

SENATE—Tuesday, March 23, 1999

The Senate met at 10 a.m. 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, Lord of all nations, You have enabled the United States to become the most powerful Nation on Earth. By Your blessings, we are rich in natural resources and human potential. We have achieved military might. Help us to know where and when to use our influence or military intervention for the greatest good. Bless the Senators with great wisdom as they consider their votes today on the nature and extent of our Nation's involvement in the crisis in Kosovo. You have told us that if we ask for guidance, You will help us to know what is both wise and creative. Most of all, Lord, we ask You to heal the historic hatred and ethnic prejudices causing this crisis. In today's vote and in all that is said and done in this Senate, may we accomplish the goal of using power wisely. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. CRAPO. Mr. President, this morning the Senate will resume consideration of the supplemental appropriations bill. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders, or their designees, for debate on the Lott amendment regarding Kosovo.

The Senate will recess from 12:30 until 2:15 p.m. today to allow the weekly party caucuses to meet. Upon reconvening at 2:15, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the Lott amendment. Notwithstanding the outcome of the cloture vote, it is still anticipated that the Senate will turn to the consideration of S. Con. Res. 20, the budget resolution.

Therefore, Members should expect rollcall votes throughout Tuesday's session, with the first vote occurring at 2:15 p.m.

I thank my colleagues and I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I ask unanimous consent that I be allowed to

speak as in morning business for up to 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 679 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of the United States Armed Forces in Kosovo.

Lott amendment No. 124 (to amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

AMENDMENT NO. 124

The PRESIDING OFFICER. The time until 12:30 p.m. shall be equally divided between the two leaders or their designees on the Lott amendment No. 124.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, it appears that we are on the verge of sending American warplanes to bomb Serbian installations in and around Kosovo in an effort to force Yugoslav President Milosevic to accept the terms of a peace agreement that he has, so far, rejected. I stand on the floor of the Senate to express my strong opposition to this policy and warn the Administration that the United States may be blindly heading into a war whose outcome is far from pre-determined.

Mr. President, I believe the President has failed to articulate a rationale to

the American people that can justify an act of war by NATO against Serbia. Nor do I believe that the Administration has demonstrated what vital interest justifies armed intervention.

When the President originally announced his plan to send 4,000 American soldiers to Kosovo as part of a larger NATO force, it was premised on the idea that the troops would be deployed, as in Bosnia, as a peacekeeping force. I had serious concerns about this commitment because it was not clear to me whether American troops would be stationed in Kosovo for a month, for a year, or for a decade. Nor did I believe that it was in our national interest to participate in this operation because I do not believe there is any vital interest of the United States that is at stake in this civil war. And I emphasize "civil war."

Mr. President, the peacekeeping commitment was made several weeks ago. In the intervening period, one thing has happened. There is no peace to keep.

Although the rebels in Kosovo have agreed to the terms of a peace agreement, the Yugoslavian government has rejected the terms of the agreement in part because it rejects the idea of having NATO troops police its sovereign territory in Kosovo.

Having failed to negotiate a peace agreement, the Administration has now changed its strategy. We are fueling up our warplanes, targeting our cruise missiles, and planning to launch air strikes against the Serbs in an effort to force Milosevic to accept the peace agreement. Never mind that the peace agreement he is being asked, or forced, to accept—could allow for the independent future of a province within his country.

Yes, Mr. President, this is an intervention by the United States in a civil war where rebels in one province seek independence. And by choosing to bomb the Serbians, we have directly taken the side of the Kosovo rebels.

Make no mistake, our air strikes against Serbian forces are strongly supported by the Kosovo rebels who have been fighting for independence. And by backing the rebels, the bombing will encourage the independence movement with the prospect that the borders of Kosovo and Albania ultimately will be redrawn along ethnic lines. Is that what our goal is? To break up a country?

Mr. President, American airstrikes are not going to be a cakewalk by any means. We have already been advised of this by our military.

The terrain in this area is heavily fortified with anti-aircraft emplacements. What will happen if American airmen are shot down by surface to air missiles? What happens if our bombing campaign does not force Milosevic to change his posture, just as our near-daily air strikes have done nothing to Saddam Hussein.

Are we willing to send in ground combat troops to convince Milosevic to accept the terms of the peace agreement? How many? 50,000? 100,000? 200,000? If we are unwilling to commit ground troops to force the terms of this so-called peace agreement, then I believe we should not commit a single American pilot.

Mr. President, I am sympathetic to the people in Kosovo who have been brutalized by Milosevic, just as my sympathy has run deep for the people throughout Yugoslavia who have known nothing but war for over a generation. But is our opposition to Milosevic reason enough to sacrifice American lives to an undefined cause? Milosevic is a terrorist; he is a killer. We should bring him to justice for crimes against humanity; but we should not engage in a war which will cost American lives and continue indefinitely.

Finally, Mr. President, I would simply remind my colleagues that from the outset I have been concerned that American involvement in Kosovo would become another Bosnia. I take it back. Knowing what I know now about the region, about the opposition, I am concerned that it will not be like Bosnia—and that many American lives will be lost in the process of enforcing an undefined objective.

Mr. President, I yield the floor, and I am pleased to yield to my friend from Idaho.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is considering S. 544, and the Lott amendment, No. 124, is under consideration at this point in time.

Mr. CRAIG. Is also the Smith-Craig amendment to the Lott amendment in order, or is the appropriate order at this time the Lott-Hutchison amendment?

The PRESIDING OFFICER. The Chair is under the impression that the Senator's language is incorporated into the Lott amendment, and, therefore, it would be prudent to debate that language at this time.

Mr. CRAIG. Thank you, Mr. President.

Mr. President, I am here to join my colleague from Alaska and others who have spoken with great concern about the situation in Kosovo, and as it transpires, some of our feelings and concerns about what this country might

do, and most importantly, what this country should not do.

The Presiding Officer and I, on a weekly basis, engage ourselves in a telephone/radio conversation with a news program in Boise, ID. I was involved in that program yesterday morning, speaking about the atrocities in Kosovo, when I used the expression "human hatred." This is not a difference in policy. This is not even a difference between Serbia and Kosovo in territory. This is a difference spelled out by 300 years of hatred, hatred that had boiled up out of differences of religious beliefs, and it is a hatred that has prevailed in the region so long and had cost so many lives that it is almost incalculable. Certainly in this American's mind it is. I have never known hatred of that kind.

After that radio conversation was over, the emcee of that program asked if I would stay on the line and we visited privately. He reflected to me about how he and his wife had in their home an exchange student from Serbia. He said, "You know, Senator CRAIG, you were absolutely right to use the term 'hate.'" He said, "When we broached this subject with this young exchange student," I believe a junior in high school, he said, "we were astounded by the hatred that rolled up out of this young man. Because he believed that the only solution to the problem in Kosovo was to kill the Kosovars or to simply run them out of the country, and that if his forefathers had done that, they would have a peaceful nation today, and the only solution for peace in greater Serbia was just that."

That is exactly what Milosevic is doing as we speak. The term, for diplomatic reasons, is "ethnic cleansing." It is quite simple, what it is. It is: Either get out of my way or I'll kill you; or get out of my country or I'll kill you, even though the country you are being asked to leave has been your country for 4, 5, 6, 10—20 generations before you.

I think the current Presiding Officer and I would be hard put if somebody said: Idaho is not your home and you have to leave or we will kill you. That is what we are caught up in, those kinds of human dynamics. I must tell you, as an American I am drawn to the humanitarian arguments. It makes it very simple if you are drawn totally to those arguments to justify putting our men and women in uniform at risk.

But I am not totally drawn to those arguments because, if I am, then what the President is proposing to do at this moment might be justifiable if he would follow certain procedures. It is those procedures I think we must talk this morning. It is those procedures the Senate will vote on, or about, within a few hours. We are talking about U.S. military activity over and on the soil of Serbia, an independent, autonomous

nation. That nation is at war at this moment. It is a civil strife over the province of Kosovo, which would be like the State of Idaho within the United States of America. We would not call that a world interest, if Idahoans were fighting the rest of the United States for Idaho's independence. I think the country would react violently if Great Britain or NATO or Russia, for that matter, sided with Idahoans against the United States if we were attempting to break loose from the United States of America.

Is that a reasonable parallel? Yes, I think it is, because that is the character of the political profile and the international structure in which we are about to engage ourselves. Kosovo is a place that most Americans could not find on a map, a place in which there is no direct American interest. I have defined its structure from a legal point of view, international point of view—a state sovereignty point of view. President Clinton has made it clear for some months that he will intervene there with an open-ended occupation force, perhaps preceded by airstrikes. That has been the context of the debate for the last good many months. Now we are associating ourselves with NATO as a partner of NATO. It appears that airstrikes may be imminent.

He has made it clear that he does not think he needs congressional authorization for such a mission. Why? The treaty relationship; our presence in NATO. That is the argument that he makes. I will have to tell you, though, I think we should not make the mistake of simply arguing that is how you justify a certain approach of the kind that this President is taking. The U.S. airstrikes would be an attack on a sovereign nation. The administration has, in fact, admitted that. The State Department Under Secretary Thomas Pickering confirmed that Kosovo is sovereign territory of Serbia, and that attacking the Serbs because they will not consent to foreign occupation of a part of their territory would be an act of war. Again, hearkening back to the relationship: If Idaho were attempting to break away as an independent State from the United States, that would be called a civil war within the boundaries of the greater United States and this country would look with great concern if a foreign nation were attempting to involve themselves on the side of Idahoans.

I have to think this administration's policy is inconsistent with constitutional government and the rule of law. Let us not forget the Constitution of the United States gives the sole power to declare war to the Congress, article I, section 8—not to the President, but to the Congress. Nothing in the laws or the Constitution of the United States suggests that a determination by the United Nations Security Council or the North Atlantic Treaty Organization is a substitute.

The proposed mission in Kosovo is contrary to the principle of national sovereignty and is a major step toward global authority. Just last year we debated the expansion of NATO. I opposed that expansion. I opposed it for the simple reason it did not begin to disengage the United States from an ever-increasing, larger presence in the European Continent. Quite the opposite, it seemed to be expanding our presence. Russia, at that time, was quite concerned that they saw an international organization growing on their border. Now, they were appeased by us saying: Remember, by treaty NATO is a defensive organization. Only if the nations of NATO were attacked would NATO respond. Yet, today, NATO is proposing a major offensive effort against the nation of Serbia, a long-standing friend and once a part of the greater Soviet Union. It is not by accident that the armaments that we would go up against are largely Russian armaments.

Now what are we to say to the Russians, "What we said about NATO last year is not true; NATO has become an offensive force, driven by a certain set of politics or international attitudes as to how the rest of the world ought to look"?

Can we justify an American national interest because this war might spread beyond the boundaries of Serbia? I am not sure we yet can do that. I am not sure this President has yet justified that or clearly explained to the American people, as he must, the role that the men and women of our armed services might play and the role that they would play in risking their lives. That is the issue at hand.

So, what kind of a precedent are we going to set with this action? All actions establish precedents, especially if they appear to be outside established law or proven law.

What country are we going to claim the right to attack next, if we determine that its behavior within its own boundaries, its own territory, is not up to some kind of international test or international standard? Should we attack Turkey to protect the Kurds, China to protect Tibet or Taiwan, India to protect the Muslims in Kashmir? It is reasonable for me to ask those questions on the floor, because today the President is contemplating participating in an attack on Serbia in behalf of the Kosovars.

Somalia, Haiti, Bosnia, and now Kosovo, these missions are profoundly damaging to our legitimate defense needs. This is not just a question of money or stretching defense dollars too far, although that factor will be considered as we debate defense budgets in the near future. Worse, it is an insult to the personnel in our Armed Forces who volunteer to defend America, not to go off on every globalist, nation-building adventure that our President

appears to be willing to send them to. No wonder America's best are frustrated by the ever increasing changes in the role of our Armed Forces.

Putting American troops in a quagmire is something I know a little bit about. The Presiding Officer and I grew up in a period of American history where Americans were bogged in a quagmire in Southeast Asia, a quagmire that we finally simply had to drop our hands and walk away from, because we could no longer sustain it politically as a nation and we could no longer justify that another 1, 2, or 3 American lives should be lost, added to the list of over 60,000 young men and women of our age who lost their lives there.

I am not suggesting that Kosovo is that kind of fight, but I am suggesting that any long-term effort in the greater Yugoslavia that dramatically increases the role of the American soldier could put us at that risk.

Mr. President, I have asked some profound questions today and, I think, reasonable questions as to the role of this country in foreign policy and as to the role of the President as the Commander in Chief of our country.

Today we are debating and today we will vote on the right of the Congress to express its will to work with the President in shaping foreign policy. I understand how the Constitution works. I understand that our President is the chief foreign policy officer of our country. But when his foreign policy is questioned in the way that it is now being questioned, I think he has the responsibility not only to argue it clearly before the American people but to be willing to argue it here on the floor of the Senate.

Some of our leadership are at the White House as I speak, and they are listening to a President who is trying to convince them not to have the vote today here in the Senate. Quite the opposite should be happening. The President should be saying, let us debate this issue, let us vote this issue, and, more importantly, I will go to the American people and sell to them why America ought to be involved in Serbia or in Bosnia, that there are American interests there. He, the President, should lay them out, define them, clarify them and, therefore, justify the potential taking of American life that military adventure can always result in.

That is the responsibility of the Presidency, not to simply negotiate with NATO as a treaty organization and then come home to America and say: But we have already debated this, we are already involved in this, we can't back up now or it would implode NATO. Maybe NATO ought to be imploded, if it is becoming an offensive organization. Maybe it ought to step back and say: Wait a moment, we are by treaty only defensive. We should not

become adventurists for the sake of a greater international philosophy on how greater Europe ought to be operated.

Having said all of that, let me close where I began. There are human atrocities. They are real, and they are horrible. We should engage ourselves in every way possible to help stop that kind of human atrocity, but then again, we didn't do that in Africa on many occasions, all just within the last 4 or 5 years. I am not sure why this is now so important when others were not. Is it because our allies have convinced us?

By the way, if we fly aircraft over Serbia, 58 percent, or a very large portion, the majority, of those aircraft will be ours. Is it because we are the ones who have the power and our European allies have convinced us to use that power in their behalf to stabilize their backyard? I am not sure.

I, like most Americans, am reasonably confused. I, like most Americans, have had to study to try to understand where Serbia is, where Kosovo is, what the politics of this region are. Those are the issues at hand.

This is not a vote that should be taken lightly. This could be the beginning of a very lengthy process, a very costly process, costly in human lives, American lives, and certainly in tax dollars.

Those are the issues at hand, Mr. President. Why should you shy from your responsibility as Commander in Chief of going to the American people to debate this and causing your people to come here to debate this, instead of in a close-door session at the White House, pleading with us not to take a vote on this issue?

Nobody should be embarrassed by an up-or-down vote. Nobody should be embarrassed by this kind of debate. It is our responsibility as a country. We cannot walk away from it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that time under the quorum call be equally divided.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I yield myself such time as I may consume on the pending resolution.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, we have been discussing for several days in this Chamber a variety of legislative proposals concerning what we will and will not authorize the President of the United States to do with respect to the tragic situation that is unfolding, as we speak and gather in this Chamber, in Kosovo.

This is a very important debate. It is more important, in my view, however, to remind ourselves at the outset of any discussion of this issue of what has happened to the innocent people of Kosovo over the last year, in the absence of clear and convincing steps to signal the end of international inaction in the face of gross and continuing violations of human rights by the Milosevic regime.

For just a moment I want to focus, if I may, the hearts and minds of this country and those in this Chamber on the very desperate situation of the people who find themselves trapped in the province of Kosovo.

Today, ethnic Albanian villages across Kosovo are quite literally in flames. Heavy smoke from the homes of innocent civilians fills the skies of Srbica, Prekaz, Gornja Klina, and others.

As we debate these issues, a massive force of 40,000 Serb soldiers and paramilitary police are moving slowly, deliberately, and methodically from village to village to village, taking lives, burning homes, and forcing tens of thousands of innocent civilians to flee without food or shelter.

Can anyone doubt in the face of such continuing atrocities that the American people would oppose participation by the United States in NATO authorized air strikes. I hope not, and I don't believe so.

Each day we have delayed has meant the difference between life and death and between shelter and homelessness for tens of thousands of people. In just the last two days, since the ethnic-Albanians signed the peace agreement on Friday, Serb soldiers have forced another twenty to twenty-five thousand civilians from their homes, according to United Nations officials. Over the past week, the Serbs forced a total of 40,000 to run for their lives. The totals for the past year are almost incomprehensible: at the very least 2,000 are dead and 300,000 to 400,000 have been forced to leave their homes and seek refuge.

Mr. President, we were all shocked by the horrific discoveries last January, just two weeks apart, in the towns of Racak, where Serbs murdered 45 ethnic Albanians and Rogovo where they slaughtered 23 ethnic Albanians.

The first of these attacks came on Friday January 15th when, according to witnesses, Serbian soldiers and policemen, backed by armored personnel carriers, surrounded the village of Racak, rounded up the men and drove them up a hillside. On that hillside, the Serbs tortured and murdered 45 people, including a young woman and a 12-year-old boy. Many of the victims were older men, including one who was 70. All were dressed in civilian clothes. None were armed.

When international observers arrived in Racak the following day, the sight that awaited them was beyond comprehension—dozens of bodies lay where they fell at the bottom of a muddy gulch. Most had been shot at close range. Many bore the signs of unspeakable torture. Although the Serbs claimed that the victims were rebels, not one wore a uniform nor carried a weapon. Those who survived the attack on Racak fled into the hills where two infants soon died of the cold.

While it is sometimes difficult to assign blame for such horrors, this killing field, Mr. President, left no doubt as to the killers' identities. Western military forces intercepted radio transmissions in which Serbian officials acknowledge their culpability and international pathologists blamed the Serbs.

It was hard to believe at the time that Milosevic's genocide could become more heinous or more calculated. Yet the past week proved our nightmares true.

It is at times like these, Mr. President, that we are forced to reexamine the founding premises of this great Nation. When faced with massive and wholesale human rights abuses, we must bow to our conscience and to our founding fathers' recognition of the right of all people to life, liberty and the pursuit of happiness and act to preserve those rights wherever possible. Kosovo, Mr. President, is just such a case. We have the power, the responsibility, and the opportunity to act.

That is not always available to us. We have been told in recent days that we did not take similar actions on the Horn of Africa or in other places around the world where there were massive human rights abuses. That analysis is correct. The difference here is that we have the opportunity, we have the ability, and we have the structure with the NATO organization to respond to this situation. That opportunity was not available in every other place that we have seen similar, or even more severe human rights abuses. Here we have the opportunity and the chance to do something about it. The issue is whether we in this body will signal to the administration, to Mr. Milosevic, to ethnic Albanians, and to the rest of the world that we understand the difficult choices and we will step up and join with others to try to

bring an end to the incredible abuse that is occurring at this very hour.

Thousands of refugees have already fled into Macedonia. As history has shown, instability in the Balkans can destabilize all of Europe, a region highly critical to American interests. I respectfully disagree with our colleague from New Hampshire, Mr. SMITH, who has offered this underlying resolution, when he states in his amendment that our national security interests in Kosovo do not rise to a level that warrants military operations by the United States and our NATO Allies.

The challenge to the United States in Kosovo is not merely humanitarian. It is also a question of regional peace and stability. Finally, it is a test of the relevancy of NATO in the post Cold War era. All of these bear directly on the national security of the United States.

We have yet to hear whether the last effort by Ambassador Holbrooke to convince the Serbs to relent will bear fruit. Although, in the next 5 or 6 minutes, we may have the final word on that. His success would, of course, be welcomed. If he doesn't, then the time has come to act in a manner consistent with that agreed to by NATO members—the United States being a full party to that action.

Following military action, I believe that Yugoslav President Milosevic may be prepared to reflect more soberly on the proposed peace agreement that remains on the table. That agreement, proposed by the United States and our allies and signed by Kosovo's ethnic-Albanians, is fair and even handed. It will rid Kosovo of the fear, death and destruction of Milosevic's forces while maintaining Yugoslav sovereignty over the province.

As part of the agreement, NATO has pledged to send a sizeable force to ensure that its precepts are carried out. Such a force is critically important as evidenced by the Serbs unwillingness to abide by the cease-fire agreement they signed last fall. While Milosevic pledged to withdraw his soldiers from Kosovo's villages and end his campaign of ethnic cleansing against the ethnic Albanians who live there, he clearly did neither. Milosevic's signature lacks credibility when it comes to Kosovo.

Congress must not constrain the President's ability to respond in the face of such atrocities, nor can it allow a pariah such as Milosevic to destabilize an entire region. The outrage at Milosevic's ethnic cleansing and disregard for international will should be viewed as a challenge to our nation as a whole, not simply to a President of another party.

Last year, our former colleague and Majority Leader, Bob Dole, traveled to Kosovo and Belgrade to assess the situation. Upon his return, he spoke of the atrocities perpetrated against civilians and the "major, systematic attacks on the people and territory of Kosovo."

We know now that the situation has only deteriorated.

One year ago, I was proud to join with my colleagues in crafting a bipartisan resolution calling on the United States to condemn Milosevic's ethnic cleansing in Kosovo. Today, I ask my colleagues, on both sides of the aisle, to join me once again in seeking to put an end to the bloodshed in Kosovo which will only happen when Milosevic understands that we truly mean business.

While we may not be entirely satisfied with all the exit strategies, we must send the message that this Nation can speak with one voice when we leave our shores to conduct foreign policy and make a difference in the lives of the people of Kosovo.

As I said last October, there is a time for words and a time for force.

We tried words in Dayton and we tried words last October. The cease-fire monitors tried words for five months and we tried words for weeks on end in Rambouillet, France. I am a great believer in negotiation and diplomacy, Mr. Milosevic has shown the world that he understands only one language. It is time we spoke to him in his native tongue.

The United States must demonstrate that it will carry forward with military action in the face of Serbian defiance. Congress should not weaken the projection of American power by suggesting that we do not stand behind the President. NATO's plans for air strikes, designed to stop the fighting and enforce the proposed peace agreement, have been complete for months. The United States has assumed leadership in this matter for the sake of the ethnic-Albanians facing Milosevic's genocidal plan and for the sake of regional stability.

If we play partisan politics with an issue as significant as this, we should also be prepared to accept that the consequences of our actions may be grave and irreversible.

I urge my colleagues to support the President and vote against the Smith amendment, an amendment that seeks to tie the President's hands and sends the wrong message to war criminals like Slobodan Milosevic.

I suggest the absence of a quorum, and I ask unanimous consent that the time be allocated to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. 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. McCAIN. Mr. President, I yield myself such time as I may consume.

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

Mr. McCAIN. Mr. President, the United States is about to begin what

very well might prove to be our most challenging and perilous military action since President Clinton took office. Many of our colleagues have come to the floor to express their grave and well-founded concern that we are embarking on a very dangerous mission without a clear sense of what will be required of us to achieve our objectives of autonomy for Kosovo and peace and stability in the Balkans.

Further, many of us cannot escape the nagging feeling that the United States and NATO credibility has been badly squandered by the Administration's many previous failures to impress upon Milosevic and the war criminals that make up his army that we are prepared to back up our rhetoric with action. Our threats of force have apparently lost their power to restrain the remorseless and blood-thirsty Serbian Government and military from giving full expression to their limitless brutality. Consequently, the level of force required to coerce Serbia into accepting a peace agreement has become all the greater, so great, in fact, that no one is entirely confident that Serbia can be coerced by the use of air power alone.

As the violence of an air campaign increases, so too does the risk to our pilots and to innocent people in Kosovo and Serbia. This will not, in all probability, be a casualty-free operation for the United States and our allies. And we must prepare ourselves and the American people for the likelihood that we will witness some heart-breaking moments at Dover Air Force Base. I hope I am wrong, but it would be irresponsible to pretend that the danger to our pilots in this operation is no greater than the danger we have encountered during our periodic cruise missile attacks on Iraq.

The President himself must deliver this message to the American people. He has not done so, and that, I agree, is a terrible derogation of his responsibilities as Commander in Chief. However, Members of Congress cannot evade our own responsibilities to speak plainly to our constituents about the great risks involved in this operation. We, too, must shoulder a share of the responsibility for the loss of American lives in a conflict that most Americans do not believe is relevant to our own security. That is why so many Senators are so reluctant to support this action and have spoken so passionately against it.

However, we also have a responsibility to speak plainly about the risks to America's security interests we incur by continuing to ignore Serbia's challenge to the will of NATO and the values of the civilized world. It is those risks that have brought me reluctantly to the floor to oppose those of my colleagues who would strip the President of his authority to take military action to defend our interests in Europe.

Two American Presidents have warned Serbia that the United States

and NATO would not tolerate the violent repression of the movement by Kosovars to reclaim their autonomy. We have, time and again, threatened the direst consequences should Milosevic and his henchmen undertake the wanton slaughter of innocent life in Kosovo as they did in Bosnia.

President Clinton set two deadlines for Serbia to agree to the fair terms of a settlement in Kosovo or else face the direst consequences. I have been involved, one way or another, with U.S. national security policies for over 40 years. I cannot remember a single instance when an American President allowed two ultimatums to be ignored by an inferior power without responding as we threatened we would respond.

The emptiness of our threats is evident in the administration's more recent threshold for military action. In his press conference last week, President Clinton, acknowledging Serbia's scorched earth campaign in Kosovo, stated that the threshold for NATO military action had been crossed. Subsequent statements by administration officials, as quoted in the Washington Post, conceded that military action was unlikely "unless Yugoslav troops committed an atrocity."

Atrocities are the signature of the Serbian Army. There has been an uninterrupted pattern of atrocities since 1992, alternating with U.S. threats of force that were either not carried out or carried out so ineffectually that they encouraged greater bloodshed. The one occasion when force was applied convincingly, the result was the Dayton Accord.

We have dug ourselves a deep hole in which the world's only superpower can no longer manage a credible threat of force in a situation where our interests and our values are clearly threatened. As has been pointed out by many Senators, there is a realistic danger of this conflict destabilizing southern Europe, and threatening the future of NATO. And no one disputes the threat Serbia poses to the most fundamental Western motions of human rights. Our interests and values converge clearly here. We must not permit the genocide that Milosevic has in mind for Kosovo to continue. We must take action.

But I understand, all too well, the reluctance and outright opposition shared by many of my colleagues not only to air strikes but to the deployment of American troops in Kosovo as part of a peace agreement should we ever coerce Serbia into accepting the terms of that agreement.

Typically, the administration has not convincingly explained to us or to the public what is at stake in Kosovo; what we intend to do about it; and what we will do if the level of force anticipated fails to persuade the Serbs.

Should the Serbs acquiesce, and United States troops are deployed in Kosovo, the administration has not, to

the best of my knowledge, answered the most fundamental questions about that deployment. What is the mission?; how will we know when it is accomplished?; what are the rules of engagement for our forces should Serbs or any force challenge their authority?

Thus, Congress and the American people have good reason to fear that we are heading toward another permanent garrison of Americans in a Balkan country where our mission is confused, and our exit strategy a complete mystery.

It is right and responsible for Congress to demand that the administration answer fully these elemental questions. It is right and responsible for Congress to debate this matter even at this time when we are trying to convince a skeptical adversary that this time we are serious about enforcing our will. I believe the administration should come to Congress and ask for an authorization of force. I believe that they would receive one.

Surely we are entitled to complete answers to the many questions about our eventual deployment of American peacekeepers to Kosovo in advance of that deployment.

But if the President determines that he must use force in the next hour, or the next day or within the week, I think it would be extraordinarily dangerous for Congress to deny him that authority or to constitutionally challenge his prerogatives as Commander in Chief. It seems clear to me that Milosevic knows no limits to his inhumanity and will keep slaughtering until even the most determined opponent of American involvement in this conflict is convinced to drop that opposition. But if we once again allow Milosevic to escape unharmed yet another American ultimatum, our mission will be made all the more difficult and dangerous.

Moreover, our adversaries around the globe will take heart from our inability to act in concert to defend our interests and values, and threats to our interests, from North Korea to Iraq, will increase accordingly.

Even the War Powers Resolution, legislation that I have always opposed, would allow the President to undertake military action for some time before he would be forced to secure Congress' agreement. I have long called on leaders from both parties to authorize Members to work together to repeal or rewrite this constitutionally suspect infringement of both the President's and Congress' authority.

But that, Mr. President, is a debate for another time. We are at the critical hour. American troops will soon be ordered into harm's way to defend against what I believe is a clear and present danger to our interests. That the President has so frequently and so utterly failed to preserve one of our most important strategic assets—our

credibility, is not a reason to deny him his authority to lead NATO in this action. On the contrary, it is a reason for Congress to do what it can to restore our credibility. It is a reason for us to help convince Mr. Milosevic that the United States, the greatest force for good in history, will no longer stand by while he makes a mockery of the values for which so many Americans have willingly given their lives.

No, Mr. President, we must not compound the administration's mistakes by committing our own. We must do what we can to repair the damage already done to our interests. We must do what we can to restore our allies' confidence in American leadership and our enemies' dread of our opposition. We must do what we can to ensure that force is used appropriately and successfully. And we must do what we can to define an achievable mission for our forces, and to bring them home the moment it is achieved.

That should be our purpose today, Mr. President. Therefore, with an appreciation for the good intentions that support this resolution, I must without hesitation oppose it, and ask my colleagues to do likewise.

Mr. ASHCROFT. Mr. President, the possible deployment of United States troops to Kosovo demands the Senate's full attention and debate. I applaud the House of Representatives for addressing this issue in a timely manner, even though I do not support the House resolution authorizing the deployment of United States troops to Kosovo.

The pending deployment of United States troops to Kosovo is particularly ill-advised in light of the challenges and difficulties associated with our current mission in Bosnia. Now 2 years past the original deadline with no end in sight, the Bosnia operation has cost the United States over \$8 billion in real dollars since 1992. Administration officials cannot identify an end-date for the Bosnia mission and have not been able to transfer the operation to our European allies. Progress in Bosnia has been painfully slow. In many ways the country remains just as divided as it was when the Dayton Accords were signed. Although Bosnia should be a poignant reminder of the limits of nation-building, the administration is considering another open-ended commitment of United States ground forces to the Balkans.

The violence and instability that has plagued the Balkans troubles me as it does every other Member of this body. Every Member of the Senate would like to see an end to the violence in Kosovo and a sustainable peace in Bosnia. But in addressing these difficult issues, the President and the Congress owe it to the American people to define a consistent policy for when their sons and daughters will be placed in harm's way. We have to define the American interests important enough to justify risk-

ing American lives. Unfortunately, the President has not done so in this case.

United States military deployments in the Balkans are not being driven by vital security interests, but humanitarian concerns that have not been defined clearly. As Henry Kissinger states, "The proposed deployment in Kosovo does not deal with any threat to United States security as this concept has traditionally been conceived."

U.S. humanitarian interests are important elements of America's foreign policy, but should not be considered alone as the basis for risking the lives of American soldiers. The violence in Kosovo is atrocious, but half a dozen other civil conflicts around the world offer more compelling humanitarian reasons for United States intervention. If United States troops are deployed to Kosovo where 2,000 people have died, why not to Sudan where a civil war has claimed 2 million casualties? Why not to Afghanistan or Rwanda or Angola where hundreds of thousands of people have died in civil wars that continue to this day?

Such questions underscore the need for a consistent policy which links the deployment of American troops to the defense of vital national security interests. The United States can and should provide indispensable diplomatic leadership to help resolve foreign crises, but we have to recognize the purposes and limits of American military power. The blood and treasure of this country could be spent many times over in fruitless efforts to reconstruct shattered nation states.

From Somalia to Haiti to Bosnia and now to Kosovo, I cannot discern a consistent policy for the deployment of United States troops. In a world full of civil war and humanitarian suffering, will American ground forces be deployed only to those conflicts that get the most media attention? The media cycle is no basis for a consistent foreign policy. The American people deserve better leadership from Washington for the prudent and effective use of U.S. military power.

The administration has not provided that leadership. The U.S. Armed Forces have been deployed repeatedly to compensate for a lack of foresight and discipline in our foreign policy. United States policy in the Balkans, for example, has dealt with symptoms of instability rather than the root of the problem. The administration has deployed peacekeeping forces to suppress ethnic conflict inflamed by President Milosevic but has missed opportunities to undermine Milosevic himself. A lack of diligence and resolve also can be seen in United States policy toward Iraq. Saddam is stronger today than at the end of the gulf war because the administration has not seized opportunities to undermine his regime.

The ill-defined deployment of United States troops to Kosovo only reinforces

my concerns about the misuse of American military resources. We have been asking our military personnel to do more with less, and the strain is showing in troubling recruiting, retention, and readiness statistics. The dramatic increase in the pace of military activity has been accompanied—not with an increase in defense funding—but with a 27-percent cut in real terms since 1990. In this decade, operational missions increased 300 percent while the force structure for the Army and Air Force was reduced by 45 percent each, the Navy by approximately 40 percent, and the Marines by over 10 percent. Contingency operations during this administration have exacted a heavy cost (in real terms): \$8.1 billion in Bosnia; \$1.1 billion in Haiti; \$6.1 billion in Iraq.

The Kosovo agreement pursued by the administration is laying the groundwork for another open-ended United States military presence in the Balkans. The administration's strategy for resolving the conflict in Kosovo could very well lead to the worst-case scenario of a broader regional conflict now being used to justify United States intervention. The Kosovo Albanians see the proposed settlement as a 3-year waiting period leading to an eventual referendum for independence. The Serbians strongly oppose such a step. That will guarantee United States troops will be in Kosovo for at least 3 years and most likely much longer when the inevitable fighting resumes over the question of Kosovo's status.

Mr. President, the credibility of the United States is on the line when we commit our military personnel overseas. When United States soldiers were killed in Somalia, the President could not justify the mission to the American people. The hasty U.S. withdrawal from that African nation cost America dearly in terms of international stature. As we consider a possible deployment to Kosovo, the lessons learned 6 years ago in Somalia should not be forgotten. The American people will not support a Kosovo deployment that costs American lives when America's vital security interests are not at stake. Yet American casualties are a very real prospect in Kosovo, as potentially both the Kosovo rebels and Serbians will be firing on United States military personnel.

Not only is United States credibility at risk in Kosovo, the credibility of the NATO Alliance is in jeopardy as well. NATO's success in the past has been based on the clearly defined mission of the NATO Treaty: collective defense of a carefully defined territory. Now, the administration is transforming the alliance into a downsized United Nations with a standing army for peacekeeping operations. NATO's membership has been expanded this year, but the real expansion has occurred in the alliance mission to include operations never envisioned in the NATO Treaty.

Managing Europe's ethnic conflicts was not the reason NATO was established and not a basis on which it can remain a vital organization in the future. The American people have not understood our commitment to NATO—a military alliance for fighting wars—to be another arm of the United Nations for peacekeeping operations. Ill-defined missions for NATO will lead to more misguided U.S. military deployments, the erosion of U.S. support for NATO, and the speedy demise of the alliance itself.

The U.S. Armed Forces should be deployed only to defend the vital national security interests of the United States. The American people understand that we live in a dangerous world where U.S. interests must be defended. But they also have a strong aversion to fruitless nation-building exercises to resolve the world's ancient hatreds, and rightly so.

Our country has learned through painful sacrifice the high cost of nation-building. In spite of the difficulties surrounding the Bosnia mission, however, we are on the verge of taking on our second nation-building exercise in a region of the world that has been wracked by war for centuries.

In the post-cold-war world, there will be no lack of civil war and ethnic conflict with serious humanitarian implications. The United States should continue to work to alleviate suffering and facilitate peace in other countries, but deploying American forces to quell centuries-old ethnic conflicts is often the least effective and most unsustainable way to address these problems. I am opposed to the deployment of United States forces to Kosovo and urge my colleagues to vote for cloture on the Lott second-degree amendment prohibiting the use of funds for a Kosovo operation unless previously authorized by Congress.

Mr. JEFFORDS. Mr. President, the situation in Kosovo is cause for grave concern to all of us. One cannot read the press reports flooding out of Kosovo for the past many months and not be moved. The suffering of the people of Kosovo is tragic, and the potential for this conflict to spread and to destabilize the entire region is very real. Something must be done.

But before we commit ourselves to military action, we must be sure that any action we undertake has a good chance of achieving our primary objectives. I am concerned about the current course of action as outlined by the President and Secretary of Defense Cohen. I agree that we need to be part of a NATO effort to resolve the current impasse and put an end to the fighting. But we should not be contributing ground troops to that effort. Our European allies must take the lead on the ground, and we should support that effort with our superior air power and intelligence operations. Just as we take

the lead on problems in this hemisphere, it is important that Europe take the lead in Kosovo.

The airwaves are now heavy with the talk of impending air strikes against Serbia following Yugoslav president Slobodan Milosevic's final rejection of the proposed peace plan. Milosevic refuses to allow NATO troops on Yugoslav soil, even though NATO has agreed that Kosovo should remain a province of Yugoslav and the Kosovar Albanians have signed on to the peace deal. The United States has put a great deal of effort into trying to achieve a political settlement in Kosovo. We have taken the lead in the negotiations, and the personal intervention of Secretary Albright, Ambassador Holbrooke and Former Senator Bob Dole has done much to advance the cause. But Milosevic remains intransigent and the violence continues to escalate. Both sides are now poised for an all-out military offensive. And United States-led air strikes against targets in Serbia are imminent.

I am uncomfortable with the tactic of launching a major military bombing campaign in order to force someone to the peace table. For two reasons, one, it rarely works; and two, real peace will only come when both sides realize they have more to gain by setting aside the military option. If they do not really want peace, there is little we can do to force them into it. Targeted air strikes without a synchronized campaign on the ground are unlikely to make a serious change in the strategic situation in Kosovo. Stopping a large-scale Serbian offensive for anything more than a short period of time is extremely difficult if one's only tool is a stand-off air campaign.

However, we must do something and do it soon. But our action must be with the equal participation of our European allies, with each partner contributing what they do best. In our case, that is aerial control and intelligence collection and analysis. I would not oppose that kind of American participation in a closely coordinated operation led by our European allies where the objectives, duration and methodology were clearly explained to Congress and the American people. I believe this is the only operation likely to meet with success in the long run. And we have no time to waste.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. 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. SMITH of New Hampshire. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Eight minutes 40 seconds on your side; 37 minutes on the other side.

Mr. SMITH of New Hampshire. Mr. President, the legislation before us—which Senator LOTT has introduced—is an amendment which I drafted several weeks ago when I saw the administration lurching toward war in Yugoslavia. I believe that Congress should determine whether or not America should commit an act of war against a sovereign nation inside its own borders.

Regardless of what your view is on the conflict in Kosovo, I sense that most of my colleagues agree that Congress should take a position on any action in Kosovo. We simply cannot turn this or any other administration loose to commit acts of war around the world without the demonstrated support of the American people. We did that once in Vietnam. We know the results. Politicians stood here and debated it, and men and women died every day.

The purpose of my amendment is very simple. It simply requires Congress to debate, and then approve or deny, the use of military force in the Federal Republic of Yugoslavia. That is it, pure and simple. If you want the Congress to have a say in this, you should vote for my amendment. If you think the President should be able to go to war against a sovereign nation without the support of Congress, you should vote against my amendment.

This raises constitutional issues for some of my colleagues. I want to dispense with them right away. It is clear that the President has the power to commit U.S. forces to battle—this President or any other President—and he has the power to command them once they are committed. I interpret this authority as allowing the President to respond swiftly and unencumbered to an immediate threat to U.S. lives, liberty, or property.

We have seen in history, some of it recent, that a President can interpret this authority very loosely. But we also have seen that when Presidents use force in a way that they do not or cannot explain to the American people, and for a cause the American people do not in their gut support, that policy collapses. We saw it by the end of the war in Vietnam. We saw it in Somalia, in 1994. We saw it in Beirut in 1983. Republican and Democrat Presidents alike have learned this lesson.

It is entirely constitutional for the Congress to withhold funds from any activity of the Federal Government. It is the Constitution itself, Article I, Section 8, which gives us that power. This so-called power of the purse is a blunt instrument—there is no question about that—and one we should use sparingly, but it is sometimes the only instrument we in Congress have. It is why the administration must seek con-

sensus, or at least some majority, in support of military hostilities.

So we should undertake an examination of this proposed action and then speak for the American people. We must consider our interests, the question of sovereignty, the nature of the conflict and the risks, and what we are trying to accomplish.

What are our interests? The administration has a hard time explaining why U.S. interests are at stake in Kosovo. This is not surprising. There are certainly no American lives at risk—not yet, at least. American liberty and American property are not threatened. It is not a humanitarian mission like the assistance we have given to Central America in the wake of Hurricane Mitch.

Nor is loss of life the administration's standard. Two thousand people have been killed in the fighting in Kosovo in the past year. That is a lot of people. However, in just 6 weeks in 1994, half a million Rwandans died. We didn't launch any cruise missiles in Rwanda, Mr. President. There, we did not launch any cruise missiles when half a million people died.

If anything, the administration's statements have added confusion to a very complex issue. During a recent Armed Services Committee hearing, I asked Under Secretary of State Thomas Pickering whether or not an attack on the Federal Republic of Yugoslavia would be an act of war. His response goes right to the heart of the problem I have with the actions of this administration. Here is what Mr. Pickering said:

Well, an act of war, as you know, and I have recently found out, is a highly technical term. My lawyers tell me . . . that an act of war, the term is an obsolete term in anything but a broad generic sense. If you would say that Milosevic, in attacking and chasing Albanians, harassing, torturing, killing Albanians and sending them to the hills is anything but an act of war, I would certainly agree with you on that particular judgement. If, in fact, we need to use force to stop that kind of behavior and also to bring about a settlement which recognizes the rights of those people which have been denied, I would tell you that it might well be a war-like act, although the technical term "act of war" is something we ought to be careful to avoid in terms of some of its former meanings that have consequences beyond merely the use of the term.

That sounds like a pretty bureaucratic explanation to me, Mr. President, but I will tell you one thing: To the young men and women who are going to be asked to put their lives on the line in Kosovo, there can be no bureaucratic explanation about what a declaration of war is or is not. It is not the lawyers Mr. Pickering is referring to who are going to fight. It is not the lawyers who are going to be manning the aircraft. It is not the lawyers who are going to be captured as POWs. It is not the lawyers who have to go in and get those POWs if they are shot down.

It is the young men and women of our Armed Forces. I was then, and I continue to be, absolutely astounded by Mr. Pickering's response.

The administration tells us that we must become involved in the internal affairs of Yugoslavia to prevent the spread of this conflict into neighboring nations, including perhaps NATO members. This is a bogeyman argument, and it is meant to scare us into resolving this conflict by using American military forces. It obscures the real issue: should American troops be placed at risk in an area of the world where we have no real interests which justify direct intervention? Risking U.S. troops in a war in Kosovo is far more dangerous to American interests than the small risk that the conflict would spread.

The argument is also made that the conflict in Kosovo threatens NATO and threatens American leadership of NATO. There is nothing in the North Atlantic Treaty that authorizes NATO to commit the kinds of actions we are talking about here. NATO is not an offensive alliance, it is a defensive alliance. As a matter of fact, it was created to prevent aggression against the sovereign nations of Europe. By using NATO to attack a sovereign nation, we are about to turn the alliance on its head.

We are only weakening the alliance by using its forces offensively in the Federal Republic of Yugoslavia. The core of the alliance has always been to protect members from attack, not to be peace enforcers, not to meddle in the internal affairs of a sovereign nation—no matter how despicable the acts that are being committed are—and certainly not to dictate a peace agreement under the threat of violence. By intervening in this civil war, I fear the alliance is not showing strength to the world, but weakness and confusion.

Mr. President, NATO expansion has already diluted NATO's strength. By becoming enmeshed in the internal affairs of the Federal Republic of Yugoslavia, the alliance is distancing itself further from its core mission, which is to ensure the protection of its members. Although I opposed and continue to oppose expansion of NATO, I am a supporter of NATO and its core mission. But if this is what NATO has become—a means of dragging the United States into every minor conflict around Europe's edges—then maybe we should get out of NATO.

We are about to begin a high-risk military operation—a war—against a sovereign nation. Not because Americans have been attacked, not because our allies have been attacked, but because we disapprove of the internal policy of the Federal Republic of Yugoslavia. That policy is easy to disapprove, but that is a very low standard to apply the use of force. If we applied that standard around the world, we would be launching cruise missiles around the world.

The fundamental question is whether the lives of American soldiers are worth interfering in the internal affairs of a sovereign nation where there are no vital U.S. interests at risk. This is not Iraq in 1990, where a ruthless tyrant invaded a peaceful neighboring country. This is a case of a disaffected population revolting against its government. Is Milosevic a tyrant? Yes, absolutely. But his tyranny is happening inside his own nation.

We are dictating, under the threat of military action, the internal policy of Yugoslavia. We may not like that policy, but is that reason to go to war? Moreover, is it reason to let the President of the United States go to war without an act of Congress? That is the question before us today. It is a very serious question, and our actions in this body will have ramifications for many years to come. This very well may be one of the most important votes we make on the Senate floor this year.

The conflict in Kosovo is a civil war. Neither side wants to be involved in the peace agreement that we are trying to impose. It took weeks of arm twisting and coercion just to get the Kosovo Liberation Army to agree to the deal. The administration had to send our distinguished former leader, Bob Dole, to persuade them to accept the agreement.

Both the KLA and the Serbs still want to fight, and they will fight until they do not want to fight anymore. We will be using U.S. troops, not as peacekeepers, but as peace enforcers. There is a difference. Peacekeepers are there to assist the transition to stability. Peace enforcers are there as policemen to separate two parties who want to do nothing but fight. They are not interested in an agreement. They still want to fight. By jamming the agreement down their throats, the administration is not solving the problem. At best, it is delaying it.

Many proponents of military intervention in Kosovo cite World War I as a lesson as to the ultimate danger of a crisis in the Balkans. They have it exactly backwards. A Balkan war became a world war in 1914 not because there was strife, but because the great powers of that day allowed themselves to become entangled in that strife. We need to heed this lesson. We did not fight and win the Cold War just to be dragged into marginal conflicts like this one.

Why are the Balkans so prone to conflict? The main reason is that this is where Christianity and Islam collide. Strife along these lines has gone on virtually uninterrupted for a millennium. This is no place for America to get bogged down. I believe in America and American power, but these are conflicts that America cannot solve.

The administration is prepared to send our pilots into combat against a

combat-hardened nation that is well equipped to defend itself from attack. Let there be no doubt—I will say it here now in this Chamber—let there be no doubt, American lives will be in danger. This act will result in the deaths of American servicemen. The Joint Chiefs testified before the Armed Services Committee last week. They tried to tell us, as carefully as they could.

General Ryan, Air Force Chief of Staff, said:

There is a distinct possibility we will lose aircraft in trying to penetrate those defenses.

General Krulak, Commandant of the Marine Corps, said:

It is going to be tremendously dangerous.

He went on to ask the same questions I have: What is the end game? How long will the strikes go on? Will our allies stay with us?

In the coming days, if air strikes do go forward, we need to be ready to answer the questions of the families of those young men and women who will not be returning from Yugoslavia. We have to be prepared to answer those questions. We can begin to answer them today: Are we prepared to fight in Yugoslavia month after month, slugging it out with the Serb forces in those mountains, losing Americans day after day? Are we prepared for that?

I want to say one thing about the troops. If we go in tonight or tomorrow, they will have my support. That is the way it should be. But I have an obligation to the Constitution, and under the Constitution, the U.S. Congress must decide whether or not we go to war. That is the purpose of my resolution.

Mr. President, I abhor the bloodshed in Kosovo. But as much sympathy as I have for those victims, we must remember that the Federal Republic of Yugoslavia is a sovereign nation. We can provide safe haven for those refugees as they exit Kosovo. We don't need to go to war.

Throughout the cold war, we fought to protect the rights of sovereign nations, and in 1991 we sent American soldiers to war to turn back the unlawful and immoral invasion of the sovereign nation of Kuwait. George Bush sought to defend a sovereign nation after it had been attacked, and he came before Congress to seek that authorization. He came before the Congress. And he barely got our approval.

George Bush risked losing a vote in Congress because he believed that the American people should comment on whether or not we would go to war. In that case, the nation of Iraq had attacked and conquered the sovereign nation of Kuwait. What a change in just eight years; here we are today, preparing ourselves to attack a sovereign nation, and the administration at this very minute is trying to avoid this vote.

This is a terribly difficult time for all of us. Having been in the Vietnam war, watching politicians who could not decide whether they wanted to support the troops or not, day after day, month after month, year after year, I don't want to see us get embroiled in another conflict the American people are going to lose their taste for after we start losing young men and women.

I just came back from a 4-day trip around the country—Louisiana, Alabama, and Colorado—talking to the troops. They are the best. They can handle anything we ask them to do. But they should not be asked to die in a conflict where the national security of this country is not at risk. This is exactly what they will be asked to do if we go into Kosovo.

Mr. President, I urge my colleagues to carefully think about the implications of what we are about to do at 2 o'clock or so this afternoon. I urge my colleagues to support the Smith amendment.

I thank the Chair. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. 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. HAGEL. Mr. President, I ask unanimous consent to speak up to 5 minutes from the time of the Democratic side.

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

Mr. HAGEL. Mr. President, I rise today to address my thoughts on the situation in Kosovo. This is a very complicated and dangerous issue. There are no good alternatives, there are no good options, there are no good solutions. I have listened with great interest and great respect to my colleagues on both sides of the aisle, on both sides of the issue. Their perspectives have been important, they have been enlightening. The threads of who we are as human beings—in America's case, as leaders of the world, as leaders of NATO—are intertwined in this very complicated morass that we call the Kosovo issue.

With that said, I don't believe America can stand by and not be part of a unified NATO response to the continued slaughter in the Balkans. I say that mainly for three reasons.

First, the very real potential for this crisis widening and deepening is immediate and there will be consequences. If this goes unchecked and unstopped there is the real risk of pulling in other nations into an already very dangerous and complicated situation. I believe if this goes unchecked and unstopped we run the very real risk of the southern

flank of NATO coming unhinged. We are on the border now of Macedonia, Macedonia being on the border of Greece.

Second, the humanitarian disaster that would result if NATO stood by and did nothing would be immense. The consequences of that humanitarian disaster would move up into Western Europe; nations will take issue and sides against one another in Europe. This would have consequences in the Muslim world. The humanitarian element of this, as much as the geopolitical strategic elements involved in this equation, are real. There would be tens of thousands of refugees pouring into nations all over Western Europe. This would further exaggerate the ethnic and the religious tensions that exist today.

The third reason I believe that the United States cannot stand aside and not be part of any NATO activity to stop the butchery in Kosovo is because if the United States is the only NATO member who refuses to deal with this problem—all other NATO members are committed to deal with this problem—if we are the only NATO member not part of this effort, it surely will be the beginning of the unraveling of NATO. If NATO does not deal with this crisis in the middle of Europe, then what is the purpose of NATO? What is the relevancy of NATO?

I have heard the questions, arguments, the debate, the issues raised about NATO being a defensive organization, the very legitimate questions regarding acts of war, invading sovereign nations. These are all important and relevant questions. However, I think there is a more relevant question: What do we use the forces of good for, the forces that represent the best of mankind, if we are going to be held captive to a definition that was written 50 years ago?

Every individual, every organization, every effort in life must be relevant to the challenge at hand. The consequences of the United States not being part of NATO in this particular effort would be disastrous. America and NATO's credibility are on the line here. I suggest to some of my colleagues who are engaged in this debate, where were they last fall? Where were they when Ambassador Holbrooke reached an agreement with President Milosevic in October? At that time, the United States and all nations in NATO gave their commitment that there would be a NATO military response if Milosevic did not comply with the agreement that he made on behalf of NATO with Ambassador Holbrooke.

Part of the debate we are having now—if not all of it—should have been done last fall. To come in now after the administration and our NATO partners are trying to bring together some peaceful resolution using the leverage of NATO firepower and the leverage of

military intervention, for the Congress now to come in and undermine that is not the right way to have the Congress participate in its constitutional responsibility to help form foreign policy.

However, the President of the United States must take the lead here. I, too, have been disappointed in the President not coming forward to explain, to educate, on this issue. If the President feels this is relevant and important to America's interests, the President must come forward and explain that to the American people. He has thus far not done that. I understand that may be done today or tomorrow. I talked to Secretary Albright Sunday night and encouraged Secretary Albright, as I have others, to encourage the President to do that. Only the President can lead. Only the President can make the case as to why this is important for our country and explain the consequences of the United States doing nothing. The President must come before the Nation and explain why this military intervention in Kosovo is relevant and important, and why the very significant risk of life is worth it, why the significant risk of life is worth it.

I also want to point out that I have heard an awful lot of debate and conversation that we, the United States, would take on Milosevic. It is not just the United States. It is our 15—actually 18—other partners in NATO. I might add, too, that the Europeans have stepped into this with rather direct action and a call for arms in using and committing their ground troops and other military assets. So it is not the United States against Milosevic. It is NATO; it is the forces of good. We must not be confused by that difference.

The President has to explain all of this to the American public. Yes, there are great uncertainties and great risks at stake. But to do nothing would create a far worse risk for Europe, the United States, NATO, and I believe all over the world, because the United States' commitment and work and credibility is being watched very carefully by Saddam Hussein, the North Koreans, and others who would wish the United States and our allies ill. Actions have consequences. Nonactions have consequences.

Mr. President, history will judge us harshly if we do not take action to stop this rolling genocide. As complicated as this is, I hope that as we debate this through today, my colleagues will support the President on his course of action.

Thank you, Mr. President.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, before my colleague departs the floor, I wish to commend him for his final set of remarks. I listened very carefully. Those

precise steps of reasoning were discussed in great detail beginning at 9:30 this morning up through 11:30 with the President and the Senate and House leadership. The very points that our colleague makes were reviewed and responded to by the President.

Time and time again—and I am sure you share this with me—I want to accord the highest credit to our colleague from Texas, Senator HUTCHISON, and our colleague from New Hampshire, BOB SMITH, and others, who have repeatedly over the past week or 10 days, through filing amendments and otherwise, brought to the attention of the Senate the urgency of this situation and the need to address it.

Today's meeting with the President was the second one, the previous one being last Friday of similar duration. Senator LOTT has tried his best to reconcile a rather complicated procedural situation together with Senator DASCHLE, and they are still conferring. We are going to address that in our respective caucuses here starting momentarily. I see—and I am speaking for myself now—a clear movement within the Senate to address this within the framework of a resolution. There are several working now whereby the American public can follow with much greater clarity exactly what is the issue before the Congress and how this body will respond to the challenge. It is an extraordinary one. The case—as you laid out—of inaction is just unacceptable to the world. We are about to witness a continuation, taking place at the moment, of ethnic cleansing of a proportion reaching those that we experienced in Bosnia.

A very courageous diplomat, Mr. Holbrooke, has made several excursions—I think the most recent completed within the hour—and all indications are that the situation, diplomatically, as much as it was, say, 72 hours ago, despite the best efforts of the United States, Mr. Holbrooke representing this country, but indeed he spoke for 18 other nations—the important consideration here is that there are 19 nations—16 in NATO and several others—who are locked with the determination not to let this tragedy continue. As the Senator said, the consequences of no action are far more understandable than the consequences of action. Now, the military action proposed is largely, I say largely, but almost exclusively, an air type of operation. Those pilots are taking tremendous risks.

The Senate Armed Services Committee, last Thursday, had all the Chiefs present. As the first indications of the concern in the Senate were beginning to grow through questioning by myself and other members of the committee, we had each Chief give their appraisal of the risk, and General Ryan, speaking for the air arms of our country, was unequivocal in saying

this is dangerous, that these air defenses are far superior to what we encountered in Bosnia and what we are today encountering in Iraq, and this country runs the risk of casualties. What more could he say? He was joined by General Krulak, Chief of Staff of the Army, and the Chief of Naval Operations. All of them very clearly outlined the risks that their respective personnel would take—that, together with our allies.

Numerically speaking, about 58 percent of the aircraft involved will be U.S. Why? It is very simple. Fortunately, through the support of the Congress and the American people, we have put in place a military that can handle a complication such as this. I say "complication" because going in at high altitudes and trying to suppress ground-to-air munitions is difficult. It requires precision-bombing types of instruments, precision missiles, and many of the other nations simply do not have that equipment. But it is interesting, if we get a peace accord—and I have long supported the United States being an element of a ground force under the prior scenario where we had reason to believe that there would be a peace accord—and maybe there is a flicker of hope that it can be reached before force is used in this instance—but there the European allies would have about 80 percent of the responsibility, and the United States, I think by necessity, as leader of NATO, should have an element.

So another message that we have to tell the people is that the countries of the world—indeed NATO—are united. It is just not to be perceived as a U.S. operation. It is a consolidated operation by 19 nations. Milosevic should be getting the message now, if he hasn't already, that this is not just a U.S. operation. It is a combined operation of 19 nations.

Now, the proposed air operation is the best that our Joint Chiefs, in consultation with the North Atlantic Council and the respective chiefs of the NATO, can devise given that air assets are to be used. It is spelled out, I think, in a convincing way.

The President, again, went over this very carefully with the Secretaries of State and Defense, the National Security Adviser, and the Chairman of the Joint Chiefs present this morning. This operation, in stages, unequivocally I think, will bring severe damage to, first, the ground-to-air capabilities; and then if Milosevic doesn't recognize the sincerity of these 19 nations, then there will be successive air operations on other targets designed to degrade substantially his military capability to wage the war of genocide and ethnic cleansing taking place at this very minute throughout Kosovo.

In addition, as I am sure the Senator is aware, there are many collateral ramifications to this situation, which

leads this Senator to think it is in our national security interest to propose action. I shall be supporting as a co-sponsor the joint resolution as it comes to the floor this afternoon.

Right on the line I will sign and take that responsibility.

Mr. President, I ask unanimous consent that the time be extended for about 5 minutes.

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

Mr. WARNER. Mr. President, it is very important that this air operation degrade his capability to do further damage in Kosovo. But the instability in the region, as stated by the President this morning, in many ways parallels Bosnia, but could be considered more serious because of Greece, Turkey, and the spillover of the refugees into Macedonia and Montenegro. It is just not an isolated situation of repression and oppression by Milosevic against Kosovo civilians. They are now flowing in and causing great problems in these nations who are trying to do the best they can from a humanitarian standpoint to accept them.

So I always come back to the fact that this Congress went along with the President as it related to Bosnia. History will show that we were misled in certain instances by the President hoping we could be out by yearend. It had not been the case. But we are there, and the killing has stopped. How soon the economic stability of that country can create the jobs to give it some permanence we know not. But we could lose an investment of up to \$8 billion or \$9 billion that this Congress has authorized and appropriated through the years to bring about the degree of achievement of the cessation of hostilities in Bosnia if Kosovo erupts and spills over the borders in such a way as to undo what has been done over these years since basically 1991.

So there are many ramifications. It is difficult for the American people to understand all the complexities about the credibility of NATO and the credibility of the United States as a working partner, not in just this opposition, but future operations with our European nations. But they do understand quite clearly that genocide and ethnic cleansing, murdering, rape, and pillaging cannot go on. And we have in place uniquely in this geographic area the political organization in NATO, together with such military assets as are necessary to address this situation.

So it is my hope that the leaders will be able to resolve a very complex situation as it relates to the procedural matter before the desk and that we can have before the Senate this afternoon a resolution with clarity of purpose and clarity of how each Senator decides for themselves and speaking for the constituents about what the country should do.

I am convinced that the President has to go forward within 24 or 48 hours with the other NATO nations.

So I sort of put myself in the cockpit with those brave aviators, where you have been in a combat situation, Senator, many times, and you know that situation better than most of us. And you know how it is important to that soldier, sailor, or airman that has the feeling—or she in some cases—that this country is behind them and stands with them as they and their families take these risks.

I thank the Senator for the opportunity to have a colloquy with him on this important question. I commend him for his leadership on this and many other issues.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take just about 3 minutes now and I will speak longer than this later in the day.

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

Mr. HARKIN. Mr. President, it seems we are moving irrevocably towards war in the Balkans. It appears that the U.S. forces along with NATO forces will soon be engaged in open warlike activity against Serbian forces. This Senator took the floor in January of 1991, prior to the engagement of our forces in the Persian Gulf, to state my feelings that before any President commits our troops to a military action of this nature, that President should seek the advice, consent, and approval of Congress.

Only Congress has the power to declare war; it is quite clear in the Constitution. It is this Senator's strong feeling that this President would be remiss, and we would be shirking our duties, if in fact we did not, today, set aside whatever other business this Senate has, to debate fully a resolution supporting or not supporting the use of our military force in Kosovo. That debate should be held today and the vote should be held today, or tomorrow, but as soon as possible, so we fulfill our constitutional obligations.

I said, in 1991, if the President were to engage in war in the Persian Gulf without Congress first acting, not only would it be a violation of the War Powers Act but I think it would be a violation of the Constitution of the United States. I still feel that way, regardless of whether it is President George Bush or President Bill Clinton.

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a war-like nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

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

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration,

or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: "Our policy is that we testify before citizen witnesses."

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since 1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows

because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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

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

The legislative clerk proceeded to call the roll.

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