from the field of battle with the enemy having achieved the victory, will not yield to the forces of ethnic cleansing and ethnic slaughter and ethnic expulsion but will stand together, united across party lines, to support our soldiers in uniform, yes, indeed, our NATO allies, of course, to support the principles upon which this country was founded, which are at stake in Kosovo today, and to support the administration in the full conduct of this effort.

This is one of those defining moments. Tomorrow's vote is not the defining moment. Tomorrow's vote is, if you will, an early round in the debate in which a majority of Members are not prepared to vote for this resolution. If necessary, I am convinced on another day that they will, and I am convinced that that is very much in the national security interest and in the national moral interest of the United States of America.

I thank the Chair, and I yield the floor.

Mr. MCCAIN. Mr. President, I continue to be pleased and proud of the Senator from Connecticut for his intellect, his insight, and his courage. I thank him for his remarks tonight, but also his steadfast adherence to lessons of history. May I point out that he is joined in his views by former Secretary of State Eagleburger, former National Security Adviser Brent Scowcroft, former Secretary of Defense Weinberger, former Secretary of State Warren Christopher, and a broad array of other leaders who have led this country throughout the last three decades. I am proud Senator LIEBERMAN is one of those as well.

I yield 10 minutes to my dear and beloved friend from Georgia, Senator CLELAND.

Mr. CLELAND. Mr. President, I thank the distinguished Senator from Arizona, my dear colleague and friend and fellow Vietnam veteran, for pushing to make sure that this issue of war in Kosovo, war in Yugoslavia, war in the Balkans receives the time and attention from this great and august body that I think it truly deserves.

I am struck by the fact that in the earlier weeks of this year, all of my colleagues in the Senate gathered on a question of serious constitutional gravity: impeachment of the President of the United States. This is a serious matter equivalent to that, Mr. President, that is, sending young Americans into harm's way. It is a constitutional matter, one that I personally feel strongly about and one on which I am personally conflicted.

As the distinguished Senator from Arizona, I served in Vietnam. I cannot help but think back, on the presentation of this resolution, to the fact that some 35 years ago the Senate voted 88–2 in favor of the Tonkin Gulf resolution which authorized the President to ''take all necessary steps, including the use of armed forces,'' in Vietnam. The House approved that resolution unanimously, 416–0.

It is fascinating that my colleague, my friend, my mentor, Senator Russell, in those days chairman of the Armed Services Committee, and a great student of history, actually succeeded in attaching language which

gave Congress the right to terminate the authorization of the Tonkin Gulf resolution at any time by concurrent resolution.

Senator Russell, in those days, certainly spoke against open-ended conflict where the Congress gave wide open authority to the President. He tried to rein in the Executive and preserve the ability of the Senate, particularly, to exercise its constitutional authority and exercise its constitutional role.

But this vote on the Tonkin Gulf resolution served as an unchallenged congressional authorization of war until 1970, by which time, of course, we were deeply involved in the conflict, but no closer, unfortunately, to our political objectives. The way out was long and difficult.

The near unanimous votes in favor of war against North Vietnam in the mid-1960s reflected an apparent certainty of purpose and clarity of message to the President, our adversaries, the American people, and our service men and women. However, future events, as they unraveled, were to show that this hasty congressional action, done for the best of intentions, to display national unity, eventually produced exactly the opposite result—national disunity. And we gave an uncertain reaction to the service men and women—and I was one of those servicemen—who carried out the Government's policies and came back to a divided nation and a nation on its way out of war, not in it. But that process took 10 years, Mr. President.

Growing out of our Vietnam experiences, the Senator from Arizona and I have taken the Kosovo issue very seriously. For us, it is not an issue—it is a war, a war in which young men and women's lives are at stake. And we come to very different conclusions about what should be done in that war in terms of further military conflict. But we both believe the same thing in one sense, and that is, above all, the Senate must speak, the Senate must debate, the Senate must stand up and be counted in terms of the policy that we are to follow in the Balkans.

For that reason, Mr. President, I urge that the motion to table this resolution be defeated. I shall be voting against the motion to table. We cannot just table a war. We cannot just shunt aside the future lives of young men and women as they are risked at this hour.

It is fascinating how the resolution reads, the last sentence of which says that the President is authorized to ''use all necessary force and other means in concert with United States allies to accomplish United States and North Atlantic Treaty Organization objectives in the Federal Republic of Yugoslavia.'' ''All necessary force and other means.''

Mr. President, to me, that is an echo, a strange ominous echo of the language in the Gulf of Tonkin resolution that passed this body overwhelmingly in the mid-1960s. This got us into deep trouble in Southeast Asia. I see too many similarities between that experience then and the war in the Balkans now. I see a similarity in an open-ended conflict—one with no real military solution in sight, a conflict with no real military strategy to win, and certainly a conflict in which we have no exit strategy from which to disengage ourselves from the war in the Balkans.

Instead, I see a greater Americanized war. I see a doubling of the warplanes—almost to 1,000 now—with the heavy majority of those airplanes being from the United States. I see 5,000 muddy boots on the ground in Albania, all of them American forces, up cheek to jowl, right across the line, with Serbian forces in tanks and dug into the mountains with armored personnel carriers and hand-held missiles, and a tremendous capability of ground fire. God forbid if we launch the Apache helicopters into that forbidden zone.

I say to you, Mr. President, I support further debate. I will oppose the tabling motion, but I will also oppose this resolution on its merits.

I thank the President, and I thank the distinguished Senator from Arizona for the time to speak on this important matter.

Mr. President, I yield back the remainder of my time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from Georgia for his always very perceptive and enlightening debates.

I yield the Senator from Michigan, Mr. LEVIN, 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank my good friend from Arizona. Always, he puts his finger on an issue—in this case, on an issue of war and an issue of conscience. And this is an issue of both.

There is nobody who more eloquently or doggedly pursues both issues—war and conscience—and the implications of both. And the experience that he brings—as does our good friend from Georgia, and others—to this body is absolutely indispensable in trying to work its way towards the right conclusion in many of these issues. And I just, again, add my gratitude to what he adds to this body, to this Nation.

Mr. President, while I favor the thrust of the resolution before us, I do not favor its timing, and I will vote to table. I want to just take a few moments this evening to explain this.

The stakes are tremendously high in Kosovo. We simply must not fail. We cannot fail to succeed in Kosovo. NATO must not fail to succeed in Kosovo.

Even before I visited the refugee camps a week or so ago, I felt strongly about this. But meeting with the refugees, of course, reinforces my conclusion about the nature of Mr. Milosevic's ethnic cleansing.

This century of ours began with a genocide against Armenians; it is ending with an ethnic cleansing against the Kosovars; and there was a holocaust in between.

If we want the next century to be freer of the slaughter that this century has seen in so many wars, we simply must support the united action of a united Europe to stop the success of Milosevic in his goals in Kosovo.

Of course, when you read about what the refugees have gone through, and you talk to refugees, it reinforces that determination—the stories of mass executions, mass rapes, the burning of 400 villages by forces that presumably should be protecting those villages, since Milosevic claims sovereignty in Kosovo. But instead of pursuing what sovereigns historically have done, which is to protect people they claim sovereignty over, this particular dictator is trying to destroy the very people of Kosovo.

NATO made a statement last week which is of critical importance. It restates a decision on the part of NATO to prevail. And the only way—the best way, but perhaps the only way—that we are going to have a century next which is more peaceful in Europe and elsewhere than the current century, is if NATO succeeds in its unified determination, as stated in Washington just about a week ago.

Two sentences kind of say it all. And those two sentences are these: ''We will not allow Milosevic's campaign of terror to succeed. NATO is determined to prevail.''

This has rarely been true in Europe. I am not sure it has ever been true where we have 19 nations, including the United States and Canada, that have come together to try to stop a genocide from succeeding in their backyard.

Europe has been divided before now—France, England on one side, sometimes Germany on another, countries divided into blocs against each other. But now what we have in Europe is the coming together of all of the European nations, making one joint statement about what they will not permit in their own land. ''We will not allow Milosevic's campaign of terror to succeed. NATO is determined to prevail.''

But that unity which is so critical to the success of the mission, I believe, will be negatively impacted if the Senate adopts this resolution that is before us, because this resolution would put this Senate and this Nation ahead of NATO. And we have to work in harmony with NATO, in unity with NATO, in harness with 18 other democracies that have taken a position. And that position is that we are going to pursue, relentlessly, doggedly the success of the military mission and air campaign, the purpose of which is to significantly diminish Milosevic's military capability.

That is the current mission.

It is hoped the success of that mission will achieve the broader policy objective of being able to return refugees, now over 1 million, to their homes in Kosovo. If that military mission and

its success in reducing Milosevic's capability to keep a stranglehold on Kosovo does not achieve the broader mission of being able to return these refugees, at that point we can consider changing the military mission. At that point we can consider the use of ground troops by NATO.

Is it prudent to plan for that? Yes, it is. In my judgment, it is prudent to plan for it. Would it be prudent, in fact, to carry it out once the groundwork has been laid and Milosevic's military capability has been significantly weakened? Yes, in my judgment it would be. Most important to the success of this mission, broad and narrow, is NATO's unity. It is my fear that the adoption of this resolution will put us in a significantly different position than the rest of NATO, in advance of a need to do so.

NATO is unified on an air campaign. It is not yet unified on a ground campaign. The Apaches alone, after their employment begins, will take 30 to 60 days before they have a significant impact on the ground. That is what General Clark, the commander, has told us. That may not be the common wisdom, common understanding, common media message, but that is the truth, as General Clark believes it—that it will take 30 to 60 days for the Apaches to have an effect after they begin to be employed. So the debate over authorizing ground forces is a premature debate. I believe it will distract us from a current unified mission while we are in the middle of an air campaign.

It is for that reason that, with some reluctance, I am going to vote to table the resolution, the general direction of which I support, because it is so critically important that we be unified and united with NATO allies, that we stay together in planning and in execution of a mission which must succeed. We must not be distracted by a premature debate about ground forces. Prudence and common sense would indicate that we plan for such a contingency, but there is no need for us to authorize it at this time. It seems to me, if anything, it will divide and distract, rather than protect that critical unity which is so essential to the success of this mission.

Again, I commend my good friend from Arizona and Senator BIDEN, Senator LIEBERMAN, and the other cosponsors for their support of a very important position, which is that we now must win. That is the thrust of this resolution. Again, while I support that thrust, I will vote to table for the reasons indicated.

I thank the Chair and, again, thank my good friend from Arizona.

Mr. McCAIN. Mr. President, I thank my friend, the Senator from Michigan. May I just point out, he made the point that it took a month or two to get the Apaches there. The reason I am urging that preparations be made in case we have to exercise the option is exactly the reason he stated concerning the Apaches. It would take 6 to 8 weeks now for us to assemble ground forces if we decide to use the option.

I am told by some military experts that we now have to worry about the onset of bad weather in the fall, but I do appreciate the remarks of the Senator from Michigan, and I appreciate the results of his trip that he made and the information that he brought back, which I think was very helpful to the entire Senate.

Mr. LEVIN. Mr. President, I thank my good friend. Again, I happen to concur that the planning is prudent and should be underway. It is the commitment to the utilization that I think might divide and distract. Again, I thank him.

Mr. McCAIN. Mr. President, I note the belated appearance of my dear friend from Kansas. I yield him however much time he may consume.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much for allowing me to speak tonight. I recognize my distinguished colleague from Arizona for all he has done on this issue but, more than that, for what he has given to his country. He chairs the Commerce Committee, which I serve on with him, but I have enormous respect for what he has already given to his Nation, the sacrifice where he put his life on the line in a previous war. Actions speak louder than words, and he spoke with his actions many times. I am enormously proud to know and be associated with him in this body.

Mr. President, the situation in Kosovo is clearly a very serious one deserving of our deliberation and vigorous debate. To this point in time, though, the administration, for my satisfaction, has certainly not provided the Members of the full Senate body with the information needed to make an informed decision on this matter. Therefore, I will vote to table the resolution.

One month ago, I wrote to the President asking that he respond to certain fundamental questions regarding the objectives and the implementation of the NATO mission in Kosovo. To date, I have not received a response to those questions.

What is the objective, I put forward? They have been responding and defining some of that as we have gone along, but more specifically, how do we define success? Is there a coherent and achievable plan of action in place? What price would we pay for this in terms of potential loss of lives? What about the monetary cost? Is escalation in the true national interest of the United States? Those simple, basic questions that I have put forward have not been answered.

Not until we understand the objective of NATO and how that objective will be attained can we make an informed determination with respect to S.J. Res. 20. The administration must provide the answers to these questions, with clarity, with satisfaction, and to the satisfaction of all Members of the Senate. Until that happens, I cannot give my support to the administration in this broad, open resolution.

At such time that it is shown how granting the President the authority to use all necessary force and other means will bring us to a resolution more quickly, or at less expense or other means, then we would be able to consider this proposal in some context.

I note, Mr. President, that I fully support our troops. I appreciate the sacrifices that they are being asked to make to stop Milosevic and the atrocities he has perpetrated against the people of Kosovo. It was several weeks ago that I was in Wichita at the McConnell Air Base meeting with some of the troops and their families before they were shipping off. You could see in their eyes their willingness, their commitment to see this action on through. They asked a number of the same questions that I continue to ask of the President, that I continue not to get satisfactory answers.

Until those are answered, I cannot give my support to this type of authority. It is appreciation for these troops that makes it impossible for me to support this resolution, until we understand the full plan. Once we know it, then we can debate its merits and determine how best to support the President and our troops. Without that and in clarity of what that plan is, we are making a decision in a vacuum. The situation merits more attention than that.

Again, I note, as I did at the outset, my enormous respect for my colleague from Arizona who has put forward this resolution and his wisdom. His support of this makes me give much more pause to my statement. But these questions have not been answered to my satisfaction. While I respect that and I respect enormously the Senator from Arizona, I cannot in good conscience vote for this resolution at this time.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, may I say to my dear young friend, who I see as one of the rising stars in this Senate—and I can say that with confidence because I have watched very closely, as a member of the Commerce Committee, his involvement with a number of issues—I respect his dissatisfaction with the failure to get an answer to certain fundamental questions that he and, frankly, the people of Kansas and of this country have a right to get the answers to. I understand his position on this issue, and I am in deep sympathy with it.

He makes a compelling case that we should be better informed before we embark on a ground war or consider the likelihood of a ground war. I appreciate his views. The realities on the battlefield, I say to my friend from Kansas, are that it requires a minimum of 6 to 8 weeks to get some forces assembled. So if we don't begin preparations—and I am not saying we would

have to use them, but it is of the utmost importance that we do that; otherwise, we will lose the opportunity.

A person that Senator BROWNBACK and I respect enormously, Henry Kissinger, the former Secretary of State, testified before the Senate Armed Services Committee last week. I quote him saying:

On the issue of ground forces, my view is as follows: I have no way of judging what will ultimately be necessary. That is a military decision. But first, it is a mistake to preclude any category of forces and to turn the conflict into an endurance contest.

Secondly, even if one believes that air power will ultimately succeed, which it well may, we nevertheless should make clear not only that we are planning to use ground forces; we should assemble the ground forces that will be needed. This will put a safety net under the bombing campaign because under present circumstances, it is a question of endurance. Thus, Milosevic and the Serbian leadership believe that they can simply outlast us.

If they know that at the end—not even at the end, at some stage in this process—we will insist on using ground forces, I think it will shorten the air campaign.

That was the testimony last week of Dr. Kissinger before the Armed Services Committee. I know of no wiser man than Henry Kissinger, a person who has a great appreciation for history and its challenges.

Because of our failure to even plan, much less prepare ground forces, as Dr. Kissinger, Larry Eagleburger, Brent Scowcroft, et cetera, seek us to do, this gives rise to articles such as were in the New York Times this morning by William Safire. William Safire, who I think is one of the most thoughtful and informed columnists in America, states:

Congress is not only ambivalent about buying into ''Clinton's War,'' it is also of two minds about being ambivalent.

That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. By its unwillingness to enter Serbian territory to stop the killing at the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up at the negotiating table all he has won on the killing field. He won't.

He will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win, but are merely punishing to settle.

* * * Clinton has so few followers in Congress because he is himself the world's leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, not sanctity of borders vs. self-determination of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust this President to use all force necessary to establish the principle that no nation can drive out an unwanted people?

It goes on, Mr. President, in this article to describe exactly the deal that will be cut over time.

* * * Perhaps Britain's Tony Blair will prod Clinton to do better, and all Serbian troops and paramilitary thugs will be invited out of Kosovo. But the returning K.L.A will find mass graves and will likely lash out at Serbs; after an indecent interval, Belgrade will assert sovereignty with troops in police uniforms.

And what will happen to the principle of no reward for internal aggression? It will be left for resolution to our next President, who, in another test, will have the strength of the people's trust.

Mr. President, I ask unanimous consent that this entire article, along with these other documents, be printed in the RECORD.

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

[From the New York Times, May 3, 1999]

THE PRICE OF DISTRUST

(By William Safire)

WASHINGTON.—Congress is not only ambivalent about buying into ''Clinton's War,'' it is also of two minds about being ambivalent.

That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. By its unwillingness to enter Serbian territory to stop the killing at the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up at the negotiating table all he has won on the killing field. He won't.

He will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win but are merely punishing to settle.

Small wonder that no majority has formed in Congress to adopt the McCain-Biden resolution giving the President authority to use ''all necessary force'' to achieve a clear victory. Few want to go out on a limb for Clinton knowing that he is preparing to saw that limb off behind them.

Clinton has so few followers in Congress because he is himself the world's leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, not sanctity of borders vs. self-determination of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust this President to use all force necessary to establish the principle that no nation can drive out an unwanted people?

The answer is no. The distrust is palpable. Give him the tools and he will not finish the job.

Proof that such distrust is well founded is in the erosion of NATO's key goal: muscular protection of refugees trusting enough to return to Kosovo.

At first, that was to be done by ''a NATO force,'' rather than U.N. peacekeepers. The fallback was to ''a NATO-led force,'' including Russians. Now the formulation is ''ready to lead,'' if anybody asks, or ''a force with NATO at its core,'' which means Serb-favoring Russians, Ukrainians and Argentinians, with Hungarians and Czechs to give the illusion of ''a NATO core.''

If you were an ethnic-Albanian woman whose husband had been massacred, sister raped, children scattered and house burned down on orders from Belgrade—would you go back home under such featherweight protection?

Only a fool would trust an observer group so rotten to its ''core.'' And yet that is the concession NATO has made even before formal negotiations begin.

What can we expect next? After a few more weeks of feckless bombing while Milosevic completes his dirty work in Kosovo, Viktor Chernomyrdin or Jimmy Carter or somebody will intercede to arrange a cease-fire. Film will be shot of Serbian tanks (only 30 were hit in a month of really smart bombing) rolling back from Kosovo as bombardment halts and the embargo is lifted.

Sergei Rogov, the Moscow Arbatovnik, laid out the Russian deal in yesterday's Washington Post: (1) autonomy for Kosovo but no independence or partition; (2) Milosevic troops out but Serbian ''border guards'' to remain in Kosovo, and (3) peace ''enforcers'' under not NATO but U.N. and Helsinki Pact bureaucrats. As a grand concession, NATO would be allowed to care for refugees in Albania and Macedonia.

That, of course, would be a triumph for mass murderers everywhere, and Clinton will insist on face-savers: war-crimes trials for sergeants and below, a Brit and a Frenchman in command of a NATO platoon of Pomeranian grenadiers, no wearing of blue helmets and absolutely no reparations to Serbia to rebuild bridges in the first year.

Perhaps Britain's Tony Blair will prod Clinton to do better, and all Serbian troops and paramilitary thugs will be invited out of Kosovo. But the returning K.L.A. will find mass graves and will likely lash out at Serbs; after an indecent interval Belgrade will assert sovereignty with troops in police uniforms.

And what will happen to the principle of no reward for internal aggression?

It will be left for resolution to our next President, who, in another test, will have the strength of the people's trust.

DEAR SENATOR MCCAIN: If the 21st Century is to be a peaceful and stable time, only the steadiness and power of the United States will make it so. That steadiness and power is now being tested; we must not fail. If ground forces are essential to assuring our success, then we must use them.

Sincerely,

LAWRENCE S. EAGLEBURGER.

I strongly support Senate Joint Resolution 20. Its passage will be a strong message of our determination to Milosevic—who may be doubting our resolve. It will also encourage the President to do what is necessary to prevail.

BRENT SCOWCROFT.

Mr. MCCAIN. Finally, Mr. President, a person that I know the Senator from Kansas and I and the Senator from Illinois have enjoyed and appreciated over many years, Margaret Thatcher, who once counseled during the Persian Gulf war for President Bush not to ''go wobbly''—I believe she said, ''Don't go wobbly now, George''—made a speech the other night for ''Project for the New American Century.''

I ask unanimous consent that her statement be printed in the RECORD.

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

Margaret Thatcher: Last September I went to Vukovar, a city destroyed and its inhabitants butchered by the soldiers of Slobodan Milosevic. The place still smells of death, the windows weep, and the ruins gape. Around Srebrenica, where neither I nor many other Westerners have gone, the bodies of thousands of slaughtered victims still lie in unmarked graves. In Kosovo, we can only imagine what depravities of human wickedness, what depths of human degradation, those endless columns of refugees have fled. Mass rape, mass graves, death camps, historic communities wiped out by ethnic

cleansing—these are the monuments to Milosevic's triumphs.

They are also, let's remember and admit, the result of eight long years of Western weakness. When will they ever learn?

Appeasement has failed in the 90s, as it failed in the 30s. Then, there were always politicians to argue that the madness of Nazism could be contained and that a reckoning could somehow be avoided. In our own day too there has never been a lack of politicians and diplomats willing to collaborate with Milosevic's Serbia. At each stage, both in the thirties and in the nineties, the tyrant carefully laid his snares, and naive negotiators obligingly fell into them.

For eight years I have called for Serbia to be stopped. Even after the massacre of Srebrenica I was told that my calls for military action were mere ''emotional nonsense,'' words which, I think, only a man could have uttered.

But there were also good reasons for taking action early. The West could have stopped Milosevic in Slovenia or Croatia in 1991, or in Bosnia in 1992. But instead we deprived his opponents of the means to arm themselves, thus allowing his aggression to prosper.

Even in 1995, when at last a combination of airstrikes and well-armed Croat and Muslin ground forces broke the power of the Bosnian-Serb aggressors, we intervened to halt their advance onto Banja Luka, and so avoid anything that might threaten Milosevic. Even then, Western political leaders believed that the butcher of Belgrade could be a force for stability. So here we are now, fighting a war eight years too late, on treacherous terrain, so far without much effective local support, with imperfect intelligence, and with war aims that some find unclear and unpersuasive.

But with all that said—and it must be said, so that the lessons are well and truly learned—let there be no doubt: this is a war that must be won.

I understand the unease that many feel about the way in which this operation began. But those who agonize over whether what is happening in Kosovo today is really of sufficient importance to justify our military intervention, gravely underestimate the consequences of doing nothing. There is always method in Milosevic's madness. He is a master at using human tides of refugees to destabilize his neighbors and weaken his opponents. And that we simply cannot now allow. The surrounding countries just can't absorb two million Albanian refugees without provoking a new spiral of violent disintegration, possibly involving NATO members.

But the over-riding justification for military action is quite simply the nature of the enemy we face. We are not dealing with some minor thug whose local brutalities may offend our sensibilities from time to time. Milosevic's regime and the genocidal ideology that sustains it represent something altogether different—a truly monstrous evil; one which cannot with safety be merely checked or contained; one which must be totally defeated and be seen by the Serbs themselves to be defeated.

When that has been done, we need to learn the lessons of what has happened and of the warnings that were given but ignored. But this is not the time. There has already been too much media speculation about targets and tactics, and some shameful and demoralizing commentary which can only help the enemy. So I shall say nothing of detailed tactics here tonight.

But two things more I must say.

First, about our fundamental aims. It would be both cruel and stupid to expect the Albanian Kosovans now to return to live under any form of Serbian rule. Kosovo must be given independence, initially under international protection. And there must be no partition, a plan that predictable siren voices are already advancing. Partition would only serve to reward violence and ethnic cleansing. It would be to concede defeat. And I am unmoved by Serb pleas to retain their grasp on most of Kosovo because it contains their holy places. Coming from those who systematically leveled Catholic churches and Muslim mosques wherever they went, such an argument is cynical almost to the point of blasphemy.

Second, about the general conduct of the war. There are, in the end, no humanitarian wars. War is serious and it is deadly. In wars risk is inevitable and casualties, including alas civilian casualties, are to be expected. Trying to fight a war with one hand tied behind your back is the way to lose it. We always regret the loss of the lives. But we should have no doubt that it is not our troops or pilots, but the men of evil, who bear the guilt.

The goal of war is victory. And the only victory worth having now is one that prevents Serbia ever again having the means to attack its neighbors and terrorize its non-Serb inhabitants. That will require the destruction of Serbia's political will, the destruction of its war machine and all the infrastructure on which these depend. We must be prepared to cope with all the changing demands of war—including, if that is what is required, the deployment of ground troops. And we must expect a long haul until the job is done.

Mr. MCCAIN. Those are Margaret Thatcher's remarks. They were delivered at the Institute for Free Enterprise on the 20th anniversary of her becoming Great Britain's Prime Minister.

I hope that all of my colleagues before voting tomorrow will read her remarks—Brent Scowcroft, Lawrence Eagleburger, and virtually every person who has held a position of authority on national security matters, both Republican and Democrat, for more than two decades.

Mr. President, the hour is late. I will move to the closing remarks in just a moment.

We have had a good debate today. I wish it had been longer. I think it should go on for several more days. But it won't.

Tomorrow we will have a tabling motion which may be one of the more bizarre scenarios that I have seen in my 13 years here in the Senate, with an administration lobbying feverishly to defeat a resolution which gives it more authority. I have never seen that before in my years in the Senate.

I believe we could have carried this resolution if the administration had supported it. I can only conclude that the reason for it is that the President of the United States is more interested in his own Presidency than the institution of the Presidency. Mr. President, that is indeed a shame.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business, Friday, April 30, 1999, the federal debt stood at $5,585,839,850,171.61 (Five trillion, five hundred eighty-five billion, eight hundred thirty-nine million, eight hundred fifty thousand, one hundred seventy-one dollars and sixty-one cents).

One year ago, April 30, 1998, the federal debt stood at $5,499,895,000,000 (Five trillion, four hundred ninety-nine billion, eight hundred ninety-five million).

Fifteen years ago, April 30, 1984, the federal debt stood at $1,486,116,000,000 (One trillion, four hundred eighty-six billion, one hundred sixteen million).

Twenty-five years ago, April 30, 1974, the federal debt stood at $472,852,000,000 (Four hundred seventy-two billion, eight hundred fifty-two million) which reflects a debt increase of more than $5 trillion—$5,112,987,850,171.61 (Five trillion, one hundred twelve billion, nine hundred eighty-seven million, eight hundred fifty thousand, one hundred seventy-one dollars and sixty-one cents) during the past 25 years.

GENERAL HAWLEY'S COMMENTS ON READINESS

Mr. STEVENS. Mr. President, last week the Air Force General in charge of the Air Combat Command provided some valuable observations for the Senate to consider as we contemplate funding another protracted military operation.

General Richard Hawley observed that the current build up in Europe has weakened our ability to meet our other global commitments. General Hawley added that the air operation in Kosovo would require a reconstitution period of up to five months.

The General will be retiring in June, and has spoken out on how this war in Kosovo will weaken the readiness of the Air Force. I hope Senators will consider his concerns, and I ask unanimous consent that the General's remarks on military readiness reported in the April 30th Washington Post be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 30, 1999]

GENERAL SAYS U.S. READINESS IS AILING

(By Bradley Graham)

The general who oversees U.S. combat aircraft said yesterday the Air Force has been sorely strained by the Kosovo conflict and would be hard-pressed to handle a second war in the Middle East or Korea.

Gen. Richard Hawley, who heads the Air Combat Command, told reporters that five weeks of bombing Yugoslavia have left U.S. munition stocks critically short, not just of air-launched cruise missiles as previously reported, but also of another precision weapon, the Joint Direct Attack Munition (JDAM) dropped by B–2 bombers. So low is the inventory of the new satellite-guided weapons, Hawley said, that as the bombing campaign accelerates, the Air Force risks exhausting its prewar supply of more than 900 JDAMs before the next scheduled delivery in May.

''It's going to be really touch-and-go as to whether we'll go Winchester on JDAMs,'' the four-star general said, using a pilot's term for running out of bullets.

On a day the Pentagon announced deployment of an additional 10 giant B–52 bombers to NATO's air battle, Hawley said the continuing buildup of U.S. aircraft means more

air crew shortages in the United States. And because the Air Force tends to send its most experienced crews, Hawley said, the experience level of units left behind also is falling. With NATO's latest request for another 300 U.S. aircraft—on top of 600 already committed—Hawley said the readiness rating of the remaining fleet will drop quickly and significantly.

His grim assessment underscored questions about the U.S. military's ability to manage a conflict such as the assault on Yugoslavia after reducing and reshaping forces since the Cold War. U.S. military strategy no longer calls for battling another superpower, but it does require the Pentagon to be prepared to fight two major regional wars at about the same time.

As the number of U.S. planes involved in the conflict over Kosovo approaches the level of a major regional war, the operation is exposing weaknesses in the availability and structure of Air Force as well as Army units, engendering fresh doubts about the military's overall preparedness for the world it now confronts. If another military crisis were to erupt in the Middle East or Asia, Hawley said reinforcements are still available, but he added: ''I'd be hard-pressed to give them everything that they would probably ask for. There would be some compromises made.''

The Army's ability to respond nimbly to foreign hot spots also has been put in question by the month it has taken to deploy two dozen AH–64A Apache helicopters to Albania. While Army officials insist the helicopter taskforce moved faster than any other country could have managed, the experience appeared to highlight a gap between the Pentagon's talk about becoming a more expeditionary force and the reality of deploying soldiers.

Massing forces for a ground invasion of Yugoslavia, officials said, would require two or three months. Because U.S. military planners never figured on fighting a ground war in Europe following the Soviet Union's demise, little Army heavy equipment is prepositioned near the Balkans. Nor are there Army units that would seem especially designed for the job of getting to the Balkans quickly with enough firepower and armor to attack dug-in Yugoslav forces over mountainous terrain.

''What we need is something between our light and heavy forces, that can get somewhere fast but with more punch,'' a senior Army official said.

Yugoslav forces have shown themselves more of a match for U.S. and allied air power than NATO commanders had anticipated. The Serb-led Yugoslav army has adopted a duck-and-hide strategy, husbanding air defense radars and squirreling away tanks, confounding NATO's attempts to gain the freedom for low-level attacks to whittle down field units. Yugoslav units also have shown considerable resourcefulness, reconstituting damaged communication links and finding alternative routes around destroyed bridges, roads and rail links.

''They've employed a rope-a-dope strategy,'' said Barry Posen, a political science professor at the Massachusetts Institute of Technology. ''Conserve assets, hang back, take the punches and hope over time that NATO makes some kind of mistake that can be exploited.''

Hawley disputed suggestions that the assault on Yugoslavia has represented an air power failure, saying the full potential of airstrikes has been constrained by political limits on targeting.

''In our Air Force doctrine, air power works best when it is used decisively,'' the general said. ''Clearly, because of the constraints, we haven't been able to see that at this point.''

NATO's decision not to employ ground forces, he added, also has served to undercut the air campaign. He noted that combat planes such as the A–10 Warthog tank killer often rely on forward ground controllers to call in strikes.

''When you don't have that synergy, things take longer and they're harder, and that's what you're seeing in this conflict,'' the general said.

At the same time, Hawley, who is due to retire in June, insisted the course of the battle so far has not prompted any rethinking about U.S. military doctrine or tactics, nor has it caused any second thoughts about plans for the costly development of two new fighter jets, the F–22 and Joint Strike Fighter. Despite the apparent success U.S. planes have demonstrated in overcoming Yugoslavia's air defense network, Hawley said the next generation of warplanes is necessary because future adversaries would be equipped with more advanced anti-aircraft missiles and combat aircraft than the Yugoslavs.

If the air operation has highlighted any weaknesses in U.S. combat strength, Hawley said, it has been in what he termed a desperate shortage of aircraft for intelligence-gathering, radar suppression and search-and-rescue missions. While additional planes and unmanned aircraft to meet this shortfall are on order or under development, Hawley said it will take ''a long time'' to field them.

In the meantime, he argued, the United States must start reducing overseas military commitments. He suggested some foreign operations have been allowed to go on too long, noting that the U.S. military presence in Korea has lasted more than 50 years, and U.S. warplanes have remained stationed in Saudi Arabia and Turkey, flying patrols over Iraq, for more than eight years.

''I would argue we cannot continue to accumulate contingencies,'' he said.'' At some point you've got to figure out how to get out of something.''

The Air Force blames a four-fold jump in overseas operations this decade, coming after years of budget cuts and troop reductions, for contributing to an erosion of military morale, equipment and training. The Air Force has tried various fixes in recent years to stanch an exodus of pilots and other airmen in some critical specialties.

It has boosted bonuses, cut back on time-consuming training exercises and tried to limit deployment periods. It also has requested and received hundreds of millions of dollars in extra funds for spare parts.

Additionally, it announced plans last August to reorganize more than 2,000 warplanes and support aircraft into 10 ''expeditionary'' groups that would rotate responsibility for deployments to such longstanding trouble zones as Iraq and Bosnia.

But Hawley's remarks suggested that the growing scale and uncertain duration of the air operation against Yugoslavia threaten to undo whatever progress the Air Force has made in shoring up readiness. Whenever the airstrikes end, he said, the Air Force will require ''a reconstitution period'' to put many of its units back in order.

''We are going to be in desperate need, in my command, of a significant retrenchment in commitments for a significant period of time,'' he said. ''I think we have a real problem facing us three, four, five months down the road in the readiness of the stateside units.''

ON NATO INTERVENTION IN KOSOVO

Mr. MOYNIHAN. Mr. President, a month ago, April 7, as the war in Yugoslavia began to assume its present form, President Clinton spoke to the U.S. Institute for Peace. It was an important statement about the nature of conflict in the years to come. ''Clearly,'' he stated, ''our first challenge is to build a more peaceful world, one that will apparently be dominated by ethnic and religious conflicts we once thought of primitive, but which Senator MOYNIHAN, for example, has referred to now as post-modern.'' I am scarcely alone in this; it has become, I believe, a widely held view. A recent article in The Wall Street Journal began by asking: ''Does Kosovo represent the future or the past.'' The distinguished Dean of the John F. Kennedy School had an emphatic answer.

> . . . Joseph Nye, a Clinton Pentagon alumnus, forecasts a brave new world dominated by ethnic conflicts. There are thousands of ethnic groups that could plausibly argue they deserve independence, he estimates, making it imperative for the U.S. to decide where it should intervene. ''There's potential for enormous violence,'' he says.

In this spirit, just yesterday, The Times spoke of ''The Logic of Kosovo.''

> With the cold war over, the country needs to devise a new calculus for determining when its security is threatened and the use of force is warranted. Kosovo is a test case. If the United States and its NATO allies are prepared to let a tyrant in the Balkans slaughter his countrymen and overrun his neighbors with hundreds of thousands of refugees, other combustible regions of Europe may face similar upheavals.

Almost a decade ago the eminent scientist E. O. Wilson offered a perspective from the field of sociobiology. Once ''the overwhelmingly suppressive force of supranational ideology was lifted,'' ethnicity would strike. ''It was the unintended experiment in the natural science mode: cancel one factor at a time, and see what happens.'' For ''coiled and ready ethnicity is to be expected from a consideration of biological evolutionary theory.''

Throw in television and the like, and surely we are in a new situation. Just as surely, it is time to think anew.

The first matter has to do with the number of such potential conflicts. Here it is perhaps the case that the United States bears a special responsibility. For it is we, in the person of President Woodrow Wilson, and the setting of the Versailles Peace Conference who brought to world politics the term ''self-determination.'' It is not sufficiently known that Wilson's Secretary of State, Robert Lansing, of Jefferson County, New York, had the greatest foreboding. Hence this entry in his diary written in Paris on December 30, 1918.

> ''SELF-DETERMINATION'' AND THE DANGERS
>
> DECEMBER 30, 1918
>
> The more I think about the President's declaration as to the right of ''self-determination'', the more convinced I am of the danger of putting such ideas into the minds of certain races. It is bound to be the basis of impossible demands on the Peace Congress, and create trouble in many lands . . . . The phrase is simply loaded with dynamite. It will raise hopes which can never be realized.

It will, I fear, cost thousands of lives. In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempt to put the principle into force. What a calamity that the phrase was ever uttered! What misery it will cause! Think of the feelings of the author when he counts the dead who dies because he coined a phrase! A man, who is a leader of public thought, should beware of intemperate or undigested declarations. He is responsible for the consequences.

There have to be limits, and it should be a task of American statecraft to seek to define them. It is not that 185 members of the United Nations are enough. There is room for more. But surely there needs to be a limit to the horrors we have witnessed in the Balkans in this decade, and in Kosovo this past month. From the Caucuses to the Punjab, from Palestine to the Pyrenees, violence beckons. It is not difficult to get started. At least one American diplomat holds a direct view of the origin of the present horror. I cannot speak for every detail of his account, but some are well known, and his view is not, to my knowledge, contested.

The current phase of the Kosovo crisis can be traced back to 1996, when financial collapse in Albania (small investors lost their meager life savings in a classic Ponzi scheme condoned by the then government) led to political and social chaos. President Berisha (a Geg from the misnamed Democratic Party) was forced out amidst massive rioting in which the army disappeared as its armories were emptied. Arms found their way into the armed gangs and eventually to an incipient Kosovo Albanian guerrilla movement that called itself the Kosovo Liberation Army. The new government of Socialist Fatos Nan (a Southerner, a Tosk, and a former Communist) was unable to establish effective control over the north and Berisha made a conspicuous point of not only supporting the KLA, but actually turning his personal property in the north over to the KLA as a training base. Supporting fellow Gegs apparently makes for good politics among the northerners.

The KLA's strategy was very simple: Target Serbian policemen and thus provoke the inevitable brutal Serb retaliation against Kosovo Albanian civilians, all in the hopes of bringing NATO into the conflict. They have succeeded brilliantly in this goal, but have not proved to be much a fighting force themselves.

These are not arguments new to the Senate. A year ago, April 30, 1998, my eminent colleague JOHN W. WARNER and I offered cautionary amendments concerning NATO expansion eastward. I went first with a proposal that new NATO members should first belong to the European Union. I received, as I recall, 17 votes. My colleague then proposed to postpone any further enlargement of NATO for a period of at least three years. That proposal, again if I recall, received 41 votes. We felt, on the whole, somewhat lonely. Now, however, we learn that Defense Secretary William Perry and his top arms-control aide, Ashton Carter, as related by Thomas L. Friedman in The Times of March 16, 1999.

Mr. Perry and Mr. Carter reveal that when they were running the Pentagon they argued to Mr. Clinton that NATO expansion ''should be deferred until later in the decade.'' Mr. Perry details how he insisted at a top-level meeting with the President, on December 21, 1994, that ''early expansion was a mistake,'' because it would provoke ''distrust'' in Russia and undermine cooperation on arms control and other issues, and because ''prematurely adding untried militaries'' at a time when NATO itself was reassessing its role would not be helpful.

The Secretary of Defense lost the argument; in Friedman's view domestic politics overrode strategic concerns. But who won? The various pronouncements that issued from the recent NATO summit come close to a telephone directory of prospective new NATO members. Before we get carried away, might we ask just how many of them have the kind of internal ethnic tension so easily turned on? Which will be invaded by neighbors siding with the insurgents? Must NATO then go to war in the Caucuses?

The second matter of which I would speak is that of international law. The United States and its NATO allies have gone to war, put their men and women in harm's way for the clearest of humanitarian purposes. They have even so attacked a sovereign state in what would seem a clear avoidance of the terms of the U.N. Charter, specifically Article 2(4). The State Department has issued no statement as to the legality of our actions. An undated internal State Department document cites Security Council Resolution 1199 affirming that the situation in Kosovo constitutes a threat to the peace in the region, and demanding that the parties cease hostilities and maintain peace in Kosovo. The Department paper concludes: ''FRY actions in Kosovo cannot be deemed an internal matter, as the Council has condemned Serbian action in Kosovo as a threat to regional peace and security.''

A valid point. But of course the point is weakened, at very least, by the fact of our not having gone back to the Security Council to get authorization to act as we have done. We have not done this, of course, because the Russians and/or the Chinese would block any such resolution. Even so, it remains the case that the present state of international law is in significant ways a limitation on our freedom to pursue humanitarian purposes. Again, a matter that calls for attention, indeed, demands attention.

In sum, limits and law.

CLINTON HIGH SCHOOL'S ATTACHÉ SHOW CHOIR

Mr. LOTT. Mr. President, today I want to honor the premiere high school show choir in the Nation—Mississippi's own Clinton High School's Attaché. Forty-two singers/dancers, sixteen instrumentalists, and seventeen crew members make up the outstanding group of young adults from a high school with an enrollment of 11 hundred.

For the past decade, the members of Attaché have proven to be goodwill ambassadors for their high school, their community, and the great State of Mississippi. They have traveled to competitions all across America—Indiana, Illinois, Alabama, Florida, New York, and California. During this time, Attaché has not only competed in, but won every major show choir competition in the United States. They are the only high school show choir to ever win the grand championship in each venue of the Showstopper's International Invitational Competitions—an accomplishment of which Mississippians should truly be proud. While competing with other American high school students, they have demonstrated to the nation Mississippi's culture and excellence in the arts.

Mr. President, I want to point out that all of these accomplishments have been made while balancing practice and performance schedules with academics. These students serve as role models for the Nation. They demonstrate the tremendous achievements which are possible through dedication and hard work.

Since 1992, David and Mary Fehr have led Attaché. David serves as the group's director. He arranges all numbers, directs the vocals and serves as the pianist during the show choir's performances. Mary designs the sets and costumes for the performers and personally sews the girls' outfits. This husband and wife team illustrates the value of teamwork. Discipline, self-reliance, and hard work are each of their charges. They are the epitome of what a public school educator should be. The Clinton Public Schools are blessed to have them on board.

This outstanding group of young adults and their dedicated leaders are shining examples of what positive energy can produce. It is refreshing to know that there are still teenagers out there with dedication and determination. Being a part of this show choir requires long hours and hard-work. Clinton and the whole state of Mississippi should be truly proud of the accomplishments of Attaché.

JOHN HUME'S 30 OUTSTANDING YEARS IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, John Hume's career is surely one of the most distinguished in Irish history, or in any nation's history, and all of us in America who care about Ireland are greatly in his debt. Last week, this distinguished leader of the Social Democratic and Labour Party celebrated 30 years of public service. His accomplishments are many, as was recognized last year when he shared the Nobel Peace Prize for extraordinary leadership in producing the Good Friday Peace Agreement. One detail about that prize speaks volumes about John Hume—he donated the entire cash prize to charities in Northern Ireland.

I welcome this opportunity to extend my warmest congratulations to John Hume on his 30 years of service to

peace and the people of Northern Ireland, and I ask unanimous consent to have printed in the RECORD an article from the Irish Times of April 29 on the celebration in Belfast last week of his brilliant service.

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

[From The Irish Times, Apr. 29, 1999]

HUME'S 30-YEAR CAREER HONOURED

(By Gerry Moriarty)

The SDLP faithful turned out in strength in Belfast last night to celebrate the 30-year political career of party leader and Nobel laureate Mr. John Hume. The Europa Hotel was the venue for what was described as a gala ''bash''.

The emphasis was on ''nostalgia and crack'' rather than the often depressing stuff of Northern politics as colleagues and friends of Mr. Hume gathered to reminisce on his career and the SDLP's 29 year history.

Founder members of the party were present, including Mr. Ivan Cooper, Fine Gael TD Mr. Austin Currie and Mr. Paddy O'Hanlon. Apologies were received from Mr. Paddy Devlin and former SDLP leader Lord Fitt.

More than 400 people attended the reception and dinner including the Minister for Social, Community and Family Affairs, Mr. Ahern, and the Minister of State for Foreign Affairs, Ms. Liz O'Donnell.

Ms. O'Donnell praised Mr. Hume's political ingenuity in devising a political plan that brought Sinn Fein into the political equation and ultimately led to the Belfast Agreement. She said Mr. Hume had won respect right across the ''political board''. His analysis had proved correct and she was delighted to be attending the gala in his honour.

Music was supplied by the McCafferty singers from Derry and Belfast vocalist Brian Kennedy.

Ms. Gerry Cosgrove, the SDLP general secretary, said the party wanted to celebrate and honour Mr. Hume's achievements. ''The 30-year career of John Hume has been characterised by courage, conviction and vision,'' she said.

''He has been instrumental in perhaps every positive development in the long and difficult history of the Troubles, and is widely regarded as the principal architect of the Good Friday agreement,'' she said. ''This function was to say thank you for that courage and vision.''

The Northern Secretary, Dr. Mo Mowlam, apologised for being unable to attend. In a message she praised Mr. Hume for his single-minded determination in pursuing the ''goal of peace''.

Among the speakers were Mr. cooper, the SDLP deputy leader and Deputy First Minister, Mr. Seamus Mallon, and Mr. Ahern. Mr. Hume was accompanied by his wife, Pat.

REPORT ON EMERGENCY IN SUDAN—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 3, 1999.*

REPORT ON BLOCKING PROPERTY AND PROHIBITING TRADE INVOLVING YUGOSLAVIA—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In response to the brutal ethnic cleansing campaign in Kosovo carried out by the military, police, and paramilitary forces of the Federal Republic of Yugoslavia (Serbia and Montenegro), the NATO allies have agreed to buttress NATO's military actions by tightening economic sanctions against the Milosevic regime. Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1703(b), I hereby report to the Congress that, in order to implement the measures called for by NATO, I have exercised my statutory authority to take additional steps with respect to the continuing human rights and humanitarian crisis in Kosovo and the national emergency described and declared in Executive Order 13088 of June 9, 1998.

Pursuant to this authority, I have issued a new Executive order that:

—expands the assets freeze previously imposed on the assets of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro subject to U.S. jurisdiction, by removing the exemption in Executive Order 13088 for financial transactions by United States persons conducted exclusively through the domestic banking system within the Federal Republic of Yugoslavia (Serbia and Montenegro) or using bank notes or barter;

—prohibits exports or reexports, directly or indirectly, from the United States or by a United States person, wherever located, of goods, software, technology, or services to the Federal Republic of Yugoslavia (Serbia and Montenegro) or the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, or the Republic of Montenegro;

—prohibits imports, directly or indirectly, into the United States of goods, software, technology, or services from the Federal Republic of Yugoslavia (Serbia and Montenegro) or owned or controlled by the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, or the Republic of Montenegro;

—prohibits any transaction or dealing, including approving, financing, or facilitating, by a United States person, wherever located, related to trade with or to the Federal Republic of Yugoslavia (Serbia and Montenegro) or the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, or the Republic of Montenegro.

The trade-related prohibitions apply to any goods (including petroleum and petroleum products), software, technology (including technical data), or services, except to the extent excluded by section 203(b) of IEEPA (50 U.S.C. 1702(b)).

The ban on new investment by United States persons in the territory of Serbia—imposed by Executive Order 13088—continues in effect.

The Executive order provides that the Secretary of the Treasury, in consultation with the Secretary of State, shall give special consideration to the circumstances of the Government of the Republic of Montenegro. As with Executive Order 13088, an exemption from the new sanctions has been granted to Montenegro. In implementing this order, special consideration is also to be given to the humanitarian needs of refugees from Kosovo and other civilians within the Federal Republic of Yugoslavia (Serbia and Montenegro).

In keeping with my Administration's new policy to exempt commercial sales of food and medicine from sanctions regimes, the Executive order directs the Secretary of the Treasury, in consultation with the Secretary of State, to authorize commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end use in the Federal Republic of Yugoslavia (Serbia and Montenegro). Such sales are to be subject to appropriate safeguards to prevent diversion to military, paramilitary, or political use by the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, or the Republic of Montenegro), the Republic of Serbia, or the Republic of Montenegro.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 30, 1999.*

REPORT ON NARCOTICS TRAFFICKERS IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 23

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 3, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2792. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled ''Department of Agriculture Livestock Price Reporting Act of 1999''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2793. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to 1998 Marketing Quotas and Price Support Levels for various types of tobacco (RIN0560–AF2066), received April 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2794. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dairy Indemnity Payment Program'' (RIN0560–AF66), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2795. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of two rules entitled ''End-Use Certificate Program'' (RIN0560–AF64) and ''Livestock Assistance Program'' (RIN0560–AF58), received April 2, 1999; to the Committee on Agriculture, Nutrition and Forestry.

EC–2796. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Non-insured Crop Disaster Assistance Program'' (RIN0560–AF46), received April 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2797. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Collection of Recapture Amount for Borrowers with Certain Shared Appreciation Agreements'' (RIN0560–AF80), received April 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2798. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the New England and Other Marketing Areas; Decision on Proposed Amendments to Marketing Agreements and to Orders–DA–97–12'' (RIN0581–AB49), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2799. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Revision of Reporting Requirements'' (Docket No. FV99–981–1–FR), received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2800. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches'' (Docket No. FV–99–916–2–FR), received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2801. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. FV99–932–1–FR), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2802. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit'' (Docket No. FV99–905–1–FIR), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2803. A communication from the Inspector General, Department of Agriculture, transmitting, the report of an audit of the settlements of complaints of discrimination; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2804. A communication from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 801, Official Testing Service for Corn Oil, Protein and Starch'' (RIN0580–AA62), received April 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2805. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Karnal Bunt; Reclassification of Regulated Areas'' (RIN0579–AA83), received April 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2806. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, Transmitting, pursuant to law, the report of a rule entitled ''WIC/Food Stamp Program (FSP) Vendor Disqualifications'' (RIN0584–AC50), received April 1, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2807. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a entitled ''Processing Requests for Farm Labor Housing (LH) Loans and Grants'' (RIN0575–AC19), received April 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2808. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of six rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2809. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2810. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2811. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received March 31, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2812. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2813. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules and the withdrawal of a rule relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2814. A communication from the Director, Office of Government Relations, Smithsonian Institution, transmitting, pursuant to law, a report entitled ''Annual Proceedings of the One Hundred and Seventh Continental Congress'' of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC–2815. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trichoderma Harzianum KRL–AG2 (ATCC #20947) or Strain T–22; Revision of Exemption from the Requirement of a Tolerence'' (RIN2070–AB78), received on April 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2816. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Beauveria bassiana (ATC #74949); Exemption from the Requirement of a Tolerence'' (RIN2070–AB78), received on April 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2817. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clopyralid; extension of Tolerance for Emergency Exemptions'' (RIN2070–AB78), received on April 6, 1999; to

the Committee on Agriculture, Nutrition, and Forestry.

EC–2818. A communication from the Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the procurement list, received April 26, 1999; to the Committee on Governmental Affairs.

EC–2819. A communication from the Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions and deletions to the procurement list, received April 30, 1999; to the Committee on Governmental Affairs.

EC–2820. A communication from the Auditor, District of Columbia transmitting, pursuant to law, a report entitled ''Evaluation of the Department of Public Works' Monitoring and Oversight of the Ticket Processing and Delinquent Ticket Debt Collection Contracts''; to the Committee on Governmental Affairs.

EC–2821. A communication from the Independent Counsel transmitting, pursuant to law, a report relative to the investigations and prosecutions of former Secretary of Agriculture Espy; to the Committee on Governmental Affairs.

EC–2822. A communication from the Director Designee, Federal Mediation and Conciliation Service transmitting a report relative to the Inspector General Act; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–70. A resolution adopted by the Senate of the Legislature of the State of New Hampshire; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 5

Whereas, in 1993, Congress passed legislation authorizing the building of a national World War II Memorial in Washington, D.C., or its immediate environs; and

Whereas, under the provisions of the Commemorative Works Act, a construction permit must be obtained from the Secretary of the Interior within 7 years of the legislation authorizing the construction of the World War II Memorial, that is, by May 2000; and

Whereas the World War II Memorial shall be funded by private contributions, as specified in federal law, including corporate and foundation giving, veterans groups, associations, and individual donations; and

Whereas the capital campaign goal of the World War II Memorial project is $100 million, of which approximately $38 million has been received thus far; and

Whereas, before a construction permit will be issued, the final design must be approved and all funds for construction of the World War II Memorial must be on hand; and

Whereas, in consideration of the approaching May 2000 deadline, the honor, courage, and memory of every veteran who served in World War II shall be more appropriately served, and the gratitude of a nation more fully expressed, by expediting the construction process to permit construction of the World War II Memorial to begin immediately; now, therefore, be it

Resolved by the Senate:

That the honor and achievements of all World War II veterans shall be best served by allowing for the construction of the World War II Memorial to begin immediately; and

That Congress undertake any and all appropriate action, legislative or otherwise, to permit the construction process for the World War II Memorial to begin immediately; and

That copies of this resolution, signed by the president of the senate, be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

POM–71. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 5021

Whereas, Nearly 700,000 United States troops, including 7,500 Kansans, deployed to the Persian Gulf region in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

Whereas, Federal research efforts have not yet identified the prevalence, patterns, causes or treatments for illnesses by Gulf War veterans; and

Whereas, Nationwide, very few Gulf War veterans who have applied for disability compensation for undiagnosed illnesses from the United States Department of Veterans Affairs have received compensation; and

Whereas, The Kansas Persian Gulf War Veterans Health Initiative has surveyed 2031 Kansas Gulf War-era veterans; and

Whereas, The Kansas Gulf War Veterans Health Study preliminary results indicate that 30% of deployed veterans suffer from a complex of symptoms characterized by fatigue, joint and muscle pain, cognitive and mood disturbances, and a variable array of respiratory, gastrointestinal, neurological, skin, and auditory problems, collectively identified as Gulf War illness; and

Whereas, The Kansas Gulf War Veterans Health Study indicates that Gulf War illness occurs in identifiable patterns, including differences by areas of deployment; and

Whereas, The Kansas Gulf War Veterans Health Study indicates that among veterans who did not deploy to the Gulf War, Gulf War illness occurs at a significantly higher rate among veterans who received vaccines during that period than those who did not receive vaccines; and

Whereas, The Kansas Gulf War Veterans Health Study indicates that children of Gulf War veterans born since the war were significantly more likely to have been born with health problems, including birth defects, than children born to nondeployed veterans during the same period; and

Whereas, The Kansas Gulf War Veterans Health Study indicates that most deployed veterans with Gulf War illness continue to be employed, but 79% say their health affects their ability to work; and

Whereas, The Kansas Gulf War Veterans Health Study indicates that Kansas veterans who deployed to the Gulf War are significantly less likely to receive disability compensation from the United States Department of Veterans Affairs than nondeployed veterans of the same era; and

Whereas, Kansas has thousands of deployable troops at facilities such as Fort Riley, Fort Leavenworth, McConnell Air Base, as well as reservists and members of our Kansas National Guard; and

Whereas, The results of the Kansas Persian Gulf War Veterans Health Initiative are very troubling, we must do all we can to prevent a repeat of ''Gulf War illness'' in any future conflict that affects our Kansas military men and women: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That we, the Kansas Legislature, believe that Gulf War illness has had a severe negative impact on the physical and emotional well-being of Gulf War veterans who honorably served Kansas and the United States; and be it further

Resolved, That we memorialize the President and the Congress of the United States to provide funding for Gulf War illness research independent of that administered by the United States Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and be it further

Resolved, That we urge the Governor of Kansas, the Secretary of Health and Environment, the Kansas Commission on Veterans Affairs, and other appropriate state agency heads to take action to continue to investigate Gulf War illness and promote programs to inform and assist Kansas Gulf War veterans and family members suffering from Gulf War illness; and be it further

Resolved, That we urge our Kansas Congressional Delegation to coordinate acquisition of federal grants from the National Institute of Health (N.I.H.) or other federal sources to seek causes and cures for Gulf War illness; and be it further

Resolved, That we urge our Kansas Congressional Delegation to build coalitions with other states to call on Congress and the administration for action in investigating and finding answers to Gulf War illness; and be it further

Resolved, That we encourage our Kansas Congressional Delegation to meet with members of the Kansas Persian Gulf War Veterans Initiative to coordinate efforts on the federal level; and be it further

Resolved, That the Secretary of State be directed to provide an enrolled copy of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, and to each member of the Kansas Congressional delegation; to the Governor of the State of Kansas, the Secretary of Health and Environment, the Secretary of Human Resources, and the Chairman of the Kansas Commission on Veterans Affairs; and to the National and State Commanders of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans.

POM–72. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance.

JOINT RESOLUTION NO. 10

Whereas, the Constitution of the United States assigns certain powers and responsibilities to the Federal Government and reserves the balance of those powers and responsibilities to the individual states; and

Whereas, beginning in the 1930s when the Social Security System was established, public employees were excluded from participation; and

Whereas, many pension plans of state and local governments have elected to complement their own pension programs through coverage under the Social Security System; and

Whereas, other public pension plans, including the Pubic Employees' Retirement System of Nevada, decided not to participate in the national Social Security System, but rather to provide their own independent and excellent programs of retirement benefits; and

Whereas, mandatory Social Security coverage of newly hired state and local governmental employees in the State of Nevada will seriously disrupt our well-founded Public Employees' Retirement System; and

Whereas, there is no evidence to support the idea that mandatory Social Security coverage of newly hired public employees will solve the funding problems of the national Social Security System; and

Whereas, there are serious constitutional and administrative problems with the extension of mandatory Social Security coverage to newly hired public employees; now therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the members of the Legislature of the State of Nevada hereby express their strong opposition to the extension of mandatory Social Security coverage to newly hired state and local governmental employees; and be it further

Resolved, That the Nevada Legislature hereby urges Congress to oppose all efforts to extend mandatory Social Security coverage to newly hired state and local governmental employees; and be it further

Resolved, That the Chief of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–73. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 130

Whereas, Senior citizen housing was originally designed to provide adequate and safe housing for older citizens in an environment where residents' interests and needs were held in common; and

Whereas, Many senior citizens choose senior citizen housing in order to live in a community setting around individuals of common interest and common experiences while maintaining independent living quarters; and

Whereas, Senior citizen housing was designed to provide our older residents with affordable housing while ensuring them a quality-of-life standard; and

Whereas, The Department of Housing and Urban Development has begun placing non-senior citizens in buildings originally designed to house senior citizens; and

Whereas, These young individuals, while meeting certain eligibility requirements for placement within these housing complexes, do not maintain a lifestyle conductive to that of the older residents in those same complexes; and

Whereas, Increased crime, noise and dangerous traffic conditions are among the serious problems now seen in those complexes where young tenants are being placed; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to urge the Department of Housing and Urban Development to carefully consider the needs of all residents of a complex or building with respect to placing new tenants in areas previously considered to be senior citizen housing; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–74. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations.

JOINT RESOLUTION

Whereas, the people of Maine believe that every student should receive an adequate public education; and

Whereas, it costs on average more than twice as much to educate a student with a disability as to educate a student without a disability; and

Whereas, the issue of funding special education in our schools is one of the people of Maine's foremost concerns; and

Whereas, when the Individuals with Disabilities Education Act was first enacted, Congress committed to covering 40% of the cost of special education in the United States; and

Whereas, according to the Maine Department of Education, in fiscal year 1998, the Federal Government covered only 8.15% of the cost of special education in the State of Maine; and

Whereas, special education costs paid with local and state taxes have more than doubled in the past 10 years from $52,697,027 in the 1987–1988 school year to $139,008,607 in the 1997–1998 school year; and

Whereas, special education costs in some Maine communities consume a large percentage of local education dollars including:

1. An amount of $4,595,769 constituting 19.7% of total education expenditures in the City of Auburn;

2. An amount of $1,324,791 constituting 13.2% of total education expenditures in the Town of Wiscasset;

3. An amount of $5,758,750 constituting 21.5% of total education expenditures in the City of Lewiston;

4. An amount of $2,941,301 constituting 11.7% of total education expenditures in the City of Bangor;

5. An amount of $14,860 constituting 21.7% of total education expenditures in Monhegan Plantation; and

6. An amount of $6,357,742 constituting 12.4% of total education expenditures in the City of Portland; and

Whereas, the cost of special education has increased dramatically in recent years, causing property taxes in the State of Maine to rise and school districts around the State to cut activities such as art and music programs, field trips and extracurricular activities to maintain balanced budgets; now therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress increase funding to support special education at a level originally envisioned in the Individuals with Disabilities Education Act; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and each member of the Maine Congressional Delegation.

POM–75. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 53

Whereas, the United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

Whereas, over the past ten years owners and operators of solid waste landfills located in this Commonwealth have significantly increased the amount of municipal waste that they accept from other states; and

Whereas, New York City released a long-term waste management plan on December 2, 1998, that will allow New York City to close the Fresh Hills Landfill as planned on December 31, 2001, resulting in the export of approximately 13,000 tons of solid waste a day now disposed at the Fresh Hills Landfill to Pennsylvania and other states; and

Whereas, the states of Pennsylvania, West Virginia, Virginia, New Jersey and Maryland notified the Mayor of New York City that the recently released waste plan to manage waste displaced by the closure of Fresh Hills Landfill did not adequately address limiting the exportation of the waste as well as other viable waste management alternatives; and

Whereas, the present and projected future levels of municipal waste that owners and operators of landfills and incinerators located in this Commonwealth import from other states pose environmental, aesthetic and traffic problems and is unfair to citizens of this Commonwealth, particularly citizens living in areas where landfills and incinerators are located; and

Whereas, Pennsylvania has met its recycling goal of 25% and has established a new goal of 35% by the year 2003; and

Whereas, it is within the power of the Congress of the United States to delegate authority to the states to restrict the amount of municipal waste imported from other states; and

Whereas, legislation has been introduced in Congress which will regulate and restrict the amount of municipal waste imported from other states; and

Whereas, Governor Thomas J. Ridge and the governors of the Great Lakes states of Ohio, Michigan and Indiana wrote to Congress expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, the failure of Congress to act will harm this Commonwealth by allowing the continued unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation that gives communities hosting landfills and incinerators the right to decide by agreement whether to accept waste from other states and that creates a rational municipal waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–76. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 13

Whereas, good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right; and

Whereas, participation in international health programs is crucial to world health as the potential for the spread of various infectious diseases increases proportionately with the increase in world trade and travel; and

Whereas, the World Health Organization set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people; and

Whereas, in 1977, the World Health Organization established ''Health for all by the year 2000'' as its overriding priority and reaffirmed that commitment in 1995 with the initiation of its ''Health for All'' renewal process; and

Whereas, this country's population of 21 million is larger than three-quarters of the member states already in the World Health Organization and Taiwan shares the noble goals of the organization; and

Whereas, the achievements of Taiwan in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox and the plague and the first country in the world to provide children with free hepatitis B vaccinations; and

Whereas, before its loss of membership in the World Health Organization in 1972, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region; and

Whereas, presently, this remarkable country is not allowed to participate in any forums and workshops organized by the World Health Organization concerning the latest technologies in the diagnosis, monitoring and control of diseases; and

Whereas, in recent years, the government and the expert scientists and doctors in the field of medicine of Taiwan have expressed a willingness to assist financially or technically in international aid and health activities supported by the World Health Organization, but these offers have ultimately been refused; and

Whereas, according to the constitution of the World Health Organization, Taiwan does not fulfill the criteria for membership; and

Whereas, because the World Health Organization does not allow observers to participate in the activities of the organization and considering all of the benefits that such participation would bring, it is in the best interests of all persons in this World that Taiwan be admitted to the World Health Organization, now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the members of the 70th session of the Nevada Legislature do hereby urge President Clinton and the Congress of the United States to support all efforts made by Taiwan of the Republic of China to gain meaningful participation in the World Health Organization; and be it further

Resolved, That the policy of the United States should include the pursuit of an initiative in the World Health Organization that would ensure such participation; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Health, Education and Welfare, the World Health Organization, the Director General of the Taipei Economic and Cultural Office in San Francisco and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM–77. A resolution adopted by the House of the Legislature of the State of New Hampshire to the Committee on Appropriations.

Whereas, the White Mountain National Forest consists of 720,000 acres in 35 different communities and 14 unincorporated places in New Hampshire; and

Whereas, the presence of national forest land provides both economic benefits and burdens to these communities; and

Whereas, adequate funding by Congress of the Land and Resource Management Plan ensures that the full economic, social and conservation benefits of proper management are received by these communities; and

Whereas, full payment in lieu of taxes by the federal government ensures that these communities receive revenues comparable to revenues these lands would generate in property taxes were they in private ownership; and

Whereas, full funding of the forest plan and full payment in lieu of taxes constitute a fiscal relationship between the federal government and the White Mountain National Forest communities that is essential to maintaining public trust and support for continued management of these lands by the federal government; now, therefore, be it

Resolved by the House of Representatives:

That an annual report be issued by the United States Department of Agriculture Forest Service for public view and distribution, containing National Forest contributions to local towns in lieu of property taxes, statistics on revenues from timber sales, information regarding road construction, and approximate numbers of those who use the White Mountain National Forest for recreation and the economic impact on area business; and

That the federal government should make full funding of the Land and Resource Management Plan its highest priority in relation to its ownership and management of the White Mountain National Forest; and

That the federal government fully fund its statutory obligation to make payment in lieu of taxes to New Hampshire communities which contain land within the White Mountain National Forest; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the member of the New Hampshire congressional delegation.

POM–78. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Appropriations.

SENATE RESOLUTION NO. 25

Whereas, during World War II, the United States forcibly removed and interned over 120,000 United States citizens and legal permanent residents of Japanese ancestry from their homes and relocated them to government internment camps; and

Whereas, in addition, the United States arranged the deportation of over 2,264 men, women, and children of Japanese ancestry from thirteen Latin American countries to the United States to be interned and used in prisoner of war exchanges with Japan; and

Whereas, in 1988, the United States Congress passed, and President Reagan signed, the Civil Liberties Act of 1988 (the Act), which acknowledged the fundamental injustice of that evacuation, relocation, and internment, and to apologize on behalf of the people of the United States for the wrongs done to United States citizens and legal permanent residents of Japanese ancestry; and

Whereas, that Act further sought to make restitution to those individuals of Japanese ancestry who were interned by authorizing a $20,000 redress payment to each citizen and legal permanent resident of Japanese ancestry who was deprived of liberty or property as a result of government action; and

Whereas, the Act directed the United States Treasury to distribute these payments, to which Congress appropriated $1,650,000,000 between October 1990 and October 1993; and

Whereas, in a subsequent settlement of a class action suit, the United States agreed to send a letter of apology and to pay a $5,000 redress payment from the same fund to each formerly interned Japanese Latin American; and

Whereas, to fulfill its educational purpose of informing the public about the internment so as to prevent the recurrence of similar events, the Act also created the Civil Liberties Public Education Fund to make disbursements for research and educational activities up to a total of $50,000,000; and

Whereas, Congress specified in the Act that the principal of $1,650,000,000 was to be invested in government obligations and earn interest at an annual rate of at least five per cent; and

Whereas, in 1998, a Japanese Peruvian former internee and the National Coalition for Redress/Reparations filed a class action suit alleging that the Treasury Department breached its fiduciary duty by failing to invest the funds mandated by Congress, and seeking to recover the lost interest which is estimated to be between $50,000,000 and $200,000,000; and

Whereas, while the reparations fund has made payments to approximately eighty-two thousand claimants, there will not be sufficient money in the trust fund established by Congress to pay all of the remaining claims by Japanese Americans and Japanese Latin Americans or to meet the goal of $50,000,000 in educational grants; and

Whereas, a United States Justice Department official has apparently acknowledged that the funds were not invested as originally mandated by Congress, and that the $1,650,000,000 has all been spent, although claims are still pending; and

Whereas, the Legislature finds that while nothing can replace the loss of civil liberties suffered by those who were forced to evacuate their homes and relocate to internment camps on the basis of their ancestry, a formal apology and token redress payment to these individuals of Japanese ancestry is the least that can be done to compensate them for the loss of their rights; now, therefore, be it

Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, That the United States government is urged to restore redress funds to pay all outstanding Japanese American and Japanese Latin American redress claims and to fulfill the educational mandate of the act; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of Hawaii.

POM–79. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Finance.

RESOLUTION NO. 2

Whereas, the State of Minnesota entered into a settlement agreement on May 8, 1998, ending the lawsuit brought by the state against the tobacco industry; and

Whereas, the federal government has not brought its own lawsuit against the tobacco industry; and

Whereas, the federal government, through the Health Care Financing Administration, has asserted that it is entitled to a share of the state settlement on the basis that it allegedly represents the federal share of Medicaid costs; and

Whereas, the federal government asserts that it is authorized and obligated, under the third-party recovery provisions of the Social

Security Act, to collect its share of any settlement funds attributable to Medicaid; and

Whereas, the state lawsuit was brought in state court under state law theories of consumer fraud, unlawful trade practices, deceptive trade practices, false advertising, unreasonable restraints of trade, and the use of monopoly power to affect competition in violation of the laws of the State of Minnesota; and

Whereas, the state initiated the lawsuit without any financial, technical, or other assistance from any branch or agency of the federal government, and settled without any assistance from the federal government; and

Whereas, the state is entitled to all of the funds negotiated in the tobacco settlement agreement entered into on May 8, 1998, without any federal claim; now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That it urges the Congress and the Administration to support legislation that would explicitly prohibit the federal government from claiming or recouplng any state tobacco settlement recoveries. Be it further

Resolved, That the United States Senators elected from Minnesota are requested to become cosponsors of S346 introduced in the Senate on February 3, 1999, by Senators Hutchison and Graham, and the United States Representatives elected from Minnesota are requested to become cosponsors of HR351 introduced in the House of Representatives on January 19, 1999, by Representative Bilirakis and Franks. Be it further,

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM–80. A resolution adopted by the Board of County Commissioners, Collier County, Florida relative to English as the Official Language of Collier County; to the Committee on Governmental Affairs.

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. DURBIN (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, and Mr. REED):

S. 936. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE):

S. 937. A bill to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 938. A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes; to the Committee on Energy and Natural Resources.

S. 939. A bill to correct spelling errors in the statutory designations of Hawaiian National Parks; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (by request):

S. 940. A bill to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself, Mr. MACK, Mr. ROCKEFELLER, and Mr. SMITH of Oregon):

S. 941. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 942. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to develop an Internet site where a taxpayer may generate a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 943. A bill to authorize the Administrator of General Services to restore, preserve, and operate the LBJ Presidential Office Suite in Austin, Texas; to the Committee on Governmental Affairs.

By Mr. INHOFE:

S. 944. A bill to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SARBANES):

S. 945. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 946. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself and Mr. MCCAIN):

S. 947. A bill to amend federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SANTORUM:

S. Res. 91. A resolution expressing the sense of the Senate that Jim Thorpe should be recognized as the ''Athlete of the Century''; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. REID, Mr. JEFFORDS, Mr. SCHUMER, Mr. ASHCROFT, Mr. MACK, Mr. COVERDELL, and Mr. HELMS):

S. Res. 92. A resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, and Mr. REED):

S. 936. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

CHILDREN'S FIREARM ACCESS PREVENTION ACT

Mr. DURBIN. Mr. President, I rise today with my colleagues Senator CHAFEE, Senator KENNEDY, Senator SCHUMER, Senator LAUTENBERG, Senator BOXER, and Senator REED to introduce the Child Firearm Access Prevention Act of 1999.

Following the tragedy in Littleton, Colorado, it is natural to ask ''why'', but we also need to ask ''how?''

How do two teenagers enter their high school armed with a Tec 9, semi-automatic assault rifle, two sawed off 12 gauge shotguns, a 9 millimeter semi-automatic pistol, 30 explosive devices and kill 13 innocent people?

There are those who say you can't pass laws to stop this behavior because those inclined to do it will simply ignore the law. I guess the message of this logic is if you can't solve the entire problem, you shouldn't even try.

I think that logic is wrong. We have to act and we have to act now. Everyday in America, 13 children die as a result of gun violence.

In the last two years our schools have been shattered by gun violence.

October 1, 1997, Pearl, Mississippi: A sixteen year old boy killed his mother then went to his high school and shot nine students, two fatally.

December 1, 1997, West Paducah, Kentucky: Three students were killed and five were wounded in a hallway at Heath High School by a 14 year old classmate.

March 24, 1998, Jonesboro, Arkansas: Four girls and a teacher were shot to death and 10 people were wounded during a false fire alarm at a middle school when two boys 11 and 13 opened fire from the woods.

April 24, 1998, Edinboro, Pennsylvania: A science teacher was shot to death in front of students at an eighth grade dance by a 14 year old student.

May 19, 1998, Fayetteville, Tennessee: Three days before his graduation, an 18 year old honor student allegedly opened fire in a parking lot at a high school killing a classmate who was dating his ex-girlfriend.

May 21, 1998, Springfield, Oregon: Two teen-agers were killed and more than 20 people were hurt when a 15 year old boy allegedly opened fire at a high school. The boy's parents were killed at their home.

There is something we can do to protect our children. Seventeen states have already recognized the problem and passed a child firearm access prevention law, which is known as a CAP law. These laws say to those who purchase and own guns, it is not enough for you to follow the law in purchasing them and to use the guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

These laws are effective. Florida was the first State to pass a CAP law in 1989. The following year, unintentional shooting deaths of children dropped 50%. Moreover, a study published in the Journal of the American Medical Association (JAMA) in October of 1997 found a 23% decrease in unintentional firearm related deaths among children younger than 15 in those States that had implemented CAP laws. According to the JAMA article, if all 50 states had CAP laws during the period of 1990–94, 216 children might have lived.

Should we consider these state laws as a national model? I think the obvious answer is yes. Unfortunately, the Littleton tragedy is no longer unique.

Mr. President, what I propose today is Federal legislation that will apply to every State, not just 17, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept securely and safely.

What does the bill do? The bill imposes criminal penalties for gun owners who know or should know that a juvenile could gain access to the gun, and a juvenile does gain access & thereby causes death or injury or exhibits the gun in a public place. The gun owner is subject to a prison sentence of up to 1 year and/or fined $10,000 (a misdemeanor penalty). The bill also provides a felony provision for a reckless violation.

The bill has 5 common sense exceptions. (1) The adult uses a trigger lock, secure storage box, or other secure storage technique; (2) The juvenile used the gun in a lawful act of self-defense; (3) The juvenile takes the gun off the person of a law enforcement official; (4) The owner has no reasonable expectation that juveniles will be on the premises; and (5) The juvenile got the gun as a result of a burglary.

States which have passed CAP laws include: Florida, Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, Texas, Massachusetts and Illinois. An examination of this list does not reveal the most liberal states in America. The first State to pass this legislation in 1989 was Florida and in 1995, Texas, certainly no bleeding heart state by any political definition, passed a CAP law.

I ask my Senate colleagues to join me in this bipartisan effort to protect children from the dangers of gun violence. Children and easy access to guns are a recipe for tragedy.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 936

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 ''Children's Firearm Access Prevention Act''.

SEC. 2. CHILDREN AND FIREARMS SAFETY.

(a) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting ''or removing'' after ''deactivating''.

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

''(z) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

''(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means an individual who has not attained the age of 18 years.

''(2) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for the firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premise that is under the custody or control of that person if that person knows, or reasonably should know, that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile.

''(3) EXCEPTIONS.—Paragraph (2) does not apply if—

''(A) the person uses a secure gun storage or safety device for the firearm;

''(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

''(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of 1 or more other persons;

''(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept; or

''(E) the juvenile obtains the firearm as a result of an unlawful entry by any person.''.

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

''(7) Whoever violates section 922(z), if a juvenile (as defined in section 922(z)) obtains access to the firearm and thereby causes death or bodily injury to the juvenile or to any other person, or exhibits the firearm either in a public place, or in violation of section 922(q)—

''(A) shall be fined not more than $10,000, imprisoned not more than 1 year, or both; or

''(B) if such violation is reckless, shall be fined in accordance with this title, imprisoned not more than 5 years, or both.''.

(d) ROLE OF LICENSED FIREARMS DEALERS.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

''(d) CONTENTS OF FORM.—The Secretary shall ensure that a copy of section 922(z) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm.''.

(e) NO EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent juveniles from injuring themselves or others with firearms.

By Mrs. HUTCHISON (for herself, Mr. MCCAIN, Mr. HOLLINGS, and Mr. INOUYE):

S. 937. A bill to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000 AND 2001

• Mrs. HUTCHISON. Mr. President, today I rise to introduce legislation on behalf of myself, Senator MCCAIN, chairman of the Senate Commerce Committee, Senator HOLLINGS, the ranking member of the Commerce Committee and Senator INOUYE, Surface Transportation and Merchant Marine Subcommittee ranking member. This legislation authorizes appropriations for fiscal year 2000 for the Maritime Administration.

The introduction of this bill demonstrates our firm commitment to our nation's maritime industry and our willingness to work with the Maritime Administration to provide effective leadership on a wide range of maritime issues. The bill was developed along with Administration officials and provides a base to build upon in coming weeks.

There are several aspects of this measure that will require interested members of the Senate to work together to come to a consensus. Therefore, this bill can be viewed as a starting point for reauthorizing the agency and making changes to U.S. maritime policy. I look forward to working with members of the Committee and the administration to find common ground for a final legislation.

The bill authorizes appropriations for the Maritime Administration [MarAd] for fiscal year 2000 and covers two appropriated accounts: (1) operations and training and (2) the shipbuilding loan guarantee program authorized by Title XI of the Merchant Marine Act, 1936.

MarAd oversees the operations of U.S. Government-supported maritime promotion programs, such as the Maritime Security Program, the state maritime academies and the U.S. Merchant Marine Academy. I am a strong supporter of the state maritime academies, in particular, and want to ensure that they are adequately funded.

Title XI shipbuilding loan guarantee program is important to ensuring critical shipbuilding capacity in the United States. This legislation provides $6 million in loan guarantee funds for Title XI in FY2000. However, this program has received substantially more in previous years, and I look forward to working with the Administration to determine the appropriate level of funding.

This bill codifies the administrative process associated with Title XI. The measure provides the Secretary the authority to hold all bond proceeds generated under Title XI during the construction period in escrow. Currently, the Secretary must administratively establish a separate construction fund with a private bond agent for a portion of the bond proceeds not captured in escrow. This will eliminate the cost associated with the establishment of the

separate construction fund and better protect the government's interest.

Futher, the measure provides the Secretary authority under Title XI to collect and hold cash collateral in the U.S. Treasury, under certain circumstances associated with a guaranteed transaction. This will relieve the obligors and the agency from spending the time and money associated with negotiating depository agreements and legal opinions in Title XI transactions.

Additionally, the bill amends Title IX to provide a waiver of the three year period bulk and breakbulk vessels newly registered under the U.S. flag must wait in order to carry government-impelled cargo. The waiver would be in effect for one year beginning on the date of enactment.

Finally, the bill would reauthorize the War Risk Insurance Program through June 30, 2005, change the requirement for an annual report to Congress by the Maritime Administration detailing its's activities to a biennial report, and make clear the ownership status of the vessel named the *Jeremiah O'Brien*.

I look forward to working on this important legislation and hope my colleagues will join me and the other sponsors in expeditiously moving this authorization through the legislative process.●

● Mr. MCCAIN. Mr. President, I am pleased to join Senator HUTCHISON, Chairman of the Surface Transportation and Merchant Marine Subcommittee in the introducing the Maritime Administration Authorization Act for Fiscal Year 2000.

The bill was developed along with administration officials and provides a firm base to build on in coming weeks. While I do not fully agree with all aspects of this measure. I look forward to an open debate in formulating final legislation.

The bill authorizes appropriations for the Maritime Administration[MarAd] for fiscal year 2000 covering operations and training along with the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936. MarAd's oversight of the operations of U.S. Government-suppored maritime promotion programs are as important toady as ever. With increasing pressure on our nation's military resources, MarAd's administration of the Martime Security Program provides an important link in insuring that our troops world wide receive essential supplies in a timely and efficient manor.

This bill will streamline several administrative processes associated with the Title XI Loan Guarantee Program. The measure provides the Secretary of Transportation with additional authority to secure loan guaranteed by allowing collateral collected to be held in the U.S. Treasury. This will not only save time and money associated with negotiating depository agreements but will provide greater security for tax payers funds appropriated for this program.

Further, the bill amends Title IX of the Merchant Marine At of 1936 to provide a waiver for eliminating the three year period bulk and breakbulk vessels newly registered under the U.S. flag must wait in order to carry government-impelled cargo; reauthorize the War Risk Insurance Program through June 30, 2005; reduces the requirement for an annual report to Congress by the Maritime Administration detailing its's activities to be a biennial report; and makes clear the ownership status of the vessel names the *Jeremian O'Brien*.

I am pleased that the Subcommittee is taking this action today and will join Senator HUTCHISON and the other sponsors in expeditiously moving this authorization through the legislative proceeds.●

By Mr. SPECTER (by request):

S. 940. A bill to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff, and for other purposes; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1999

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Department of Veterans Affairs, S. 940, the proposed Department of Veterans Affairs Employment Reduction Assistance Act of 1999. The Department of Veterans Affairs submitted this legislation to the President of the Senate by an undated letter received by the President of the Senate on April 13, 1999.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation which accompanied it.

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

S. 940

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Employment Reduction Assistance Act of 1999.''

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(a) ''Department'' means the Department of Veterans Affairs.

(b) ''Employee'' means an employee (as defined by section 2105 of title 5, United States Code) of the Department of Veterans Affairs, who is serving under an appointment without time limitation, and has been currently employed by such Department for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Federal Government;

(2) an employee having a disability on the basis of which such employee is eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Federal Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who previously has received any voluntary separation incentive payment by the Federal Government under this Act or any other authority;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or a recruitment bonus under section 7458 of title 38, United States Code;

(7) any employee who, during the twelve-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code, or a retention bonus under section 7458 of title 38, United States Code.

(c) ''Secretary'' means the Secretary of Veterans Affairs.

SEC. 3. DEPARTMENT PLANS; APPROVAL.

(a) IN GENERAL.—The Secretary, before obligating any resources for voluntary separation incentive payments, shall submit to the Director of the Office of Management and Budget a strategic plan outlining the use of such incentive payments and a proposed organizational chart for the Department once such incentive payments have been completed.

(b) CONTENTS.—The plan shall specify—

(1) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level; the proposed coverage may be based on—

(A) any component of the Department;

(B) any occupation, level or type of position;

(C) any geographic location;

(D) other non-personal factors; or

(E) any appropriate combination of the factors in paragraphs (A), (B), (C) and (D);

(2) the manner in which such reductions will improve operating efficiency or meet actual or anticipated levels of budget or staffing resources;

(3) the period of time during which incentives may be paid; and

(4) a description of how the affected component(s) of the Department will operate without the eliminated functions and positions.

(c) APPROVAL.—The Director of the Office of Management and Budget shall approve or disapprove each plan submitted under subsection (a), and may make appropriate modifications to the plan with respect to the time period in which voluntary separation incentives may be paid, with respect to the number and amounts of incentive payments, or with respect to the coverage of incentives on the basis of the factors in subsection (b)(1).

SEC. 4. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Secretary may pay a voluntary separation incentive payment to

an employee only to the extent necessary to reduce or eliminate the positions and functions identified by the strategic plan;

(2) EMPLOYEES WHO MAY RECEIVE INCENTIVES.—In order to receive a voluntary separation incentive payment, an employee must separate from service with the Department voluntarily (whether by retirement or resignation) under the provisions of this Act;

(b) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made under that section); or

(B) an amount determined by the Secretary, not to exceed $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(4) shall not be taken into account in determining the amount of severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from the appropriations or funds available for payment of the basic pay of the employee.

SEC. 5 EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.

(a) An individual who has received a voluntary separation incentive payment under this Act and accepts any employment with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to repay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Department.

(b)(1) If the employment under subsection (a) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(2) If the employment under subsection (a) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under subsection (a) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) For the purpose of this section, the term ''employment'' includes—

(1) for the purposes of subsections (a) and (b), employment of any length or under any type of appointment, but does not include employment that is without compensation; and

(2) for the purpose of subsection (a), employment with any agency of the United States Government through a personal services contract.

SEC. 6. ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.

(a) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Department shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Department who is covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom a voluntary separation incentive has been paid under this Act.

(b) For the purpose of this section, the term 'final basic pay', with respect to an employee, means the total amount of basic pay that would be payable for a year of service by that employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

SEC. 7. REDUCTION OF AGENCY EMPLOYMENT LEVELS.

(a) IN GENERAL.—The total full-time equivalent employment in the Department shall be reduced by one for each separation of an employee who receives a voluntary separation incentive payment under this Act. The reduction will be calculated by comparing the Department's full-time equivalent employment for the fiscal year in which the voluntary separation payments are made with the actual full-time equivalent employment for the prior fiscal year.

(b) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the Department and take any action necessary to ensure that the requirements of this section are met.

(c) Subsection (a) of this section may be waived upon a determination by the President that—

(1) the existence of a state of war or other national emergency so requires; or

(2) the existence of an extraordinary emergency which threatens life, health, safety, property, or the environment, so requires.

SEC. 8. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A) by inserting after force '', or an involuntary separation from a position in or under the Department of Veterans Affairs due to a reduction in force or a title 38 staffing adjustment'';

(2) in subparagraph (B) by inserting at the beginning thereof ''With respect to the Department of Defense,'';

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by adding a new subparagraph (C) as follows:

(C) With respect to the Department of Veterans Affairs, this paragraph shall apply with respect to any individual whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before—

(i) October 1, 2004; or

(ii) February 1, 2005, if specific notice of such separation was given to such individual before October 1, 2004.

SEC. 9. REGULATIONS.

The Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of this Act.

SEC. 10. LIMITATION; SAVINGS CLAUSE.

(a) No voluntary separation incentive under this Act may be paid based on the separation of an employee after September 30, 2004;

(b) This Act supplements and does not supersede other authority of the Secretary.

SEC. 11. EFFECTIVE DATE.

(a) This Act shall take effect on the date of enactment.

ANALYSIS OF DRAFT BILL

The first section provides a title for the bill, ''Department Of Veterans Affairs Employment Reduction Assistance Act of 1999.''

Section 2 provides definitions of ''Department'', employee'', and ''Secretary.'' Among the provisions, an employee who has received any previous voluntary separation incentive from the Federal Government is excluded from any incentives under this Act.

Section 3 requires the VA Secretary to submit to the Director of the Office of Management and Budget a strategic plan outlining the use of voluntary separation incentive payments to Department employees, and a proposed organizational chart for the Department once such incentive payments have been completed. The Secretary must submit the plan before obligating any resources for such incentive payments.

The plan must include the proposed coverage for offers of incentives to Department employees, specifying the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level. Coverage may be on the basis of any component of the Department of Veterans Affairs, any occupation, levels of an occupation or type of position, any geographic location, other non-personal factors, or any appropriate combination of these factors. The plan must also specify the manner in which the planned employment reductions will improve efficiency or meet budget or staffing levels. The plan must also include a proposed time period for payment of separation incentives, and a description of how the affected component of the Department will operate without the eliminated functions and positions.

The Director of the Office of Management and Budget shall approve or disapprove each plan submitted, and may modify the plan with respect to the time period of incentives, with respect to the number and amounts of incentive payments, or the coverage of incentive offers.

Section 4 authorizes the Secretary to pay a voluntary separation incentive payment to an employee only to the extent necessary to reduce or eliminate the positions and functions identified by the strategic plan. It also requires that an employee must separate from service with the Department (whether by retirement or resignation) under the Act in order to receive a voluntary separation incentive.

The voluntary separation incentive is to be paid in a lump sum after the employee's separation. The incentive payment would be for an amount equal to the lesser of the amount of severance pay that the employee would be entitled to receive under section 5595 of title 5, United States Code, if so entitled, (without adjustment for any previous severance pay), or an amount determined by the Secretary, not to exceed $25,000. The incentive payment is not to be a basis for the computation of any other type of Government benefit, and is not be taken into account in determining the amount of severance pay to which an employee may be entitled based on any other separation. Appropriations for employee basic pay are to be used to pay the incentive payments.

Section 5 provides that any employee who receives a voluntary separation incentive under this Act and then accepts any employment with the Government within 5 years after separating must, prior to the first day of such employment, repay the entire amount of the incentive to the agency that paid the incentive. If the subsequent employment is with the Executive branch, including the United States Postal Service, the Director of the Office of Personnel Management may waive the repayment at the request of

the agency head if the individual possesses unique ability and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the entity or the appointing official may waive repayment on the same criteria. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria. For the purpose of the repayment provisions, but not the waiver provisions, employment includes employment under a personal service contract. For the purpose of the repayment and waiver provisions, employment does not include without compensation employment.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the Department who is covered by the Civil Service Retirement System, or the Federal Employees' Retirement System, to whom a voluntary separation incentive is paid under this Act. It also defines ''final basic pay''.

Section 7 requires the reduction of full-time equivalent employment (FTEE) in the Department of Veterans Affairs by one FTEE for each separation of an employee who receives a voluntary separation incentive under this Act. Also it directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be calculated on a FTEE basis. For example, if the Department's FTEE usage in FY 1998 was 1050 FTEEs, and 50 FTEE separate during FY 1999 using voluntary separation incentive payments provided under this Act, then the Department's staffing levels at the end of FY 1999 shall not exceed 1000 FTEEs. The President may waive the reduction in FTEE in the event of war or emergency.

Section 8 amends section 8905a(d)(4) of title 5 to provide that VA employees who are involuntarily separated in a reduction in force or staffing adjustment, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium. Section 8 also extends the section 8905a sunset provisions for VA employees for FY 1999 through FY2004.

Section 9 provides that the Director of OPM may prescribe any regulations necessary to administer the provisions of the Act.

Section 10 provides that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2004, and that the Act supplements and does not supersede other authority of the Secretary.

Section 11 provides that the Act is effective on the date of enactment.

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC.

Hon. ALBERT GORE, Jr.
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the Department of Veterans Affairs (VA), I am submitting a draft bill ''To provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff, and for other purposes.'' The Department requests that it be referred to the appropriate committee for prompt consideration and enactment.

In the next several years, VA will undergo significant changes. VA believes that separation incentives can be an appropriate tool for those VA components that are redesigning their employment mix, when the use of incentives is properly related to the specific changes that are needed. Separation incentives can also be an invaluable tool for components that are restructuring and reengineering, such as the Veterans Health Administration (VHA) and the Veterans Benefits Administration (VBA), as they move towards primary care and new methods of delivering services to veterans. Other VA components also are engaged in reengineering and restructuring, and would benefit from this authority. Under the draft bill, the use of the incentives would be related to the specific changes that are needed for reshaping VA for the future. Further, the draft bill would appropriately limit the time period for the incentive offers over the next five fiscal years, when VA will accomplish these changes.

This initiative is based on VA's previous experience with voluntary separation incentives under the Federal Workforce Restructuring Act of 1994, and the Treasury, Postal Service, and General Government Appropriations Act of 1997. We believe that VA used these previous authorities conservatively, responsibly, and effectively. As an example, VHA required that elements allowing a buyout must abolish the position of the employee receiving the buyout. VA has implemented a total of 9,392 buyouts under both statutes, which is significantly fewer than the total number authorized. VA's previous use of buyouts significantly assisted VA in restructuring its workforce, and enabled it to achieve downsizing and streamlining goals while minimizing adverse impact on employees, through such actions as involuntary separations.

* * * * *

The Office of Financial Management would like to offer approximately 60 buyouts over the next five fiscal years to support its plans to reduce and adjust the staffing mix in its Franchise Fund and Supply Fund activities. Over this period, these activities will undergo changes in program and product lines, as well as new technologies. These changes will require fewer employees and employees with different skill sets the current employees. The Office of Financial Management will target any incentive payments to specific organizations, locations, occupations and grade levels.

Under the proposed bill, before obligating any resources for any incentive payments, the VA Secretary must submit to the Director of the Office of Management and Budget (OMB) a strategic plan outlining the use of such incentive payments. The plan must specify the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level. Coverage may be on the basis of any component of VA, any occupation, levels of an occupation or type of position, any geographic location, other non-personal factors, or any appropriate combination of these factors. The plan must also specify the manner in which the planned employment reductions would improve efficiency or meet budget or staffing levels. The plan must also include a proposed time period for payment of separation incentives, and a description of how the affected VA component would operate without the eliminated functions and positions. The Director of the OMB would approve or disapprove each plan submitted, and would have authority to modify the time period for payment of incentives, the number and amounts of incentive payments, or coverage of incentive offers. We believe that these provisions for plan approval would ensure that separation incentives are appropriately targeted within VA in view of the specific cuts that are needed, and are offered on a timely basis. Although VA would reduce full-time equivalent employment by one for each employee receiving an incentive payment who separates, we believe that service to veterans would improve as a result of the reengineering that is happening simultaneously within the system.

The authority for separation incentives would be in effect for the period starting with the enactment of this Act and ending September 30, 2004. The amount of an employee's incentive would be the lesser of the amount that the employee's severance pay would be, or an amount determined by the Secretary, not to exceed $25,000.

Any employee who receives an incentive and then accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

This proposal would provide a very useful tool to assist in reorganizing VA and reengineering services quickly, effectively, and humanely, to provide higher quality service to more veterans. We also believe that it is a tool that would allow significant cost savings. The buyout would be funded within the base in the President's FY 1999 Budget. If VA receives authority before June 30, 1999, it could implement buyouts in VBA with modest costs of $4.7 million in FY 1999 and estimated savings of $13.3 million annually in subsequent years. It also could implement buyouts in the Office of Financial Management with savings of $320,000 in FY 1999 and estimated savings of approximately $1 million annually in subsequent years. VHA would implement buyouts at the beginning of FY 2000, with expected discretionary savings of $103 million in FY 2000 and estimated savings of $220.1 million annually in subsequent years. VBA's savings for buyouts authorized for FY 2000 would be $2.7 million, with estimated savings of $15.5 million annually in subsequent years. The Office of Financial Management savings for FY 2000 would be $992,000, with estimated savings of approximately $1 million annually in subsequent years. In addition, each subsequent year's buyouts during the five-year period would yield additional discretionary savings.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely yours,
SHEILA CLARKE MCCREADY,
Principal Deputy Assistant Secretary for Congressional Affairs.

By Mr. INHOFE:

S. 944. A bill to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma; to the Committee on Indian Affairs.

MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. INHOFE. Mr. President, for too long, economic development in Indian country has been hindered by antiquated rules and regulations, many dating back to before the turn of the century. Many American Indians continue to struggle, denied by bureaucracy the opportunity to take steps to improve their position. I am proposing legislation today that would reverse one of these situations.

Under current law, Indian lands owned by more than one person require the consent of 100 percent of the owners before mineral development can go

forward. Oftentimes, this fractionated property is owned by over one hundred people; it is difficult, if not impossible, to locate all the owners. Once found, developers must obtain their unanimous consent. As you can imagine, this creates a significant and often insurmountable obstacle for leasing or other development. Last year, Congress lowered this requirement for the Three Affiliated Tribes of the Fort Berthold Indian Reservation to a majority, which more closely resembles regulations for non-Indian land. By loosening the consent requirements, these tribes have found the right balance between economic progress and protection of landowners' rights.

I am proposing to extend last year's legislation to seven Oklahoma tribes: the Comanche, Kiowa, Apache, Fort Sill Apache, Delaware, and the Wichita and Affiliated Tribes. Oil and gas are the cornerstone of Oklahoma's economy, but these tribes have by and large been left out of this industry because of the stringent consent statutes. Increased access to their own land would greatly facilitate mineral development, bringing increased economic opportunity. These tribes and their members will now be able to undertake oil and gas exploration which was previously not possible. This will represent a significant advance toward greater economic empowerment, breaking out of the constraints now imposed on these tribes.

Common sense dictates that the first step of self-sufficiency is being allowed to use the resources you already own. This proposal will be equitable and beneficial to all parties involved. I look forward to working with my colleagues on this and other such legislation that would help American Indians achieve greater economic independence.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SARBANES):

S. 945. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

CONSUMER BANKRUPTCY REFORM ACT OF 1999

Mr. DURBIN. Mr. President, today, joined by colleagues, Senator LEAHY, Senator KENNEDY, Senator FEINGOLD and Senator SARBANES, I am introducing the bankruptcy reform bill that passed the Senate last year by a vote of 97–1.

A constant theme that has guided me throughout the consideration of bankruptcy legislation is balanced reform. You cannot have meaningful bankruptcy reform without addressing both sides of the problem—irresponsible debtors and irresponsible creditors.

Unfortunately, the bill we worked so hard to develop, was decimated in conference and the result was a one-sided bill designed to reward the credit industry and penalize American consumers. I could not support it. I hope this year will be different.

The bankruptcy code is delicate balance. When you push one thing, almost invariably something else will give. For that reason, it is crucial for bankruptcy reform to be thoughtful and for the changes to be targeted and not create more problems than they attempt to solve.

This year, Senator GRASSLEY has introduced S.625, the bankruptcy reform bill of 1999. This bill has more similarities to last year's conference report than the bipartisan measure that passed the Senate last year by an overwhelming margin.

The Durbin-Leahy bill is fairer. S.625 uses a means test adopted from IRS collection allowances. The test would require every debtor, regardless of income, who files for Chapter 7 bankruptcy to be scrutinized by the U.S. trustee to determine whether the filling is abusive. The bill creates a presumption that a case is abusive if a debtor can pay the lesser of 25% of unsecured nonpriority claims or $15,000 over 5 years. The IRS means test was designed for use on a case by case basis, not as an automatic template.

In my home state, the average annual income for bankruptcy filers in the Central District of Illinois for 1998 was $20,448, yet the average amount of unsecured debt was $22,900. This figure shows that many filers were hopelessly insolvent. They owed more money on debt that had no collateral than their total income for the entire year. These debtors don't even come close to meeting the standards that would require them to convert their case to a chapter 13 case, but they will be forced to go through additional scrutiny at extra costs to everyone involved.

In contrast, the Durbin-Leahy bill gives courts discretion to dismiss or convert a Chapter 7 bankruptcy case if the debtor can fund a Chapter 13 repayment plan. One of the factors for the court to consider in making the decision is whether the debtor is capable of paying 30% of unsecured claims under a 3 year plan. This reform can address abuses without the complexity of certifying ability to pay in every case as required by S.625.

The Durbin-Leahy bill is cheaper because every case does not go through means testing. By requiring the trustee to submit reports on all filers the cost to trustees is dramatically increased with little reward.

The means test in S. 625 looks a lot like the means test in the House bill. We now know that the means test in the House bill would only apply to far less than 10% of Chapter 7 filings. A study released by the American Bankruptcy Institute found that by using the test from the House bill, 97% of sample Chapter 7 debtors had too little income to repay even 20% of their unsecured debts over five years. As a result, only 3% of the sample Chapter 7 filers had sufficient repayment capacity to be barred from Chapter 7 under the rigid means test. This means 100% of the filers would have to go through a process that would only apply to 3% of the cases.

Beyond the administrative costs, there is the unneeded stress on poor families. According to the National Conference on Bankruptcy Judges, a review of surveys of Chapter 7 cases from 46 judicial districts in 33 states reveals that the median gross annual income for the 3151 cases in 1998 was $21,540, some $15,000 lower than the 1997 national median income for all families in the United States. Yet, the median amount of unsecured nonpriority debt for these same debtors was $23,411. These people are insolvent, and forcing them to go through unnecessary hoops for little reward is unfair and ineffective.

The Durbin-Leahy bill is more balanced. The Durbin-Leahy bill includes credit disclosures designed to help families understand their debt and prevent them from incurring debt which makes them financially vulnerable. Many families file for bankruptcy after a health crisis or some other catastrophic event that prevents them from paying their debts. For example, the survey conducted by the bankruptcy judges shows that on average over 25% of bankruptcy cases involve debtors with medical debts over $1000. By requiring more complete information for debtors, they can make better credit decisions and avoid bankruptcy altogether.

The Durbin-Leahy bill addresses abusive creditor practices. The Durbin-Leahy bill protects the elderly from predatory lending practices. Much of our discussion concerning reform of the nation's bankruptcy laws has focused upon perceived abuses of the bankruptcy system by consumer debtors. Far less discussion has occurred with regard to abuses by creditors that help usher the nation's consumers into bankruptcy. I believe that abuses exist on both sides of the debtor-creditor relationship and that bankruptcy reform is incomplete if it fails to address documented abuses among creditors.

Last year, I worked to protect elderly Americans by prohibiting a high-cost mortgage lender who extended credit in violation of the provisions of the Truth-In-Lending Act from collecting its claim in bankruptcy. If the lender has failed to comply with the requirements of the Truth-in-Lending Act for high-cost second mortgages, the lender will have absolutely no claim against the bankruptcy estate. This provision is not aimed at all lenders or at all second mortgages. Indeed, it is aimed only at the worst, most predatory, of these by and large worthy lenders. It is aimed only at practices that are already illegal and it does not deal with technical or immaterial violations of the Truth in Lending Act.

Disallowing the claims of predatory lenders in bankruptcy cases will not end these predatory practices altogether. Yet it is one step we can take to curb creditor abuse in a situation where the lender bears primary responsibility for the deterioration of a consumer's financial situation.

I encourage my Senate colleagues to join Senator LEAHY and me in this effort. Bankruptcy reform must be balanced and must not create a nation of financial outlaws.

Mr. President, I ask unanimous consent that a copy 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. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Bankruptcy Reform Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

Sec. 201. Allowance of claims or interests.
Sec. 202. Exceptions to discharge.
Sec. 203. Effect of discharge.
Sec. 204. Automatic stay.
Sec. 205. Discharge.
Sec. 206. Discouraging predatory lending practices.
Sec. 207. Enhanced disclosure for credit extensions secured by dwelling.
Sec. 208. Dual-use debit card.
Sec. 209. Enhanced disclosures under an open end credit plan.
Sec. 210. Violations of the automatic stay.
Sec. 211. Discouraging abusive reaffirmation practices.
Sec. 212. Sense of Congress regarding the homestead exemption.
Sec. 213. Encouraging creditworthiness.
Sec. 214. Treasury Department study regarding security interests under an open end credit plan.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

Sec. 301. Notice of alternatives.
Sec. 302. Fair treatment of secured creditors under chapter 13.
Sec. 303. Discouragement of bad faith repeat filings.
Sec. 304. Timely filing and confirmation of plans under chapter 13.
Sec. 305. Application of the codebtor stay only when the stay protects the debtor.
Sec. 306. Improved bankruptcy statistics.
Sec. 307. Audit procedures.
Sec. 308. Creditor representation at first meeting of creditors.
Sec. 309. Fair notice for creditors in chapter 7 and 13 cases.
Sec. 310. Stopping abusive conversions from chapter 13.
Sec. 311. Prompt relief from stay in individual cases.
Sec. 312. Dismissal for failure to timely file schedules or provide required information.
Sec. 313. Adequate time for preparation for a hearing on confirmation of the plan.
Sec. 314. Discharge under chapter 13.
Sec. 315. Nondischargeable debts.
Sec. 316. Credit extensions on the eve of bankruptcy presumed nondischargeable.
Sec. 317. Definition of household goods and antiques.
Sec. 318. Relief from stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 319. Adequate protection of lessors and purchase money secured creditors.
Sec. 320. Limitation.
Sec. 321. Miscellaneous improvements.
Sec. 322. Bankruptcy judgeships.
Sec. 323. Definition of domestic support obligation.
Sec. 324. Priorities for claims for domestic support obligations.
Sec. 325. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 326. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 327. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 328. Continued liability of property.
Sec. 329. Protection of domestic support claims against preferential transfer motions.
Sec. 330. Protection of retirement savings in bankruptcy.
Sec. 331. Additional amendments to title 11, United States Code.
Sec. 332. Debt limit increase.
Sec. 333. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 334. Prohibition of retroactive assessment of disposable income.
Sec. 335. Amendment to section 1325 of title 11, United States Code.
Sec. 336. Protection of savings earmarked for the postsecondary education of children.

TITLE IV—FINANCIAL INSTRUMENTS

Sec. 401. Bankruptcy Code amendments.
Sec. 402. Damage measure.
Sec. 403. Asset-backed securitizations.
Sec. 404. Prohibition on certain actions for failure to incur finance charges.
Sec. 405. Fees arising from certain ownership interests.
Sec. 406. Bankruptcy fees.
Sec. 407. Applicability.

TITLE V—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 501. Amendment to add chapter 6 to title 11, United States Code.
Sec. 502. Amendments to other chapters in title 11, United States Code.

TITLE VI—MISCELLANEOUS

Sec. 601. Executory contracts and unexpired leases.
Sec. 602. Expedited appeals of bankruptcy cases to courts of appeals.
Sec. 603. Creditors and equity security holders committees.
Sec. 604. Repeal of sunset provision.
Sec. 605. Cases ancillary to foreign proceedings.
Sec. 606. Limitation.
Sec. 607. Amendment to section 546 of title 11, United States Code.
Sec. 608. Amendment to section 330(a) of title 11, United States Code.

TITLE VII—TECHNICAL CORRECTIONS

Sec. 701. Adjustment of dollar amounts.
Sec. 702. Extension of time.
Sec. 703. Who may be a debtor.
Sec. 704. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 705. Limitation on compensation of professional persons.
Sec. 706. Special tax provisions.
Sec. 707. Effect of conversion.
Sec. 708. Automatic stay.
Sec. 709. Allowance of administrative expenses.
Sec. 710. Priorities.
Sec. 711. Exemptions.
Sec. 712. Exceptions to discharge.
Sec. 713. Effect of discharge.
Sec. 714. Protection against discriminatory treatment.
Sec. 715. Property of the estate.
Sec. 716. Preferences.
Sec. 717. Postpetition transactions.
Sec. 718. Technical amendment.
Sec. 719. Disposition of property of the estate.
Sec. 720. General provisions.
Sec. 721. Appointment of elected trustee.
Sec. 722. Abandonment of railroad line.
Sec. 723. Contents of plan.
Sec. 724. Discharge under chapter 12.
Sec. 725. Extensions.
Sec. 726. Bankruptcy cases and proceedings.
Sec. 727. Knowing disregard of bankruptcy law or rule.
Sec. 728. Rolling stock equipment.
Sec. 729. Curbing abusive filings.
Sec. 730. Study of operation of title 11 of the United States Code with respect to small businesses.
Sec. 731. Transfers made by nonprofit charitable corporations.
Sec. 732. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting ''or consents to'' after ''requests''.

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 707. Dismissal of a case or conversion to a case under chapter 13'';

and

(2) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)'';

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking ''but not'' and inserting ''or'';

(II) by inserting '', or, with the debtor's consent, convert such a case to a case under chapter 13,'' after ''consumer debts''; and

(III) by striking ''substantial abuse'' and inserting ''abuse''; and

(ii) by striking ''There shall be a presumption in favor of granting the relief requested by the debtor.''; and

(C) by adding at the end the following:

''(2) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall consider whether—

''(A) under section 1325(b)(1), on the basis of the current income of the debtor, the debtor could pay an amount greater than or equal to 30 percent of unsecured claims that are not considered to be priority claims (as determined under subchapter I of chapter 5); or

''(B) the debtor filed a petition for the relief in bad faith.

''(3)(A) If a panel trustee appointed under section 586(a)(1) of title 28 brings a motion for dismissal or conversion under this subsection and the court grants that motion and finds that the action of the counsel for the debtor in filing under this chapter was not substantially justified, the court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting the motion, including reasonable attorneys' fees.

''(B) If the court finds that the attorney for the debtor violated Rule 9011, at a minimum, the court shall order—

''(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

''(ii) the payment of the civil penalty to the panel trustee or the United States trustee.

''(C) In the case of a petition referred to in subparagraph (B), the signature of an attorney shall constitute a certificate that the attorney has—

''(i) performed a reasonable investigation into the circumstances that gave rise to the petition; and

''(ii) determined that the petition—

''(I) is well grounded in fact; and

''(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

''(4)(A) Except as provided in subparagraph (B) and paragraph (5), the court may award a debtor all reasonable costs in contesting a motion brought by a party in interest (other than a panel trustee or United States trustee) under this subsection (including reasonable attorneys' fees) if—

''(i) the court does not grant the motion; and

''(ii) the court finds that—

''(I) the position of the party that brought the motion was not substantially justified; or

''(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

''(B) A party in interest that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A).

''(5)(A) Only the judge, United States trustee, bankruptcy administrator, or panel trustee may bring a motion under this subsection if the debtor and the debtor's spouse combined, as of the date of the order for relief, have current monthly total income equal to or less than the national median household monthly income calculated on a monthly basis for a household of equal size.

''(B) For purposes of subparagraph (A), for a household of more than 4 individuals, the median monthly income for that household shall be—

''(1) the median monthly income of a household of 4 individuals; plus

''(2) $583 for each additional member of that household.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

''707. Dismissal of a case or conversion to a case under chapter 13.''.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

SEC. 201. ALLOWANCE OF CLAIMS OR INTERESTS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(k)(1) The court may award the debtor reasonable attorneys' fees and costs if, after an objection is filed by a debtor, the court—

''(A)(i) disallows the claim; or

''(ii) reduces the claim by an amount greater than 20 percent of the amount of the initial claim filed by a party in interest; and

''(B) finds the position of the party filing the claim is not substantially justified.

''(2) If the court finds that the position of a claimant under this section is not substantially justified, the court may, in addition to awarding a debtor reasonable attorneys' fees and costs under paragraph (1), award such damages as may be required by the equities of the case.''.

SEC. 202. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking ''a false representation'' and inserting ''a material false representation upon which the defrauded person justifiably relied''; and

(2) by striking subsection (d) and inserting the following:

''(d)(1) Subject to paragraph (3), if a creditor requests a determination of dischargeability of a consumer debt under this section and that debt is discharged, the court shall award the debtor reasonable attorneys' fees and costs.

''(2) In addition to making an award to a debtor under paragraph (1), if the court finds that the position of a creditor in a proceeding covered under this section is not substantially justified, the court may award reasonable attorneys' fees and costs under paragraph (1) and such damages as may be required by the equities of the case.

''(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a)(2) if—

''(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

''(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

''(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

''(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

''(ii) the refusal to negotiate by the creditor involved to was not reasonable.''.

SEC. 203. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

''(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11) in the manner required by the plan (including crediting the amounts required under the plan) shall constitute a violation of an injunction under subsection (a)(2).

''(j) An individual who is injured by the failure of a creditor to comply with the requirements for a reaffirmation agreement under subsections (c) and (d), or by any willful violation of the injunction under subsection (a)(2), shall be entitled to recover—

''(1) the greater of—

''(A)(i) the amount of actual damages; multiplied by

''(ii) 3; or

''(B) $5,000; and

''(2) costs and attorneys' fees.''.

SEC. 204. AUTOMATIC STAY.

Section 362(h) of title 11, United States Code, is amended to read as follows:

''(h)(1) An individual who is injured by any willful violation of a stay provided in this section shall be entitled to recover—

''(A) actual damages; and

''(B) reasonable costs, including attorneys' fees.

''(2) In addition to recovering actual damages, costs, and attorneys' fees under paragraph (1), an individual described in paragraph (1) may recover punitive damages in appropriate circumstances.''.

SEC. 205. DISCHARGE.

Section 727 of title 11, United States Code, is amended—

(1) in subsection (c), by adding at the end the following:

''(3)(A) A creditor may not request a determination of dischargeability of a consumer debt under subsection (a) if—

''(i) before the filing of the petition, the debtor made a good faith effort to negotiate a reasonable alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

''(ii) that creditor refused to negotiate an alternative payment schedule, and that refusal was not reasonable.

''(B) For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

''(i) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

''(ii) the refusal to negotiate by the creditor involved to was not reasonable.''; and

(2) by adding at the end the following:

''(f)(1) The court may award the debtor reasonable attorneys' fees and costs in any case in which a creditor files a motion to deny relief to a debtor under this section and that motion—

''(A) is denied; or

''(B) is withdrawn after the debtor has replied.

''(2) If the court finds that the position of a party filing a motion under this section is not substantially justified, the court may assess against the creditor such damages as may be required by the equities of the case.''.

SEC. 206. DISCOURAGING PREDATORY LENDING PRACTICES.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is based on a secured debt if the creditor has failed to comply with the requirements of subsection (a), (b), (c), (d), (e), (f), (g), (h), or (i) of section 129 of the Truth in Lending Act (15 U.S.C. 1639).''.

SEC. 207. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY DWELLING.

(a) OPEN-END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking ''CONSULTATION OF TAX ADVISOR.—A statement that the'' and inserting the following: ''TAX DEDUCTIBILITY.—A statement that—

''(A) the''; and

(B) by striking the period at the end and inserting the following: ''; and

''(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.''.

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking ''If any'' and inserting the following:

''(1) IN GENERAL.—If any''; and

(B) by adding at the end the following:

''(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.''.

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

''(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

''(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges.''; and

(B) in subsection (b), by adding at the end the following:

''(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''.

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

''(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

''(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

''(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 208. DUAL-USE DEBIT CARD.

(a) CONSUMER LIABILITY.—

(1) IN GENERAL.—Section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g) is amended—

(A) by redesignating subsections (b) through (e) as subsections (d) through (g), respectively;

(B) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(ii) by inserting ''CARDS NECESSITATING UNIQUE IDENTIFIER.—

''(1) IN GENERAL.—'' after ''(a)'';

(iii) by striking ''other means of access can be identified as the person authorized to use it, such as by signature, photograph,'' and inserting ''other means of access can be identified as the person authorized to use it by a unique identifier, such as a photograph, retina scan,''; and

(iv) by striking ''Notwithstanding the foregoing,'' and inserting the following:

''(2) NOTIFICATION.—Notwithstanding paragraph (1),''; and

(C) by inserting after subsection (a) the following new subsections:

''(b) CARDS NOT NECESSITATING UNIQUE IDENTIFIER.—A consumer shall be liable for an unauthorized electronic fund transfer only if—

''(1) the liability is not in excess of $50;

''(2) the unauthorized electronic fund transfer is initiated by the use of a card that has been properly issued to a consumer other than the person making the unauthorized transfer as a means of access to the account of that consumer for the purpose of initiating an electronic fund transfer;

''(3) the unauthorized electronic fund transfer occurs before the card issuer has been notified that an unauthorized use of the card has occurred or may occur as the result of loss, theft, or otherwise; and

''(4) such unauthorized electronic fund transfer did not require the use of a code or other unique identifier (other than a signature), such as a photograph, fingerprint, or retina scan.

''(c) NOTICE OF LIABILITY AND RESPONSIBILITY TO REPORT LOSS OF CARD, CODE, OR OTHER MEANS OF ACCESS.—No consumer shall be liable under this title for any unauthorized electronic fund transfer unless the consumer has received in a timely manner the notice required under section 905(a)(1), and any subsequent notice required under section 905(b) with regard to any change in the information which is the subject of the notice required under section 905(a)(1).''.

(2) CONFORMING AMENDMENT.—Section 905(a)(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693c(a)(1)) is amended to read as follows:

''(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code, or other means of access in order to limit the liability of the consumer for any such unauthorized transfer;''.

(b) VALIDATION REQUIREMENT FOR DUAL-USE DEBIT CARDS.—

(1) IN GENERAL.—Section 911 of the Electronic Fund Transfer Act (15 U.S.C. 1693i) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) VALIDATION REQUIREMENT.—No person may issue a card described in subsection (a), the use of which to initiate an electronic fund transfer does not require the use of a code or other unique identifier other than a signature (such as a fingerprint or retina scan), unless—

''(1) the requirements of paragraphs (1) through (4) of subsection (b) are met; and

''(2) the issuer has provided to the consumer a clear and conspicuous disclosure that use of the card may not require the use of such code or other unique identifier.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 911(d) of the Electronic Fund Transfer Act (15 U.S.C. 1993i(d)) (as redesignated by subsection (a)(1) of this section) is amended by striking ''For the purpose of subsection (b)'' and inserting ''For purposes of subsections (b) and (c)''.

SEC. 209. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—

(1) ENHANCED DISCLOSURE OF REPAYMENT TERMS.—

(A) IN GENERAL.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

''(11)(A) In a clear and conspicuous manner, repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the required minimum monthly payment on that balance, represented as both a dollar figure and a percentage of that balance;

''(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that current balance if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays only the required minimum monthly payments and if no further advances are made; and

''(iv) the following statement: 'If your current rate is a temporary introductory rate, your total costs may be higher.'.

''(B) In making the disclosures under subparagraph (A) the creditor shall apply the annual interest rate that applies to that balance with respect to the current billing cycle for that consumer in effect on the date on which the disclosure is made.''.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this paragraph.

(C) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) of this subsection only for failing to comply with the requirements of section 125, 127(a), or of paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 127(b).''.

(2) DISCLOSURES IN CONNECTION WITH SOLICITATIONS.—

(A) IN GENERAL.—Section 127(c)(1)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B)) is amended by adding at the end the following:

''(iv) CREDIT WORKSHEET.—An easily understandable credit worksheet designed to aid consumers in determining their ability to assume more debt, including consideration of the personal expenses of the consumer and a simple formula for the consumer to determine whether the assumption of additional debt is advisable.

''(v) BASIS OF PREAPPROVAL.—In any case in which the application or solicitation states that the consumer has been preapproved for an account under an open end consumer credit plan, the following statement must appear in a clear and conspicuous manner: 'Your preapproval for this credit card does not mean that we have reviewed your individual financial circumstances. You should review your own budget before accepting this offer of credit.'.

''(vi) AVAILABILITY OF CREDIT REPORT.—That the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act.''.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 105 of the Truth in Lending Act for the purpose of compliance with section 127(c)(1)(B) of the Truth in Lending Act, as amended by this paragraph.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2001.

SEC. 210. VIOLATIONS OF THE AUTOMATIC STAY.

Section 362(a) of title 11, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and'';

(3) by adding at the end the following:

''(9) any communication threatening a debtor, at any time after the commencement and before the granting of a discharge in a case under this title, of an intention—

''(A) to file a motion to determine the dischargeability of a debt;

''(B) to file a motion under section 707(b) to dismiss or convert the case; or

''(C) to repossess collateral from the debtor to which the stay applies.''.

SEC. 211. DISCOURAGING ABUSIVE REAFFIRMATION PRACTICES.

Section 524 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' after the semicolon; and

(iii) by adding at the end the following:

''(C) such agreement contains a clear and conspicuous statement that advises the debtor which portion of the debt to be reaffirmed is attributable to—

''(i) principal;

''(ii) interest;

''(iii) late fees;

''(iv) creditor's attorneys fees; or

''(v) expenses or other costs relating to the collection of the debt;'';

(B) in paragraph (5), by striking ''and'' after the semicolon;

(C) in paragraph (6)—

(i) in subparagraph (A), by striking the period and inserting '' ; except that''; and

(ii) by striking subparagraph (B) and inserting the following:

''(B) to the extent that the debt is a consumer debt secured by real property or is a debt described in paragraph (7), subparagraph (A) shall not apply; and'';

(E) by adding at the end the following:

''(7) in a case concerning an individual—

''(A)(i) if the consideration for such agreement is based in whole or in part—

''(I) on an unsecured consumer debt; or

''(II) on a debt for an item of personalty with a value of $250 or less at the point of purchase; and

''(ii) in which the creditor asserts a purchase money security interest; and

''(B) if the court, approves such agreement as—

''(i) in the best interest of the debtor in light of the debtor's income and expenses;

''(ii) not imposing an undue hardship on the future ability of the debtor to pay for the needs of children and other dependents (including court ordered support);

''(iii) not requiring the debtor to pay the creditor's attorney's fees, expenses or other costs relating to the collection of the debt;

''(iv) not entered into to protect property that is necessary for the care and maintenance of children or other dependents that would have nominal value on repossession;

''(v) not entered into after coercive threats or actions by the creditor in the creditor's course of dealings with the debtor; and

''(vi) not unfair because excessive in amount based upon the value of the collateral.''; and

(2) in subsection (d)(2), by striking ''requirements of subsection (c)(6) of this section if the consideration for such agreement is based in whole or in part on a consumer debt that is not secured by real property of the debtor'' and inserting ''applicable requirements of paragraphs (6) and (7) of subsection (c)''.

SEC. 212. SENSE OF CONGRESS REGARDING THE HOMESTEAD EXEMPTION.

(a) FINDINGS.—The Congress finds that—

(1) one of the most flagrant abuses of the bankruptcy system involves misuse of the homestead exemption under section 522 of title 11, United States Code, which allows a debtor to exempt the debtor's home, up to a certain value, as established by State law, from being sold off to satisfy debts;

(2) while the vast majority of States responsibly cap the exemption at not more than $40,000, 5 States exempt homes regardless of their value;

(3) in the few States with unlimited homestead exemptions, debtors can shield their assets in luxury homes, while legitimate creditors receive little or nothing;

(4) beneficiaries of the homestead exemption include convicted insider traders and savings and loan criminals, while short-changed creditors include children, spouses, governments, and banks; and

(5) the homestead exemption should be capped at $100,000 to prevent such high-profile abuses.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) meaningful bankruptcy reform cannot be achieved without capping the homestead exemption; and

(2) bankruptcy reform legislation should include a cap of $100,000 on the homestead exemption under title 11, United States Code.

SEC. 213. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (referred to in this section as the ''Board'') shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 24 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers in connection with extensions of credit; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 214. TREASURY DEPARTMENT STUDY REGARDING SECURITY INTERESTS UNDER AN OPEN END CREDIT PLAN.

(a) STUDY.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the ''Board''), in consultation with the Secretary of the Treasury, the general credit industry, and consumer groups, shall conduct a study of the adequacy of information received by consumers regarding the creation of security interests under open end credit plans (as defined in the Truth in Lending Act).

(b) FINDINGS.—The study required under subsection (a) shall include the findings of the Board regarding—

(1) whether consumers understand at the time of purchase of property under an open end credit plan that such property may serve as collateral under that credit plan;

(2) whether consumers understand at the time of purchase the legal consequences of disposing of property that is purchased under an open end credit plan and is subject to a security interest under that plan; and

(3) whether creditors holding security interests in property purchased under an open end credit plan use such security interests to coerce reaffirmations of existing debts under section 524 of title 11, United States Code.

(c) CONSIDERATIONS.—In formulating the findings under subsection (b), the Board shall consider, among other factors the Board determines relevant, prevailing industry practices in this area.

(d) DISCLOSURE RECOMMENDATIONS.—The study required under subsection (a) shall include the recommendations of the Board regarding the utility and practicality of additional disclosures by credit card issuers at the time of purchase regarding security interests under open end credit plans, including—

(1) disclosures of the specific property in which the creditor will receive a security interest;

(2) disclosures of the consequences of nonpayment of the credit card balance, including how the security interest may be enforced; and

(3) disclosures of the process by which payments made under the plan will be credited with respect to the lien created by the security contract and other debts under the plan.

(e) SUBMISSION OF REPORT.—Not later than 180 days after the date of enactment of this Act, the Board shall submit a report of its findings under the study required by this section to the Committee on the Judiciary of the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Banking and Financial Services of the House of Representatives.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) IN GENERAL.—Section 342 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, that individual shall be given or obtain (as required in section 521(a)(1), as part of the certification process under subchapter 1 of chapter 5) a written notice prescribed by the United States trustee for the district in which the petition is filed under section 586 of title 28. The notice shall contain the following:

''(1) A brief description of chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters.

''(2) A brief description of services that may be available to that individual from a credit counseling service that is approved by the United States trustee or the bankruptcy administrator for that district.''.

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting ''(a)'' before ''The debtor shall—'';

(2) by striking paragraph (1) and inserting the following:

''(1) file—

''(A) a list of creditors; and

''(B) unless the court orders otherwise—

''(i) a schedule of assets and liabilities;

''(ii) a schedule of current income and current expenditures;

''(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

''(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

''(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

''(iv) copies of any Federal tax returns, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

''(v) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

''(vi) a statement of the amount of projected monthly net income, itemized to show how calculated; and

''(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;''; and

(3) by adding at the end the following:

''(b)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case and the court shall make those documents available to the creditor who requests those documents.

''(2) At any time, a creditor, in a case under chapter 13, may file with the court notice that the creditor requests the plan filed by the debtor in the case and the court shall make that plan available to the creditor who requests that plan.

''(c) An individual debtor in a case under chapter 7 or 13 shall file with the court—

''(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

''(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order for relief;

''(3) any amendments to any of the tax returns, including schedules or attachments, described in paragraph (1) or (2); and

''(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

''(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

''(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

''(d)(1) A statement referred to in subsection (c)(4) shall disclose—

''(A) the amount and sources of income of the debtor;

''(B) the identity of any persons responsible with the debtor for the support of any dependents of the debtor; and

''(C) the identity of any persons who contributed, and the amount contributed, to the household in which the debtor resides.

''(2) The tax returns, amendments, and statement of income and expenditures described in paragraph (1) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (e).

''(e)(1) Not later than 30 days after the date of enactment of the Consumer Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

''(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

''(3) Not later than 1 year after the date of enactment of the Consumer Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall prepare, and submit to Congress a report that—

''(A) assesses the effectiveness of the procedures under paragraph (1); and

''(B) if appropriate, includes proposed legislation—

''(i) to further protect the confidentiality of tax information; and

''(ii) to provide penalties for the improper use by any person of the tax information required to be provided under this section.

''(f) If requested by the United States trustee or a trustee serving in the case, the debtor provides a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor and such other personal identifying information relating to the debtor that establishes the identity of the debtor.''.

(c) TITLE 28.—Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) on or before January 1 of each calendar year, and also not later than 30 days after any change in the nonprofit debt counseling services registered with the bankruptcy court, prescribe and make available on request the notice described in section 342(b)(3) of title 11 for each district included in the region.''.

SEC. 302. FAIR TREATMENT OF SECURED CREDITORS UNDER CHAPTER 13.

(a) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking the matter preceding subparagraph (A) and inserting the following:

''(5) with respect to an allowed claim provided for by the plan that is secured under applicable nonbankruptcy law by reason of a lien on property in which the estate has an interest or is subject to a setoff under section 553—''; and

(2) by adding at the end of the subsection the following flush sentence:

''For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph.''.

(b) PAYMENT OF HOLDERS OF CLAIMS SECURED BY LIENS.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

''(B)(i) the plan provides that the holder of such claim retain the lien securing such claim until the debt that is the subject of the claim is fully paid for, as provided under the plan; and''.

(c) DETERMINATION OF SECURED STATUS.—Section 506 of title 11, United States Code, is amended by adding at the end the following:

''(e) Subsection (a) shall not apply to an allowed claim to the extent attributable in whole or in part to the purchase price of personal property acquired by the debtor during the 90-day period preceding the date of filing of the petition.''.

SEC. 303. DISCOURAGEMENT OF BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' before ''Except as'';

(2) by striking ''(1) the stay'' and inserting ''(A) the stay'';

(3) by striking ''(2) the stay'' and inserting ''(B) the stay'';

(4) by striking ''(A) the time'' and inserting ''(i) the time'';

(5) by striking ''(B) the time'' and inserting ''(ii) the time''; and

(6) by adding at the end the following:

''(2) Except as provided in subsections (d) through (f), the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case if—

''(A) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13; and

''(B) a single or joint case of that debtor (other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)) was pending during the preceding year but was dismissed.

''(3) If a party in interest so requests, the court may extend the stay in a particular case with respect to 1 or more creditors (subject to such conditions or limitations as the court may impose) after providing notice and a hearing completed before the expiration of the 30-day period described in paragraph (2) only if the party in interest demonstrates that the filing of the later case is in good faith with respect to the creditors to be stayed.

''(4) A case shall be presumed to have not been filed in good faith (except that such presumption may be rebutted by clear and convincing evidence to the contrary)—

''(A) with respect to the creditors involved, if—

''(i) more than 1 previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was pending during the 1-year period described in paragraph (1);

''(ii) a previous case under any of chapters 7, 11, or 13 in which the individual was a debtor was dismissed within the period specified in paragraph (2) after—

''(I) the debtor, after having received from the court a request to do so, failed to file or amend the petition or other documents as required by this title; or

''(II) the debtor, without substantial excuse, failed to perform the terms of a plan that was confirmed by the court; or

''(iii)(I) during the period commencing with the dismissal of the next most previous case under chapter 7, 11, or 13 there has not been a substantial change in the financial or personal affairs of the debtor;

''(II) if the case is a chapter 7 case, there is no other reason to conclude that the later case will be concluded with a discharge; or

''(III) if the case is a chapter 11 or 13 case, there is not a confirmed plan that will be fully performed; and

''(B) with respect to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor, if, as of the date of dismissal of that case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay with respect to actions of that creditor.

''(5)(A) If a request is made for relief from the stay under subsection (a) with respect to real or personal property of any kind, and the request is granted in whole or in part, the court may, in addition to making any other order under this subsection, order that the relief so granted shall be in rem either—

''(i) for a definite period of not less than 1 year; or

''(ii) indefinitely.

''(B)(i) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor.

''(ii) If an in rem order issued under subparagraph (A) so provides, the stay shall, in addition to being inapplicable to the debtor involved, not apply with respect to an entity under this title if—

''(I) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

''(II) the entity was notified of the commencement of the proceeding for relief from the stay, and at the time of the notification, no case in which the entity was a debtor was pending.

''(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.''.

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAPTER 13.

(a) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

''§ 1321. Filing of plan

''The debtor shall file a plan not later than 90 days after the order for relief under this chapter, except that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.''.

(b) CONFIRMATION OF HEARING.—Section 1324 of title 11, United States Code, is amended by adding at the end the following: ''That hearing shall be held not later than 45 days after the filing of the plan, unless the court, after providing notice and a hearing, orders otherwise.''.

SEC. 305. APPLICATION OF THE CODEBTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) Notwithstanding subsection (c) and except as provided in subparagraph (B), in any case in which the debtor did not receive the consideration for the claim held by a creditor, the stay provided by subsection (a) shall apply to that creditor for a period not to exceed 30 days beginning on the date of the order for relief, to the extent the creditor proceeds against—

''(i) the individual that received that consideration; or

''(ii) property not in the possession of the debtor that secures that claim.

''(B) Notwithstanding subparagraph (A), the stay provided by subsection (a) shall apply in any case in which the debtor is primarily obligated to pay the creditor in whole or in part with respect to a claim described in subparagraph (A) under a legally binding separation or property settlement agreement or divorce or dissolution decree with respect to—

''(i) an individual described in subparagraph (A)(i); or

''(ii) property described in subparagraph (A)(ii).

''(3) Notwithstanding subsection (c), the stay provided by subsection (a) shall terminate as of the date of confirmation of the plan, in any case in which the plan of the debtor provides that the debtor's interest in personal property subject to a lease with respect to which the debtor is the lessee will be surrendered or abandoned or no payments will be made under the plan on account of the debtor's obligations under the lease.''.

SEC. 306. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of part I of title 28, United States Code, is amended by adding at the end the following:

''§ 159. Bankruptcy statistics

''(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Office').

''(b) The Director shall—

''(1) compile the statistics referred to in subsection (a);

''(2) make the statistics available to the public; and

''(3) not later than October 31, 1999, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

''(c) The compilation required under subsection (b) shall—

''(1) be itemized, by chapter, with respect to title 11;

''(2) be presented in the aggregate and for each district; and

''(3) include information concerning—

''(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed under section 2075 of this title and filed by those debtors;

''(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 111, 521, and 1322 of title 11;

''(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

''(D) the average period of time between the filing of the petition and the closing of the case;

''(E) for the reporting period—

''(i) the number of cases in which a reaffirmation was filed; and

''(ii)(I) the total number of reaffirmations filed;

''(II) of those cases in which a reaffirmation was filed, the number in which the debtor was not represented by an attorney; and

''(III) of those cases, the number of cases in which the reaffirmation was approved by the court;

''(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

''(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

''(II) the number of final orders determining the value of property securing a claim issued;

''(ii) the number of cases dismissed for failure to make payments under the plan; and

''(iii) the number of cases in which the debtor filed another case within the 6 years previous to the filing; and

''(G) the extent of creditor misconduct and any amount of punitive damages awarded by the court for creditor misconduct.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

''159. Bankruptcy statistics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

''(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and''; and

(2) by adding at the end the following:

''(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

''(B) Those procedures shall—

''(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

''(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

''(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

''(iv) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

''(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

''(3)(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

''(B) If a material misstatement of income or expenditures or of assets is reported the United States trustee shall—

''(i) report the material misstatement, if appropriate, to the United States Attorney under section 3057 of title 18; and

''(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge under section 727(d) of title 11.''.

(b) AMENDMENTS TO SECTION 521 OF TITLE 11, UNITED STATES CODE.—Section 521(a) of title 11, United States Code, as amended by section 301(b) of this Act, is amended in paragraphs (3) and (4) by inserting ''or an auditor appointed under section 586 of title 28'' after ''serving in the case'' each place it appears.

(c) AMENDMENTS TO SECTION 727 OF TITLE 11, UNITED STATES CODE.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(4) the debtor has failed to explain satisfactorily—

''(A) a material misstatement in an audit performed under section 586(f) of title 28; or

''(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor that are requested for an audit conducted under section 586(f) of title 28.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 308. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor.

''(3) Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.''.

SEC. 309. FAIR NOTICE FOR CREDITORS IN CHAPTER 7 AND 13 CASES.

Section 342 of title 11, United States Code, is amended—

(1) in subsection (c), by striking '', but the failure of such notice to contain such information shall not invalidate the legal effect of such notice''; and

(2) by adding at the end the following:

''(d)(1) If the credit agreement between the debtor and the creditor or the last communication before the filing of the petition in a voluntary case from the creditor to a debtor who is an individual states an account number of the debtor that is the current account number of the debtor with respect to any debt held by the creditor against the debtor, the debtor shall include that account number in any notice to the creditor required to be given under this title.

''(2) If the creditor has specified to the debtor, in the last communication before the filing of the petition, an address at which the creditor wishes to receive correspondence regarding the debtor's account, any notice to the creditor required to be given by the debtor under this title shall be given at such address.

''(3) For purposes of this section, the term 'notice' includes—

''(A) any correspondence from the debtor to the creditor after the commencement of the case;

''(B) any statement of the debtor's intention under section 521(a)(2);

''(C) notice of the commencement of any proceeding in the case to which the creditor is a party; and

''(D) any notice of a hearing under section 1324.

''(e)(1) At any time, a creditor, in a case of an individual under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case.

''(2) If the court or the debtor is required to give the creditor notice, not later than 5 days after receipt of the notice under paragraph (1), that notice shall be given at that address.

''(f) An entity may file with the court a notice stating its address for notice in cases under chapter 7 or 13. After the date that is 30 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

''(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor.

''(2) If the creditor has designated a person or department to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that bankruptcy notices received by the creditor will be delivered to that department or person, notice shall not be brought to the attention of the creditor until that notice is received by that person or department.''.

SEC. 310. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B)—

(A) by striking ''in the converted case, with allowed secured claims'' and inserting ''only in a case converted to chapter 11 or 12 but not in a case converted to chapter 7, with allowed secured claims in cases under chapters 11 and 12''; and

(B) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to cases converted from chapter 13, the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of that claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding.''.

SEC. 311. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following:

''(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

''(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

''(B) that 60-day period is extended—

''(i) by agreement of all parties in interest; or

''(ii) by the court for such specific period of time as the court finds is required for good cause.''.

SEC. 312. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is amended by adding at the end the following:

''(c)(1) Notwithstanding subsection (a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

''(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. The court shall, if so requested, enter an order of dismissal not later than 5 days after that request.

''(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 50 days to file the information required under section 521(a)(1) if the court finds justification for extending the period for the filing.''.

SEC. 313. ADEQUATE TIME FOR PREPARATION FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, as amended by section 304 of this Act, is amended—

(1) by striking ''After'' and inserting the following:

''(a) Except as provided in subsection (b) and after''; and

(2) by adding at the end the following:

''(b) If not later than 5 days after receiving notice of a hearing on confirmation of the plan, a creditor objects to the confirmation of the plan, the hearing on confirmation of the plan may be held no earlier than 20 days after the first meeting of creditors under section 341(a).''.

SEC. 314. DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) provided for under section 1322(b)(5);

''(2) of the kind specified in paragraph (2), (4), (5), (8), or (9) of section 523(a);

''(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

''(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.''.

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

''(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt.''.

SEC. 316. CREDIT EXTENSIONS ON THE EVE OF BANKRUPTCY PRESUMED NONDISCHARGEABLE.

Section 523(a)(2) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subparagraph (A), by striking the semicolon at the end and inserting the following: ''(and, for purposes of this subparagraph, consumer debts owed in an aggregate amount greater than or equal to $400 incurred for goods or services not reasonably necessary for the maintenance or support of the debtor or a dependent child of the debtor to a single creditor that are incurred during the 90-day period preceding the date of the order for relief shall be presumed to be nondischargeable under this subparagraph); or'';

(2) in subparagraph (B), by striking ''or'' at the end; and

(3) by striking subparagraph (C).

SEC. 317. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate regulations defining the term ''household goods'', to be applied to section 522(d)(3) of title 11, United States Code, in a manner suitable and appropriate for cases under that title.

(b) ABSENCE OF FINAL REGULATIONS.—If final regulations are not promulgated under subsection (a) and in effect by the date that is 180 days after the date enactment of this

Act, then, for purposes of section 522(d)(3) of title 11, United States Code, the term ''household goods'' shall have the meaning given that term in section 444.1(i) of title 16, Code of Federal Regulations, except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child.

SEC. 318. RELIEF FROM STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

(a) AUTOMATIC STAY.—Section 362 of title 11, United States Code, as amended by section 303 of this Act, is amended—

(1) in subsection (c)(1), in the matter preceding subparagraph (A), by striking ''(e) and (f)'' and inserting ''(e), (f), and (h)'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

''(h) In an individual case under chapter 7, 11, or 13 the stay provided by subsection (a) is terminated with respect to property of the estate securing in whole or in part a claim that is in an amount greater than $3,000, or subject to an unexpired lease with a remaining term of at least 1 year (in any case in which the debtor owes at least $3,000 for a 1-year period), if within 30 days after the expiration of the applicable period under section 521(a)(2)—

''(1)(A) the debtor fails to timely file a statement of intention to surrender or retain the property; or

''(B) if the debtor indicates in the filing that the debtor will retain the property, the debtor fails to meet an applicable requirement to—

''(i) either—

''(I) redeem the property pursuant to section 722; or

''(II) reaffirm the debt the property secures pursuant to section 524(c); or

''(ii) assume the unexpired lease pursuant to section 365(d) if the trustee does not do so; or

''(2) the debtor fails to timely take the action specified in a statement of intention referred to in paragraph (1)(A) (as amended, if that statement is amended before expiration of the period for taking action), unless—

''(A) the statement of intention specifies reaffirmation; and

''(B) the creditor refuses to reaffirm the debt on the original contract terms for the debt.''.

(b) DEBTOR'S DUTIES.—Section 521(a)(2) of title 11, United States Code, as redesignated by section 301(b) of this Act, is amended—

(1) in the matter preceding subparagraph (A), by striking ''consumer'';

(2) in subparagraph (B)—

(A) by striking ''forty-five days after the filing of a notice of intent under this section'' and inserting ''30 days after the first meeting of creditors under section 341(a)''; and

(B) by striking ''forty-five-day period'' and inserting ''30-day period''; and

(3) in subparagraph (C), by inserting '', except as provided in section 362(h)'' before the semicolon.

SEC. 319. ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.

(a) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding after section 1307 the following:

''§ 1307A. Adequate protection in chapter 13 cases

''(a)(1)(A) On or before the date that is 30 days after the filing of a case under this chapter, the debtor shall make cash payments in an amount determined under paragraph (2)(A), to—

''(i) any lessor of personal property; and

''(ii) any creditor holding a claim secured by personal property to the extent that the claim is attributable to the purchase of that property by the debtor.

''(B) The debtor or the plan shall continue making the adequate protection payments until the earlier of the date on which—

''(i) the creditor begins to receive actual payments under the plan; or

''(ii) the debtor relinquishes possession of the property referred to in subparagraph (A) to—

''(I) the lessor or creditor; or

''(II) any third party acting under claim of right, as applicable.

''(2) The payments referred to in paragraph (1)(A) shall be determined by the court.

''(b)(1) Subject to the limitations under paragraph (2), the court may, after notice and hearing, change the amount and timing of the dates of payment of payments made under subsection (a).

''(2)(A) The payments referred to in paragraph (1) shall be payable not less frequently than monthly.

''(B) The amount of a payment referred to in paragraph (1) shall not be less than the reasonable depreciation of the personal property described in subsection (a)(1), determined on a month-to-month basis.

''(c) Notwithstanding section 1326(b), the payments referred to in subsection (a)(1)(A) shall be continued in addition to plan payments under a confirmed plan until actual payments to the creditor begin under that plan, if the confirmed plan provides—

''(1) for payments to a creditor or lessor described in subsection (a)(1); and

''(2) for the deferral of payments to such creditor or lessor under the plan until the payment of amounts described in section 1326(b).

''(d) Notwithstanding sections 362, 542, and 543, a lessor or creditor described in subsection (a) may retain possession of property described in that subsection that was obtained in accordance with applicable law before the date of filing of the petition until the first payment under subsection (a)(1)(A) is received by the lessor or creditor.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

''1307A. Adequate protection in chapter 13 cases.''.

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting ''subject to subsection (n),'' before ''any property''; and

(2) by adding at the end the following new subsection:

''(n)(1) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds in the aggregate $100,000 in value in—

''(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

''(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

''(C) a burial plot for the debtor or a dependent of the debtor.

''(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(2)(A) by a family farmer for the principal residence of that farmer.''.

SEC. 321. MISCELLANEOUS IMPROVEMENTS.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

''(h)(1) Subject to paragraphs (2) and (3) and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 90-day period preceding the date of filing of the petition of that individual, received credit counseling, including, at a minimum, participation in an individual or group briefing that outlined the opportunities for available credit counseling and assisted that individual in performing an initial budget analysis, through a credit counseling program (offered through an approved credit counseling service described in section 111(a)) that has been approved by—

''(A) the United States trustee; or

''(B) the bankruptcy administrator for the district in which the petition is filed.''.

''(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved credit counseling services for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from those programs by reason of the requirements of paragraph (1).

''(B) Each United States trustee or bankruptcy administrator that makes a determination under subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than annually thereafter.

''(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

''(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

''(ii) states that the debtor requested credit counseling services from an approved credit counseling service, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

''(iii) is satisfactory to the court.

''(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition.''.

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking ''or'' at the end;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(A) the United States trustee; or

''(B) the bankruptcy administrator for the district in which the petition is filed.''.

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

''(f) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111 that was administered or approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district in which the petition is filed.''.

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 318(b) of this Act, is amended by adding at the end the following:

''(e) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

''(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

''(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1).''.

(e) EXCEPTIONS TO DISCHARGE.—Section 523(d) of title 11, United States Code, as amended by section 202 of this Act, is amended by striking paragraph (3)(A)(i) and inserting the following:

''(i) within the applicable period of time prescribed under section 109(h), the debtor received credit counseling through a credit counseling program in accordance with section 109(h); and''.

(f) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''§ 111. Credit counseling services; financial management instructional courses

''(a) The clerk of each district shall maintain a list of credit counseling services that provide 1 or more programs described in section 109(h) and that have been approved by—

''(1) the United States trustee; or

''(2) the bankruptcy administrator for the district.

''(b) The United States trustee or each bankruptcy administrator referred to in subsection (a)(1) shall—

''(1) make available to debtors who are individuals an instructional course concerning personal financial management, under the direction of the bankruptcy court; and

''(2) maintain a list of instructional courses concerning personal financial management that are operated by a private entity and that have been approved by the United States trustee or that bankruptcy administrator.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

''111. Credit counseling services; financial management instructional courses.''.

(g) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (13) the following:

''(13A) 'debtor's principal residence'—

''(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

''(B) includes an individual condominium or co-operative unit;''; and

(2) by inserting after paragraph (27), the following:

''(27A) 'incidental property' means, with respect to a debtor's principal residence—

''(A) property commonly conveyed with a principal residence in the area where the real estate is located;

''(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

''(C) all replacements or additions;''.

SEC. 322. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the ''Bankruptcy Judgeship Act of 1999''.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the southern district of Florida.

(D) Two additional bankruptcy judgeships for the district of Maryland.

(E) One additional bankruptcy judgeship for the eastern district of Michigan.

(F) One additional bankruptcy judgeship for the southern district of Mississippi.

(G) One additional bankruptcy judgeship for the district of New Jersey.

(H) One additional bankruptcy judgeship for the eastern district of New York.

(I) One additional bankruptcy judgeship for the northern district of New York.

(J) One additional bankruptcy judgeship for the southern district of New York.

(K) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(L) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(M) One additional bankruptcy judgeship for the western district of Tennessee.

(N) One additional bankruptcy judgeship for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) that—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1);

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under section 3(a) (1), (3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 remain applicable to such temporary judgeship position.

(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(1) of title 28, United States Code, is amended to read as follows: ''Each bankruptcy judge to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.''.

(e) TRAVEL EXPENSES OF BANKRUPTCY JUDGES.—Section 156 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In this subsection, the term 'travel expenses'—

''(A) means the expenses incurred by a bankruptcy judge for travel that is not directly related to any case assigned to such bankruptcy judge; and

''(B) shall not include the travel expenses of a bankruptcy judge if—

''(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

''(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the payment of such travel expenses.

''(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

''(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

''(B) The annual report under this paragraph shall include—

''(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

''(ii) a description of the subject matter and purpose of the travel relating to each travel expense identified under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

''(iii) the number of days of each travel described under clause (ii), with the name of the bankruptcy judge to whom the travel applies.

''(4)(A) The Director of the Administrative Office of the United States Courts shall—

''(i) consolidate the reports submitted under paragraph (3) into a single report; and

''(ii) annually submit such consolidated report to Congress.

''(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3)(B), including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).''.

SEC. 323. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, as amended by section 321(g) of this Act, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

''(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title that is—

''(A) owed to or recoverable by—

''(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

''(ii) a governmental unit;

''(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

''(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

''(i) a separation agreement, divorce decree, or property settlement agreement;

''(ii) an order of a court of record; or

''(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

''(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.''.

SEC. 324. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking ''First'' and inserting ''Second'';

(4) in paragraph (3), as redesignated, by striking ''Second'' and inserting ''Third'';

(5) in paragraph (4), as redesignated, by striking ''Third'' and inserting ''Fourth'';

(6) in paragraph (5), as redesignated, by striking ''Fourth'' and inserting ''Fifth'';

(7) in paragraph (6), as redesignated, by striking ''Fifth'' and inserting ''Sixth'';

(8) in paragraph (7), as redesignated, by striking ''Sixth'' and inserting ''Seventh''; and

(9) by inserting before paragraph (2), as redesignated, the following:

''(1) First, allowed claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied:

''(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or parent, or is filed by a governmental unit on behalf of that person.

''(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.''.

SEC. 325. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

''(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.'';

(2) in section 1325(a)—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that become payable after the date on which the petition is filed.''; and

(3) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting '', and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before or after the petition was filed) have been paid'' after ''completion by the debtor of all payments under the plan''.

SEC. 326. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) under subsection (a)—

''(A) of the commencement or continuation of an action or proceeding for—

''(i) the establishment of paternity as a part of an effort to collect domestic support obligations; or

''(ii) the establishment or modification of an order for domestic support obligations; or

''(B) the collection of a domestic support obligation from property that is not property of the estate;'';

(2) by inserting after paragraph (4) the following:

''(5) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b));

(3) in paragraph (17), by striking ''or'' at the end;

(4) in paragraph (18), by striking the period and inserting ''; or''; and

(5) by inserting after paragraph (18) the following:

''(19) under subsection (a) with respect to—

''(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

''(B) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)); or

''(C) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).''.

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

''(5) for a domestic support obligation;'';

(2) in subsection (c), by striking ''(6), or (15)'' and inserting ''or (6)''; and

(3) in paragraph (15), by striking ''governmental unit'' and all through the end of the paragraph and inserting a semicolon.

SEC. 328. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));''; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting ''of a kind that is specified in section 523(a)(5); or''.

SEC. 329. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c) of title 11, United States Code, is amended by striking paragraph (7) and inserting the following:

''(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or''.

SEC. 330. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, as amended by section 328 of this Act, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''(2)(A) subject to subsection (n), any property'' and inserting:

''(3) Subject to subsection (n), property listed in this paragraph is—

''(A) any property'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 and which has not been pledged or promised to any person in connection with any extension of credit.'';

(B) by striking paragraph (1) and inserting:

''(2) Property listed in this paragraph is property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (3)(A) of this subsection specifically does not so authorize.'';

(C) in the matter preceding paragraph (2)—

(i) by striking ''(b)'' and inserting ''(b)(1)'';

(ii) by striking ''paragraph (2)'' both places it appears and inserting ''paragraph (3)'';

(iii) by striking ''paragraph (1)'' each place it appears and inserting ''paragraph (2)''; and

(iv) by striking ''Such property is—''; and

(D) by adding at the end of the subsection the following:

''(4) For purposes of paragraph (3)(C), the following shall apply:

''(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303, those funds shall be presumed to be exempt from the estate.

''(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

''(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

''(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

''(II) the retirement fund fails to be in substantial compliance with such applicable requirements, the debtor is not materially responsible for that failure.

''(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) by reason of that direct transfer.

''(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of that distribution.

''(ii) A distribution described in this clause is an amount that—

''(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

''(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount.''; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (b)(2)''; and

(B) by adding at the end the following:

''(12) Retirement funds to the extent that those funds are in a fund or account that is

exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (18), by striking ''or'' at the end;

(2) in paragraph (19), by striking the period and inserting ''; or'';

(3) by inserting after paragraph (19) the following:

''(20) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

''(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

''(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.''; and

(4) by adding at the end of the flush material following paragraph (20) the following: ''Paragraph (20) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (20) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) by striking ''or'' at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting ''; or''; and

(3) by adding at the end the following:

''(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

''(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

''(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.

Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.''.

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

''(f) A plan may not materially alter the terms of a loan described in section 362(b)(20).''.

SEC. 331. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) Section 507(a) of title 11, United States Code, is amended by inserting after paragraph (7) the following:

''(8) Eighth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug or another substance.''.

(b) Section 523(a)(9) of title 11, United States Code, is amended by inserting ''or vessel'' after ''vehicle''.

SEC. 332. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

''(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001.''.

SEC. 333. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking ''the taxable year preceding the taxable year'' and inserting ''at least 1 of the 3 calendar years preceding the year''.

SEC. 334. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) The plan shall be confirmed if—

''(A) the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B);

''(B) the amounts under subparagraph (A) equal or exceed the debtor's projected disposable income for the applicable period; and

''(C) the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.''.

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

''(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

''(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification.

''(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.''.

SEC. 335. AMENDMENT TO SECTION 1325 OF TITLE 11, UNITED STATES CODE.

Section 1325(b)(2) of title 11, United States Code, is amended by inserting ''(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law and which is reasonably necessary to be expended)'' after ''received by the debtor''.

SEC. 336. PROTECTION OF SAVINGS EARMARKED FOR THE POSTSECONDARY EDUCATION OF CHILDREN.

Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following:

''(5) except as otherwise provided under applicable State law, any funds placed in a qualified State tuition program (as described in section 529(b) of the Internal Revenue Code of 1986) at least 180 days before the date of entry of the order for relief;

''(6) any funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) at least 180 days before the date of entry of the order for relief; or''.

TITLE IV—FINANCIAL INSTRUMENTS

SEC. 401. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) a combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) an option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), or (C); or

''(E) a security agreement or arrangement, or other credit enhancement, related to any agreement, a contract, option, or transaction referred to in subparagraph (A), (B), (C), or (D);'';

(B) by striking paragraph (47) and inserting the following:

''(47) 'repurchase agreement' and 'reverse repurchase agreement'—

''(A) mean—

''(i) an agreement, including related terms, that provides for the transfer of—

''(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible bankers' acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

''(II) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers' acceptance, security, loan, or interest;

with a simultaneous agreement by such transferee to transfer to the transferor thereof a certificate of deposit, eligible bankers' acceptance, security, loan, or interest of the kind described in subclause (I) or (II), at a date certain that is not later than 1 year after the date of the transferor's transfer or on demand, against the transfer of funds;

''(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a repurchase agreement under this subparagraph, except that such master netting agreement shall be considered to be a repurchase agreement under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), or (iii); or

''(v) a security agreement or arrangement, or other credit enhancement, directly pertaining to a contract referred to in clause (i), (ii), (iii), or (iv); and

''(B) do not include a repurchase obligation under a participation in a commercial mortgage loan;''; and

(C) by striking paragraph (53B) and inserting the following:

''(53B) 'swap agreement'—

''(A) means—

''(i) an agreement, including the terms and conditions incorporated by reference in such agreement, that is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or an equity swap, option, future, or forward agreement;

''(V) a debt index or a debt swap, option, future, or forward agreement;

''(VI) a credit spread or a credit swap, option, future, or forward agreement; or

''(VII) a commodity index or a commodity swap, option, future, or forward agreement;

''(ii) an agreement or transaction that is similar to an agreement or transaction referred to in clause (i) that—

''(I) is currently, or in the future becomes, regularly entered into in the swap market (including terms and conditions incorporated by reference therein); and

''(II) is a forward, swap, future, or option on a rate, currency, commodity, equity security, or other equity instrument, on a debt security or other debt instrument, or on an economic index or measure of economic risk or value;

''(iii) a combination of agreements or transactions referred to in clauses (i) and (ii);

''(iv) an option to enter into an agreement or transaction referred to in this subparagraph; or

''(v) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to such master netting agreement and without regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement; except that

''(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.'';

(2) in section 741, by striking paragraph (7) and inserting the following:

''(7) 'securities contract'—

''(A) means—

''(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or an interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

''(ii) an option entered into on a national securities exchange relating to foreign currencies;

''(iii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

''(iv) a margin loan;

''(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

''(vi) a combination of the agreements or transactions referred to in this subparagraph;

''(vii) an option to enter into an agreement or transaction referred to in this subparagraph;

''(viii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master netting agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master netting agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

''(ix) a security agreement or arrangement, or other credit enhancement, related to any agreement or transaction referred to in this subparagraph; and

''(B) does not include a purchase, sale, or repurchase obligation under a participation in, or servicing agreement for, a commercial mortgage loan;''; and

(3) in section 761(4)—

(A) by striking ''or'' at the end of subparagraph (D); and

(B) by adding at the end the following:

''(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

''(G) a combination of the agreements or transactions referred to in this paragraph;

''(H) an option to enter into an agreement or transaction referred to in this paragraph;

''(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that such master netting agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

''(J) a security agreement or arrangement, or other credit enhancement, related to any agreement or transaction referred to in this paragraph.''.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

''(22) 'financial institution' means—

''(A) a Federal reserve bank, or an entity that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

''(B) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer;'';

(2) by inserting after paragraph (22) the following:

''(22A) 'financial participant' means an entity that—

''(A) is a party to a securities contract, commodity contract or forward contract;

''(B) on the date of the filing of the petition, has 1 or more agreements or transactions under section 561(a)(2)with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any date during the previous 15-month period; or

''(C) has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in an agreement or transaction under subparagraph (A) with the debtor or any other entity (other than an affiliate) on any date during the previous 15-month period;''; and

(3) by striking paragraph (26) and inserting the following:

''(26) 'forward contract merchant' means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing or in the forward contract trade;''.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

''(38A) the term 'master netting agreement'—

''(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with 1 or more contracts that are described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

''(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any 1 or more of paragraphs (1) through (5) of section 561(a); and

''(38B) the term 'master netting agreement participant' means an entity that, at any time before the filing of the petition, is a

party to an outstanding master netting agreement with the debtor;''.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by section 330 of this Act, is amended—

(A) in paragraph (6), by inserting '', pledged to, and under the control of,'' after ''held by'';

(B) in paragraph (7), by inserting '', pledged to, and under the control of,'' after ''held by'';

(C) by striking paragraph (17) and inserting the following:

''(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement or against cash, securities, or other property held by, pledged to, and under the control of, or due from such swap participant to guarantee, secure, or settle a swap agreement;'';

(D) in paragraph (19), by striking ''or'' at the end;

(E) in paragraph (20), by striking the period at the end and inserting ''; or''; and

(F) by inserting after paragraph (20) the following:

''(21) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue.''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by section 432(2) of this Act, is amended by adding at the end the following:

''(*i*) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g), (as added by section 103 of Public Law 101–311 (104 Stat. 267 et seq.))—

(A) by striking ''under a swap agreement''; and

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(2) by inserting before subsection (i) (as redesignated by section 407 of this Act) the following new subsection:

''(h) Notwithstanding sections 544, 545, 547, 548(a)(2)(B), and 548(b), the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement (except under section 548(a)(1)(A)).''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'';

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

and

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of a swap agreement''; and

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of a swap agreement''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—Title 11, United States Code, is amended by inserting after section 560 the following new section:

''§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts

''(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transfer obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2)(A) A party may not exercise a contractual right described in subsection (a) to offset or to net obligations arising under, or in connection with, a commodity contract against obligations arising under, or in connection with, any instrument listed in subsection (a), if the obligations are not mutual.

''(B) If a debtor is a commodity broker subject to subchapter IV of chapter 7,a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments if that party has no positive net equity in the commodity account of the debtor, as calculated under subchapter IV.

''(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.''.

(*l*) MUNICIPAL BANKRUPTCIES.—Section 901 of title 11, United States Code, is amended—

(1) by inserting '', 555, 556'' after ''553''; and

(2) by inserting '', 559, 560, 561, 562,'' after ''557''.

(m) ANCILLARY PROCEEDINGS.—Section 304 of title 11, United States Code, is amended by adding at the end the following:

''(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms—

''(1) shall not be stayed or otherwise limited by—

''(A) operation of any provision of this title; or

''(B) order of a court in any case under this title;

''(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11; and

''(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.''.

(n) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

''§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the

priority of any unsecured claim it may have after the exercise of such rights or affect any provision of this subchapter relating to customer property or distributions.''.

(o) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

''§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

''Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of rights or affect any provision of this subchapter relating to customer property or distributions.''.

(p) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(3)(C), by inserting ''(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(21), 555, 556, 559, 560, or 561)'' before the period; and

(2) in subsection (b)(1), by striking ''362(b)(14),'' and inserting ''362(b)(17), 362(b)(21), 555, 556, 559, 560,''.

(q) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking ''financial institutions,'' each place such term appears and inserting ''financial institution, financial participant'';

(2) in section 546(e), by inserting ''financial participant'' after ''financial institution,'';

(3) in section 548(d)(2)(B), by inserting ''financial participant'' after ''financial institution,'';

(4) in section 555—

(A) by inserting ''financial participant'' after ''financial institution,''; and

(B) by inserting before the period '', a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice''; and

(5) in section 556, by inserting '', financial participant'' after ''commodity broker''.

(r) TECHNICAL AND CONFORMING AMENDMENT.—Section 104 of title 11, United States Code, is amended by adding at the end the following:

''(c) EXCEPTION FOR CERTAIN DEFINED TERMS.—No adjustments shall be made under this section to the dollar amounts set forth in the definition of the term 'financial participant' in section 101 (22A).''.

(s) CONFORMING AMENDMENTS.—Title 11 of the United States Code is amended—

(1) in the table of sections for chapter 5—

(A) by striking the items relating to sections 555 and 556 and inserting the following:

''555. Contractual right to liquidate, terminate, or accelerate a securities contract.

''556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.'';

(B) by striking the items relating to sections 559 and 560 and inserting the following:

''559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

''560. Contractual right to liquidate, terminate, or accelerate a swap agreement.'';

and

(C) by adding after the item relating to section 560 the following:

''561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts.'';

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

''767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.'';

and

(B) by inserting after the item relating to section 752 the following:

''753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.''.

SEC. 402. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 561 (as added by section 401(b)) the following:

''§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

''If the trustee rejects a swap agreement, securities contract as defined in section 741, forward contract, repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates any such contract or agreement, damages shall be measured as of the earlier of—

''(1) the date of such rejection; or

''(2) the date of such liquidation, termination, or acceleration.''.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—

(1) by designating the existing text as paragraph (1); and

(2) by adding at the end the following new paragraph:

''(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c) of this section or disallowed under subsection (d) or (e) of this section as if such claim had arisen before the date of the filing of the petition.''.

SEC. 403. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, as amended by section 336 of this Act, is amended—

(1) in subsection (b)—

(A) by striking ''or'' at the end of paragraph (6); and

(B) by redesignating paragraph (7) as paragraph (8);

(2) by inserting after paragraph (6) the following:

''(7) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by reason of avoidance under section 548(a); or''; and

(3) by adding at the end the following new subsection:

''(e) In this section:

''(1) The term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, the most senior of which are rated investment grade by 1 or more nationally recognized securities rating organizations, issued by an issuer.

''(2) The term 'eligible asset' means—

''(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

''(B) cash; and

''(C) securities.

''(3) The term 'eligible entity' means—

''(A) an issuer; or

''(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto.

''(4) The term 'issuer' means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.

''(5) The term 'transferred' means, with respect to a debtor, that the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(5), without regard to—

''(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

''(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

''(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.''.

SEC. 404. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following:

''(g) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor may not, solely because a consumer has not incurred finance charges in connection with an extension of credit—

''(1) refuse to renew or continue to offer the extension of credit to that consumer; or

''(2) charge a fee to that consumer in lieu of a finance charge.''.

SEC. 405. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking ''dwelling'' the first place it appears;

(2) by striking ''ownership or'' and inserting ''ownership,'';

(3) by striking ''housing'' the first place it appears; and

(4) by striking ''but only'' and all that follows through ''such period,'', and inserting ''or a lot in a homeowners association, for as

long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,''.

SEC. 406. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking ''Notwithstanding section 1915, the parties'' and inserting ''Subject to subsection (f), the parties''; and

(2) by adding at the end the following:

''(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

''(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

''(3) A filing fee referred to in paragraph (2) is—

''(A) a filing fee under subsection (a)(1); or

''(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the clerk of the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

''(4) In addition to waiving a fee described in paragraph (3) under paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) or (c) if the court determines that the individual is unable to pay that fee in installments.''.

SEC. 407. APPLICABILITY.

The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act.

TITLE V—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 501. AMENDMENT TO ADD CHAPTER 6 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 5 the following:

''CHAPTER 6—ANCILLARY AND OTHER CROSS-BORDER CASES

''Sec.
''601. Purpose and scope of application.
''SUBCHAPTER I—GENERAL PROVISIONS
''602. Definitions.
''603. International obligations of the United States.
''604. Commencement of ancillary case.
''605. Authorization to act in a foreign country.
''606. Public policy exception.
''607. Additional assistance.
''608. Interpretation.
''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT
''609. Right of direct access.
''610. Limited jurisdiction.
''611. Commencement of case under section 301 or 303.
''612. Participation of a foreign representative in a case under this title.
''613. Access of foreign creditors to a case under this title.
''614. Notification to foreign creditors concerning a case under this title.
''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF
''615. Application for recognition of a foreign proceeding.
''616. Presumptions concerning recognition.
''617. Order recognizing a foreign proceeding.
''618. Subsequent information.
''619. Relief that may be granted upon petition for recognition of a foreign proceeding.
''620. Effects of recognition of a foreign main proceeding.
''621. Relief that may be granted upon recognition of a foreign proceeding.
''622. Protection of creditors and other interested persons.
''623. Actions to avoid acts detrimental to creditors.
''624. Intervention by a foreign representative.
''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES
''625. Cooperation and direct communication between the court and foreign courts or foreign representatives.
''626. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
''627. Forms of cooperation.
''SUBCHAPTER V—CONCURRENT PROCEEDINGS
''628. Commencement of a case under this title after recognition of a foreign main proceeding.
''629. Coordination of a case under this title and a foreign proceeding.
''630. Coordination of more than 1 foreign proceeding.
''631. Presumption of insolvency based on recognition of a foreign main proceeding.
''632. Rule of payment in concurrent proceedings.

''§ 601. Purpose and scope of application

''(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

''(1) cooperation between—

''(A) United States courts, United States trustees, trustees, examiners, debtors, and debtors in possession; and

''(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

''(2) greater legal certainty for trade and investment;

''(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

''(4) protection and maximization of the value of the debtor's assets; and

''(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

''(b) This chapter applies if—

''(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

''(2) assistance is sought in a foreign country in connection with a case under this title;

''(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

''(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

''(c) This chapter does not apply to—

''(1) a proceeding concerning an entity identified by exclusion in subsection 109(b); or

''(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States.

''SUBCHAPTER I—GENERAL PROVISIONS

''§ 602. Definitions

''For purposes of this chapter, the term—

''(1) 'debtor' means an entity that is the subject of a foreign proceeding;

''(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

''(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

''(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

''(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

''(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 or 13 of this title; and

''(7) 'within the territorial jurisdiction of the United States' when used with reference to property of a debtor refers to tangible property located within the territory of the United States and intangible property deemed to be located within that territory, including any property that may properly be seized or garnished by an action in a Federal or State court in the United States.

''§ 603. International obligations of the United States

''To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with 1 or more other countries, the requirements of the treaty or agreement prevail.

''§ 604. Commencement of ancillary case

''A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 615.

''§ 605. Authorization to act in a foreign country

''A trustee or another entity designated by the court, may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

''§ 606. Public policy exception

''Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

''§ 607. Additional assistance

''(a) Nothing in this chapter limits the power of the court, upon recognition of a foreign proceeding, to provide additional assistance to a foreign representative under this title or under other laws of the United States.

''(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

''(1) just treatment of all holders of claims against or interests in the debtor's property;

''(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

''(3) prevention of preferential or fraudulent dispositions of property of the debtor;

''(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

''(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 608. Interpretation

''In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

''SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 609. Right of direct access

''(a) A foreign representative is entitled to commence a case under section 604 by filing a petition for recognition under section 615, and upon recognition, to apply directly to other Federal and State courts for appropriate relief in those courts.

''(b) Upon recognition, and subject to section 610, a foreign representative shall have the capacity to sue and be sued.

''(c) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 615 has been sought and the status of any such petition.

''(d) Upon denial of recognition under this chapter, the court may issue appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

"§ 610. Limited jurisdiction

''The sole fact that a foreign representative files a petition under sections 604 and 615 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 611. Commencement of case under section 301 or 303

''(a) Upon filing a petition for recognition, a foreign representative may commence—

''(1) an involuntary case under section 303; or

''(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

''(b) The petition commencing a case under subsection (a) must be accompanied by a statement describing the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

''(c) A case under subsection (a) shall be dismissed unless recognition is granted.

"§ 612. Participation of a foreign representative in a case under this title

''Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 613. Access of foreign creditors to a case under this title

''(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

''(b)(1) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under section 507 or 726 shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

''(2)(A) Subsection (a) and paragraph (1) do not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

''(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 614. Notification to foreign creditors concerning a case under this title

''(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

''(b) The notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letters rogatory or other similar formality is required.

''(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

''(1) indicate the time period for filing proofs of claim and specify the place for their filing;

''(2) indicate whether secured creditors need to file their proofs of claim; and

''(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

''(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

''SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 615. Application for recognition of a foreign proceeding

''(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

''(b) A petition for recognition shall be accompanied by—

''(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

''(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

''(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

''(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

''(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

"§ 616. Presumptions concerning recognition

''(a) If the decision or certificate referred to in section 615(b) indicates that the foreign proceeding is a foreign proceeding, within the meaning of section 101(23) and that the person or body is a foreign representative, within the meaning of section 101(24), the court is entitled to so presume.

''(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not the documents have been subjected to legal processing under applicable law.

''(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 617. Order recognizing a foreign proceeding

''(a) Subject to section 606, an order recognizing a foreign proceeding shall be entered if—

''(1) the foreign proceeding is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 602 and is a foreign proceeding within the meaning of section 101(23);

''(2) the person or body applying for recognition is a foreign representative within the meaning of section 101(24); and

''(3) the petition meets the requirements of section 615.

''(b) The foreign proceeding shall be recognized—

''(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

''(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 602 in the foreign country where the proceeding is pending.

''(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding shall constitute recognition under this chapter.

''(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition. The case under this chapter may be closed in the manner prescribed for a case under section 350.

"§ 618. Subsequent information

''After the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

''(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

''(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 619. Relief that may be granted upon petition for recognition of a foreign proceeding

''(a) Beginning on the date on which a petition for recognition is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, if relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

''(1) staying execution against the debtor's assets;

''(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, designated by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

''(3) any relief referred to in paragraph (3), (4), or (7) of section 621(a).

''(b) Unless extended under section 621(a)(6), the relief granted under this section

terminates when the petition for recognition is decided upon.

''(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

''§ 620. Effects of recognition of a foreign main proceeding

''(a)(1) Upon recognition of a foreign proceeding that is a foreign main proceeding—

''(A) section 362 applies with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States; and

''(B) a transfer, an encumbrance, or any other disposition of an interest of the debtor in property within the territorial jurisdiction of the United States is restrained as and to the extent that is provided for property of an estate under sections 363, 549, and 552.

''(2) Unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

''(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b), (c), and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

''(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

''(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

''§ 621. Relief that may be granted upon recognition of a foreign proceeding

''(a) Upon recognition of a foreign proceeding, whether main or nonmain, if necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

''(1) staying the commencement or continuation of individual actions or individual proceedings concerning the debtor's assets, rights, obligations, or liabilities to the extent the actions or proceedings have not been stayed under section 620(a);

''(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 620(a);

''(3) suspending the right to transfer, encumber, or otherwise dispose of any assets of the debtor to the extent that right has not been suspended under section 620(a);

''(4) providing for the examination of witnesses, the taking of evidence, or the delivery of information concerning the debtor's assets, affairs, rights, obligations, or liabilities;

''(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, designated by the court;

''(6) extending relief granted under section 619(a); and

''(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, designated by the court, if the court is satisfied that the interests of creditors in the United States are sufficiently protected.

''(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

''§ 622. Protection of creditors and other interested persons

''(a) The court may grant relief under section 619 or 621, or may modify or terminate relief under subsection (c), only if the court finds that the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

''(b) The court may subject relief granted under section 619 or 621 to conditions that the court considers to be appropriate.

''(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 619 or 621, or at its own motion, modify or terminate the relief.

''§ 623. Actions to avoid acts detrimental to creditors

''(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

''(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

''§ 624. Intervention by a foreign representative

''Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a Federal or State court in the United States in which the debtor is a party.

''SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

''§ 625. Cooperation and direct communication between the court and foreign courts or foreign representatives

''(a) In all matters included within section 601, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

''(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

''§ 626. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

''(a) In all matters included within section 601, the trustee or other person, including an examiner, designated by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

''(b) The trustee or other person, including an examiner, designated by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

''(c) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any such examiner shall comply with the qualifications requirements imposed on a trustee under section 322(a).

''§ 627. Forms of cooperation

''Cooperation referred to in sections 625 and 626 may be implemented by any appropriate means, including—

''(1) appointment of a person or body, including an examiner, to act at the direction of the court;

''(2) communication of information by any means considered appropriate by the court;

''(3) coordination of the administration and supervision of the debtor's assets and affairs;

''(4) approval or implementation of agreements concerning the coordination of proceedings; and

''(5) coordination of concurrent proceedings regarding the same debtor.

''SUBCHAPTER V—CONCURRENT PROCEEDINGS

''§ 628. Commencement of a case under this title after recognition of a foreign main proceeding

''After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 625, 626, and 627, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

''§ 629. Coordination of a case under this title and a foreign proceeding

''In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

''(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

''(A) any relief granted under section 619 or 621 shall be consistent with the relief granted in the case in the United States; and

''(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 620 does not apply.

''(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

''(A) any relief in effect under section 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

''(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 620(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

''(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court shall be satisfied that the relief relates to assets that, under the law of the United States, should be

administered in the foreign nonmain proceeding or concerns information required in that proceeding.

''(4) In achieving cooperation and coordination under sections 628 and 629, the court may grant any of the relief authorized under section 305.

''§ 630. Coordination of more than 1 foreign proceeding

''In matters referred to in section 601, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

''(1) Any relief granted under section 619 or 621 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding shall be consistent with the foreign main proceeding.

''(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

''(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

''§ 631. Presumption of insolvency based on recognition of a foreign main proceeding

''In the absence of evidence to the contrary, recognition of a foreign main proceeding is for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

''§ 632. Rule of payment in concurrent proceedings

''Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.''.

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 5 the following:

''6. Ancillary and Other Cross-Border Cases ..... 601''.

SEC. 502. AMENDMENTS TO OTHER CHAPTERS IN TITLE 11, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: '', and this chapter, sections 307, 304, 555 through 557, 559, and 560 apply in a case under chapter 6''; and

(2) by adding at the end the following:

''(j) Chapter 6 applies only in a case under such chapter, except that section 605 applies to trustees and to any other entity, including an examiner, designated by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapters 9 and 13 who are authorized to act under section 605.''.

(b) DEFINITIONS.—Paragraphs (23) and (24) of section 101 of title 11, United States Code, are amended to read as follows:

''(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign state, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

''(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;''.

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking ''and'' at the end;

(B) in subparagraph (O), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(P) recognition of foreign proceedings and other matters under chapter 6 of title 11.''.

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c)(1) of title 28, United States Code, is amended by striking ''Nothing in'' and inserting ''Except with respect to a case under chapter 6 of title 11, nothing in''.

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by inserting ''6,'' after ''chapter''.

TITLE VI—MISCELLANEOUS

SEC. 601. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d) of title 11, United States Code, is amended by striking paragraph (4) and inserting the following:

''(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and the trustee shall immediately surrender that nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.''.

SEC. 602. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) IN GENERAL.—Section 158 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following:

''(d)(1) Any final judgment, decision, order, or decree of a bankruptcy judge entered for a case in accordance with section 157 may be appealed by any party in such case to the appropriate court of appeals if—

''(A) an appeal from such judgment, decision, order, or decree is first filed with the appropriate district court of the United States; and

''(B) the decision on the appeal described under subparagraph (A) is not filed by a district court judge within 30 days after the date such appeal is filed with the district court.

''(2) On the date that an appeal is filed with a court of appeals under paragraph (1), the chief judge for such court of appeals shall issue an order to the clerk for the district court from which the appeal is filed. Such order shall direct the clerk to enter the final judgment, decision, order, or decree of the bankruptcy judge as the final judgment, decision, order, or decree of the district court.''; and

(3) in subsection (e), (as redesignated by paragraph (1) of this section) by striking ''subsections (a) and (b)'' and inserting ''subsections (a), (b), and (d)''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 305(c) of title 11, United States Code, is amended by striking ''section 158(d)'' and inserting ''section 158(e)''.

(2) Section 1334(d) of title 28, United States Code, is amended by striking ''section 158(d)'' and inserting ''section 158(e)''.

(3) Section 1452(b) of title 28, United States Code, is amended by striking ''section 158(d)'' and inserting ''section 158(e)''.

SEC. 603. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

Section 1102(a)(2) of title 11, United States Code, is amended by inserting before the first sentence the following: ''On its own motion or on request of a party in interest, and after notice and hearing, the court may order a change in the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders.''.

SEC. 604. REPEAL OF SUNSET PROVISION.

Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 605. CASES ANCILLARY TO FOREIGN PROCEEDINGS.

Section 304 of title 11, United States Code, as amended by section 410 of this Act, is amended by adding at the end the following:

''(e)(1) In this subsection—

''(A) the term 'domestic insurance company' means a domestic insurance company, as that term is used in section 109(b)(2);

''(B) the term 'foreign insurance company' means a foreign insurance company, as that term is used in section 109(b)(3);

''(C) the term 'United States claimant' means a beneficiary of any deposit referred to in paragraph (2)(A) or any multibeneficiary trust referred to in subparagraph (B) or (C) of paragraph (2);

''(D) the term 'United States creditor' means, with respect to a foreign insurance company—

''(i) a United States claimant; or

''(ii) any business entity that operates in the United States and that is a creditor; and

''(E) the term 'United States policyholder' means a holder of an insurance policy issued in the United States.

''(2) Notwithstanding subsections (b) and (c), the court may not grant relief under subsection (b) to a foreign insurance company that is not engaged in the business of insurance or reinsurance in the United States with respect to any claim made by a United States creditor against—

''(A) a deposit required by an applicable State insurance law;

''(B) a multibeneficiary trust required by an applicable State insurance law to protect United States policyholders or claimants against a foreign insurance company; or

''(C) a multibeneficiary trust authorized under an applicable State insurance law to allow a domestic insurance company that cedes reinsurance to the debtor to reflect the reinsurance as an asset or deduction from liability in the ceding insurer's financial statements.''.

SEC. 606. LIMITATION.

Section 546(c)(1)(B) of title 11, United States Code, is amended by striking ''20'' and inserting ''45''.

SEC. 607. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, as amended by section 401 of this Act, is amended by adding at the end the following:

''(i) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods, as provided by an

applicable State law that is similar to section 7–209 of the Uniform Commercial Code.''.

SEC. 608. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a)(3)(A) of title 11, United States Code, is amended—

(1) by inserting ''In determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.'' after ''(3)(A)''; and

(2) by inserting ''to an examiner, chapter 11 trustee, or professional person'' after ''awarded''.

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting ''522(f)(3), 707(b)(5),'' after ''522(d),'' each place it appears.

SEC. 702. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking ''922'' and all that follows through ''or'', and inserting ''922, 1201, or''.

SEC. 703. WHO MAY BE A DEBTOR.

Section 109(b)(2) of title 11, United States Code, is amended by striking ''subsection (c) or (d) of''.

SEC. 704. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(3) of title 11, United States Code, is amended by striking ''attorney's'' and inserting ''attorneys'''.

SEC. 705. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting ''on a fixed or percentage fee basis,'' after ''hourly basis,''.

SEC. 706. SPECIAL TAX PROVISIONS.

Section 346(g)(1)(C) of title 11, United States Code, is amended by striking '', except'' and all that follows through ''1986''.

SEC. 707. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting ''of the estate'' after ''property'' the first place it appears.

SEC. 708. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 401 of this Act, is amended—

(1) in paragraph (20), by striking ''or'' at the end;

(2) in paragraph (21), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (21) the following:

''(22) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

''(23) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement and the debtor has not paid rent to the lessor under the terms of the lease agreement or applicable State law after the commencement and during the course of the case;

''(24) under subsection (a)(3) of this section, of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated pursuant to the lease agreement or applicable State law;

''(25) under subsection (a)(3), of any eviction, unlawful detainer action, or similar proceeding, if the debtor has previously filed within the preceding year and failed to pay post-petition rent during the course of that case; or

''(26) under subsection (a)(3), of eviction actions based on endangerment to property or person or the use of illegal drugs.''.

SEC. 709. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting ''subparagraph (A), (B), (C), (D), or (E) of'' before ''paragraph (3)''.

SEC. 710. PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 323 of this Act, is amended—

(1) in paragraph (3)(B), by striking the semicolon at the end and inserting a period; and

(2) in paragraph (7), by inserting ''unsecured'' after ''allowed''.

SEC. 711. EXEMPTIONS.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—

(1) in subsection (f)(1)(A)(ii)(II)—

(A) by striking ''includes a liability designated as'' and inserting ''is for a liability that is designated as, and is actually in the nature of,''; and

(B) by striking '', unless'' and all that follows through ''support''; and

(2) in subsection (g)(2), by striking ''subsection (f)(2)'' and inserting ''subsection (f)(1)(B)''.

SEC. 712. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by section 315 of this Act, is amended—

(1) in subsection (a)(3), by striking ''or (6)'' each place it appears and inserting ''(6), or (15)'';

(2) as amended by section 304(e) of Public Law 103–394 (108 Stat. 4133), in paragraph (15), by transferring such paragraph so as to insert it after paragraph (14A) of subsection (a);

(3) in subsection (a)(9), by inserting '', watercraft, or aircraft'' after ''motor vehicle'';

(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by inserting ''to a spouse, former spouse, or child of the debtor and'' after ''(15)'';

(5) in subsection (a)(17)—

(A) by striking ''by a court'' and inserting ''on a prisoner by any court'';

(B) by striking ''section 1915 (b) or (f)'' and inserting ''subsection (b) or (f)(2) of section 1915''; and

(C) by inserting ''(or a similar non-Federal law)'' after ''title 28'' each place it appears; and

(6) in subsection (e), by striking ''a insured'' and inserting ''an insured''.

SEC. 713. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking ''section 523'' and all that follows through ''or that'' and inserting ''section 523, 1228(a)(1), or 1328(a)(1) of this title, or that''.

SEC. 714. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''student'' before ''grant'' the second place it appears; and

(2) in paragraph (2), by striking ''the program operated under part B, D, or E of'' and inserting ''any program operated under''.

SEC. 715. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting ''365 or'' before ''542''.

SEC. 716. PREFERENCES.

Section 547 of title 11, United States Code, is amended—

(1) in subsection (b), by striking ''subsection (c)'' and inserting ''subsections (c) and (h)''; and

(2) by adding at the end the following:

''(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.''.

SEC. 717. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting ''an interest in'' after ''transfer of'';

(2) by striking ''such property'' and inserting ''such real property''; and

(3) by striking ''the interest'' and inserting ''such interest''.

SEC. 718. TECHNICAL AMENDMENT.

Section 552(b)(1) of title 11, United States Code, is amended by striking ''product'' each place it appears and inserting ''products''.

SEC. 719. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking ''1009,''.

SEC. 720. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by section 401 of this Act, is amended by inserting ''1123(d),'' after ''1123(b),''.

SEC. 721. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the preceding sentence—

''(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

''(ii) the service of any trustee appointed under subsection (d) shall terminate.

''(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.''.

SEC. 722. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 723. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking ''section 11347'' and inserting ''section 11326(a)''.

SEC. 724. DISCHARGE UNDER CHAPTER 12.

Subsections (a) and (c) of section 1228 of title 11, United States Code, are amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9)''.

SEC. 725. EXTENSIONS.

Section 302(d)(3) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended—

(1) in subparagraph (A), in the matter following clause (ii), by striking ''or October 1, 2002, whichever occurs first''; and

(2) in subparagraph (F)—

(A) in clause (i)—

(i) in subclause (II), by striking ''or October 1, 2002, whichever occurs first''; and

(ii) in the matter following subclause (II), by striking ''October 1, 2003, or''; and

(B) in clause (ii), in the matter following subclause (II)—

(i) by striking ''before October 1, 2003, or''; and

(ii) by striking '', whichever occurs first''.

SEC. 726. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking ''made under this subsection'' and inserting ''made under subsection (c)''; and

(2) by striking ''This subsection'' and inserting ''Subsection (c) and this subsection''.

SEC. 727. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting ''(1) the term'' before ''bankruptcy''; and

(B) by striking the period at the end and inserting ''; and''; and

(2) in the second undesignated paragraph—

(A) by inserting ''(2) the term'' before ''document''; and

(B) by striking ''this title'' and inserting ''title 11''.

SEC. 728. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

''§ 1168. Rolling stock equipment

''(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

''(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract that—

''(i) occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

''(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default or event of the default; or

''(II) the expiration of such 60-day period; and

''(iii) occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

''(2) The equipment described in this paragraph—

''(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.

''(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.''.

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

''§ 1110. Aircraft equipment and vessels

''(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

''(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

''(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

''(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract that occurs—

''(i) before the date of the order is cured before the expiration of such 60-day period;

''(ii) after the date of the order and before the expiration of such 60-day period is cured before the later of—

''(I) the date that is 30 days after the date of the default; or

''(II) the expiration of such 60-day period; and

''(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

''(3) The equipment described in this paragraph—

''(A) is—

''(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

''(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

''(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

''(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

''(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

''(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled under subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

''(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

''(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

''(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

''(2) the term 'security interest' means a purchase-money equipment security interest.''.

SEC. 729. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in

such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

''(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

''(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 708 of this Act, is amended—

(1) in paragraph (25), by striking ''or'' at the end;

(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (26) the following:

''(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that, the debtor in a subsequent case of the debtor, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

''(28) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property—

''(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

''(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.''.

SEC. 730. STUDY OF OPERATION OF TITLE 11 OF THE UNITED STATES CODE WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11 of the United States Code and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 731. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking ''only'' and all that follows through the end of the subsection and inserting ''only—

''(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

''(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.''.

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

''(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.''.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by section 403 of this Act, is amended by adding at the end the following:

''(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

SEC. 732. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 946. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; to the Committee on Energy and Natural Resources.

FDR NATIONAL HISTORIC SITE AND PRESIDENTIAL LIBRARY VISITOR CENTER CONSTRUCTION LEGISLATION

Mr. MOYNIHAN. Mr. President, I rise with my colleague and fellow New Yorker, Senator SCHUMER, to introduce this bill to transfer administrative jurisdiction of less than an acre of land at the Home of Franklin Delano Roosevelt National Historic Site from the National Park Service to the National Archives and Records Administration. This legislation would remove the last remaining obstacle to the construction of the National Archives' planned FDR Presidential Library Visitor Center and requires no Federal funds.

For the past several years, the National Archives has worked closely with the National Park Service, the New York State Historic Preservation Office, the Franklin and Eleanor Roosevelt Institute, and the General Services Administration, to determine the appropriate site for a visitor center. In order to serve the greatest number of visitors, the optimum location was found to be property currently controlled by the National Park Service. Since the National Archives will administer the visitor center, administrative jurisdiction of the property must be transferred from the National Park Service, which the National Park Service supports.

To date, $8,200,000 in Federal funds have been appropriated for this project and the Franklin and Eleanor Roosevelt Institute has contributed an additional $3,400,000. Design work is scheduled to be completed in September of 1999, and construction could begin after jurisdiction is transferred.

Last year, the House passed H.R. 4829 to accomplish this same goal. Unfortunately, time expired on the 106th Congress before we could take it up in the Senate. This year, Congressman JOHN E. SWEENEY has reintroduced the bill, now H.R. 1104, which has a strong chance of passing. We would be most fortunate, indeed, if the Senate would agree to our noncontroversial bill.

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. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site in Hyde Park, New York.

(b) VISITOR CENTER.—On the land transferred under subsection (a), the Archivist shall construct a visitor center facility to serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library.

(c) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE SITE.—Any transfer under subsection (a) shall be subject to an agreement between the Secretary and the Archivist that includes provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and for the joint use of the visitor center facility by the Secretary and the Archivist.

(2) DISCONTINUANCE OF USE BY THE ARCHIVIST.—If the Archivist determines to discontinue use of land transferred under subsection (a), the Archivist shall retransfer administrative jurisdiction over the land to the Secretary.

(d) LAND DESCRIPTION.—The land referred to in subsection (a) shall consist of not more

than 1 acre of land, as agreed to by the Secretary and the Archivist and more particularly described in the agreement under subsection (c)(1).

By Mr. HOLLINGS (for himself and Mr. MCCAIN):

S. 947. A bill to amend federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

INTERSTATE TOLLS RELIEF ACT OF 1999

Mr. HOLLINGS. Mr. President, I rise to bring to your attention an issue of great national concern. We all remember the great debate that this chamber had last year during reauthorization of the federal highway bill, TEA–21. We all negotiated to get more funds for our states because we know that more investment in our highways means better, safer, and more efficient transportation for those who rely on roads for making deliveries, going to work or school, or just doing the grocery shopping. Transportation is the lynchpin for economic development, and those states that have good, efficient transportation systems attract business development, ultimately raising standards of living. However, I think that we may have gone too far in authorizing states additional means to raise revenue for highway improvements. These means to raise revenue are not productive and hurt our system of transportation.

Specifically, I am concerned that states have too much flexibility to establish tolls on our Interstate highway system. For many states, the large increases in TEA–21 funding have satisfied the need to invest in infrastructure. Other states have found that they need to raise more money, and so they have raised their state fuel taxes or taken other actions to raise the needed revenue. These increases may be difficult to implement politically, because frankly most people don't support any tax increase. However, I believe that highway tolls are a non-productive and overly intrusive means of raising revenue causing more harm to commerce than can be justified.

Congress, mistakenly in my opinion, increased the authority of states to put tolls on their Interstate highways in TEA–21. I am introducing the Interstate Tolls Relief Act of 1999 to restrict Interstate toll authority. The debate over highway tolls goes back to the genesis of our Republic, and contributed to our movement away from the Articles of Confederation to a more uniform system of governance under the U.S. Constitution. Toll roads were the bane of commerce, in the early years of the Republic, as each state would attempt to toll the interstate traveling public to finance state public improvements. Ultimately, frustration with delay and uneven costs helped contribute to the adoption of Commerce Clause powers to help facilitate interstate and foreign trade. Those same concerns hold true today, and I think that we in Congress must take a national perspective and promote interstate commerce.

I think that if one were to ask the citizens of the United States about tolls, they would ultimately conclude that Interstate tolls would reduce the efficiency of our Interstate highways, increase shipping costs, and make interstate travel more expensive and less convenient. Not to mention the safety problems associated with erecting toll booths and operating them to collect revenues.

Now, I recognize that tolls under certain circumstances may be a good idea, and my bill does not prevent states from tolling non-Interstate highways. My bill also does not affect tolls on highways where they are already in use, and states will continue to be able to rely on existing tolls for revenues. Furthermore, my bill recognizes that when funds must be found for a major Interstate bridge or tunnel project, states may have no other option but to use tolls to finance the project. They may continue to do so under my bill. I believe this is consistent with the original intent of authority granted for Interstate tolls. What my bill does is to prevent the proliferation of Interstate tolls, and restrict tolling authority for major bridges and tunnels.

Mr. President, this bill is essential if we are to continue to have an Interstate Highway System that is safe and facilitates the efficient movement of Interstate commerce and personal travel. I urge the support of my colleagues.

I ask unanimous consent that the full 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. 947

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 ''Interstate Tolls Relief Act of 1999''.

SEC. 2. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM REPEALED.

Section 1215(b) of the Transportation Equity Act for the 21st Century (112 Stat. 212–214) is repealed.

SEC. 3. TOLLS ON BRIDGES AND TUNNELS.

Section 129(a)(1)(C) of title 23, United States Code, is amended by striking ''toll-free bridge or tunnel,'' and inserting ''toll-free major bridge or tunnel. For purposes of this section, a 'major bridge' is one that has a deck area which exceeds 125,000 square feet.''.

SEC. 4. LIMITATION ON USE OF TOLL REVENUES.

Section 129(a)(3) of title 23, United States Code, is amended by—

(1) striking ''first'' in the first sentence and inserting ''only''; and

(2) striking ''If the State certifies annually that the tolled facility is being adequately maintained, the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.''.

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. BIDEN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Nebraska (Mr. KERREY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 296

At the request of Mr. FRIST, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 391

At the request of Mr. KERREY, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Utah (Mr. BENNETT), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 534

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 534, a bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms.

S. 595

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr.

BENNETT) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to establish a graduated response to shrinking domestic oil and gas production and surging foreign oil imports, and for other purposes.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 632

At the request of Mr. DEWINE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. WYDEN), the Senator from Georgia (Mr. COVERDELL), the Senator from Alabama (Mr. SESSIONS), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 661

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 663

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 663, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 678

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 678, a bill to establish certain safeguards for the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes.

S. 692

At the request of Mr. KYL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 692, a bill to prohibit Internet gambling, and for other purposes.

S. 763

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 796

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 817

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

S. 873

At the request of Mr. DURBIN, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 873, a bill to close the United States Army School of the Americas.

S. 906

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 906, a bill to establish a grant program to enable States to establish and maintain pilot drug testing and drug treatment programs for welfare recipients engaging in illegal drug use, and for other purposes.

S. 918

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 920

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 920, a bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001.

S. 928

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 928, a bill to amend title 18, United States Code, to ban partial-birth abortions.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 91—EXPRESSING THE SENSE OF THE SENATE THAT JIM THORPE SHOULD BE RECOGNIZED AS THE ''ATHLETE OF THE CENTURY''

Mr. SANTORUM submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 91

SECTION 1. SENSE OF THE SENATE THAT JIM THORPE SHOULD BE RECOGNIZED AS THE "ATHLETE OF THE CENTURY".

(a) FINDINGS.—The Senate finds the following:

(1) Jim Thorpe is the only athlete ever to excel as an amateur and a professional in 3 major sports—track and field, football, and baseball.

(2) Prior to the 1912 Olympic Games, Jim Thorpe won the pentathlon and the decathlon at the Amateur Athletic Union National Championship Trials in Boston, Massachusetts.

(3) Jim Thorpe represented the United States and the Sac and Fox Nation in the 1912 Olympic Games in Stockholm, Sweden, where he won a gold medal in the pentathlon, became the first American athlete to win a gold medal in the decathlon, in which he set a world record, and became the only athlete in Olympic history to win both the pentathlon and the decathlon during the same year.

(4) The athletic feats of Jim Thorpe resulted in worldwide publicity that helped to ensure the viability of the Olympic Games.

(5) During his major league baseball career, Jim Thorpe played with the New York Giants, the Cincinnati Reds, and the Boston Braves, and ended the 1919 baseball season with a .327 batting average.

(6) Jim Thorpe established his amateur football record playing halfback, defender, punter, and place-kicker while he was a student at the Carlisle Indian School in Pennsylvania, and was chosen as Walter Camp's First Team All-American Half-Back in 1911 and 1912.

(7) Jim Thorpe was a founding father of professional football, playing with the Canton Bulldogs, which was the team recognized as world champion in 1916, 1917, and 1919, the Cleveland Indians, the Oorang Indians, the Rock Island Independent, the New York Giants, and the Chicago Cardinals.

(8) In 1920, Jim Thorpe was named the first president of the American Professional Football Association, now known as the National Football League.

(9) Jim Thorpe was voted America's Greatest All-Around Male Athlete and chosen as the greatest football player of the half-century in 1950 by an Associated Press poll of sportswriters.

(10) Jim Thorpe was named the Greatest American Football Player in History in a 1977 national poll conducted by Sport Magazine.

(11) Because of his outstanding achievements, Jim Thorpe was inducted into the National Track and Field Hall of Fame, the Professional Football Hall of Fame, the Helms Professional Football Hall of Fame,

the National Indian Hall of Fame, the Pennsylvania Hall of Fame, and the Oklahoma Hall of Fame.

(12) The immeasurable sports achievements of Jim Thorpe have long been an inspiration to the youth in Pennsylvania and throughout the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Jim Thorpe should be recognized as the ''Athlete of the Century''.

● Mr. SANTORUM. Mr. President, I rise today to submit a resolution recognizing Jim Thorpe as the Athlete of the Century.

Born to an impoverished family on Sac-and-Fox Indian land, Jim Thorpe overcame adverse circumstances to excel as an amateur and as a professional in three sports; track and field, football and baseball. Thorpe, who was voted ''Athlete of the First Half of the Century'' by the Associated Press almost fifty years ago, is the only American athlete ever to excel at this level in three major sports.

As a student at Carlisle Indian School in Pennsylvania, Thorpe prooved his athletic ability early on. One anecdote recalls how the 5-foot-9½ inch, 144-pound Thorpe almost single-handedly overcame the entire Lafayette track team at a meeting in Easton, Pennsylvania, winning six events. Also while attending the Carlisle Indian School, Jim Thorpe established his amateur football record playing halfback, defender, punter, and placekicker. In 1911, he was named an All American.

In 1912, he represented the United States and the Sac-and-Fox Nation in the Olympic Games in Stockholm, Sweden. To this day, Thorpe is the only athlete to win gold medals in the pentathlon and decathlon. After his Olympic feats in Sweden, Thorpe retured to Carlisle's football team and was named an All-American again.

In 1913, Thorpe left amateur athletics and signed a $5,000 contract to play baseball with the New York Giants. As an outfielder with the Giants, and later with the Cincinnati Reds and Boston Braves, his best season was his last one, when he batted .327 in 60 games for Boston.

In 1915, Thorpe agreed to play professional football for the Canton Bulldogs. Thorpe went on to become a key part of this team as it was recognized as the ''world champion'' in 1916, 1917, and 1919. Thorpe's professional football career later included stints with Cleveland, Rock Island, the New York Giants, and the Chicago Cardinals. In 1920, Thorpe became the first president of the American Football Association, which was later to become the National Football League. Today, he is recognized as a founding father of professional football.

Recently, I had the privilege of attending a luncheon honoring Jim Thorpe's daughter, Grace, at the Jim Thorpe Memorial Hall in the Carbon County, Pennsylvania, a town named for the great athlete. Grace Thorpe has traveled around the country asking people to sign petitions declaring her father athlete of the century. She plans to send the petition to cable sports networks and national sportswriters. As Jim Thorpe Area Sports Hall of Fame president, Jack Kmetz has noted, Thorpe unfortunately missed out on the modern-day media blitz that surrounds popular athletes today. Nonetheless, I promised Ms. Thorpe and the people of Jim Thorpe, Pennsylvania that I would introduce this resolution which I hope will raise awareness of this true legend's achievements and give him the recongnition he deserves.●

SENATE RESOLUTION 92—TO EXPRESS THE SENSE OF THE SENATE THAT FUNDING FOR PROSTATE CANCER RESEARCH SHOULD BE INCREASED SUBSTANTIALLY

Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. REID, Mr. JEFFORDS, Mr. SCHUMER, Mr. ASHCROFT, Mr. MACK, Mr. COVERDELL, and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pension:

S. RES. 92

Whereas in 1999, prostate cancer is expected to kill more than 37,000 men in the United States and be diagnosed in over 180,000 new cases;

Whereas prostate cancer is the most diagnosed nonskin cancer in the United States;

Whereas African Americans have the highest incidence of prostate cancer in the world;

Whereas considering the devastating impact of the disease among men and their families, prostate cancer research remains underfunded;

Whereas more resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment and ultimately a cure for prostate cancer;

Whereas the Congressionally Directed Department of Defense Prostate Cancer Research Program is making important strides in innovative prostate cancer research, and this Program presented to Congress in April of 1998 a full investment strategy for prostate cancer research at the Department of Defense; and

Whereas the Senate expressed itself unanimously in 1998 that the Federal commitment to biomedical research should be doubled over the next 5 years: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Prostate Cancer Research Commitment Resolution of 1999''.

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority;

(2) significant increases in prostate cancer research funding, commensurate with the impact of the disease, should be made available at the National Institutes of Health and to the Department of Defense Prostate Cancer Research Program; and

(3) these agencies should prioritize prostate cancer research that is directed toward innovative clinical and translational research projects in order that treatment breakthroughs can be more rapidly offered to patients.

● Mrs. BOXER. Mr. President, I submit today the Prostate Cancer Research Commitment Resolution Act of 1999 along with several of my colleagues, Senators LAUTENBERG, REID, JEFFORDS, SCHUMER, ASHCROFT, MACK, COVERDELL, and HELMS.

Prostate cancer is the most diagnosed nonskin cancer in the United States. More than 40 percent of all male cancers and 14 percent of all male cancer-related deaths are due to complications from prostate cancer. In 1998, over 40,000 American men died from prostate cancer, and in 1999, it is expected that this deadly disease will strike another 37,000 men in the United States.

I, along with my colleagues, am deeply committed to aiding our medical community in their research efforts to find preventive measures to stem—and eventually eradicate—this disease.

Our resolution expresses the sense of the Senate that funding for prostate cancer research should be increased substantially, commensurate with the impact of the disease. Funds should be made available at the National Institutes of Health and at the Department of Defense Prostate Cancer Research Program. We are also encouraging these agencies to prioritize prostate cancer research that is directed toward innovative research projects in order that treatment breakthroughs can be more rapidly offered to patients.

Mr. President, this is an important step on behalf of men in the United States who have suffered from prostate cancer. Increasing funds for research would assist the medical community in its efforts to identify preventive measures men can take through prostate cancer screening procedures.

I am pleased to offer this resolution today and I urge my colleagues to support this legislation.●

AMENDMENTS SUBMITTED

DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO THE KOSOVO REGION IN YUGOSLAVIA

DURBIN AMENDMENT NO. 300

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the preamble to the joint resolution (S.J. Res. 20) concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia; as follows:

Strike the preamble and insert the following:

Whereas the United States and its allies in the North Alantic Treaty Organization are conducting large-scale military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas the Federal Republic of Yugoslavia (Serbia and Montenegro) has refused to comply with NATO demands that it withdraw its military, paramilitary and security forces from the province of Kosovo, allow the return of ethnic Albanian refugees to their homes, and permit the establishment of a NATO-led peacekeeping force in Kosovo;

Whereas Article 11 of the North Atlantic Treaty states that ''its provisions [shall be] carried out by the Parties in accordance with their respective constitutional processes'';

Whereas Article 1, Section 8, of the Constitution vests in Congress the power to declare war; and

Whereas, on March 23, 1999, the Senate passed Senate Concurrent Resolution 21, relating to authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro): Now, therefore, be it

DURBIN AMENDMENT NO. 301

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the joint resolution, S.J. Res. 20, as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. REQUIREMENT OF SPECIFIC STATUTORY AUTHORIZATION PRIOR TO USE OF UNITED STATES GROUND FORCES AGAINST YUGOSLAVIA.

No ground forces of the Armed Forces of the United States may be used to invade the Federal Republic of Yugoslavia (Serbia and Montenegro) unless specifically authorized by statute.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will meet on May 5, 1999 in SR–328A at 9:00 a.m. The purpose of this meeting will be: (1) To consider the nomination of Thomas J. Erickson to be a Commissioner of the Commodity Futures Trading Commission and (2) To discuss agricultural trade options.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on May 8, 1999 in Nampa, ID starting at 9 a.m. at the City Council Chambers. The purpose of this hearing will be to examine the noxious weeds and plant pest problems.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 13, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on fire preparedness on Federal lands. Specifically, what actions the Bureau of Land Management and the Forest Service are taking to prepare for the fire season; whether the agencies are informing the public about these plans; and ongoing research related to wildfire and fire suppression activities.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mike Menge (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I would like to announce for the information of the State and the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Thursday, May 27, 1999 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 244, To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; S. 623, To amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; and S. 769, To provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Colleen Deegan, Counsel, or Julia McCaul, Staff Assistant at (202) 224–8115.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HUTCHISON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet on Monday, May 3, 1999, at 3:30 p.m. for a hearing on Management Reform in the District of Columbia.

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

ADDITIONAL STATEMENTS

OUTSTANDING VOLUNTEER PERFORMANCE BY BROWARD COUNTY SENIORS

● Mr. GRAHAM. Mr, President, today I am delighted to have the opportunity to salute the 1999 honorees of the Dr. Nan S. Hutchison Broward Senior Hall of Fame Award. These outstanding volunteers have contributed time, talents and love toward benefitting the residents of Broward County.

On May 6, 1999, eleven new members selected for this prestigious honor will be at ceremonies celebrating their selection, and their names will be added to a commemorative plaque housed in the Broward County Government Building.

This year's honorees are: Panchitta Chishom, Estelle Ernstoff, Commissioner Sam Goldsmith, Max Klein, Bill Kling, Ella Anderson Lawrence, Madolyn Markham, Hyman Moskowitz, Hattie Robinson, Marvin Simon and John Washburn.

Panchitta Chishom has dedicated her life to serving the community as a teacher for 38 years in the Broward County School system and as a volunteer. She devotes her wisdom, generosity and tireless efforts to various groups including the Northwest Federated Woman's Club, Broward General Medical Center and the NAACP.

Estelle Ernstoff has a passion for volunteer work that has enriched the lives of those in her community. Among the work she has done for various causes, she has faithfully arranged bi-annual blood drives while supporting the Cancer Association and the Memorial Manor Nursing Home Auxiliary. Her devotion to improving the lives of others has made her a role model for her community.

Commissioner Sam Goldsmith has patiently and steadfastly tended to the needs and concerns of the citizens of Coconut Creek. Besides serving as a former mayor and current city commissioner, Sam has devoted additional precious time to volunteer for several organizations including the Florida Council of Aging, American Legion Post #170 and Board of Trustees of Northwest Regional Hospital.

Max Klein has been a determined and energetic activist for the citizens of Broward County, and in particular, the City of Lauderhill. His participation in journalism and the political process has brought attention to the issues and concerns of elderly. His compassion extends to all residents, young and old, of Broward County.

Bill Kling has spent his adult life campaigning for the rights and benefits of war veterans. He was instrumental in establishing the Veterans Administration outpatient clinic in Oakland Park. His compassion and perseverance have served the community in numerous ways.

Ella Anderson Lawrence has dedicated her life to others through her

generous community service. From distributing lap robes to local nursing homes to preparing and serving meals for her church, Bethlehem Lutheran, she has contributed her time, energy and kindness to her entire neighborhood and its residents.

Madolyn Markham has made a pledge over many years and across various interests to help all those in need in her community. As President and Director of C. Robert Markham Foundation, she has supported numerous causes, including The Twelve Step House, United Way and Kids in Distress. Her charity and grace have touched the lives of many people, young and old.

Hyman Moskowitz has a strong sense of community that is evident through his many accomplishments and volunteer work. His efforts have led to the establishment of the Northwest Focal Point Senior Center and a monthly award honoring ''Students of the Month'' by the Margate City Commission. His dedication to volunteering enriches the lives of everyone around him.

Hattie Robinson shows her compassion for humanity through her generous good deeds to her church, the 15th Street Baptist Church of Christ, and throughout her neighborhood. She has fed the hungry, distributed clothing to the needy and been an active member of the Broward County Foster Grandparent Program. Her kindness and charity are not limited by boundaries, but instead touch the lives of all whom she meets.

Marvin Simon has been a dedicated and enthusiastic supporter of Broward County's senior population. His perseverance resulted in the establishment of an Emergency Medical Services base on the Pine Island Ridge Condominium grounds. His devotion extends past his neighbors through his active participation in various organizations including the Gilda's Club and the Jewish War Veterans, Post 730.

John Washburn has a gift of giving that has enhanced the lives of all those who have been touched by his generosity. He volunteers for numerous organizations including the Cooperative Feeding Program, Manna Share a Meal program and Optimist Club of West Broward/Lauderhill. His commitment to the community has benefitted all, especially the needy and the sick, the young and the elderly.

Florida and Broward County are fortunate to have these inspiring senior citizens who have given so much to their communities. I congratulate them today and wish for them many more productive and healthy years.●

HONORING THE ALASKA NATIVE HERITAGE CENTER

● Mr. MURKOWSKI. Mr. President, I rise to honor the opening of the Alaska Native Heritage Center in Anchorage, Alaska.

The Heritage Center, the first of its kind in Alaska, is a twenty-six acre campus that offers a unique opportunity to learn and explore the traditional ways of Alaska Native cultures. The Center will be a ''gathering place'' where local residents and visitors to Alaska can meet Native Tradition Bearers, artists and performers. While visiting, they can learn about the Native traditional lifestyle by participating in workshops and guided tours of the five traditional village settings that have been built around a lake on the campus.

In 1994, I was privileged to add the Stevens/Murkowski Alaska Native Culture and Arts Development Act as an amendment to the School-to-Work Opportunities Act. This amendment paved the way for authorizing federal funding for the Alaska Native Heritage Center. Congressman DON YOUNG was instrumental in winning House approval for the measure. Over the past six years, Senator STEVENS has been successful in securing matching federal funds for the Center—I am proud to say the Center isn't just a federal project, but a statewide project funded by individuals, private companies, Native Corporations and friends from outside the State who were united in a common dream.

Finally, I would like to commend the vision and relentless dedication of the Chairman of the Alaska Native Heritage Center, Mr. Roy Huhndorf. The Heritage Center is a tribute to his leadership and determination to ensure a vibrant and continuing celebration of Alaska Native traditions and cultures for years to come.●

TRIBUTE TO DR. PATRICIA CLEMENTS

● Mr. GRAHAM. Mr. President, today I rise to offer a tribute to Dr. Patricia L. Clements for her years of work on behalf of historical preservation in Florida.

As we prepare for a new millennium, with its promise of inventions and technical advances beyond our comprehension, we are reminded of the importance of preserving and understanding our past.

Toward that end, Dr. Clements has helped lead the historical preservation effort in Florida, particularly in preserving and intrepreting women's history.

Women helped build and lead Florida, and their roles have been preserved in myriad ways by Dr. Clements and her colleagues.

She has been a pioneer in producing audio biographies of prominent Florida women. Dr. Clements is the founder of the Inaugural Gown Collection, housed at the Museum of Florida History, including textiles dating to 1901, nearly a century ago.

Meanwhile, she has collected more than 100 artifacts for the First Families exhibit at the Museum of Florida History. Strong public interest prompted the museum to extend the exhibit by three months.

Florida has many ways of recognizing the contributions of outstanding women, one of which is through the Florida Women's Hall of Fame. Dr. Clements is the audiobiographer of women inducted into this elite group, and is a member of the Florida Women's Hall of Fame selection committee.

Mr. President, we live in a fast-paced world, and can expect mobility and the pace of the flow of information to increase in the next century. As we embrace the future, we salute those who preserve the past and help us to understand our heritage.●

RECOGNITION OF NATIONAL CHARTER SCHOOLS DAY

● Mr. ABRAHAM. Mr. President, I rise this morning to recognize the contribution of charter schools to the education of our nation's children. Today, on Charter Schools Day, we celebrate the hard labor and accomplishments of charter school teachers, parents, and students.

In 1993, Michigan became the ninth state to grant citizens the freedom to establish charter schools. Many public school educators had found that the complex labyrinth of federal and state regulations prevented them from providing their students the best education possible. The Michigan State Legislature passed charter school legislation to provide regulatory relief for educators, ensure school accountability, and encourage educators to innovate. The following year, Congress established the public Charter Schools program which authorized $15 million for the Department of Education to support the development, initial implementation, and evaluation of charter schools. During the 105th Congress, I voted for the Charter School Expansion Act of 1998 which increased federal charter school funding to $100 million.

Mr. President, charter schools are integral to our nation's education system because they empower citizens to develop schools which meet the needs of their local communities. One fine example of charter school innovation may be found in Michigan's Saginaw County. Four year ago, the Saginaw County Intermediate School District opened their Transitional Academy. This school was designed to educate juvenile offenders and provide them with an individualized education that would allow them to return to their regular schools and graduate with their classmates. Today, I am pleased to report that the Saginaw County Transitional Academy has not only graduated a majority of their students, but that these students have remained crime free.

Charter schools are also successful because they empower parents to send their children to the public school of their choice. Last year, Michigan parents sent 30,000 children to charter schools, an increase from 21,000 in 1997. Throughout the nation, charter school organizations report that most, if not all, schools have large waiting lists.

These lists symbolize the healthy competition that charter schools have created within the public school system.

However, a charter school's primary mission is to educate its students. Standardized testing has revealed that a charter school education has a dramatic impact on its students. All public schools in Michigan, including charter schools, administer the Michigan Education Assessment Program test. Between 1997 and 1998, Michigan charter schools exam results kept pace or surpassed those of traditional public schools. In fact, half of all charter schools in 1998 doubled or tripled the number of students receiving satisfactory scores in one or more subjects. These results indicate that charter schools are truly improving education.

In closing, I wish to honor charter school students, who work day after day to develop their skills and gifts. These students are the future of our nation and contribute to the vibrant life found throughout the countryside and cities of America. I applaud them for their efforts and congratulate them on this important day, Charter Schools Day.●

ORDERS FOR TUESDAY, MAY 4, 1999

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, May 4. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask that, following the prayer, Senator MCCAIN be recognized for 5 minutes for a closing statement, with the majority leader recognized immediately following Senator MCCAIN.

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

Mr. McCAIN. I ask unanimous consent that on Tuesday the Senate recess from 12:30 p.m. until 2:15 p.m. so that the weekly party caucus luncheons may take place.

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

PROGRAM

Mr. McCAIN. Mr. President, for the information of all Senators, the Senate will convene on Tuesday at 9:30 a.m. Following a brief statement by Senator MCCAIN, the majority leader will make a motion to table S.J. Res. 20. Therefore, Senators can expect the first rollcall vote of the day at approximately 9:35 a.m. If S.J. Res. 20 is tabled, the Senate will immediately begin debate on S. 900, the financial modernization bill, under the provisions agreed to this evening by unanimous consent. It is hoped that significant progress will be made on the banking bill. Therefore, Senators can expect further rollcall votes throughout Tuesday's session of the Senate. The Senate will recess for the weekly party caucus luncheons from 12:30 p.m. until 2:15 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:06 p.m., adjourned until Tuesday, May 4, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 1999:

DEPARTMENT OF JUSTICE

ROBERT RABEN, OF FLORIDA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ANDREW FOIS, RESIGNED.