

SENATE—Wednesday, April 14, 1999

The Senate met at 11:30 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, we praise You for Your grace and goodness. You will what is best for us as individuals and as a nation. You desire to bless us with the wisdom and discernment we need to solve our Nation's problems. And yet, we have learned that You wait for us to ask for Your help. By Your providence You have placed the Senators in positions of great authority not just because of their human abilities, but because they are willing to seek and follow Your guidance. Together, with one mind and heart, we intercede for one another across party lines and ideological differences. We know that if we trust You, You will be on time and in time to help us with crucial discussions and decisions today. Give us the courage to put the needs of the Nation first above political advantage. You have promised that if we pray with complete trust in You, You will intervene to answer our prayers. In the name of the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning, the Senate will be in a period of morning business until 1 p.m. Following morning business, the Senate expects to begin consideration of S. 767, the uniformed services tax filing fairness bill. Passage of that bill is expected, and it will then be the leader's intention to begin consideration of the budget resolution conference report. There are 10 hours for debate on the conference report, but it is hoped that a significant portion of that time will be yielded back. Therefore, Members should expect rollcall votes throughout today's session of the Senate.

I thank my colleagues for their attention.

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

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

The assistant legislative clerk (Kathleen Alvarez Tritak) proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business not to extend beyond 1 p.m., with Senators permitted to speak up to 10 minutes each, with the following exceptions: Senator BROWBACK, 20 minutes; Senator BAYH, 10 minutes; Senators DOMENICI and WELLSTONE, 15 minutes total; Senator LEAHY, 15 minutes; and Senator CLELAND, 15 minutes.

The Senator from Vermont is recognized.

KOSOVO

Mr. LEAHY. Mr. President, not very long ago it would have been difficult to find anyone in this country who had heard of Kosovo, that part of the former Yugoslavia which is today engulfed in a humanitarian calamity and where NATO is conducting the first combat operation in its 50 year history.

During the past three weeks we have watched the catastrophe in Kosovo unfold. Over 600,000 Kosovar-Albanians have fled their homes or been herded onto trains with little more than the shirts on their backs, simply because of their ethnicity and because they are Muslim.

Today they are struggling to survive in the mud and squalor of camps in Macedonia and Albania, or in third countries. Families have been torn apart. Men and boys have been taken away and their fate is unknown. Women and girls have been raped. Children have been lost or abandoned.

Another 200-500,000 people are said to be displaced inside Kosovo, with little access to food or medicine. Luckily it is not winter, but it is still a humanitarian disaster on a scale not seen in Europe for half a century.

I supported NATO's decision to attack Serbian President Milosevic's forces.

We could debate how we got to this point, about the way the negotiations were handled at Rambouillet and whether he might have refrained from

invading Kosovo had the diplomacy been conducted differently.

Legitimate questions have been asked about whether the ultimatum put to the Serbs at Rambouillet, which would have led to the partition of their country, was realistic or sustainable. Many knowledgeable people have argued that administration officials did not fully understand the history of the former Yugoslavia or the importance of Kosovo to the Serbs, that they seriously underestimated Milosevic, took a bad situation and have made it worse.

We could also ask whether our relations with Russia, which have been badly damaged in recent weeks, could have been managed better, and what role the Russians should be encouraged to play in helping to resolve this crisis.

But after the collapse of the Rambouillet talks, and after Milosevic had ignored dozens of United Nations resolutions, violated every agreement he had signed, continued to slaughter innocent Kosovar-Albanians and amassed tens of thousands of troops and armor on the Kosovo-Serbia border—and there apparently is evidence that Milosevic planned the expulsion of ethnic Albanians well before the NATO bombing began—we had but two choices:

Do nothing as Milosevic's forces rolled through Kosovo while savagely beating or executing and burning the homes of every man, woman and child who refused his "ethnic cleansing"; or try to deter him with force. I favored the latter.

Like so many others who hoped that Milosevic would accept autonomy for Kosovo secured by an international peacekeeping force, I have seen my worst fears realized.

The NATO air attacks have damaged Serbia's military infrastructure, but they have failed to achieve their primary goal: preventing the ethnic cleansing of Kosovo.

Milosevic's forces have swept through Kosovo burning whole villages, brutalizing and killing civilians, leaving nothing in their wake and forcing hundreds of thousands of people to flee. It may not be on the scale of Nazi Germany, but it is certainly reminiscent of those days.

Mr. President, not many people would have anticipated the magnitude of the catastrophe that has befallen Kosovo today. But many people predicted that Milosevic would fight to hold on to Kosovo, and many doubted that air power alone would stop him.

I favored the use of force. But, like many others, I have been disappointed by the way this air campaign has been carried out.

We probably could not have stopped Milosevic's forces from invading Kosovo after the Rambouillet talks collapsed. Forty thousand of his soldiers, with tanks, were poised on the border ready to invade.

But I certainly expected that we would hit him with enough firepower so that among the first targets bombed would be those Serbian forces. Instead, they encountered almost no resistance as they emptied Kosovo of its inhabitants, destroyed their homes, and achieved complete control over Kosovo in a matter of days—the very result we had sought to prevent.

Now his soldiers are hiding in the villages and rugged terrain of Kosovo, and we are facing the far more difficult, dangerous and costly challenge of forcing them to withdraw and creating a safe environment for the refugees to return and rebuild their lives.

Despite claims by NATO and Pentagon officials that they predicted everything, the United States and the rest of NATO were clearly unprepared for the debacle that has unfolded. I suspect historians may not look kindly on the Administration officials who did not have a contingency plan if Milosevic refused to back down after a few days or weeks of NATO bombing, who seem to have no strategy except more bombing, and who apparently selected their targets by committee.

The fact that NATO leaders have been scrambling to get more aircraft to Kosovo, and that we are told that it will take weeks to put a few Apache helicopters into service there, is perhaps the best evidence of this.

Having said that, we should not lose sight of the reasons we are in Kosovo. Had it not been for the Secretary of State, I doubt that anyone in the Administration would have argued as passionately for using force to try to prevent crimes against humanity.

I applaud her for it, because I believe that today, in the year of the 50th anniversary of the Geneva Conventions, NATO could not have turned its back on the ethnic cleansing of thousands of defenseless people in the heart of Europe.

The alternative was to give a green light to Milosevic and other would-be Milosevic's, and to severely curtail NATO's future role as an enforcer of international humanitarian law in Europe.

Some have suggested that because we did not act to prevent the slaughter in Rwanda, or in Sierra Leone, or Sudan, or any number of other places, that NATO should not intervene here.

I disagree. In fact, I believe that we and our allies in and outside of Africa should have tried to protect the innocent in Rwanda, where half a million people, in the span of only three months, were murdered because of their ethnicity.

If we have learned anything from that experience and others, it is that

by not acting, by allowing genocide to occur, we diminish ourselves and we invite similar atrocities elsewhere.

Others have opposed our involvement in Kosovo on the grounds that we risk becoming bogged down in another Vietnam. As one who in 1974 cast a deciding vote against the Vietnam war, I am sympathetic to those concerns.

But we and our NATO allies have been at war in Kosovo for a total of three weeks. For the first four years of the Vietnam War, our Government's policy was strongly supported by the Congress and the American people. It was only when the Pentagon's credibility was shattered by the 1968 Tet offensive, and it became clear that the war could not be won, that the country turned against the war.

It is also interesting that some of the most vocal opponents of NATO's use of force in Kosovo are the very Members of Congress who strongly supported our involvement in Vietnam.

Some of them have argued that since the Serbian people have rallied behind President Milosevic we should recognize that our policy is not working and find a way out. The reaction of the Serbian people is very troubling, but it is a predictable consequence of war and Milosevic's tight control of the press. We saw the same thing in Iraq, despite Saddam Hussein's brutal repression of his own people.

One does not have to equate Milosevic with Hitler. But let us not forget that millions of Germans supported Adolf Hitler. That was hardly a reason not to fight him.

And contrary to the lies of Serbian officials that the ethnic Albanians who were rounded up and forced to flee were only trying to escape the NATO bombing, the refugees, many of whom saw their relatives murdered, see NATO as their only hope.

The facts are:

Whether or not we believe that diplomacy handled differently might have achieved a different result;

Whether or not the NATO military campaign should have been conducted differently once the decision to use force was made;

Whether or not the President should have publicly ruled out the use of ground forces;

Whether one likes it or not—we need to recognize the unavoidable fact of which the senior Senator from Arizona, Senator MCCAIN, has so consistently reminded us: Our country is the leader of NATO and NATO is fighting a war. Now that we are in it we need to win it. If we fail we will all be the losers.

This is not the time to debate what might have been or to obfuscate or to hedge one's bets. It is a time to stand up as a country united behind the President, the Secretary of State, the Pentagon, our soldiers and our NATO allies in support of a cause that is just, and a cause that will determine the

credibility, effectiveness, and future mission of NATO.

Let us remember. It is President Milosevic who is destroying the lives of the people of Kosovo, the very people whom he claims to represent. It is he who has driven them from their homes. It is his forces who are killing, raping and pillaging. It is his forces who are laying landmines where refugees are fleeing.

And let us remember that this is not the first time President Milosevic has laid waste to an entire country. In Bosnia his troops murdered thousands and buried them in mass graves, and uprooted hundreds of thousands, again because of their ethnicity.

We should all be concerned by the damage the NATO military campaign has caused to our relations with Russia.

I am told that the Russian people are united in their anger at the United States like never before since the end of the Cold War.

They have seen their country transformed from a superpower to a crippled giant. They felt that NATO's expansion was unnecessary and an attempt to gain advantage over Russia. They see the air attacks against Serbia as one more example of the unchecked misuse of American power.

I am told that our policy has only strengthened the hard-liners in Russia.

I am disturbed by the photographs of Russian Prime Minister Primakov coddling President Milosevic. We have also heard threatening statements by President Yeltsin and other Russian officials, opposing the NATO air strikes and intimating that Russia might act militarily to defend its interests in the Balkans.

No one can deny the overriding importance of our relations with Russia and the need to find a way for Russia to join with us in trying to resolve this crisis. Perhaps that includes a major role for Russian soldiers in any international security force in Kosovo.

But the fact remains that it would be foolhardy for Russia to become militarily involved in Kosovo. The NATO attacks against Milosevic are not in any way directed at Russia. All of NATO's members are collectively standing up against genocide in Europe. Russia's long-term economic and security interests are clearly better served by joining with the United States and Europe, rather than casting its lot with the likes of Milosevic.

We must also reflect on the reaction of the people of Serbia and Montenegro. For years our policy has failed to account for the complexities of the history of the Balkans, and we are paying a price for that today.

We have a tendency to oversimplify and over-personalize our foreign policy, to forget that in the past the Serbian people have suffered, too. But while we know that they also have been victimized by President Milosevic, we cannot

excuse them for rallying to his defense when all of Europe is united against everything he represents.

Mr. President, there has been a great deal of talk, both pro and con, about the deployment of American soldiers as part of a NATO ground force, in Kosovo.

As much as I hope that ground troops are not necessary, I felt it was unwise to rule them out because I believe it only emboldened President Milosevic.

I also know of no one who thinks this mission can be accomplished by air power alone, and the administration needs a more realistic strategy. We need policy based on solid plans—not policy based on polls.

Again, I think we should heed the advice of Senator MCCAIN. What are our goals—NATO's goals—today? In my mind, it is to force Milosevic to agree to a ceasefire, the withdrawal of his forces from Kosovo, the safe return of the refugees secured by an international force, and autonomy for Kosovo.

If we can prove the experts wrong and accomplish that with air power alone, so much the better.

But if we cannot, if ground troops are necessary to achieve our goals, we must use them, and NATO should be making preparations for the possibility that they will be needed. The bulk of those forces should come from Europe, but as the leader of NATO we would have a responsibility to contribute our share.

To those who complain that Kosovo is not worth the life of a single American soldier, I would say this: As Americans we cherish the life of every American soldier, and we give our armed forces the best available training and technology to defend themselves. Military missions always involve danger. In this mission, an enormous amount is at stake for our country, for NATO, for the people of Kosovo, and for humanity.

What is the alternative? To give in to ethnic cleansing after taking a principled stand against it? That would be a terrible defeat for NATO, and for the cause of international justice and security. It would be a terrible precedent for us to bequeath to the generations that will follow us in the next century.

No one can predict how long this war will last, or how it will end. Let us hope that President Milosevic soon recognizes that he risks losing everything.

In the meantime, we owe our gratitude and our support to our soldiers, and to the humanitarian relief organizations that are providing emergency food, shelter and medical assistance to the refugees.

They have been heroic.

Mr. President, I am also concerned about a disturbing report I received this morning that United States forces have used landmines against the Serbs.

I am told that these are anti-tank mines, but they are mixed with anti-

personnel mines, which are prohibited under an international treaty which unfortunately the United States has not signed.

However, every one of our NATO allies except for Turkey is a party to that treaty, and I wonder if they are aware of this since our planes are using airfields located in those countries.

In fact, at last count 135 nations had signed the treaty, and 71 have ratified. The United States should be among them.

Nobody would argue that the United States is bound by a treaty it has not ratified. But it is very disappointing that at the same time that the Administration is holding itself out as a leader in the worldwide effort to ban landmines, it is using mines itself.

Mr. President, I have asked the Pentagon to confirm whether or not this report is true. I hope it is not.

But if it is true, it is only a matter of time before innocent people are maimed or killed by these weapons.

It sends the wrong message to the rest of the world. And frankly, while I support the Administration's use of force against Milosevic I do not know anyone who believes we need landmines to achieve our goals. It is unnecessary, it is wrong, and it will only further erode the Administration's credibility on an issue that cries out for the United States to set the example.

Mr. President, I am hoping this report is not true. But we will find out because if it is, we should stop using them. It is a disturbing thing that we would be so different from the rest of our allies.

UNANIMOUS-CONSENT AGREEMENT

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senator SPECTER, who will be coming back here—I promised him I would do this for him—be allowed to speak for up to 15 minutes in morning business.

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

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I, first, want to express my great respect for my colleague from Vermont, a man with whom I not only have the pleasure of serving, but he served with my father. The respect the Bayh family has for the Senator goes from generation to generation. It is a privilege to be on the floor with the Senator from Vermont.

COMMENDING PURDUE UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. BAYH. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 76) commending the Purdue University women's basketball team on winning the 1999 National Collegiate Athletic Association women's basketball championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAYH. Mr. President, I rise today to speak not only on my own behalf but on behalf of my senior colleague, DICK LUGAR, who, unfortunately, could not be with us at the last moment. I know he will be submitting his own remarks on behalf of the Lady Boilermakers and their outstanding victory in the NCAA women's basketball tournament this year. I know the rules prohibit me from pointing anybody out in the galleries, but I want to say how much I appreciate the presence of several constituents today; in particular, the mayor of West Lafayette, IN, several officials representing Purdue University, and several of our distinguished citizens from Lafayette, Tippecanoe County, and elsewhere across our State.

Mr. President, basketball is perhaps synonymous with the State of Indiana, not only because we love to play the game, not only because we believe in physical fitness, but because of the character, the determination, and the other fine attributes associated with that sport that are necessary for success in it.

This year's Purdue women's basketball team, perhaps better than any other, exhibits those character traits. They are an example of Indiana at its finest and the United States of America at its finest. So I rise today to salute them both as individuals and as a team for their accomplishments.

Mr. President, this team was an example of near perfection. Their record was an outstanding 34 victories and only 1 defeat. They are the first women's championship team representing any Big Ten university in any sport. Their coach, Carolyn Peck, an outstanding individual, is not only the youngest coach to lead a winning team to the NCAA tournament, but she is also the first African American one to do it. One of their star players, Stephanie White-McCarty, is not only a first-team athletic all-American, but also an academic all-American. As a matter of fact, Mr. President, she represents the rest of the team very well in that regard.

The team, as a whole, had a combined grade point average of 3.0, which is very good by today's standards, particularly with regard to the athletic community.

Mr. President, once again, I salute the Lady Boilermakers for their outstanding contributions not only on the basketball court, but because of the outstanding individuals they are.

Mr. LUGAR. Mr. President, I rise today to join with my colleague from