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

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

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

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The acting majority leader is recognized. Mr. HAGEL. I thank the Chair.

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

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

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

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

The legislative assistant proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Ohio is recognized. Mr. VOINOVICH. I thank the Chair.

MORNING BUSINESS

MCAIN RESOLUTION REGARDING KOSOVO
Mr. VOINOVICH. Mr. President. I rise today to oppose the McCain Resolution.

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

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

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

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

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

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

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

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

So, before we vote on this resolution and continue down the path to a further escalation and a greater involvement, there are three things that we...
have to ask ourselves: (1) What is the price? (2) What is the risk? (3) What is the prize?

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

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

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

(1) we’ll continue to use Social Security to pay for it and the deficit will go up;
(2) we’ll increase spending for domestic programs; or
(3) we’ll increase taxes.

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

Indeed, comments made by General Richard Hawley, head of the U.S. Air Combat Command indicate that we could run out of the state-of-the-art satellite-guided joint direct attack munition (JDAM) for our B-2 stealth bombers sometime this month.

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

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

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

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

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

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

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

We could also stir regional resentment elsewhere in the world (North Korea, China, Iran and Iraq) will take note and ability to deter aggression globally.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This nightmare has to end now.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

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

Mr. DeWINE. Without objection, it is so ordered.

REACHING OUT TO PREVENT TRAGEDY

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

Thirteen days after this tragedy occurred, our Nation is still really in shock. The hearts of my own family and all Ohio families, and, of course, all Americans families, go out to the families who have lost loved ones. There is nothing that you can say that
can take the pain away. Anyone who has lost a child understands that. The loss these families have suffered can- not be repaired. But it is important that these families know that there are people—many of us far away from Colorado—whose thoughts and prayers are with them at this terrible time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No. 5, we need to get serious about confronting our cultural problems. I thank our colleagues, Senators MCCAIN and LIEBERMAN. I think they were right when they encouraged the President to call a summit meeting of the leaders in the media community—TV, radio, movies, video games and the recording industry. I think they were right when they encouraged the President to call a summit meeting of the leaders in the media community—TV, radio, movies, video games and the recording industry. The President does have, as Theodore Roosevelt said, a bully pulpit, and he needs to use it on this issue. We need to be upfront about the costs of excessive violence in the media—the price paid not just in lives lost in tragic events such as the shooting in Littleton, but also in the day-to-day harm that occurs in the emotional lives of children.

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

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

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

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

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

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

In conclusion, there is no bill we can pass to make any of this happen. For this we have to look inside ourselves. In the meantime, those who are in public life and across our Nation, they can do everything they can to make sure we are doing all that we can. I yield the floor.

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

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

The legislative assistant read as follows:

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

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

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

Mr. WELLSTONE. Will the Senator yield?

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

Mr. WELLSTONE. I know Senator BRYD wants to speak. I wonder whether I could ask unanimous consent that the clerk will report.

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

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

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

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

All Senators should, for a start, use the opportunity provided by debate on this resolution to declare unequivocally their opposition for the war. Having declared their support or opposition, Senators should then endorse that course of action allowed Congress that logically and ethically corresponds to their views on the war. If Senators believe this war is worth fighting, then recognize that the President should exercise the authority vested in his office to use the power of the United States effectively to achieve victory as quickly as possible. If Senators believe this war is not worth the cost in blood and treasure necessary to win it, then take the only course open to you to prevent further bloodshed. Vote to refuse the funds necessary to prosecute it. Senators cannot say that they oppose the war, but support, and then allow our pilots to continue fighting a war that they believe cannot justify their loss. If the war is not worth fighting for, then it is not worth letting Americans die for it.

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

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

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

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

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

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

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

I regret to say that I have on more than one occasion suspected, as I suspicion, that he may not, and some of us among the loyal opposition suffer from the same failing. It seems to me that the President, in his poll driven approach to his every responsibility, fails to distinguish the office he holds from himself. And some of us in Congress are so distrustful of the President that we feel obliged to damage the office in order to restrain the current occupant. Both sides have lost the ability to tell the office this message.

Publicly and repeatedly ruling out ground troops may be smart politics according to the President's pollster, but it is inexcusably irresponsible leadership. In this determination to put politics over national security, the President has vacillated more forthrightly than the other body. He might wage this war more effectively than he has done thus far. If he does not, the shame is on him and not on us.

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

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

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

Mr. President, we are debating war. Not Bill Clinton's war. Not Madeleine Albright's war. America's war. It became America's war the moment the first American flew into harm's way to fight it. Nothing anyone can do will change that. If we lose this war, the entire country, and the world will suffer the consequences. Yes, the President would leave office with yet another mark on his record. But he will not suffer this indignity alone. We will all be less secure. We will all be dishonored. This is America's war, and we are America's elected leaders. As we speak, tens of thousands of Americans are ready to die if they must to win it. They risk their lives for us, and for the values that define our good Nation. Can we not risk our political fortunes for them? Don't they deserve more than a few hours of perfunctory and sparsely attended debate? They do. Mr. President, they deserve much better than that.

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

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

Mr. President, yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

The PRESIDING OFFICER. No individual Senator has control.

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

The PRESIDING OFFICER. The time is written in the War Powers Act.

Mr. McCAIN. Thank you. I stand corrected. I appreciate the outstanding work of the Parliamentary Counsel.

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

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

The Senator from West Virginia.

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

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

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

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

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

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

Second, this resolution has the practical effect of releasing the President from any obligation to consult with Congress, and if he determines that the United States is serious about its commitment to the NATO operation in Kosovo, there are better ways to accomplish that objective. Swift action on the emergency supplemental appropriations bill to pay for the Kosovo operation would be a good first step.

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

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

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

Third, this resolution goes beyond policy and infringes on the power of Congress. It grants the President the power to negotiate a statute without any consultation with Congress, which is a violation of the separation of powers.
Congress to control the purse. If the Senate gives the President blanket authorization to "use all necessary force and other means" to accomplish the goals and objectives set by NATO for the Kosovo operation, the Senate has no check left to back that up with a blank check to pay for it.

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

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

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

Of course, we heard the promises made in connection with Bosnia: We were only going to be there a year. Repeatedly, we put that question to the administration and they assured us, "It will only take a year." We have heard those promises before. We do not pay much attention to them anymore. Those assurances do not mean anything.

The President has certainly made a good faith effort to date to consult on this matter, with Members of Congress, but we are only in the opening stages of this operation, and the path ahead is very unclear. The President would be well served to continue consulting closely with Congress and to seek Congressional support for any decision that places our troops in harm's way.

For its part, the Senate must not take any action that would jeopardize this dialog, as I believe this resolution would do.

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

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

I yield the floor.

Mr. McCain addressed the Chair.

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

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

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

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

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

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

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

I just as the Senate was about to conduct a roll call vote on the subject, I sought to make sure that the Record reflected the rightness of our course of action.

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

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

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

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

The catalog of these atrocities expands every single day.

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

The catalog of horror goes on and on.

I met a woman from Kosovo in my office on Friday, a refugee's nameless daughter. The toll of 4 little children they had met in a refugee camp. The children had bandages over their eyes. They thought perhaps they had been near an explosion. That was not the case. The Serbs had raped their mothers, and they had witnessed the rape, and the Serbs cut their eyes out—they cut their eyes out. I do not understand this level of hatred. I do not understand this frame of reference. I have no way of knowing how people can do this.

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

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

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

I began my statement with the phrase "silence is betrayal." I believe it. I do not want to speak out once again, this time about where we are and where we are headed.

First, I want to express my strongest possible support for diplomatic efforts
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to resolve this crisis, especially the shuttle diplomacy undertaken by Deputy Secretary Strobe Talbott, and the response of the Yeltsin government in sending Mr. Chernomyrdin to speak with President Clinton here today about his latest concrete proposals for resolving this crisis.

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

I have the greatest respect for Strobe Talbott, and I think he is representing us ably in our efforts to engage the Russians in helping to forge a negotiated settlement in Kosovo. I have told him recently how important I believe the United States is to his efforts. I simply try with the Russians to agree to NATO’s view on how a settlement should be reached.

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

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

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

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

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

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

Second, we must keep uppermost in our mind that a humanitarian disaster of historic proportions is unfolding in refugee camps throughout the region. The American people have been horrified by the situation in Kosovo and have not stopped being concerned. I think it is time for the U.S. Government to be parsimonious about our humanitarian assistance. The lives and well-being of the Kosovars was at the crux of why we entered this crisis in the first place. I believe we may need to bolster the current assistance and provide hundreds of millions of dollars to provide the aid that will be needed by international aid organizations, the religious community, and others deeply involved in the refugee effort.

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

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

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

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

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

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

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

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

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

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

Once again, I cannot be silent. In short, I think it is time for all the parties to consider a brief, workable, verifiable peace that will take a reasonable time. There are pivotal efforts being undertaken by the Russian leaders. There are discussions. There are proposals and counterproposals being discussed.
I am not naive. I understand that the safety of our NATO forces must be held paramount in any such exploration. But it is, it seems to me, worthwhile exploring further. One thing that is clear is that the situation on the ground in Kosovo today and in those countries which we acceptees as stable and likely to worsen considerably in the coming weeks.

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

Silence equals betrayal.

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

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

Just as the Senate was about to conduct a roll call vote on this subject, I sought to make sure that the record reflected the rightness of our course of action. I was assured that our purpose was to prevent the imminent slaughter of thousands, if not tens of thousands of innocent civilians living in the Yugoslav province of Kosovo by Serb security forces. I had no doubt about the wisdom and correctness of our decision. And today, I harbor no second thoughts about the morality of that initial course.

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

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

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

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

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

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

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

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

In Pristina, the Serbs appear to have completed their military operations in the city and have been ethnically cleansing the entire city. Approximately 25,000 Kosovars were forcibly expelled from the city last month, shipped to Macedonia by rail cars in scenes eerily reminiscent of the Holocaust trains, and approximately 200,000 more may be detained there, awaiting their forced expulsion. In Prizren, Serb forces reportedly executed between 20 and 30 civilians. In Srbica, after emptying the town of its Kosovar inhabitants, Serb forces are believed to have executed 115 ethnic Albanian males over the age of 18. Over twenty thousand prisoners are reportedly still being housed in an ammunition factory near the town, under Serbian guard.

Just last week, Serb paramilitary forces in southern Kosovo reportedly forced between 100 and 200 young men from a convoy of refugees heading for the border, took them into a nearby field, made them kneel, and summarily executed them, leaving their bodies there as a warning to their fellow refugees. The catalog of horrors goes on and on.
We have witnessed the destabilization of neighboring countries who cannot possibly handle the new masses of humanity heaped on their doorstep. Hundreds of thousands homeless, without shelter and without food, wandering in the streets—especially in the Albanian cities of Kosovo, frightened and in hiding.

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

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

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

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

First, I want to express my strongest possible support for diplomatic efforts to resolve the Kosovo crisis, especially the shuttle diplomacy undertaken by Deputy Secretary Strobe Talbott, and the response of Yeltsin to Gorbachev's visit to Moscow today. Second, I want to express my absolute confidence in the wisdom of the NATO position and its determination to try to arrive at a reasonable settlement. Let's encourage them to put together the best proposals they can and assure them that NATO will be flexible in its response.

I am heartened by the former Prime Minister's visit to the U.S., and by American initiatives. I think the Russians may have a key role to play. Second, we are most firmly of the opinion that a humanitarian disaster of historic proportions is unfolding in refugee camps throughout the region. The situation is so tense that it is being reported there have been near-constant contacts in the desperate conditions there, and the situation in camps near Bascarsija and at Kukes in northern Albania are especially grim. Shortly, we will consider an emergency supplemental package to fund the military and humanitarian costs for the Kosovo crisis. I am deeply concerned that the amount requested for refugee assistance may not be enough to meet the overwhelming needs of this emergency—the largest refugee crisis since World War II.

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

Hundreds of thousands of refugees are still trapped inside Kosovo, waiting for an opportunity to escape. A further 75,000 refugees must be prepared to meet their needs. Extensive medical supplies and possibly another field hospital will also be needed, since more and more new arrivals are requiring medical attention. Our experience in Bosnia has taught us that these refugee camps will be going home anytime soon. Long-term assistance is required. Further, we must support Albania and Macedonia who are struggling to meet basic needs of their own people, let alone those of the Kosovar refugees.

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

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

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

There will be time to determine whether our bombing accelerated, or was increased; the slaughter. In any case, it now seems clear, from detailed and credible reports in the media and elsewhere, that the Serb ethnic cleansing campaign, labeled the other day by the Washington Post as "one of the most ambitiously ruthless military campaigns in Europe in half a century," was carefully and meticulously planned for months before the bombing. The attacks have reportedly seriously damaged over 250 villages, with well over 500 homes completely burned to the ground. Systematically targeting Interior Ministry (MUP) forces, regular Yugoslav army forces, police units and paramilitary gangs for the first time,
this effort was clearly coldly calculated to terrorize the populace, and ultimately to rid the entire province of its ethnic Albanian majority. It is clear that we have not stopped the slaughter. Ethnic cleansing, which we sought to stop, is on and on and on.

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

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

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

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

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

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

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

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

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

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

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

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

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

Such a pause may well be worthwhile; if it works to prompt a cessation of the ethnic cleansing and a return of Serb forces to their garrisons, it may open a window of opportunity for a serious exploration of conditions under which NATO’s longer-term goals, which I support, can be met.

A brief cessation might also enable non-governmental organizations and other true neutrals in the conflict to aid organizations to get to them.

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

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

It has been argued by the Administration and others that an intense and sustained conflict in Kosovo, which has sent hundreds of thousands of refugees across borders and could potentially draw Albania, Montenegro and Turkey into a wider war would be disastrous. That is true. We may not be able to contain a wider Balkan war...
I am not just talking about a geopolitical situation, the stability of the region. I am talking about the human cost of a wider Balkan conflict. For fifty years, we have spent the blood and treasure of Americans and Europeans to help provide for a stable, peaceful Europe. I believe we must again stand with the Europeans and now with the Russians and others who have historic ties to the Serbs—to try to resolve this crisis before the flames of war in Kosovo and of the refugee exodus which it has prompted consume the region. Stepped up diplomacy, a possible pause in the air strikes, and other similar efforts to bring a peaceful and just end to this crisis should be pursued right now.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

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

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

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

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

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

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

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

When I made reference to the silence that I think has been embarrassing for the Senate, I think Members of the Senate have been reluctant to speak on this for a couple of reasons. We have been reluctant to speak out because nobody wants to be portrayed as not being in support of American troops. I went to Aviano. We have the bravest young men and women imaginable involved in this. They are willing and have been risking their lives daily in pursuit of this policy and the orders they have been given to support that policy, and I believe in them. I believe in their effectiveness and I believe in their courage. But I think that is one reason people have been hesitant to get into this debate, because they are afraid of being portrayed as not being supportive of the military, and also because of the horrible atrocities that have been committed by the Serbs and the Milosevic war machine.

Nobody wants to be portrayed as being uncaring or not having a humanitarian concern for the ethnic cleansing and for the killing and massacres that have gone on, which truly are deplorable and ought to be condemned by all right-thinking people. I care about that just as I care about the 3.3 million who have died in the Sudan in the Sudanese civil war, and just as I care about those who died in the Ethiopian civil war, and just as I care about those who died in Rwanda, and just as I care about the oppression that goes on today in China. I care about those tragedies that are going on all over the world, not just in the Balkans.

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

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

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

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

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

As reported in this most recent edition of National Review:
General Henry Shelton, the Chairman of the Joint Chiefs of Staff, told Congress, “Anecdotal and now measurable evidence indicates that our current readiness is fraying and that the long-term health of the total force is in jeopardy.”

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

President Clinton responded to the readiness alert sounded by his military chiefs by proposing an additional $2 billion for next year’s defense budget. But $8 billion of this ‘increase’ represents savings from lower fuel costs and inflation rates that would be going to the military anyway. A good portion of that $8 billion is dedicated to items like commissary operations and renovation of the Pentagon, which leaves precious little to meet our cry-ing readiness demands.

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

The U.S. and NATO should not stop saying what the allies will or will not do. For example: We will hit only these targets. Why should we tell them that? We will hit those targets 2 a.m. when nobody will be hurt. We are running out of cruise missiles. Why should we tell them that? We are bringing in A-10 aircraft, or Apache helicopters, in four weeks.

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

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

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

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

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

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

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

Sometimes, as with President Clinton’s attempt to assert America’s interest, i.e., Kosovo with the outbreak of two world wars in the Balkans, it takes the form of bad history. Apart from the fact that the beginning of the World War I did not do with the Balkans. World War I began at a time when the interests of three vast empires collided in the region, making it one of extraordinary political instability, is geopolitical speaking, the case. Now, properly considered, it should be an insignificant backwater, and it has taken a good deal of determined and sustainable political cooperation to make it otherwise.

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

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

Mr. Harries continues:

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

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

He goes on:

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

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

What is the proper role of Congress in all this? I have appointed Senator McCain for ensuring that debate took place. There has been too much con-gressional silence—perhaps afraid of the political repercussions, perhaps wanting to make this a political win-ning for the party or the politician.

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

This [new] system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to perform such a stup-er, for the important power of declar-ing war is vested in the legislature at large; this declaration must be made with the concurrence of the House of Representatives; from this circumstance we may draw a cer-tain conclusion that nothing but our na-tional interest can draw us into a war.

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

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

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

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

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

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

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Any ground operation in Kosovo, however it ends, would require an armed NATO-led presence in Kosovo for decades to come. While the American people have focused—focused well and focused appropriately—on the humanitarian disaster in the Balkans, they have also focused on the length and cost of the commitment that this resolution would be asking us to make—truly a decades-long commitment. One need only look at the Korean peninsula where American troops have been stationed for over 45 years, a generation for sure. That is the kind of commitment that we are talking about. Americans must also keep in mind, as Andrew Bagevich wrote recently:

"The success will not come without cost, in blood as well as treasure. Once achieved, it will impose new burdens that few Americans can welcome: the U.S. will inevitably bear the costs of rebuilding and rehabilitating a post-Milosevic Yugoslavia (Estimates for rebuilding the Balkans already stand at over $30 billion.). Clinton, Albright, Berger and others will retire to write their memoirs. The risks of our involvement will become more apparent. . . ."

There is a serious one and I think arguably a more serious one than a bully boy in Serbia.

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

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

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

Senator WELLSTONE spoke earlier. It was the humanitarian disaster that became the primary justification. When President Clinton speaks about this war, it is primarily the humanitarian disaster that becomes the rationale for our involvement. Yet, if that is our rationale, there are those arguments were equally valid in 1965 when the question was the issue, and in the end the question is not do we go, but because humanitarian disasters are occurring around the world, oftentimes as a result of bitter ethnic civil wars. Can we ask the American people to bear that burden and to introduce American troops in all of those places?

In contrast to the reaction of the American people, for the foreign policy establishment the overriding argument turns on the necessity to protect America’s and NATO’s future credibility. I do not know the future. We do not now prevail, the future costs all over the world in terms of emboldened thugs and rogue states will be steep. While those arguments are both serious and valid, those arguments were equally valid in 1965 when the question of how to proceed with respect to Vietnam was the issue, and in the end the policy they gave rise to turned out to be not such a great idea.

"This administration, I believe, needs to remember the H-bomb. If you find yourself in one, stop digging. To simply say that because we are there, we stumbled in or slipped in, because we are there, we must now stay regardless of the cost, I think, is misguided thinking. We need to look at these things in the light of the future, not now."

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

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

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

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

I yield the floor.

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

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

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

THE PRESIDING OFFICER (Mr. VOINOVIĆ). The Senator from Nebraska?

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

There are many complicating current events, in this very complicated issue. There are no good answers. But surely one of the answers is not to not deal with this issue. We cannot hope to reach a consensus in this body to debate this issue. We should have had this debate weeks ago. There are very significant consequences attached to what we’re
We've heard some of those stated directly and very well from our colleagues this afternoon. First, let's be clear on the making of war. It is not risk-free. It is not antiseptic. It is not without uncertainty.

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

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

We're asking the United States Senate to take a stand. What does this country come to—to ask a United States Senator to stand up and take some responsibility for the Nation being at war? This resolution is about getting the Congress involved in it. This resolution is about forcing the President to take some leadership and responsibility.

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

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

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

Do we really believe that the greatest, most noble, most free nation on earth can stand aside and watch this butchering and act like it's not there? History has surely taught us that when you defer the tough decisions, when you let the butchers continue and the tyrants and dictators continue, it gets worse. And it has gotten worse with Milosevic. For ten years we've dealt with him. Four wars he's started. He's lied and cheated and slaughtered all through those ten years. Don't we owe some responsibility to deal with this, as imperfect as all the options are?

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

And if that would ever happen—la-di-da, and gentlemens, the Executive branch will not be safer and it will not be better. When you weaken the United States of America, you weaken all of freedom everywhere.

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

Mr. FEINGOLD addressed the Chair. The PRESIDING OFFICER. The Senator from Wisconsin.

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

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

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

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

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

First, on the one hand, I oppose this resolution because I cannot at this point wholly endorse the current means being employed by the President to carry out a still murky policy with regard to Kosovo, and I cannot, in light of what President and the authority of the President through Congress, go beyond our current vision and information and understanding, even of the facts today, let alone what the facts
The debate surely should be longer. And as Senators start arriving and hope to find time to speak before 5:30, I think there may be some frustration. In any event, we certainly should all be listening to each other when it comes to a matter of this importance, as much as we were during the impeachment trial.

Mr. President, finally, I also am a little troubled about the idea of the tabling of this resolution. A motion to table can be interpreted—often is interpreted—as a procedural vote. On something this important, we should be voting on the merits of the language. I do not understand why at 5:30 tonight we are not going to just vote up or down on this resolution.
A tabling motion seems to me, to be not in keeping with the significance of this. Mr. President, as I have indicated, in the past the War Powers Resolution has sometimes been ignored, but sometimes we have come very close to getting it right.

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

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

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

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

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

Obviously, the tragedies and the horrors that are being perpetrated in Kosovo demand a response. That response must include the United States. But I do not think the question has been well answered why in Kosovo and not in other places. I give the Senator from Nebraska credit for just attempting to address the issue. He spoke a little bit about his belief that it would be difficult for us to act in some of the places in Africa and other places where there are similar tragedies. I am not sure I agree with that. We are not limited in our ability to act only in Europe or only near our own boundaries, especially in light of the actions that were taken with regard to the Middle East and Iraq. We have shown our ability to act throughout the world. The fact is, in my mind we could have acted in Rwanda. In fact, we apologized to Rwanda for having not taken the action that we could have taken to stop the genocide in that place. In Rwanda, in Lebanon, in East Timor, in Sudan, there are atrocities that are comparable, in some cases arguably worse, if that is possible, than what is going on in Kosovo. Why is it that—at least appears to some—an accident of geography is sufficient to allow inaction while Kosovo requires a huge commitment? This question needs to be answered not so much for me but for the American people, because they do not understand, and I do not understand exactly why one tragedy demands our attention and our action and another one simply does not, especially when it comes to the use of significant military force.

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

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

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

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

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

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

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

It would be one thing if we were talking about recognizing an independent Kosovo, but we have not taken that position. I asked the Secretary of State the other day whether that might be in the offing, and she indicated that was not a likely scenario. In the same conversation, I asked her, what about lifting the arms embargo on the Albanian Kosovars? She said we couldn't do that because of international law. Well, this is sort of a cavalier attitude, where we rely on international law as an excuse to not do something we should do in one case, the case of lifting the arms embargo, but, we disregard international law, or suggest that it is a technicality when it comes to the idea of not recognizing an area separate from Serbia and then going ahead and proceeding to take military action with what our own policy apparently regards as, in effect, a province of Serbia. This troubles me.
I ask unanimous consent that Secretary Albright’s comments in this regard from an April 20, 1999, hearing of the Senate Committee on Foreign Relations be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

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

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

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

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

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

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

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

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

Secretary Albright. Well, the practical effect is that this still—their numbers are not sufficient so that they can defend themselves. Two, and this goes to why are we nice about supporting Muslims, through different means, to get to a question having to do with an area situation where we regard Kosovo as part of Serbia.

I am glad that the senators who have talked earlier today have introduced a resolution in the Senate with regard to our involvement. And I’m wondering, in light of your answer to Senator Hagel’s question, whether we’re really at war, or seem to have indicated that we are not, at this point. What criteria would need to be met in order for you to agree with those who believe that our action in Kosovo amounts to a war or could amount to a war in the near future?

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

Senator Feingold. Thank you, Mr. Chairman.

Mr. Feingold. I would like to make just a couple other points regarding my questions. First, in reach to this resolution with respect to the substance of it, with respect to the intervention itself.

This is almost a cliche—almost every Member of the Congress has said it, but it is still correct; that is, that our strategy is that the administration has fully articulated the policy which the airstrikes were intended to support.

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

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

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

We do have to take a stand. This Senate did take a stand in favor of the bombing a few weeks ago, even though I voted no. But the fact is, only this body supported the airstrikes. Last week the other body supported it. 213 to 213. I voted not to support the airstrikes, after watching the impact and the effects of the airstrikes for the last month. So there is no joint resolution by this Congress at any point in support of the airstrikes.

There is no resolution of the kind that went through the House and the Senate in the Iraq intervention. Yes, that was a close vote in the Senate with regard to Iraq, but the difference is, both Houses sent that up to the President as a reflection of the will of Congress.

I share some of the concerns with regard to some of the votes in the other body. I do recognize that it is very hard to understand how some people can disagree with the action of the administration and then in the next minute vote to put additional funding in for the action. That is very confusing as well.

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

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

Let me finally say that I thank the sponsors because they have triggered events that have allowed us today to exercise our roles to reaffirm the vitality and continuing need for the War
Powers Resolution and the obligations of Congress and the President to comply with them. I thank the Chair.

(Ms. COLLINS assumed the chair.)

EXHIBIT NO. 3

MEMORANDUM

To: Senator Feingold
From: Bob Dove
Re: War Powers

Date: April 30, 1999

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

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

Questions raised at Committee Meeting 4/30

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

2. Would adoption of an amendment that stated that “this resolution shall not be privileged under the War Powers Resolution” kill the privilege. No. That language is not effective until enactment (no bootstrapping).

3. Is the language that cuts off funds, treaties, and (b)? (Section 6 is codified at 50 U.S.C. 1623)

4. What about language that cuts off funds, effective until enactment (no bootstrapping).

5. Kill the privilege. No. That language is not stated that “this resolution shall not be privileged under the War Powers Resolution” kill the privilege. No. That language is not effective until enactment (no bootstrapping).

6. What is the language that cuts off funds, treaties, and (b)? (Section 6 is codified at 50 U.S.C. 1623).

7. Is the language that cuts off funds, treaties, and (b)? (Section 6 is codified at 50 U.S.C. 1623).

8. While we can fault our President and others while putting NATO at stake, those who do not kill from their homes, and who are not doing so to the failure to have the resources prepared; for a faulty diplomacy that produced one threat after another, which required some follow-through for credibility; for failure to say from the beginning we have a plan for everything. Use of our resources, and we are doing so because we are intent upon coming to the right result.

9. All of that might have occurred. But, it did not. As I pointed out on April 1, it had not happened then, and it hasn’t occurred since. But what has occurred is a very clear statement of objectives, and they are: the retreat, the withdrawal, the end of Serbian forces in Kosovo, and the fact that they plan to talk about the situation in which the President has set forth some very limited objectives. In my judgment, we have very little hope of meeting those limited objectives, and that translates into defeat for the United States of America, and for NATO. People talk about whether this is the right war, the war we were preparing for, whoever that may have been. We are in a war. It is a big war. It is the only war NATO ever had. It is an occasion for the North Atlantic treaty alliance to work, or for it to fail.

10. While we can fault our President and others while putting NATO at stake, those who do not kill from their homes, and who are not doing so to the failure to have the resources prepared; for a faulty diplomacy that produced one threat after another, which required some follow-through for credibility; for failure to say from the beginning we have a plan for everything. Use of our resources, and we are doing so because we are intent upon coming to the right result.

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13. All of that might have occurred. But, it did not. As I pointed out on April 1, it had not happened then, and it hasn’t occurred since. But what has occurred is a very clear statement of objectives, and they are: the retreat, the withdrawal, the end of Serbian forces in Kosovo, and the fact that they plan to talk about the situation in which the President has set forth some very limited objectives. In my judgment, we have very little hope of meeting those limited objectives, and that translates into defeat for the United States of America, and for NATO. People talk about whether this is the right war, the war we were preparing for, whoever that may have been. We are in a war. It is a big war. It is the only war NATO ever had. It is an occasion for the North Atlantic treaty alliance to work, or for it to fail.
already happened. You cannot walk away from that. We can take a resolution today and say this wasn't our war and we are tired of it or that we are bored with it or, as a matter of fact, we don't even want to participate anymore by supplying such personnel, but are a consequence of this conflict, there is no walking away, and the consequences for us, for Europe, for NATO, for our Armed Forces morale, for civilian leadership interacting with the Armed Forces, are very great. So the point being made is that you have to have an international force that gives confidence enough to the people who have lost almost everything to go back. There has to be money to pay for the houses they go back to, for the lights and the water, and the possibilities of making a living, and of some safety net of economic support while all that is happening.

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

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

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

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

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

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

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

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

I have said to the President respectfully, “Mr. President, you have to have at least plan B. There has to be a safety net. We cannot suffer failure. You cannot suffer failure.” There may be some Members of Congress—we read about these people in the paper who are talking about ‘President’s war, or who’s war, or who’s war. But it didn’t happen. As a matter of fact, he is inadequate, we simply affirm the President’s war, the President’s plan, the President’s option, the President’s set of circumstances? We are not really sure about the money, the humanitarian relief, if the Americans lost their lives? Would you still be in favor of the war? Would you be in favor of ground forces? How about 200,000 Americans lost their lives? Would you still be in favor of the war? Would you be in favor of ground forces? How about 200,000 Americans lost their lives? Would you still be in favor of the war? Would you be in favor of ground forces? How about 200,000 Americans lost their lives? Would you still be in favor of the war? Would you be in favor of ground forces? How about 200,000 Americans lost their lives?

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quate.

Madam President, if we lose the war, the fact is, the Congress is inadequate. We also are elected by the people. We also have a constitutional responsibility to come to war, a responsibility to win. If the President needs shoring up, that may be our job. If the President needs concerted advice and support, we ought to provide it. There could be other resolutions today, but we have in front of us a big one.

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

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

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

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

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

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

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

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

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

The question I have for my distinguished colleague: In light of the absence of any request by the President and in the absence of any showing of leadership by the President and acknowledging the correctness of Senator Lugar's assertion that the situation calls for Presidential leadership, why is it that the President clearly hasn't asked for the authority, the arms, or whatever he means that he may need.

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

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

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

I think the President, in this conversation the Senator cited, indicated he could ask General Shelton and General Shelton could produce a plan. In fact, allied armed services could be over there about 5 months and the President might that might win the war. We need to define very carefully, if that is the case, what the ground forces' objectives are, where they come in, and include all the options. In other words, that was a rather sweeping statement, but it has gone through the President's mind and what we are suggesting might have some impact.

I hope this debate pushes that forward.

I thank the Senator for his question. The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

The PRESIDING OFFICER. The Senator from California is recognized.

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

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

One of these young men, Sgt. Andrew Ramirez, is a constituent of mine from Los Angeles. I spoke with his mother a few days ago before we knew his release was a possibility. I know how she felt. I heard in her voice the terror of the situation. We are all relieved. I rise today to all the families, you did the right thing by coming forward, by continuing to look into the cameras when it was difficult for you; yet because you did that, you put the human face on these young men. That was very, very helpful. I thank Jesse Jackson for working to secure the release of these brave soldiers.

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

Yes, the three soldiers come home and now we see no move by Milosevic to allow all Albanians, to allow all Albanian families to return to their homes.

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

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

No. 2, allow for the safe return of Kosovar refugees to what is left of their homes;
May 3, 1999

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

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

I know the McCain-Biden resolution was written with the aim of achieving those three goals that I outlined, the three steps that Milosevic must take.

However I do not support that resolution for the following reasons. I stated this in the Foreign Relations Committee, but I wanted to expand my remarks a little bit today. No. 1, the resolution is too broad. Specifically, I am very concerned about the clause that says, "all necessary force and other means." I do not believe it was the intention of the Senators to open the door to every weapon, every man, and every thing. But when you read the resolution, there is no clarity on that point. I think it opens the door for Congress to undertake the use of chemical weapons, biological weapons, and nuclear weapons.

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

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

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

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

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

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

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

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

The President has not asked us for this additional language. I am sure many of our colleagues who are opposed to the NATO alliance would say: I do not subscribe to the theory that if we need a resolution does that. I think my constituents want me to be included in this every inch of the way. If the President asks us for ground troops, we need to vote on that. If he asks us for other means, we should be able to vote on that. I do not see it as others do, that the Congress really should just say: Any and all force.

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

We believe there is general indication of women being raped by Serb forces in front of their children. I heard a quote on CNN that Milosevic said: “There are bad things happening in Kosovo, but it’s not the military, it’s the para-military.”

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

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

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

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

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

Mr. SPECTER addressed the Chair.

The PRESIDENT pro tempore of the Senate from Pennsylvania is recognized.

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

The PRESIDENT pro tempore of the Senate from Pennsylvania.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCaIN. Madam President, I yield 30 minutes from Texas, Senator Hutchison.

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

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

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

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

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

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

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

And I am going to speak from my own perspective as a patriot. He was very concerned about this Kosovo issue. I wish he were alive to see this issue all the way through, because he certainly had a lot to say that was important.

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

I was proud to meet with Mr. and Mrs. Gonzales in my home State of Texas on their way to Frankfurt yesterday, and there weren’t two more just and just resolution on the floor of the Senate saying escalate the intensity of this campaign. That is the wrong message. Instead, I call on President Clinton to take bold action, open a door for discussion with President Milosevic, set a timetable, 5 days. Do you think we could lose 5 days in this process? We do not want to know what your life is going to cost. We don’t want to know
from you what the exit strategy is. Congress doesn’t want to authorize the use of ground forces. In short, we are saying, President Clinton, go fix it and don’t bother us, send us the bill. I reject that view of taking responsibility for Congress. I think we do have a responsibility to say what we think. If we have learned one lesson from Vietnam, it should be that Congress must take the responsibility that is given it by the Constitution and not let the executive branch drag us into a war that wasn’t ours; concern about whether they would accept enough of their responsibilities; concern about cost; concern about whether we were actually declaring war; but being too timid to do it and there was concern about escalation.

We know what happened. Over the next 10 years, every one of us can tell what happened. Congress abdicated its responsibility. They let the war go on and on and on, and we lost 59,000 Americans because Congress did not stand up and say, wait a minute, we are going in the wrong direction, let’s do something. I am not going to abdicate my responsibility. If I were the only vote in this body, I would vote against this resolution on the merits right now. That is not to say that I would not welcome President Clinton and telling us what he wants, but he has not asked for more force. He has not submitted a plan. He has not stated his responsibility. They let the war go on and on and on, and we lost 59,000 Americans because Congress did not stand up and say, wait a minute, we are going in the wrong direction, let’s do something.

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Madam President, I don't think it is meaningful, because we know we are not going to use full force. We are not going to use weapons of mass destruction, and we are not going to use ground troops. The President has said that. He hasn't even asked for it. And this operation should show us, and it should be a lesson for NATO, that if we are not prepared to go for a win, we should not support a war mission that doesn't appear to be very positive. To keep NATO strong, we should have a clear principle, a clear mission, and not an immediate reaction, but be slow to get into action. And I am not going to escalate it. I am not going to use weapons of mass destruction, and we would go in and we would win.

So I think the resolution today is meaningless, because we know we are not going to use full force. We are not going to use weapons of mass destruction, and we are not going to use ground troops. The President has said that. He hasn't even asked for it. And this operation should show us, and it should be a lesson for NATO, that if we are not prepared to go for a win, we should not support a war mission that doesn't appear to be very positive. To keep NATO strong, we should have a clear principle, a clear mission, and not an immediate reaction, but be slow to get into action. And I am not going to escalate it. I am not going to use weapons of mass destruction, and we would go in and we would win.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Have we recognized this? However, what are the possible outcomes? All of them, it seems to me, are bad.

The first is that we quit and come home. And some advocate that. I no longer honestly can do so as much as I opposed the beginning of this conflict. And the other perhaps best possibility is that our air attacks may still be successful, that Milosevic and the Serbs may still give up, in which case
What should it be? There is a powerful groundswell to win. Even those who before the bombing thought Bismarck was right when he said the Balkans were “not worth the trouble,” are now asking why we didn’t bomb Syncrideran in the first place. Those who do not believe in strategy, every new operation would have to go before and through the committee.

If we had a serious President (say, John McCain) and Secretary of State (say, Jeane Kirkpatrick) and a serious NATO commander (say, Colin Powell), it might make sense to go in on the ground to win. But we don’t. Which is why we are where we are. Better a face-saving deal that alleviates some of the suffering of the Albanians than a charge up Kosovo hills, led by a regime uncertain. We’re in it, we’ve got to win it—meaning we’re in it, we’ve got to win it—meaning that expressed its goals coherently to an administration that sought it, that expressed its goals coherently enough to define what winning was, and competent to reach its goals, is totally inappropriate to grant to this administration—unasked, unwilling, and unable to carry on a war of this importance.

The inevitable vote on this resolution is to vote to table. Mr. McCAIN. Madam President, for the information of my colleagues, Senator CHAFEE will be next for 10 minutes; Senator INHOFE for 30 minutes; Senator BIDEN for 10 minutes; Senator NICKLES for 20 minutes; Senator KERRY of Massachusetts for 30 minutes; and Senator DURBIN for 10 minutes.

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

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

The PRESIDING OFFICER. The Senator from Rhode Island.

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

Madam President, I will support the motion to table, not because I am opposed to properly carrying out this military campaign but because I believe that setting this resolution aside today will give NATO a better chance to achieve our military objectives in Kosovo.
Since the early days of this military campaign, I have argued that the President ought not have ruled out the use of ground troops as a military option in NATO’s campaign against Yugoslav forces in Kosovo. Sending this message to President Milosevic would give some comfort, knowing that his army and Serb para-military forces would not have to confront a NATO ground campaign. That gives Milosevic a freer hand in carrying out his brutal campaign of ethnic cleansing against ethnic Albanians.

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

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

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

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

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

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

Mr. McCAIN, would you yield 30 minutes to the Senator from Oklahoma, Mr. INHOFE.

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

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

Let me first share some ideas that perhaps have not been discussed. I have done a lot of crossing off as I have listened today, taking off items I was not prepared to shorten. What I am left with is that my remarks and probably won’t use all of my time.

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

For example, you are talking about Kosovo, which is very small. It is about 2,500 miles in the mountains and for 600 years has been an area that has strived unsuccessfully for autonomy. There have been times when the Albanians have been the bad guys and the Serbs have been the good guys, and vice versa. But it was about 12 years ago we were all so concerned because the KLA was doing all the raping and looting and burning, and not the Serbs.

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

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

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

I guess what I am saying, Madam President, is there are bad guys on both sides. I would like to just mention one thing about the China scandal, because I see a connection here. I hate to say this, but a couple of months ago on this floor I told the history of what had happened in the China scandal and the fact that back in the 1980s the technology known as the WA-8 technology was stolen and nobody knew about it until about 1995. The administration—the President and the administration found out about it and they withheld a hearing. Congress for a number of yearsomented but years. So in Senator Warner’s committee we started having some hearings to find out what the truth was.

Sometimes I remember that Winston Churchill said:

“Truth is incontrovertible. Panic may recede, ignorance may deride it, malice may destroy it, but there it is.”

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

Here we are talking about the theft of the most significant nuclear device in our arsenal, the WA-8 warhead. To give you an idea what it is, it is the size of a single family home. It weighs 133 times, saying: For the first time in the nuclear age there is not one missile aimed at American children—when in fact we had some 28 cities that were being targeted at that time. He signed the way to go to the Chinese to have a guidance technology to make those missiles more accurate, and he had knowledge of the fact they had, now, the warhead, the WA-8 warhead, that could be fitted on one of these. As a matter of fact, more than one could be fitted on one of their multiple-stage rockets.

I say that there is a connection. There is always talk about the President’s China policy. When he said we were going to have some hearings, that was the first time in the nuclear age there is not one missile aimed at American civilians. We have learned since then, by the way, in the last 6 years, virtually every single cruise missile we have ever had in our nuclear arsenal is now in the hands of the Chinese.

What I would like to do is cover this in four areas that have not been discussed by previous speakers. I think
they are significant. First of all, some of the things this President has said that led us to where we are today. The President does have an insatiable propensity to say things that are not true, and he does it with such conviction that people start nodding and agreeing with him. I am not going into the details of what I know about that.

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

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

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

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

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

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

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

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

The last paragraph reads:

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

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

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

When he said that, he was with the President of the United States. We had Secretary Bill Cohen, a man I have a great deal of respect for and served with here in this body, in the Senate, but I asked him the same question about that, and he elaborated a little bit on it, but he said we understood that Milosevic: . . . could take action very quickly and that an air campaign could do little, if anything, to that.

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

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

I am talking about one-half the Army divisions, one-half the tactical air wings, one-half the ships, from 600 down to 300. We are one-half the force strength that we were because of this President. Add to that the deployments. We have had more deployments in the last 6 years than the previous 20 years to anywhere. We do not have any national security interests. We need to look at that. For Joe Lockhart, the Press Secretary of the President, to stand up last week and say that INF is wrong, we are as strong today as we were in 1988 is an outrageous lie, and it is quantified in force strength. Anyone who is working on the committees understands this.

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

I came back from my last trip to Kosovo just to hear Tony Blair stand up and make his very eloquent statement: We want to escalate the war, escalate the airstrikes. Here is a guy standing up who does have national security interests. He has to; otherwise, we are a four-star general. We do not have strategic interests there, but he does. He stood up and said we need to escalate the airstrikes when, at the time he said this, we had 356 airplanes over there he had 20. That is easy for him to say. I say he is a better negotiator than we are.

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

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

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

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

What General Hawley is saying on the commitments we have made to Bosnia and Kosovo and with the deployments we have made there is we do not have the air combat capability that is required to handle a second war. And he questions whether we could defend America if something happened in either North Korea or in Iraq. That is very serious.
We keep hearing these horrible stories. We heard the President walk out into the Rose Garden last week and talk about what Brian Atwood, the AID Administrator, told him about the groups of men that were lined up and doused with gasoline and lighted on fire. keto in the town, ordered to burn children. We know it is true and is not true. I will say this, I know despite what you believe contrary—and this is most significant—the atrocities that have been committed on the Kosovar Albanians are minor when compared to other places. I am involved in mission work. I go to west Africa with some regularity. I was in west Africa less than a month ago. This does not have anything to do with being a Senator. It is doing the Lord's work in some of these places. I am talking about Benin, Cote d'Ivoire, Angola, and Sierra Leone. For every one person who has been killed, ethnically cleansed, killed in the Kosovar Albamians, for every one, there have been 80 killed in just the two countries of Angola and Sierra Leone.

Are they going to go in, take over Sierra Leone and take whole tribes of people lined up and cut their heads off. Entire tribes, the most brutal killing. For every one killed in Kosovo, there have been 80 killed there. Why aren't we concerned about that? We have now come to the conclusion that it is humanitarian reasons that are motivating us. What is wrong with the 80-to-1 ratio in west Africa?

What about Rwanda? For every one that has been killed in Kosovo, there have been 300 killed in the one country of Rwanda. You can go throughout Africa and see much greater atrocities. I don't know why people sit back and act like there is no problem anywhere in the world except there. I have to take issue with what some of the others have come to. There was an article written in the Minneapolis-St. Paul newspaper that I will submit for the Record at the conclusion of my remarks that is very specific as to why it might be we are not concerned about this many Africans when just a handful are killed in Kosovo.

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

For weeks before NATO's air campaign against Yugoslavia, CIA Director Tenet had been forecasting Serb-led Yugo forces might respond by accelerating the ethnic cleansing. I asked the Secretary of Defense, Bill Cohen, before our committee if, in fact, that was what he found. With respect to General Tenet testifying that bombing could, in fact, accelerate Milosevic's plans, we also knew that.

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

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

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

I am running out of time. I want to say one thing about the troops. One of the reasons I went over to be there when the troops were sent in is because I saw a New York Times article on April 13 that said, “We're going into Albania, the middle of nowhere, with no infrastructure, naked and exposed.” And this was an official who gave this quote. So I went over there in fact, that was what I would find. And you know what? That is exactly what I found.

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

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

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

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

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

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

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

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

I think also we have to keep in mind that if we end up saying, “All right, those of you in Europe who have national security interests at stake, if you would and take care of those national security interests, you fight the battle,” we will go back and we will regroup and we will start rebuilding our military so we can defend America on two regional fronts, and “We are not going to leave Iran against North Korea.” I think that is probably the greatest thing we could do for our NATO allies.

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

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

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

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

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

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

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

The Senate cannot and must not force the President to make decisions that he is unwilling or unprepared to make. So I am not prepared to sign off on a 9:30 vote, they would have to be here by 5:30. I worry that a negative vote by the Senate on S.J. Res. 20 will provide the President a blank check. It would also provide the President with prior congressional approval for anything and everything the President may decide to undertake in prosecuting the war against Serbia.

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

I thank the Chair, and I yield the floor.

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

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

Mr. McCAIN. Madam President, I am more concerned about what may be unintended effects of this resolution. I worry that a negative vote by the Senate on S.J. Res. 20 will provide the President a blank check. It would also provide the President with prior congressional approval for anything and everything the President may decide to undertake in prosecuting the war against Serbia.

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May 3, 1999

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

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

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

I recognize Senator Robb for 20 minutes.

The PRESIDING OFFICER. The Senator from Virginia.

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

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

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

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

At the same time, I am deeply concerned about our unwillingness to accept responsibility for our position of world leadership. I regret that fewer and fewer of our citizens are willing to take necessary risks. There are beliefs and principles that our founders were willing to die for, and we cannot shrink from the challenge that we face today. This resolution simply gives the Commander in Chief the options necessary to implement our military objectives. I am consistent with my belief that winning the conflict is of paramount importance.

I commend Senators McCain and Biden for their efforts today and urge support for the resolution and opposition to the tabling motion. With that, Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

The PRESIDING OFFICER. The Senator from Vermont.

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

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

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

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

Now, I support the supplemental funding. In fact, I believe the request for humanitarian assistance is too little. I believe we are not facing up to the reality that these refugees are not going to go back this year, and we are not saving one million refugees—throughout next winter. We are not looking at what those costs are going to be. I also will oppose this motion to table because I believe it is time for the Senate to agree on our policy in Kosovo and take a stand on it one way or the other.

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

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

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

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

So let us debate the resolution. The war is in its second month, and there is
throughout the corners of the world, America will be everywhere at all these images and similar ones on our going to intervene wherever we see this and let them take the lead. Are we century. 

have been happening there for century upon opening in Europe's backyard, and it has popping in from those European neighbors where opening into this civil war, let it come directly by this horrific tragedy. But if there ing their destroyed homes and villages, we way around the globe and into the mid-

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

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

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

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

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

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

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

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

Second, by using whatever force necessary by the United States in this re-

region, we will be pulling our troops and weapons out of regions where we truly have an interest.

Are we ready to stop the no-fly zone around Iraq and send our troops into a ground war in Kosovo? This could en-

title Saddam Hussein to invade other Middle Eastern countries, much like he diKuwait. Are we ready to dive into a war in Kosovo by pulling our military forces out and away from our presence on the border of North Korea? Iraq and North Korea are the two most dangerous hot spots in the world. Can we justify scaling back our efforts in those two regions to play referee in a civil war in Kosovo?

Are we prepared to let Saddam Husse-

in out of the cage and pull away from North Korea, which has a nuclear missile capability? These two areas hold our national security interests. I don't believe Kosovo is even close by compara-

Third, because of Kosovo, our mili-

rary readiness is suffering. The Clinton administration believes our military is ready only 30 percent of the time. Yea-

President Clinton has required more of our soldiers with less money and support.

In the past 10 years, the national de-

fense budget has been cut by appre-


cimately $120 billion. The U.S. military force structure has been reduced by more than 30 percent. The Department of Defense operations and maintenance accounts have been reduced by 40 percent.

The Department of Defense procure-

ment funding has declined by more than 50 percent. Operational commit-

ments for the U.S. military have in-

creased fourfold. The Army has reduced its ranks by over 630,000 soldiers and civilians, closed over 700 installations at home and overseas, and cut 10 divisions from its force structure. The Army has increased its presence in Europe from 215,000 to 65,000 personnel.

The Army has averaged 14 major de-

ployments every year and into the mid-

dle of another nation's civil war.

The Army has averaged 14 major de-

ployments every year, increased significantly from the cold war trend of one deployment every four years.

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

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

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

Why? It is most likely because re-


cruitment is at the lowest it has ever been and because our soldiers are leaving the Armed Forces in droves.

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

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

That was what Air Force Vice Chief of Staff, General Ralph Eberhart said in the Air Force Times.
have come to the floor this afternoon to speak on our war with Serbia, and even those who have spoken in opposition to the pending resolution.

The role of the United States in the Balkans is obviously a matter of life and death, and surely deserves our discussion in the Senate of the United States. So I thank those Senators who have recognized the importance of having this debate.

I want to respond briefly to a few of the points made in opposition to the resolution. First, the resolution gives too broad a grant of authority to the President.

As I observed earlier, the Presidency already has its authority. The Constitution gives Congress the sole right to declare war. It does not give us the right to declare peace unless we are asked to ratify a peace treaty, or if we refuse to appropriate money for the conduct of the war. That is the only peacemaking authority that we possess.

If this Senate does nothing, and it seems at the moment to be the Senate's preferred course of action, the President has the power to commit all American military forces to the conflict in Yugoslavia. The President has already decided to seek victory there. Unless we cut off the money, nothing but his own lack of resolve can stop him from doing whatever is necessary to win the war.

I object to this because I felt the President needed the authority to take the military action that he did in Panama, or to take him to the floor to support this issue. The President has the power to seek victory there. If this Senate does nothing, and it seems at the moment to be the Senate's preferred course of action, the President has the power to seek victory there. If this Senate does nothing, and it seems at the moment to be the Senate's preferred course of action, the President has the power to seek victory there.

Second, the resolution gives the President too much power. The Constitution wisely gave him that power long before any of us arrived on the scene. If the opponents want to prevent the President from exercising the full power of his office, they have a chance in this war as if the stakes are as high as they claim they are, then they should not vote for the supplemental appropriations bill that will soon be on the floor. Any Senator who supports the President in this war and opposes this war as unjust, unnecessary, unwise, and not in our interest should also vote against the supplemental bill.

Mr. President, you can't support the troops and permit them to be sent into a conflict that doesn't justify their sacrifice. Trust me. The troops would rather be spared that kind of support.

If you believe this war is worth fighting, or if you believe that, once begun, America's vital interests and most treasured values are imperiled in this war, then, vote to encourage the President to do the right thing by our servicemen and women. Vote to implore him to fight to win this war as soon as possible so that what losses we do incur will not be in vain. Have no fear that the Congress will not appreciate what they will do their duty, and they will expect us to do ours. They will win this war for us, the alliance we led, the people of Kosovo and for the values of the distinguished America for all of our history. They will win this war if only their elected leaders allow them to.

Mr. President, I ask that the Senator from New Mexico be recognized for up to 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me thank the distinguished Senator from Arizona and those who have joined him in this cause.

While I understand it certainly should not be taken as any diminution of the respect I have for JOHN MCCAIN and a number of Senators who are here on the floor to support this issue.

But, Mr. President, I believe what we should do is to prepare a letter to the President of the United States. I think we should say to the President something like this: "Mr. President, you are the Commander in Chief. Mr. President, we are engaged in a limited military undertaking joined by our NATO allies in the Kosovo-Yugoslavia area. You, Mr. President, have decided that we should do this; you have decided the limitation and the scope of our involvement.

When this appropriations bill comes along we will make sure our military men and women get everything they need to protect themselves adequately and in the most safe manner possible, so we are going to support them with all the time necessary.

Mr. President, we anxiously await further requests from you. If, as a matter of fact, you believe we should proceed beyond the current limited involvement to a broader involvement. If you desire to have our military men and women on the ground trying to take part in operations in Kosovo and Yugoslavia so that what you, Mr. President, say the goal is might be accomplished, you request that of the Senate. We should sign this letter and the President's request, and it will be dealt with immediately.

Frankly, the reason I start my comments that way is I don't believe we should say to a President of the United States and his military commanders, who apparently agree with him, how to conduct his military operations. They don't want to even plan for a land war—the President has said that many times. He has said, if you gave me authority, I would specify my objectives. He has made up his mind that this is the kind of war he wants to conduct.

We are not privy as Senators to what relationship exists between the NATO countries and the United States of America regarding what is going on over there. What will change some people's minds about their unity of people is if America acts unilaterally or in some way inconsistent with their understandings and agreement. That is why the Congress, we don't know about those relationships. We don't know about the negotiations taking place now to try to bring this to a conclusion. God willing, it will be brought to a conclusion sooner rather than later.

Why should we take unilateral action when he does not ask Congress for it. Regardless of what the Senate may tell him, he alone has the authority to conduct the war. My friend from Arizona almost makes my case by saying whether we do this or not, he has the authority. I think that is what I heard him say—whether we do this or not, he has the authority. What are we up to?

Mr. MCCAIN. Same thing we were up to in the Persian Gulf resolution.

Mr. DOMENICI. He is not asking for it. That is the big difference with the Persian Gulf resolution. President Bush asked us in writing and stated what it was about.

My other observation—in fact, if the President of the United States and our Secretary commander serving our Nation want to go beyond what we are doing now, I would think he would at least tell us what it means. If they sought from us what President Bush sought, to go into a land war for some reason or other there—we may be necessary—then he should request our approval.

As a matter of fact, I wonder from time to time why the President isn't asking for it. The point is, if we asked for it, he would specify his objectives. He wouldn't just send something up here and say he wants to have our men and women go in and do this. We would have some briefings and we would understand what the end game is. We might even understand the risks involved in his plans. Even in expeditiously treating a request, we would get some answers we don't have today. I think we should expect those answers.

I don't believe we should involve ourselves in a military venture into the great unknown of that area because we want to in some way tell the President of the United States and the generals and the commander of the joint Chiefs of Staff, we want to give you more authority than you think you need; we want to tell you we are giving you more authority than you think you need.

We are not offering any authority that they don't have already under the commander and chief powers of the Constitution.

I want to make it absolutely clear that I don't agree with my friend, JOHN MCCAIN, that in order to support the men and women engaged over there in a military event that the President has ordered, that we should not vote for money to protect them and give them what they need until we have a resolution. Those who don't follow. As a matter of fact, I want to assure those who are wondering, this is one Senator who will give them as much money as I can justify, to make sure our military men and women are prepared when we come out of this skirmish than anyone we went in. I do that without any concern that I have not voted to give the President authority to do more because they
are already there; I believe I am neglectful in my duty if I did not give them emergency money.

First of all, it wouldn't bring them home because they could go on for a long time under the President's Command and Chief authority. By not doing a supplemental, we wouldn't be getting them out of there. We wouldn't be ending it precipitously.

I stand in support of this resolution offered by the Senator from Arizona. I think we all must acknowledge his experience in military issues. And, few of us in the Senate can speak with the authority that his personal experience in war has given him.

I do believe that we should be debating this today because of the War Powers Act, which we all believe to be unconstitutional. But, Mr. President, if the War Powers Act is unconstitutional, it is unconstitutional under President Clinton as much as it was under President Nixon. I, for one, will not reverse my legal assessment of the act just because of the current officer in the White House.

I confess that I do not have a great deal of confidence in the foreign policy of the Clinton Administration, Mr. President. I have been outspoken about this President's failures, particularly in dealing with this ongoing crisis in the Balkans.

But, I do not think we should shape analysis, shade history, or ignore facts to serve our profound discomfort with this Administration's foreign policy.

For example, join me in sending that kind of letter to the President. I ask unanimous consent that this letter be printed in the Record.

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

May 3, 1999

DEAR PRESIDENT CLINTON: As a representative of our country's citizens and strong supporter of our military men and women, I feel obliged to convey my position with you regarding the U.S. involvement in hostilities in Kosovo. As you well know, several legislative proposals already exist which would propose to preempt, further define, or curtail your authority and responsibilities as President. I believe that these options are neither prudent at this particular time, nor do they necessarily conform with desired consensus in an effort that involves the active engagement of our military in a hostile situation.

I fully acknowledge you as Commander-in-Chief of the U.S. forces. I recognize that this Office wields the authorities and grave responsibilities in decisions of national security and foreign policy. As Commander-in-Chief you have chosen to take the lead in this area, and I continue to look to you and your military advisors to determine what objectives our military seeks and determine what means may be necessary to attain such objectives. As you well know, these are decisions that directly impact the daily lives of citizens throughout this country and will have long-term implications for the security and prosperity of the American people.

If you should decide that this operation requires the current air campaign, I respectfully ask that you send us your request.

Upon receiving any such request, I offer you my commitment to bring the matter before the Senate for deliberation and a decision expeditiously as possible.

Sincerely,

Mr. DOMENICI. Mr. President, I yield the floor and thank the Senator for yielding me the time.

Mr. MCCAIN. I am intrigued at the prospect of exercising our constitutional authority by a letter to the President.

I yield 15 minutes to the Senator from Connecticut.
In spite of these criticisms, I believe there are essential American national interests at stake in the Balkans. Europe has always been important to the United States, both politically and economically. We cannot stand by and watch the region degenerate. We cannot afford to ignore instability in a region that is a geopolitical crossroads and an economic thoroughfare benefiting U.S. security and trade.

Therefore, Mr. President, I rise in support of this resolution. Its purpose is to codify our national stance on a war that is going into its second month. Countries in the region are being destabilized. Albanian and Croatian borders have been crossed by Serbian military forces, and the slaughter going on in Kosovo has seen nothing like it in Europe since the Holocaust.

In the wake of these events, I believe the United States must lead. If we wish our own interests to be secure, we cannot allow aggression to move without notice. If we look the other way and imagine that such conflict will not have an impact on us.

And, we cannot abdicate our role in NATO, perhaps the most successful military alliance of the post-war era. If NATO of democratic freedom-loving nations of Europe, fails, we face untold political and military tests in the future.

Yes, Mr. President, there have been egregious mistakes conducted in the prosecution of this war. No mistake has been greater than the repeated assertion that we would not even plan for the possibility of ground forces.

This is not political leadership. Mr. President, it is leadership paralysis. It will lead, I fear, to a defeat for NATO, to a diminution of the symbolic power of the U.S. military, and an increment in the insecurity this country will face in the very near future.

Other NATO leaders such as British Prime Minister Tony Blair—who, never once in his political career has been referred to as a “hawk”—have at least the sensibility to recommend planning for the possibility of ground forces.

The most critical error made by this Administration has been to reiterate our refusal to consider ground forces. This self-limiting rhetoric—which the public doesn’t even believe—has compromised our military campaign so far.

By declaring to Milosevic what we will and won’t do, our military campaign, and thereby increased the risks to the pilots and their support. We have undermined political goals, which, one must presume, can only be achieved by meeting our military goals. In short, we have given Milosevic the incentive to “wait NATO out.”

And this is what leads us to this debate today, Mr. President. I believe that NATO, as the alliance led by this country for half a century, embodies both the symbolic and real military strength of this country. If it is to engage in war, as it is now, it should not limit its planning so that we increase the chance of failure. That is what is happening right now.

Some fear that we give this President a blank check with this resolution. We should also consider that such reliance by the Senate position can be interpreted, as it is now, as an incentive to Milosevic and his gang of killers. It could also be read by this President as an excuse to conclude this war in a way that does not meet even the scant NATO objectives articulated so far.

One thing we have witnessed over the past decade in the Balkans, Mr. President, is that the longer we wait, the lusher the options. Fear of a “coup” has become incrementalism. We have seen this in years of ignoring the situation each time until it escalates and then meeting that escalation with stop-gap measures.

Had we used airpower to degrade or destroy Milosevic’s regime in the early part of this decade, we would most likely have seen the rise of a Serbian alternative to his regime. By allowing him to stay in power, he has exercised the leverage to destroy opposition in Serbia, and he has coalesced his power by bringing in the worst of the ultranationalists. So today, at the end of a decade of genocidal wars led by Milosevic, we appear feckless in the face of yet another war.

Mr. President, let me predict now that if Milosevic’s military is not destroyed—whether by air, by land, or by sea—this will not be the last war. Ask the leaders of Albania and Macedonia if they feel secure having a strong Serbian military led by Milosevic camped on their borders. Ask the Hungarian leadership.

Let me be clear about this: This is not an instruction to the President to send in ground forces. I do not believe we should micromanage wars. To the extent that air power can get the job done, I would be very happy not to send American troops into this theater.

But, this resolution puts him on notice. If he fails to achieve the objectives, he will not turn to the supporters of this resolution and declare we were responsible for the failure.

Some insist that this is primarily a “civil war,” and that it is the matter of Serbian sovereignty to respect. Would I make three brief remarks regarding this view.

One, the rapid depopulation of hundreds of thousands of people and their forced movement across borders is an aggressive act, with destabilizing consequences for the region. If, for example, the Chinese were to unleash a million refugees across the Pacific to our shores, we would consider that an aggressive act.

Second, international law is by no means clear in protecting the right of a genocidal regime to slaughter its citizens.

And, third, Mr. President, while we can debate the level of national interest in Kosovo, I do not believe that we, in this body, Republican or Democrat, advocate for the sovereign rights of genocidal dictators.

Mr. President, I greatly fear the consequences of failing in our war against Milosevic. Yes, it is complicated, as are most matters of foreign policy. Yes, do we not have excellent options, although rarely in our history have we had them.

But we cannot deny the reality of an aggressive dictator waging war after war in Europe, in a Europe this country has recognized as in our national interest, as Europe which fought two hot wars and one Cold War.

The result of our victory in that Cold War was the liberation of eastern Europe. One dictator remaining in southeastern Europe has inflamed the region. If, for example, he is destined to challenge America. Some of these dictators have already shown themselves, such as Saddam Hussein. And, he’s taking notes. Seeing the survival of Slobodan Milosevic, he and others will challenge us again and again. I predict, Mr. President, that the survival of Slobodan Milosevic, the security of this country will be increasingly challenged.

Mr. President, the point of this resolution is to indicate that the Senate of the United States will support what ever takes to achieve NATO objectives. If NATO fails—and there is no objective reason that it should—it will be because of a failure of political will.

The supporters of this resolution, every one of them, indicate today that we have the political will, Mr. President. That is why I will support the McCain resolution. At the end of the day, history does not wait for a heroic administration.

As I stand to address this debate, I recall the Boland amendment debates in the 1980s, and the constant interplay between the President and his Congress to resolve foreign policy issues. I argued that this violated the Constitution at that time, and I tend to disagree today with some Republicans who are reluctant to support the President simply because he is in the middle.

I support the McCain resolution. I think it is the right thing. And we should give the President the authority to use all necessary force to support our objectives. It seems to me that is a pretty reasonable thing for which to ask.

Three years ago we met with Milosevic in Belgrade. This is a man

who has put himself in power and kept himself in power through ethnic conflict. If NATO and this President don’t do what is right in going after this regime and in stopping them from further genocidal conduct and letting them know that enough is enough. But I fear the President has begun something that he is unsure of completing. His goals remain vague and, worse, he has limited the means he declares he will employ.

I commend those who have supported this particular resolution, and I thank my dear friend from Connecticut for allowing me this time.

Mr. President, I seek unanimous consent to have printed in the RECORD “The Price of Distrust,” by William Safire.

“THE PRICE OF DISTRUST”

(William Safire)

WASHINGTON.—Congress is not only ambivalent about buying into “Clinton’s War,” it is also of two minds about being ambivalent. That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. Its unwillingness to enter Serbian territory to stop the killing at the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up the negotiating table all he has won on the killing field. He won’t.

He will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win but are merely attempting to settle.

Small wonder that no majority has formed in Congress to adopt the McCain-Biden resolution giving the President authority to use “all necessary force” to achieve a clear victory. Few want to go out on a limb for Clinton knowing that he is preparing to saw that limb off behind them.

Clinton has so few followers in Congress because he is his own world’s leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, but the momentary choice of border-first diplomacy or peace-keeping. The choice of the momentary conduct of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust the President to use all force necessary to establish the principle that no nation or group can drive out an unwanted people?

The answer is no. The distrust is palpable. Give him the tools and he will not finish the job.

Proof that such distrust is well founded is in the erosion of NATO’s key goal: muscular protection of refugees trusting enough to return to Kosovo.

Firstly, that was to be done by “a NATO force,” rather than U.N. peacekeepers. The fallback “O.N.TO-led force,” including Russians. Now the formulation is “ready to lead,” if anybody asks, or “a force with NATO at its core,” which means Serb-favoring Russians, Ukrainians and Argentinians, with Hungarians and Czechs to give the illusion of “a NATO core.”

If you were a Serb-Albanian woman whose husband had been massacred, sister raped, children scattered and house burned down on orders from Belgrade—would you go back home under such featherweight protection?

Only a fool would trust an observer group so rotten to the core. And yet that is the concession NATO has made even before formal negotiations begin.

What can we expect next? After a few more weeks of bombing we will urge Milosevic to complete his dirty work in Kosovo, Viktor Chernomyrdin or Jimmy Carter or somebody will intercede to arrange a cease-fire. Film will be shot of Serbian tanks (only 30 were hit in a month of really smart bombing) rolling back from Kosovo as bombardment halts and the embargo is lifted.

Serge Rogov, the Moscow Arbatovnik, laid out the Russian deal in yesterday’s Washington Post: (1) autonomy for Kosovo but no independence or partition; (2) Milosevic completes his dirty work in Kosovo, Viktor Chernomyrdin or Jimmy Carter or somebody will intercede to arrange a cease-fire. Film will be shot of Serbian tanks (only 30 were hit in a month of really smart bombing) rolling back from Kosovo as bombardment halts and the embargo is lifted.

And what will happen to the principle of no new reward for internal aggression? It will be left for resolution to our next President, who, in another test, will have the strength of the people’s trust.

Mr. DODD. Mr. President, I want to begin by commending our colleague from Arizona, Senator McCain, our colleague from Delaware, Senator Biden, and others who are responsible for drafting this resolution of which I am a cosponsor.

As the Senator from Utah has indicated, this resolution gives our President the means to respond to this crisis, utilizing whatever force may be necessary in concert with our allies.

Unfortunately, such a resolution depends on Slobodan Milosevic halting his campaign of genocide and agreeing to the reasonable conditions set forth by the United States and our allies. So far, however, he has indicated that force is the only language he understands.

Clearly, this is not a unilateral effort on behalf of the United States. There are 38 other nations that make up the NATO strategic alliance. As a result, it is essential that we act in concert with them.

The resolution before us is fair, balanced, and deserves the support of our colleagues.

As my colleague from Arizona said earlier, it is unfortunate that we are placed under the pressure of casting a vote before having a chance to consider this resolution. If one is made, after such a short period of debate. Ideally, we might have waited a few more days for consideration of this resolution. It was not the desire of the distinguished Senator from Arizona nor the distinguished Senator from Vermont to force a vote at this time. It is one that is being forced upon us by a procedural requirement under the law.

Never the less, the resolution before us is both sound and important. I urge my colleagues to join me in supporting it.

Before I proceed to the matter before us today, let me just take a moment to join my colleagues in expressing how pleased I am that Servicemen Ramirez, Gonzales and Stone have finally been released. These men from their prison have now been reunited with their families. Reverend Jackson, who led the delegation and secured their release, certainly deserves our commendation.

While we rejoice at the freedom of these brave Americans, however, we must also keep in mind that on the very same day they were released, some 7,000 Kosovars were forced to flee for their lives and seek refuge in neighboring countries. Today, they have joined the ranks of more than one million Kosovar Albanians who have watched their homes disappear behind clouds of acrid smoke, who now know the pain of missing or murdered family members, or who know the personal pain of torture or rape.

These atrocities are not isolated incidents. Rather, they represent a calculated and methodical effort to commit genocide, designed and executed by Slobodan Milosevic and his soldiers and policemen. Mr. Milosevic has left his bloody hand print on more than just Kosovo. Several years ago, we saw his willingness to use murder, torture and rape as tools of a ethnic-cleansing in Bosnia and Herzegovina. Months before NATO dropped the first bomb on Yugoslavia he had already forced 400,000 Kosovars from their homes in spite of the Herculean efforts by the United States and our allies to find a diplomatic or political resolution. Thus, the notion that NATO forces have contributed or caused the Kosovars to be displaced or put in harm’s way is entirely without merit. This tragedy has resulted from the actions of one individual and those of his supporters who have allowed this policy to go forward.

The messages we send, both by the words we utter and by the votes we cast, often travel far beyond the walls of this chamber. Rarely, however, do they travel as far or as widely as will the messages we send during this debate.

Firstly, our service men and women are listening at their posts around the
world. They want to know where they stand when it comes to the Senate. They ought to know, in performance of their duties, they have the backing and the support of their elected representatives. It ought to be abundantly clear that they have the backing, the support, and the confidence of the American people. They have the American people's confidence because they fight under the American flag. It was not their decision to be engaged in combat. Yet, the jobs they do are monumentally important. We must not take any action here in the Senate which would set the signal that they have anything but the highest level of support we can muster.

The innocent men, women, and children of Kosovo are also listening tonight. More than 665,000 are in refugee camps in Macedonia or Albania living under tremendously difficult conditions. While they are safe, they desperately want to be able to return to what is left of their homes and villages and begin the difficult process of rebuilding. Hundreds of thousands of others are hiding in the hills of Kosovo without adequate food or shelter, praying that Serb forces will not find them. They too are listening to the message we send here today, wondering when they will be able to come out of the hills and begin the long road of death or exit.

They are also listening in Belgrade tonight. President Milosevic is listening for a crack in the United States' resolve to oppose his reign of terror in Kosovo. Kosovo is no place in this Chamber that his actions should be ignored. Similarly, I hope that the Senate will not stand silent instead of expressing our sense of outrage over what this man has done to so many innocent people simply because of their ethnicity. We must never stand silent in the face of Mr. Milosevic's genocide.

All across Europe, our NATO allies are listening. It has not been easy for the 19 member nations to come together in a common purpose. I hope that, as we watch the proceedings tonight and tomorrow, they understand how highly we regard this alliance. I have heard some of our colleagues say it does not make any difference to them whether or not NATO is damaged as a result of our votes or action. I cannot disagree more vigorously. It would be a grave mistake to damage this important alliance. Yet, we could do just damage by the votes we cast and statements we make over what this man has done to so many innocent people. I cannot disagree more vigorously. It would be a grave mistake to damage this important alliance. Yet, I cannot disagree more vigorously.

I want to point out to my colleagues, that all the worry from a newly orphaned child in a Macedonian refugee camp to our allies to Slobodan Milosevic—does listen to the messages we send. Mr. President, 60 years ago next week a ship called the "St. Louis" sailed from Hamburg, Germany. Aboard were 937 passengers with one-way tickets. Nine-hundred six of the passengers were Jewish refugees who, having lived through Kristallnacht six months earlier, already feared for their lives. Warning that they were going to be valid entry permits for Cuba, they left their homes and lives behind, hoping to find safety on the far side of the Atlantic Ocean. When they arrived in Havana two weeks later, however, only 28 were permitted to live there. They were living at the anchor for a full week under the oppressive sun, the St. Louis left Havana and tried to enter American waters, but they were told that they were not welcome in this country, that we could take 900 more people into the United States.

That ship and its passengers returned to Europe more than a month after it left. The United States Holocaust Memorial Museum here has traced the lives of the St. Louis' passengers. The fates of the more than one third of the St. Louis' passengers who later perished in the Holocaust should stand as a stark warning to what we have done to valid entry permits that are not given to Cuba, to Haiti, to Vietnam, to Cuba, wherever it is that they are living, finally realizing how we have treated them. I think this is a good agreement, a fair one, and allows us to get to a substitute that could be offered.

Mr. LOTT. I ask unanimous consent that the following the vote relative to S.J. Res. 20, if tabled, the Senate move to proceed and agree to the motion to proceed to S. 900—that is, the financial services modernization bill—and, following opening statements, Senator Daschle be recognized to offer an amendment in the nature of a substitute, the text of which is S. 753, and Senator Gramm and Senator Sarbanes have been working together. I think this is a good agreement, a fair one, and allows us to get to a substitute that could be offered.

I also ask that following the disposition of the Sarbanes substitute, the next two amendments in order be first-degree, the amendment by the majority leader and I yield the floor.
Senator SARBANES or his designee be
recognized to offer an amendment, the
text of which is the CRA provisions of
S. 753 substituting for the CRA provi-
sions of S. 900 and no amendments or
motions to commit or recommit be in
order during the pendency of the Sar-
bane/CRA amendment.
Finally, I ask that all amendments in
order to S. 900 be relevant to the finan-
cial services legislation.

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

Mr. mccain. Mr. President, I yield 30
minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, may I
make a parliamentary inquiry? Is Sen-
ator DURBIN next on the list after me?
The Senator from Delaware, Senator DURBIN,
apparently agreed to switch spots with Senator KERRY.

Mr. McCAIN. After Senator BIDEN is
Senator KERRY, Senator WARNER, Sen-
ator NICKLES, Senator DURBIN, then Sen-
ator DINOGRAN, Senator LIEberman, Senator CLELAND, Senator LEVIN, Sen-
ator HOLLINGS, and Senator BROWNBACK.

Mr. BIDEN. I thank the Senator. I
know the Senator has a very important
appointment he has to make. I am pre-
pared, if it is all right with the Senator
from Arizona, to switch with him and
follow him. In other words, then the Senator
from Massachusetts will be next and then I will speak.

Mr. McCAIN. I ask unanimous con-
tent that the Senator from Massachu-
setts, Mr. KERRY, be recognized for 15
minutes, followed by Senator BIDEN for
30 minutes, and the REcord will show the
incredible generosity of the Senator
from Delaware, Mr. BIDEN, having
allowed two—not one, but two—Sen-
ators to precede him.

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

Mr. McCAIN. Mr. President, I ask
that Senator KERRY be recognized for up to 30 minutes.

The PRESIDING OFFICER. The Sen-
ator from Massachusetts.

Mr. KERRY. I thank the Chair, and I
particularly thank Senator BIDEN for
his courtesy. I appreciate this enor-
mosly. I also thank Senator DURBIN,
who is not here, but will be here short-
ly, for his courtesy.

Mr. President, I join with the Sen-
ator from Arizona, the Senator from
Connecticut, Senator Dodd, Senator
BIDEN and others in support of this res-
solution. I understand the sensitivies of a great many of our colleagues and
the administration to where we find
ourselves. But I think that a fair anal-
ysis of what the Senate has before it and
what the country has before it really
mandates that the Senate be prepared
to back up its own steps, the steps that we took when we supported
the bombing itself.

I have been fortunate of my colleagues in
the course of the debate over this after-
noon, most recently the Senator from New Mexico, say, "Well, we need to
recognize that the President made a
decision and the President, having
made a decision, we now need to know
from the President what the strategy is;
we need to know from the President what the exit strategy is; we need to
know from the President what is called for."

Frankly, I say to my colleagues, there is not a small measure of con-
tradiction in those statements today.
There may even be some measure, I
think, of confusion about the road that
we have traveled.

The fact of the matter is the President
made it clear to us at the outset what our
goal was. The goal has always been the
capacity of the Kosovars to live in
peace within Kosovo. The goal has been
a return to the status quo before Mr. Milosevic withdrew his army, which
had been enjoyed by the ethnic Alba-
nians in Kosovo for years, in the wake
of his sudden discovery that playing
the nationalist card, in fact, was a road
to power, as it was also the road to
some four wars and to an extraordinary
amount of killing in Bosnia. In Slo-
venia, Herzegovina and Croatia.

Now, Mr. President, we find ourselves
in the situation where the Senator
from Arizona and some of us are sug-
gest that the course that we chose in
the beginning is, in fact, a correct
course, and the course that we ought to
follow. The truth is that it was not just
the President of the United States who
made a decision. So did the Senate of
the United States. A majority of the
Senate, having approved the resolu-
tion supporting air strikes against
Yugoslavia and who might choose to
take the risks of stopping Mr. Milosevic,
those who voted to start bombing,
those who voted to support air strikes
against Yugoslavia and who might choose to stop Mr. Milosevic, those who were
crying for the United States to take a
stand only a year ago, and then once the
President does take a stand—the only
stand that most people in the world
thought he could take—all of a sudden
they begin to vanish and run for the
sidelines and take cover. I find that
rather extraordinary, not to mention
that it is, in fact, a contradiction of
enormous proportions.

I understand that some in this Cham-
ber have reservations about bombing. I
understand full well how about some,
given the history of the Balkans, may
have inherent reservations about the
United States, through NATO, even
being involved there. Some of those
people reflected those deep-rooted be-
iefs and fears in their original vote.

But the majority of the Senate voted
by a greater margin than the majority
who sent this Nation to war in Desert
Storm, and I believe those of us who
were in the minority here, and by a
majority of the Senate voted for history
to prove those lone Senators who
agreed with this, and voted against.
One was Wayne Morse; the other was
Ernest Gruening. It took a long time
for history to prove them right.

Frankly, I say to my colleagues,
there may even be some measure, I
think, of confusion about the road that
we have traveled.

The fact of the matter is the President
made it clear to us at the outset what our
goal was. The goal has always been the
capacity of the Kosovars to live in
peace within Kosovo. The goal has been
a return to the status quo before Mr. Milosevic withdrew his army, which
had been enjoyed by the ethnic Alba-
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guarantee the outcome. And we were committed to do what was necessary in order to achieve that, and we would support any efforts in order to achieve that.

Mr. President, I think one of the great lessons of the Vietnam period—and I think Senator Hagel feels it very strongly, Senator McCain feels it very strongly, Senator Robb, myself, and others—is that if you are going to commit American forces, you make the decision to intervene, you outline what you are trying to achieve, and you make decisions at the outset that if you are going to send those soldiers—airmen, seamen, all of them—into battle, you do so with the understanding that you are committed to achieving the goals that you have set out.

I think it would be astonishing, in the face of the reality that the goals are achievable here, that this is so distinctly different from a Vietnam or even a Desert Storm. In some ways, what we have provide those ingredients of doubt and reservation that seem to back off the original commitment that we made.

I have heard many people questioning, not only today, some of the actions that are there or how the war is proceeding. But some seek a reservation in the notion that the President has not asked for this authorization of force or the Joint Chiefs of Staff have not asked for it. But those same people are always quick to come to the floor and assert the powers and prerogatives of the U.S. Congress in the conduct of foreign policy.

They are often the first to come to the floor to suggest some alternative policy to the President. They have often come to the floor with amendments to change Presidential policy in foreign policy, to amend it, to strengthen it. I think there is an irony that all of a sudden they are suggesting so much prerogative away from the Congress, when they have spent an awful long time here asserting the very opposite.

In addition to that, I have heard colleagues deeply disturbed—as anybody should be appropriately—about collateral damage and what happens in the bombing. I do not think there is an American, in good conscience, who does not feel pangs or deep reservations about the collateral damage and what it means to us. The pleasure that we might have in the fact that this has been carried on now for 40 days, melding Dutch, British, Germans, Americans, French, Greeks, 19 different countries together, melding all of these airplanes and those multiple sorties, and bringing together, is really a remarkable accomplishment.

At the same time, day by day by day, albeit some Members of the Yugoslav Army may feel better and think, gee, we have been given a purpose in life, the fact is that on a daily basis their capacity to wage the war is being stripped away. Who in their right mind would choose Mr. Milosevic's hand to play in this versus the hand of NATO?

The question before the Senate and the country is: Will we have the capacity to stay and play out the hand that we have?

This is not Vietnam. This is not a country that stretches from the equivalent of New England all the way down to the tip of Florida with a Laos and a Cambodia on its borders, with a superpower, the former Soviet Union, and China sitting in the background supplying, pushing down the Ho Chi Minh Trail, ready to come in when we are not prepared. This is not the United States essentially acting alone.

Taken together, Serbia and Montenegro are significantly smaller than Kentucky and are essentially surrounded by friendly people. Kosovo is approximately the size of Los Angeles county. Unlike North Vietnam and South Vietnam at the time, unlike that country, where we became involved on the side of one of the combatants, where we seriously considered it necessary to carry on years and years of continual effort that had been misconstrued by the population and outright opposed and reviled for years, unlike the inadvisability of having been embroiled, we
have been very careful here to suggest we are not for independence for Kosovo, we are not for the KLA ravaging their countryside any more than we are for Mr. Milosevic and the Serbs doing so.

We are fighting for the standards of internationally accepted, universally accepted behavior that country after country has signed on to through United Nations conventions and other instruments of international law and through their own standards of behavior.

I can't think of anything more right than taking a position against this kind of thuggery and this kind of effectively by those standards as we leave the end of this century.

Some people say to me, “well, Senator, we are going to have some people there for a long time.” My answer is: So what? If that is what it takes in order to stand against that and to come to terms with the very kind of things that stained the history of this century and of their country during World War II. Is there a more beautiful circle in terms of understanding what is at stake? I do not think so.

It seems to me, Mr. President, that an investment of some 5,000, 6,000, 7,000 troops in southern Europe to guarantee that Greece, Macedonia, Montenegro, and Albania can remain stable and not be dragged into this, that is worthwhile.

Some would say, Senator, we heard that old domino argument before; that is the one they gave us in Vietnam. Once again, the facts on the ground are proving the reality. Can anyone here tell me with a straight face that Montenegro, without our current efforts and involvement, could possibly withstand the strains of what is happening? Can anybody tell me that if the entire population of Kosovo were driven out into Albania, you wouldn't somehow see Macedonia, Greece, or Albania dragged into this? Ultimately, there is a person in the Senate who doesn't understand that we would have been dragged into it, too. There was an inequity that NATO would be called on to take a stand.

How astonishing it is that people find some kind of moral equivalency here between some of the difficulties of wagging a fairly carefully prosecuted—not fairly, a very carefully prosecuted war, and what we are trying to achieve. How do we get the American people concerned about finding that equivalency measured against what Mr. Milosevic has done.

I believe if we will stand our ground and be steady and show the resolve that the United States and the American people have, that the leader of the free world, that we have the ability, through this air campaign, to achieve ultimately the diplomatic outcome that we would like to achieve.

But we have also learned through all of history—Henry Kissinger and Richard Nixon will tell you this, in dealing with the North Vietnamese in the Christmas bombing, and I hated it back then, but I have come to understand that there are, in fact, sometimes some things that do speak and make a difference to certain people. Like it or not, as I have been deeply involved in that part of the world in the last years, I have learned that that somehow would make a difference to people's decisions to try to come to some kind of resolution.

The fact is that we are now backing up diplomacy with force. I have heard some people call for a stay in that force that somehow it would be diplomatically nice if we were to turn around and have a bombing pause.

My response to that is very simple: Do not let the politicians decide, after sending the military personnel into risk their lives, when you are going to have a bombing pause, without adequately passing it by the military to ensure that you are not going to put your people at greater risk if you don't achieve your goals at the back side of it.

I can't go into all the reasons for that, but people understand that there are a great many repercussions to a bombing halt which could have greater repercussions for the American people. As a result, I am fully committed to having that happen at the right moment, but I want that to be driven by the military needs of achieving our goals and not simply the political imperatives at the time.

Finally, Mr. President, let me say that I hear colleagues say: Well, we want to know what the end game is; we want to know where we want to go. We have even heard mention of the Boland amendment and other things. Are we in this to win?

There are only three or so choices in this, Mr. President. That is about it. Anybody ought to be able to figure them out. Stop the bombing and fail to achieve your goals. And if you stop the bombing; NATO would be irreparably damaged, if not simply finished. Mr. Milosevic can declare victory, do what he wants, and you will have no force in there. That is one choice.

Another choice is that you continue to prosecute the air war as you press the diplomatic effort, with a guarantee that you are going to press that until you get that effort.

The third is—and it is the best end game, best exit strategy of all—you win. That is the exit strategy. You believe the simple gospel of turning the Kosovars into Kosovo, allowing them to live in a protected structure where people won't be killing them, and at the same time have a force that has the capacity to prevent new, fresh UCK/KLA from also engaging in killing. It is called that the end game worth fighting for.

If the impact of the air war is substantial enough to force Mr. Milosevic to yield and accept NATO's terms for ending the war, then we will have won. However, if bombing alone is not enough, then winning will require that we have the determination and resolve to do whatever is necessary on the ground to achieve these objectives—to win.

I think when you measure the history of Europe and the importance of southern Europe, and the success of the integration process in Europe, you cannot question the need to achieve our stated goals in Kosovo. NATO has played an important role in the integration process—just talk to the officials in Spain or in other parts of Europe about the impact of NATO as an organizing principal, as a means of bringing countries together and strengthening democracy, they will tell you unequivocally of the degree to which the process of meeting, of coming together, of having mutual responsibilities, of needing to work together have had a profound impact on the capacity of Europe to develop so that they now have a common market and are working on the last efforts of integration, with more power in Brussels and more capacity as a European entity to speak to the world and to stand for these principles.

Are we going to deny that to southeastern Europe? Are we going to ignore the lesson that we would sent to Baghdad or Pyongyang or Tripoli or to other parts of the world if we fail to do what is necessary to win in Kosovo? I hope the answer of the Senate would be unequivocally no. The lessons of history are such that they taught us that this is the right thing to be doing for the right reasons. They are, I think, efforts that are worthy of our commitment in order to see it through to the end.

I am confident that if the Senate and the country were to speak with a single voice on this, in a short period of time we would see this resolved and, most likely, Mr. President, without recourse to ground troops or to prolonged war.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been authorized, since nobody else is on the floor, to go down the list here. I believe I am to be yielded 30 minutes
at this point. I ask that I be able to proceed.

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

Mr. BIDEN. Mr. President, there are few issues that this body debates which are of consequence equal to what we are debating today. We are literally talking about the life and death of thousands of people, including possibly American personnel, American soldiers.

I have been here for 27 years, and on those occasions when I have been put in the position of having to vote on matters, I have no idea whether or not someone will live or die. I have tried my level best to be as intellectually honest and rigorous with myself as I possibly can. I have listened to the debate on the floor today with great interest and with some disappointment. It comes as no surprise to my colleagues that have served with me in the last 10 years or so, or even those in the last year or so, how strongly I feel about the Balkans. I am given blame, or credit, depending on the place from which you come, for getting us as involved in Bosnia as we are. I came back in the early nineties from a long, several-hour meeting late in the night in the office of Slobodan Milosevic, the President of Yugoslavia, and I came away convinced that this was a man with an agenda that was anathema to our interests and was literally genocidal.

I wrote a report years ago, referred to as "lift and strike," whereby I urged us to change our policy. And so I don't want to attempt to hide in any way the intensity of my feelings about what the appropriate action for the United States, NATO, and the world is relative to Mr. Milosevic, but I recently went on, and all of a sudden I realized and hit me right in the head. The light went on, and all of a sudden I realized that I am not equating Milosevic to Hitler out. Just think how different it would have been.

By the way, I note parenthetically that I am not equating Milosevic to Hitler in terms of his capacity, ability, or his danger. As the Senator from Massachusetts pointed out, he does not represent a country of 50 million people, and I believe. He does not have the military power of a country as great as Germany. He does not present the same threat.

But it is analogous in the following way: In a closed meeting of the Foreign Relations Committee, with senior Members of the Senate in attendance from the Committee on Appropriations and, I believe, Armed Services, I was making a case several months ago about why we had to be involved.

One of my colleagues for whom I have an overwhelming amount of respect, a veteran who put his life on the line for this country, a very promilitary guy, looked at me and asked the following question, which answered for me that question I could never answer as a young man. Why did we not act? After listening to my case as to why we should be involved with NATO, he said, "But, Joe, can you guarantee me no American will be killed?" It turned out of those little hammers that the doctors use to test your reflexes, those little rubber hammers, and went bing, and hit me right in the head. The light went on, and all of a sudden I realized why the Vandenbergs of the world didn't do anything. He does: it is beating up Jews and gypsies?" Hard to wonder, when I was in high school and college, as we studied about Hitler and Germany, why nobody did anything in 1934 or 1935 or 1937 or 1938 when the threat was incredibly lower. You look back now and just think what would have happened had the world united and gone in and taken Hitler out. I just think how different it would have been.

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It is difficult to explain to the American people how you would risk even one American life, or more than that, how you would be able to say I can assure you that Americans will die for something that hasn't happened yet. How do you do that? I am sure somebody said, in 1935: If we go in after Hitler, it is going to cost 100 or 1,000 or 2,000 American lives to get the job done.

I am sure Senators like the President and me sat there and said, "How am I going to go home and explain that to my folks? How can I go home and explain we are going to lose several thousand American lives to take out a guy who they do not know anything about, who is no immediate threat to them now, and all he is doing is beating up Jews and gypsies?" Hard to sell. That is where we are now. We have a guy who is doing more than beating up Jews and gypsies. We have a guy who, if you turn on your television, is loading thousands of people into railroad cars in the heart of Europe. He has corralled them like cattle, putting them in railroad cars. I looked at it, and I thought to myself: This is almost like a video game, or something. Is this real? This is 1999. They are loading people railroad cars because of their ethnicity and religion.

The Senator from Oklahoma, Mr. INHOFE, said he was recently in the camps in Macedonia. So was I in the camps. But I had two different impressions. We agreed they were happy to be there. We agreed they were getting fed well. But do you know what struck me? As a Senator, I have been in refugee camps all over the world. It was the following. I was standing there talking to people. And there was thousands of people in line—like a long movie line. They were about six or eight wide, snaked all through this camp. I was standing there asking questions of refugees. All of a sudden it struck me. I was standing next to a guy who had on a sport coat that must have cost $750. Another guy—I looked down at his shoes. They had been to railroad Italian-made leather shoes. In between them was an old lady in a babushka with her teeth missing. All of a sudden it came to me. This is the enormity of the cleansing. It had nothing to do with education. It had nothing to do with the evacuation of this camp. It had nothing to do with the specific territory they lived in. It had to do with their religion and their ethnicity.

It is as if someone marched into an office building in downtown Washington and took out the $400,000 lawyers along with the cleaning lady because they were both Moslem.

People say "no vital interest." Let me ask my colleagues who are listening to the staff who are monitoring this debate. Ask yourself the following question: Can anyone say that they will be leaving their children and grandchildren a more secure future if NATO and the United States didn't do anything in the heart of Europe? Forget for a moment whether or not I and others are right, that if we do not act, it will result in an open war and the split between Greece and Turkey, a division through Europe between those of a Conservative sentiment of 1910 and 1915, although the Hapsburg, Ottoman, German, and Russian Empires were still in existence. Forget
that. Assume we are wrong about that. Tell me, anybody explain to me, how my child and granddaughters are going to be more secure if, in fact, you have a million people displaced, you have thousands of people—at least now documents of people—kneeling out in the backyards of their homes and knelt down and had their heads blown off.

There are 11 million ethnic Russians living in Ukraine. There are thousands, tens of thousands of Hungarians living in Rumania. There are hundreds of thousands of Turks living in Bulgaria. Tell me how this works. Someone explain to me. And then, even if they can explain that, explain to me how the United States of America can be prevented itself from being dragged into a war in Europe.

Look, I am not saying to you all that if we don't act right now, within the next 5 years our future is doomed. But tell me what Europe looks like in 20 years. It is possible, as the United States can conduct its foreign policy anywhere in the world without a stable and secure Europe, not because we are "Europhile" and we only think Europe is important or more important than Asia. But tell me how with our economic, political, cultural, and military ties there can be a Europe divided and our interests not be affected. I find it absolutely astounding that anyone in this Chamber could say we have no vital interest.

I also find this moral relativism very fascinating. It kind of goes like this. If there is an injustice anywhere in the world and we can't deal with every injustice, then we should deal with no injustice. If in Rwanda African tribes are killing one another and the carnage is greater there, or in Cambodia where 2 million people were killed—and the list goes on—if we didn't get involved there, how did we get involved now?

We are talking about two little facts:

One, we have the means in Europe that do not exist in those other parts of the world; two, we have the ability with the means available to us if we are willing to execute an outcome that we desire; and, three, if Europe begins to disintegrate, we are in trouble, because we are a European power.

I said that I would try my best to be as honest with myself as I could because, by the way, I tell you we are political question at the end of the day, those who oppose our involvement in Kosovo do it for this reason. But I can tell you that it is a lot easier for me in my State to be for noninvolvement. That is a sacred place to be, Mr. President. That is the easier place to be. I didn't look for this fight. This is not why I came to the Senate at age 30 saying I want to be for pushing us to go to war. That is why I examine these arguments that the best I can, because if there is a better way that doesn't include war, I am for it.

I like the argument today. The only one, with due respect, that I think made sense was Pete Domenici's. He is in opposition to the McCain-Biden resolution. What he said, from my perspective at least, adds up, and it makes sense. He said, "Hey, look. The President didn't ask for this authority. Why are you forcing it on him? He doesn't want it. We should let the country have a vote."

That says, "If you want it, Mr. President, ask us and we will act on it quickly."

When the Senator from Arizona and I introduced this resolution, that was why I was bringing it. We didn't—at least I didn't—contemplate that the Parliamentarian would rule correctly—"I am not challenging the ruling—that the War Powers Act was implicated and that we must vote on this resolution. That was not what we anticipated. We anticipated, when we introduced this, for it to be here on the floor ready and able to be brought up when it was needed, because we—at least I—concluded that we should give the air campaign a full opportunity to succeed. It has gone up on that yet—but that Milosevic and the rest of the world should know we were prepared to do whatever it took to win."

Here we are, voting on it because of the procedural rules not of the Senate, but of the statute, and thereby by the Senate rule.

I understand Senator Domenici's argument. By the way, I believe, notwithstanding all the speeches today, if the President of the United States asks for your authority, for somebody to vote yes or no, I predict we will see a lot of opinions change.

Now, I heard today time and again the Gulf of Tonkin analogy. With all due respect, it is not at all analogous. In the Gulf of Tonkin resolution, the U.S. Congress said to the President, I and, I am paraphrasing, Mr. President, this body will vote for it; that there are over 51 votes for it. When the rubber meets the road and Members have to vote yes or no, I predict we will see a lot of opinions change.

I respectfully suggest there is no doctrine we were given. We are sitting up here just the guy to look to. Eighteen other nations—nations of money and time into it, and I have figure out if they work better than our new smart bombs. I would like to test the answer is no. It is not analogous

to Vietnam. I was a student during Vietnam. We were told there was a monolithic communism that was going to conquer the world, and we engaged in the Gulf of Tonkin? Not because of us, the Chinese didn't want to let them go there. That monolithic communism didn't exist.

I don't want to relitigate Vietnam but it is not analogous, not only for the reasons my friend from Massachusetts stated—the size of the territory, the population, the availability of the arms in order to the allies in Vietnam and Russia cooperated because it suited their interest to keep the Vietnamese fighting us but not because of the rationale we were given.

I respectfully suggest there is nothing analogous. The Tonkin Gulf resolution is not analogous because it is not giving the President authority on his own in the McCain-Biden resolution as Tonkin Gulf did. It is a different continent. It is a different population, it is a different rationale. There is no doubt on the part of anyone about the morality of the undertaking.

That old joke, and I am paraphrasing, Can 18 European countries that don't have a lot in common be that split at once? Can they all be wrong?

Listening to this debate, one would think the President of the United States just woke up one morning and said: "You know, I need a war. I would like to have a war. I would like to test our new smart bombs. I would like to figure out if they work better than they did in Desert Storm. We put a lot of money and time into it, and I have just the guy to look to. Eighteen other nations said what this guy is doing is bad."

Some of my colleagues will say they have been fighting for thousands of years; all those people are the same. There are a lot of bad guys on all sides, but I don't see the Moslems loading up Serbs on cars and sending them off. I don't see this happening anywhere else in Europe.

There is one remaining dictator in the region. His name is Slobodan Milosevic. He is a bad guy. He is doing very bad things. The idea that the United States of America, when all of Europe has stood up and said this must stop, will
walk away, I think is absolutely bizarre.

Does anybody here truly believe we could stand aside, let this happen, and it not affect our vital interests in the year 2010 and 2022 and 2020 when my grandchildren and their husbands will be sent off?

It seems to me we are making a gigantic mistake here to try to hide behind a lot of arguments. I raise this question with my friend. We use that phrase, "my friend." This guy really is my friend. We have been friends for 27 years. We were back in the Cloakroom talking. I said, what the heck is going on here? I think we both came to a similar conclusion, at least in part. On both sides of the aisle people are using code words because they don't want to be isolationist. This is about isolationism or internationalism. That is what this is about.

A lot of Republicans don't trust this President. I am not suggesting they trust him but just sort of take that nickel when you do the cards at McDonald's for your kids and see whether you won a cup or something. Scrape it off a little bit and right below is the real link—internationalism.

On my side are a lot of the old antiwar Members. By the way, decorated veterans such as Senator McCain and Senator Kerry say we should be doing this.

Look, folks, I don't know how to run an aseptic foreign policy. I don't know how you can be President of the United States and make every decision you make based upon the following formula: If an American will lose their life, we can't get involved.

Look, is there any man in this Chamber, or woman, who understands the loss of life in war and the brutality of war, it is my colleague here, Senator McCain. I am not being gratuitous here. He may be the next President of the United States of America. Guys like him, and women like him, have to say, "I am going to have to do something that is going to cost American lives."

People who disagree with us, I say to my friend, act like we are cavalier about it. I don't understand it like my friend understands it, but I think I understand loss of life a little bit. It is not about that. It is about the recognition that this is a mean damn world out there.

So let me listen to my colleagues make the strangest arguments. I hear a Democrat stand up and say: You know, we should not be involved in this at all. This is a terrible thing. I voted against the bombing. And, by the way, we have to save the refugees. We are going to save the refugees.

Where the heck are you going to save them?

Mr. MCCAIN. Will my colleague yield for a question?

Mr. BIDEN. Sure, I am happy to yield.

Mr. MCCAIN. What does my friend from Delaware make of the argument that this is not the right time, this is not the right time to vote on this? So we are going to table this motion tomorrow and a whole bunch of our colleagues are going to say—including, by the way, my dear friend from Virginia: Yes, this is a problem. It has only been going on for 5 weeks now, hundreds of thousands of people have been moved from their homes, thousands have been killed, massacres every day—but this is not the right time to vote on this particular issue. So we will vote tomorrow to table that and cut off discussion and abrogate the responsibilities that we have as Senators.

Frankly, does my friend think that maybe they know better?

Mr. BIDEN. I say to my friend from Arizona, and I spoke to this very briefly in his absence, it is the only argument that has any substance, in my view. I disagree with it. I disagree with it for a lot of reasons I have spoken to. I am going to vote and urge my colleagues to table. We will do it the right way. But at least they have an argument that the President has not asked for it. I think we should be telling the President he has it.

We are not demanding the Senator from Arizona use ground troops. We are saying to him: We want to make sure you understand that you have to win this and you can't come back to us and say you didn't do it because you didn't have the means. At least that is why this Senator is pushing this.

The arguments I find totally disingenuous, though, are the ones that go like this. I heard today: You know, I voted against the bombing, but I tell you what, I am going to vote to table this use of the available ground troops to the President because I don't trust the President. But I tell you what, if this President were a leader, he would do whatever it took to stop this. But I am going to vote against giving him the authority to use ground troops to stop it because I don't trust this President. How? I don't understand.

Mr. McCAIN. Will the Senator yield for one more question?

Mr. BIDEN. I sure will.

Mr. WARNER. Mr. President, I do not want to interrupt this important colloquy, but I believe I am up next.

Mr. BIDEN. You are, but I don't believe my time is up yet. If it is—apparently my time is up.

Mr. WARNER. I would like to ask a question of you.

Mr. McCAIN. Mr. President, believe I asking a question. I do not believe the Senator from Virginia has the floor yet. Mr. WARNER. I did not mean to interrupt, Mr. President.

Mr. McCAIN. I ask unanimous consent for 2 additional minutes for Senator Biden—excuse me—I grant Senator Biden 2 additional minutes.

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

Mr. McCAIN. The White House, the National Security Adviser, the Secretary of Defense and Secretary of State are now frantically lobbying against this resolution, who are saying vote to table. Has my colleague ever heard of a time where the White House and the administration lobbied actively against obtaining more authority?

Mr. BIDEN. Only on one occasion. The point the Senator is making I understand. But only on one occasion. There other occasions, I think of where Presidents have asked not to have more authority—when they thought they were going to lose.

I have personally spoken to the President. I have spoken to the National Security Adviser. The National Security Adviser would like to have this authority. But what he does not want to have is a vote that says he cannot have the authority. They are worried if there is a vote that is a straight up-and-an vote and it loses, that it will mean, in conjunction with the House vote last week, that the Congress is on record against ground troops.

My argument to them is it does not mean that. It means they concluded they were not prepared to do it now without the White House asking for it. But I believe there have been circumstances in the past where Presidents have affirmed that they did not ask for authority and table something when they thought they did not have the votes.

My colleagues on this side have told them they do not have the votes, as I think my colleagues think. My colleagues on this side are wrong, and I think the colleagues on the other side are wrong about the votes. Because I find an interesting thing, Senator. On very, very important matters—and everybody knows how important this is, Congress likes to avoid responsibility.

I will take us back very briefly to the Persian Gulf. On the Persian Gulf we had great disagreement, and during that time I remember going to the President and saying: We must demand a vote. And my colleagues on my side, whose names I will not mention, but I give you my word to this, who were against the action in the Persian Gulf, said: No, no, don't ask for a vote, because they wanted to be in line. Because if it succeeded, they wanted to be able to say, "Great job, Mr. President." And if it failed, they wanted to be able to say, "Not me." I think that is the whole idea here; I say to my friend from Arizona.

But the bottom line of it is that the Senator from Arizona, in my opinion, is dead right. I think the amendment is dead right. If we think we would be successful in this war by giving that authority whether or not it is used. I think we would make a tragic mistake being apologists for a policy that in fact makes no civilized sense, when we make moral equivalence about the people in the region, when we argue that a bombing pause would not affect anything, when we argue—my time is up. Ten seconds.
I compliment Reverend Jackson on bringing these folks home. But with all due respect, I can think of a lot of people with his standing who could have gone and probably gotten the same result, if in fact they were willing, and believe that he does, that we should stop the bombing.

I think it is a mistake. It is a little bit like saying: Give me three people back and I will not do anything about the 300 you massacred—which they did, by the way, just 4 days earlier. I think it is a tragic mistake. I wish we would get our act together. I think the President is going to have to take the case to the Nation more forcefully than he has. I hope we do not table the McCain-Biden resolution, but it appears we are going to do that. As you can tell, I have spoken too long. But I think this is something in our vital interest with the capacity to affect the outcome that would be beneficial to all people, and the idea that it would be a failure if we had to have forces there in order to maintain the peace, who were not being killed, and the genocide stopped—I would consider that victory, not failure.

Mr. MCCAIN. Mr. President, with apologies and respect to my colleague from Virginia for going over time, I yield 15 minutes to the Senator from Virginia, Senator WARNER.

Mr. WARNER. I thank my friend. Before he leaves the floor, I think a colloquy from my good friend, the Senator from Arizona. We sort of served in the Navy together. He had more rank than I did; at one point I had a little more authority than he did. And my good friend from Delaware, you know, who was your co-sponsor. It was Biden-Warner. So I think that points out there are differences of conscience, clear conscience now and then, where we differ.

I want to ask both of you, on the condition you answer on your time, on such time you have, a very simple question: What does this resolution give the President of the United States that the Constitution has not clearly reposed in this President and in every other President since the beginning of this great Republic?

I ask that question because to vote otherwise would possibly, if this were to carry, in my judgment, send a hollow note in the one case in Bosnia, in the case of the Gulf war, in the case of going all the way back to Beirut, exactly the same thing: Telling the President of the United States that Congress does play a role.

We ignore the War Powers Act. We all know that. This is not a war in the classic sense, and we do not declare wars. This is a role for the Congress of the United States to play, endorsing the President’s ability to use whatever force is necessary in order to bring the conflict to a conclusion. It is no different than that of the Persian Gulf, the Bosnia resolution, the Lebanon resolution, the Grenada resolution—there has been literally one in every conflict in which we have engaged.

Finally, may I say that it is also an effort, frankly, to get the President of the United States to do the right thing. I yield a minute to Mr. MCCAIN.

Mr. MCCAIN. Mr. President, I yield 2 minutes to the Senator from Delaware to respond.

Mr. BIDEN. Mr. Senator, I say to my friend from Virginia, I think it is constitutionally required. I am in the minority in that view. I do not think the President has the authority to commit ground troops without the consent of the Congress, but I think it is politically necessary. I think it is politically necessary because it is of great value to any President to have the Congress on the line with him as he prosecutes a war. I think it is constitutionally necessary and politically wise.

I realize that there are those who disagree with me, that the war clause— not the War Powers Act, the war clause—of the Constitution I believe requires the Congress to give the President authority for the use of this force now, but it—

Mr. WARNER. By “this force,” the Senator means what?

Mr. BIDEN. I am sorry. If he were to use ground forces. But I acknowledge there is a constitutional argument that says that if the Congress had voted and the House did not, but if they had voted, as we had, for the use of air power, that he would not need that additional authority.

I do think there is a constitutional requirement for the Congress to assert to this action. I understand I am in the minority. Beyond that, I think there is a political necessity that we be united.

Mr. WARNER. I yield 1 minute to the Senator from Arizona to respond.

Mr. WARNER. Mr. President, the resolution of the gulf in 1991 is one I remember, may I say with a lack of modesty?

Mr. BIDEN. I think you drafted it.

Mr. WARNER. I was the author of that resolution. I say to the Senator from Delaware and the Senator from Arizona, there is a clear distinction in that case. There the President of the United States asked the Congress; am I not correct? Did he not ask the Congress?

Mr. BIDEN. He is correct. Mr. President, I am sounding too much like a lawyer now. From a constitutional standpoint, whether the President acted or not is irrelevant. The only relevant constitutional point—and this is getting us off the point here, but the only relevant constitutional point is whether or not the Congress granted authority. It is asked for a very informed consent of the American people and their elected representatives being signed on to it.

Mr. WARNER. We have the understanding it is on their time, Mr. President.

Mr. MCCAIN. Mr. President, I yield myself 1 minute to respond to the question from Senator WARNER.

This is exactly the same as the authority that was granted to the President in the case of Bosnia, in the case of the Gulf war, in the case of going all the way back to Beirut, exactly the same thing: Telling the President of the United States that Congress does play a role.

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With the Senator’s permission, I would like to ask unanimous consent
to print in the Record a legal brief which I have written on this point relative to the war powers clause and whether or not it is required and on the issue of whether or not there is the equivalency of a declaration of war by the consent of the Congress for the action on Kosovo.

Mr. WARNER. Mr. President, may that request be granted in such a way that it can appear after our colloquy and at the conclusion of my remarks?

Mr. BIDEN. With the permission of the Senator, I will put it in tomorrow so there is no question that it is not interrupting his remarks.

Mr. WARNER. Mr. President, while I have the Senator's attention, though, he said—very interesting—I don't want to breach confidences, but he and I have been present at three very important consultations with the President of the United States.

Mr. BIDEN. Yes.

Mr. WARNER. My recollection is, the first was an hour and a half; the second, almost 2; and the third, I think I was the last to leave after 2 hours.

Mr. BIDEN. Long time.

Mr. WARNER. I know my colleague from Oklahoma, who will next speak, was there throughout the 2 hours. I recall the Senator from Delaware was engaged in a very interesting colloquy with the President about the issue of asking and not asking. Does the Senator remember that colloquy?

Mr. BIDEN. I do.

Mr. WARNER. I thought he was quite accurate. My recollection is, did you not solicit?

Mr. BIDEN. I did. Mr. President, again, I am sounding too much like a constitutional lawyer here. I don't want to mix apples and oranges.

Mr. WARNER. Mr. President, let's talk like a Senator. We are all Senators here.

Mr. BIDEN. If I may, the Senator makes a valid point. I will not tell you what the President said, because that will be inappropriate. I will tell you what I said. I am allowed to do that.

Mr. WARNER. I remember it very well.

Mr. BIDEN. There was an issue, and all the Senate and House Members were assembled, and they were about to vote on the floor of the House of Representatives on a resolution relating to whether or not the President would have the permission to use ground troops. Let me be precise.

A resolution was submitted characterized by the Speaker, as we sat there, as one that would say the following, and eventually was voted on. It said: Mr. President, before you introduce ground troops into Kosovo, you must come to us under the Constitution and ask for our permission.

And the President—I can say this because he said it publicly. The President said, ‘I think this is something the President has acknowledged that he has to do in a debate with Congress.’

And I stood up, and I said, ‘Mr. President, let me respectfully suggest you send the following letter to the House,’ because I didn't want the vote to turn into the debacle it did. And I suggested the President say the following: ‘Notwithstanding the fact that I am not required to ask permission, I assure you that I will, in fact, ask the permission of the Congress before I use ground troops, if I make that decision.’

That is exactly what I said. And then we got a letter from the President which said essentially that. My purpose was not relating the the constitution. My purpose was trying to keep the House from doing the thing I found to be imprudent, because I was worried that if they passed the resolution, which in fact they have the authority to do—the Congress—it would send a message to Milosevic and others that we were unwilling to use ground troops if need be.

The President was saying, ‘I don’t want ground troops now.’ So I said, ‘The way to settle this, Mr. President, you don’t have to give up what you think you’re’—you may remember—I said, ‘Mr. President, I think you do need authority from the Congress if you’re going to send ground troops. But you don’t have to give up that—’ You don’t have to give up that legal argument. Say, ‘Notwithstanding the fact I, the President, don’t think I need that, I promise you I will not introduce ground troops before I ask for your permission.’

That is not a constitutional commitment he is making. It is a personal commitment he is making, as President.

And my purpose, I say to my friend from Virginia, was to keep the House from voting on that inappropriate resolution ahead of time, the very inappropriate resolution that the Congress introduced and passed. That is why.

Mr. WARNER. To move this along, I want to pick up on a few words. You said, ‘Mr. President, the way to settle this is to send a letter.’

Mr. BIDEN. That is right.

Mr. WARNER. Here is the letter. I ask unanimous consent to have it printed in the Record.

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


Hon. J. DENNIS HASTERT, Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: I appreciate the opportunity to consult and discuss closely with the Congress regarding events in Kosovo.

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

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

Sincerely,

BILL CLINTON.

Mr. WARNER. He sent the letter. Why is that, then, the way to settle this as opposed—

Mr. MCCAIN. I have to call for the regular order here. The Senator from Virginia has 10 minutes, and the Senator from Oklahoma and others are waiting. So we have to proceed with the regular order.

Mr. WARNER. Well, this is a time to do that. Senator, I think I am within my time.

The PRESIDING OFFICER. The Senator from Arizona declines to yield further to the Senator from Delaware?

Mr. WARNER. I decline to yield.

Mr. BIDEN. I am not seeking recognition.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. I will try and summarize.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator still has 11 minutes of the original 15 minutes remaining.

Mr. WARNER. As a courtesy to the managers and the whip, I will not use all that time, but I would like to just finish our colloquy. Because I thought we were making a point, at least I felt very strongly, the President gave the assurances. And you said the way to settle this—and you wanted it for the House, the letter was sufficient for the House—why wouldn’t this letter continue to be sufficient for the Senate? If it is sufficient for one body, it is sufficient for the other body. That is my point.

Mr. BIDEN. Would the Senator like me to answer? I will try to do it quickly.

Mr. WARNER. Put it on my time, Mr. President, so we do not interrupt the distinguished manager from Arizona.

Mr. BIDEN. The House was trying to stop an action. The Senator from Arizona and I are trying to start an action. We are not asking for the President’s permission. We are trying to encourage the President to use all the persuasion available to him with our NATO allies to let him, the President, know and our NATO allies know.

Mr. WARNER. You are encroaching beyond the minute or two.

Mr. BIDEN. That is my answer. They are trying to stop; we are trying to start. It is a different issue.

Mr. WARNER. I simply say, with great respect to both you and Senator McCaskill, that the President of the United States one single bit of authority that he does not possess at this moment and that every President of the United States has possessed from
the beginning of this great Republic. And, therefore, I fear that this could be a hollow message. It could be misunderstood, not only in the United States, but in the other 18 nations that are allied with us; my point being, the success of the speech could be nullified by other nations with the 18. "Well, go to your legislatures. And similarly, don't you have a responsibility comparable to what we have in the United States of America?"

And, Senator, I say this respectfully to my colleague from Delaware, that other nations of that 18 group, their legislatures might well not act favorably on such a piece of legislation, and begin to start a fracturing of the solidarity of the NATO group.

That is my great concern, Mr. President. Therefore, I feel that it is just most unwise. And I shall vote against it. I really salute the Senator from Arizona, as well as my colleague from Delaware, because I believe their steadfast support (in the past) gave back to NATO to begin to at least dust off the plans to look at the introduction of ground forces, both under a permissive and nonpermissive situation.

I ask unanimous consent to have printed in the Record remarks that I made as chairman of the Armed Services Committee when the Secretary of Defense and the Chairman of the Joint Chiefs were before our committee, urging them to do just that.

That was weeks ago, before and during the course of the summit the Secretary General announced they would take that step.

There being no objection, the material ordered to be printed in the Record.

STATEMENT OF SENATOR WARNER—KOSOVO HEARING—APRIL 15, 1999

I start this morning by expressing my deepest regret for the loss of innocent civilian lives—both Kosovar Albanian and Serbian—in this conflict. I know our forces have done their best to avoid such collateral damage.

I welcome our witnesses this morning and note that this is the first public hearing before the Congress on the situation in Kosovo since NATO began its military operation on March 24. I welcome Secretary Cohen and General Shelton, for your willingness to testify on this crucial issue.

Since military operations began, the Armed Services Committee has conducted five closed briefings for Senators on developments in Kosovo. I thank our witnesses for providing officials to testify at those sessions. Today, the American public will witness the first real public debate between Administration officials and Members of Congress on this issue. It is important that the American people have an opportunity to see such an exchange of views. We have a duty to keep our citizens well informed as our men and women in uniform are in harms way.

We wish that NATO operation against the Federal Republic of Yugoslavia—Operation Allied Force—is entering its fourth week. I was, and continue to be, a supporter of air strikes against Milosevic's military machine. We must see this air campaign through.

However, I also believed that all options should have been left on the table, including the planning necessary to keep in place a ground option. By taking it off the table, the warning signal could have been sent to Milosevic.

In the meantime, I believe that positioning NATO ground forces in key locations around Yugoslavia's Serbian border—as is being done now on a small scale—could limit Milosevic's freedom in the disposition of his ground forces. In the air campaign, force him to prepare for a possible ground attack by NATO forces. NATO should begin now to move heavy equipment into the region, with the presence of Yugoslavia, both to threaten Milosevic and to lend protection to countries such as Albania which are now threatened by Milosevic's troops. The decision to use NATO forces to attack Yugoslav troops on the ground in Kosovo could be made later—but the deterrent effect of placing these forces in the region would be substantial.

Since last September when I traveled to Kosovo and Macedonia, I have advocated the use of U.S. ground troops in Kosovo as a stabilizing force. By utilizing humanitarian organizations to assist the Kosovar Albanians who, at that time, had been forced into the hills by the brutal actions of Milosevic. And this week, the deployment of U.S. ground troops to implement the peace agreement was under consideration at Ram-bouillet.

There have been calls in Congress for a vote on legislation authorizing the President to use "all necessary means" to accomplish our objectives. Leadership of both the Senate and the House have decided that such legislation should not be considered this week. That gives all Members the time to gather the necessary information on what it would take to engage in a ground war against Yugoslavia. We need the facts.

What would be the basic parameters of such a ground force—the size, type of forces and equipment required, duration of the mission and exit strategy for such an operation? A NATO assessment last summer estimated that it would take 40,000 NATO forces for NATO to fight its way into Kosovo—and win. Is that estimate still valid, or has it changed since the air strikes and Milosevic's intensive military maneuvers began? It is imperative for Senators to have this information before we are called upon to vote to authorize the use of ground troops against Yugoslavia.

It is my hope that we will continue to gather that vital information today, for the Senate, for the American people.

This hearing will focus on the future NATO strategy as we approach the 50th anniversary of the North Atlantic Treaty Organization. And I think we should establish a Strategic Concept for NATO—the document that spells out the future Strategy and mission of the Alliance. I have recently written to the President urging him NOT to adopt a final version of a new Strategic Concept at the upcoming Summit in Washington, given the uncertainty of events in Kosovo.

The United States and our NATO allies will have many “lessons learned” to assess from the Kosovo operation—lessons which will be critical to our future Strategic Concept for NATO. If NATO is to continue to conduct such “out of area” military operations in defense of “common interests” in the future, we must spend the time to carefully evaluate the Kosovo experience and incorporate the “lessons learned” into any future strategy and doctrine for the Alliance. NATO is simply too important for us to proceed in haste on this key issue.

Mr. WARNER. I am likewise concerned about consultation. The Senate and the House—the Congress—work together with the President, as they do with other Presidents, to get consultation on these key questions of our national security and foreign policy.

Were we to pass this, coupled with what I predict will be a strong vote for the emergency supplemental, indeed, the President’s advisers might say, “We’ve got whatever we need now. Let’s go about this. And we need not have the consultation.”

We have had extensive consultation in the course of this very difficult military action, and that consultation has enabled this Senator—sometimes there were 30 other Members of Congress up with the President working in consultation for not just 15 or 20 minutes or a half-hour but for several hours—more to spend on the President for sitting there very patiently and entering into a strong colloquy and exchange of views throughout that consultation.

We might well lose consultation. We will send out a message that could be misinterpreted. And, indeed, we could cast an affirmative responsibility on other legislatures which could cause a fracture and a breakdown of the 19 NATO nations standing together.

So, Mr. President, commend my two colleagues. This has been a good debate. It is going to go on for a while. We owe a great deal to both of you and others who wanted to have this debate. I think it has been a good one. I am pleased to have been a part of it.

Mr. NICKLES. I thank my friend and colleague, Senator McCain, for recognizing me, and I also compliment him for his leadership, although I oppose the resolution that is before us. I also wish to compliment Senator Warner for his comments. And I agree with his comments. I think we have had some good debate. I think it is an important debate.

I have heard many things on both sides of the issues. I happen to concur with a lot of the statements that some of the proponents have made on this resolution. I just disagree with its conclusion. I think it is going to be interpreted, this resolution, as a blank check for the President to do whatever is necessary to win in Kosovo, whatever that means. “If you win, you are going to own Kosovo.” Are you going to occupy Kosovo? Maybe Kosovo is second prize;
First prize will be Serbia. And then we get to run Serbia. I do not think we want to do that. I think it would be a mistake.

I stated on the floor, prior to the bombing resolution, that I thought it was a mistake. And I think it really kind of resulted as a failure in diplomatic effort.

As a matter of fact, I think the diplomatic mission in this area has been a disaster. Unfortunately, it has resulted in a humanitarian disaster.

Mr. President, could we have order? The PRESIDING OFFICER. The Senate will be in order.

Mr. NICKLES. I thank the Chair.

I want to go through a little bit of the chronology to show, at least in my opinion, how we got into the bombing campaign, because what this resolution is kind of implying is, well, the bombing campaign is not working. And we call it a campaign because the polls don't like the word “war.”

It is interesting, I was with some of our colleagues, and we went to the Kosovo region into the Balkan area and talked to our military planners. They use the word “war.” But the politicians do not use the word “war.” It doesn’t poll very well. People don’t like war. So this is called an air campaign. This is a misnomer.

I disagree with that terminology. How did we get into the air campaign? How did we get into this air war? I want to go through several statements because, as I mentioned in my opening comment, I think this has been a diplomatic disaster that has led to a humanitarian disaster. It is not working, and some people are saying, let’s double the ante again. Let’s throw in troops now and then maybe we can win.

I do not think that would be the result. I want to win, but I question, what is winning? Are we going to have a NATO presence, a U.S. presence in Kosovo forever? Are we going to walk the way into Serbia and occupy Belgrade and take Milosevic out and have him tried as a war criminal? He is a thug. I have met with him tried as a war criminal? He is a thug. I have met with him.

Let me stress that we expect nothing less than a complete interim agreement, including Belgrade’s acceptance of a NATO-led force and a civilian mission building on OSCE’s Kosovo Verification Mission. Until the parties have accepted all provisions of the agreement, preparations for NATO military action will continue and if that agreement is not confirmed by Tuesday, Secretary General Solana will draw the appropriate conclusions.

I.e., the bombing will begin. It is also interesting that on February 21 she says, according to the New York Times, “If this fails because both sides say ‘no,’ there will be no bombing of Serbia.” Mrs. Albright said that on February 21, as Rambouillet talks were winding down.

It is also interesting to note that 2 days after Rambouillet ended, the European Union talks, Mr. Petritsch, said, “the Yugoslav President decided he was not going to accept NATO troops—and mustered his own forces and propaganda to prepare for this military showdown.”

It is also interesting to note in this same article, it says, in a meeting with Italy’s new Prime Minister in the Oval Office with the President on March 5, Mr. Clinton said Mr. Milosevic had “accepted almost everything,” according to Italian officials, except for the international monitoring force. I added that comment. That wasn’t in the quote, but that is what he had not accepted.

This individual was skeptical. He asked the President, what was the plan if there was no deal and NATO air-strikes failed to subdue the Serbian leader. The result, he said, would be 300,000 to 400,000 refugees passing into Albania and crossing the Adriatic into Italy.

“What will happen then,” Mr. D’Alema wanted to know, according to the Italian officials. Mr. Clinton looked at Mr. Berger for guidance; that is, Sandy Berger. “NATO will keep bomb-

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Also in the same article it says, “American military is warning that airstrike may not be easy.”

March 22, a couple of days before the bombing campaign begins.

Secretary of State Madeleine Albright said that it is very, very aggressive and that NATO allies are preparing comprehensive missile and bombing strikes that could devastate much of his military infrastructure. “We will make clear that Milosevic faces stark choice to halt aggression against the Kosovar Albanians and accept an interim agreement with a NATO-led implementation force that bears full responsibility for NATO military action.”

This is just a couple days before, the night before bombing began, on March 23, on Larry King’s program. Mr. King asked Secretary Albright:

Is there a timeframe here Madam Secretary? Like you are going to keep this up for 3, 4 days, let us know by Saturday? Is there a plan?

Secretary Albright:

Well, again I am not going to reveal the operation this is a well-thought-out mission. I know it would a mistake. You wouldn’t want me to give the details here so that President Milosevic would know everything that is going on. But it is going to be sustained attack, and it is not going to go on for an overly long time.

Then she continues and says: “No, I mean what we have said. Ambassador Holbrooke said to him—talking about Milosevic—‘he had an opportunity to accept accords signed by the Kosovar Albanians in Paris and have a peace agreement. He had an opportunity also to stop the fighting. Ambassador Holbrooke told him that if he did not do that, there would be very serious consequences. He has not accepted those two threshold objectives and, therefore, he knows there are now serious consequences.”

The next day the bombing began. I might note Secretary Albright said, “We are very well prepared. This is a well-thought-out campaign.”

I am not going to say I told you so, but on the debate we had on March 23, the day before the bombing campaign commenced, I made a speech. On the floor of the Senate, I urged colleagues to vote no because I said I was afraid it would be a mistake. I said—and history has proven—that bombing alone doesn’t work. The President has said we are going to bomb and not use ground troops. Then, I also said that I was afraid it might make things worse. Instead of stopping atrocities, it may turn a guerrilla war into an all-out war. I am afraid that is what has happened. I think we had a diplomatic failure and, as a result, now we have a humanitarian disaster, a catastrophe.

I was in Kosovo a week or so ago with some colleagues and I saw some of these refugee camps. There are 600,000 plus people who are now outside of Kosovo, drive away from their homes—my opinion, because of a diplomatic disaster. We turned a guerrilla war into a real war. We started

the bombing campaign, and I stated this on the floor of the Senate before the bombing started. I said:

Mr. Milosevic, instead of his response being to move back into greater Serbia away from Kosovo, moving his forces out, he may be more aggressive, and he may have to strike out against the U.S. aircraft that are flying. He might find that unsuccessful. He might have no success with his planes and our planes, but if he is not successful against our planes, what can he be successful against? Maybe the KLA, or maybe he would be more aggressive in striking within Serbia, which has its results on the ground. By initiating the bombing instead of bringing stability, we may bring instability. We may be igniting a tinderbox that has been simmering for a long time.

I am afraid that is what happened. The bombing campaign has made things worse. I am afraid if we go in and say let’s use all necessary force, send in 300,000 troops, we may make things worse. I don’t want to compound a past mistake that was a mistake, in my opinion, diplomatically as well as a mistake now through the air campaign, and certainly has turned into a humanitarian disaster. I don’t want to further compound it.

Again, when I read the resolution it says to accomplish NATO objectives—we are going to use all necessary force and other means to accomplish United States and North Atlantic treaty objectives with the Federal Republic of Yugoslavia.

I have the Rambouillet agreement. I wonder how many colleagues have read this thing. I urge you to do it. It is 44 pages. I am looking at some of the comments or statements made in this Rambouillet accord. They said, “We negotiated and Mr. Milosevic would not sign this accord.” I will read one paragraph.

I brought this to the President’s attention last week, and Secretary Albright said: Mr. Milosevic would not even talk to us about an international peacekeeping force. In one paragraph, we were insisting that if he didn’t comply, we were going to bomb him. On page 43, paragraph 8 of the appendix B, it says this is for the NATO force—and some people say let’s give NATO all necessary force. This is one of the things about which we said we are going to bomb you if you don’t sign.

NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the Federal Republic of Yugoslavia, including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

Basically, it says NATO gets to occupy not only Kosovo but Serbia as well. Isn’t that interesting? I brought this to the President’s attention. I thought what was going to be there was in there, I kind of doubt it. Secretary Albright almost acted taken aback.

“What are you doing reading the Rambouillet agreement?” This is what we were saying he has to sign, or else “we are going to bomb you.” I think that is diplomacy failure. It has led to a bombing campaign. We threatened that we were going to bomb and now our credibility is at stake. I have heard that time and time again.

I want NATO to be credible, but for crying out loud, when you are so arrogant to say here is our wisdom, here is this accord, we determined this is in the best interest of you, you must sign it or else we are going to bomb you—I stated in my speech on the bombing resolution that I don’t think you can bomb a country into submission or into signing an agreement. I doubted then that Mr. Milosevic, after the bombs were going to fall, was going to raise the white flag and say: Now I see the wisdom. That didn’t happen in Bosnia. It got his attention in Bosnia. In fact, the Croatian army was ethnically cleansing their own, and we avoided the war. He decided to be more interested in a peace agreement.

I think Rambouillet was a diplomatic disaster and a failure and to say, OK, we tried to bomb him and we agree to going to this, but I don’t think that is going to work; maybe now we should use ground forces so they can sign onto NATO objectives. I think it is a mistake. What should we do? I don’t want to just complain, but I think this is a disaster. If you had seen the refugee camps, you would know it is a disaster. There were several hundred thousand people. Senator McCain pointed out that it is not just the several hundred thousand people who are outside of Kosovo and Albania and Macedonia, but the hundreds of thousands who are displaced inside of Kosovo. What should we do? I have heard several people in the administration say that he might not be doing this to keep the international peacekeeping forces out. If he stops all the aggression, then we will stop the bombing.

Mr. President, I think we need to have two or three things happen simultaneously. He needs to get his aggressive forces out. We need to have the international peacekeeping force to protect the returning refugees allowed back in. And simultaneously with that, we need to stop the bombing. We need to do all of them simultaneously.

The big difference I can see going on now is the negotiation of who should compose the international peacekeeping force. I heard Secretary Cohen say, and I have heard it time after time again, that it must be NATO-led or a NATO corps. They are talking about U.S. participation. I think our objective should not be so much just what is the composition of the peacekeepers; it should be to keep the safe and sound and return them back to their homes. Those people are living in terrible conditions, living in tents. They have absolutely nothing to do. They are not working to pick up food. They have to wait for the food to come to use the restroom facilities—latrines would be a more accurate description. It is not a pretty sight.
In the first place, I want to com-
pliment many of the international re-
lief agencies that are doing a miracu-
lous job. They have a very difficult, if
not impossible, job.
Mr. President, I think we need a very
aggressive, 24 hour, four hundred planes,
double up the bombing; let's get ready
to have ground troop invasion into
Kosovo, into Serbia. I don't think that is
the solution. I think we need a
diplomatic solution.
I believe I heard Strobe Talbott,
Under Secretary of State, yesterday
say we are not negotiating. I almost
fell off my chair when he said that. Ob-
viously, Jesse Jackson did some nego-
tiation. I want this administration to be
negotiating aggressively to save lives,
to minimize the human disaster, the hu-
manitarian disaster, the diplomatic disas-
ter. Let's do everything we can to
allow the Kosovars to return safely as
soon as possible. Consistently as soon as
possible under the guise of an inter-
national peacekeeping force. And it
can be with NATO participation. It can
be U.N. led. It can be the Organization
for Security and Cooperation in Eu-
rope. I think let's make it happen, and
make it happen fast.
Mr. President, I urge my colleagues
to vote "no" on this resolution to-
morrow.
Again, my compliments to the spon-
or of the resolution. I think this de-
bate is important. He was requesting
the quorum and a debate and a final vote
out coming to Congress waiting for a
time to 20 minutes.
I yield the floor.
Mr. MCCAIN. Mr. President, I thank
the Senator from Oklahoma. I appre-
ciate the Senator's interest, and his in-
volved, in this issue. I respect his
views.
I yield 10 minutes to the Senator
from Illinois, Senator Durbin.
THE PRESIDING OFFICER. The Sen-
ator from Illinois.
Mr. DURBIN. I thank the Senator
from Arizona and ask if I may enlarge
that time to 20 minutes.
Mr. MCCAIN. I have no objection.
Mr. DURBIN. I thank the Senator.
Mr. President, I am joining today in
this discussion and debate on what is a
critically important issue not just for
the current challenge facing America
in the Balkans but also, frankly, in
terms of the history of Congress and this
Nation.
I feel very strongly about that pro-
vision of the Constitution which gives to
Congress, and Congress alone, the au-
thority to declare war. It is, unfortu-
nately, a provision allotted to Congress
which for the past 50 years has been
largely ignored.
One day after the bombing of Pearl
Harbor, President Franklin Roosevelt
hobbled to the podium of the House of
Representatives and gave his memo-
rable speech referring to a day which
would "live in infamy." He then asked
from a joint session of Congress for a
declaration of war, first against Japa-
n and then later against Germany and
Italy.
That was literally the last time a
President came before Congress and
recognized the authority of Congress to
declare war. Every subsequent Presi-
dent—Democrat and Republican alike—
has repeatedly not come before Congress
and to wage wars of vary-
ing magnitude.
It is curious, when you look back
after World War II, at the debate on
the formation of NATO and the United
Nations, how careful the Mem-
bers of Congress from both political
parties were to preserve the authority
of Congress to declare war, to make
certain that we would not delegate
that authority to any international in-
stitution or organization for war. Time
and time again during the course of
that debate we were reminded that
even as members of the United Na-
tions, even as members of NATO, we
were not ceding the power of Congress
under the Constitution to declare war.

The steady decline of congressional
involvement in the war-making process
resulted, of course, in our participation
in Korea, in Vietnam, in a dozen other
military undertakings without the ex-
press approval of Congress.
Last year, I stood on the floor of this
institution and asked my colleagues—
Democrats and Republicans alike—to
join me in reasserting the principle
that Congress, and Congress alone, has
the authority to declare war and to en-
gage in any offensive military action.
Yes, the President is Commander in
Chief and defends American personnel,
American territory, and does it with-
out coming to Congress waiting for a
vote, without their vote, before he acts.
No one would ever de-
mand that a President restrain that
authority to defend this country or its
people. But in the case of an offensive
military action, one where we were not
defending Americans, or our territory,
or engaged in some peacekeeping per-
mmissive activity, I felt the Constitution
was clear. I offered that amendment to
the defense appropriations bill last year.
For those who are keeping score at
home, they might be interested to
know that 15 of the 100 Senators voted
in favor of my resolution, and 84 in op-
position.
It will be interesting to take the de-
bate on this resolution and the state-
ments made by so many of my col-
leagues and put them next to that vote
and ask them if there has been a
change of heart. I think to some extent
there has been. I think it is unfortu-
nate that we are considering this par-
ticular war without Congress, and we
will have little chance to amend it.
I strongly agree with my colleagues
who drafted the resolution that Con-
gress must vote to authorize any esca-
lation of this conflict to include ground
troops. I filed an amendment that
would prohibit the use of ground troops
to invade Yugoslavia unless specifi-
cally authorized by Congress. The
President said he doesn't intend to use
ground troops. I filed an amendment in
a letter to congressional leaders that he
will ask for a vote of Congress before
introducing United States ground
forces into Kosovo in a nonpassive mis-
son.
Mr. President, the President must come
to Congress before committing us to any
ground war. I think it would better for
us to vote on that specifically. But I
understand that a motion to table Sen-
ate joint Resolution 20 will be made
and that it is not likely that I will be
able to offer this amendment.
I did vote for Senate Concurrent Res-
olution 21 on March 23 that supported
airstrikes against Yugoslavia. It passed
by a vote of 58 to 41. I commend the
President and this administration for
giving the Senate at least an oppor-
tunity to vote before any action was
taken. That is a concession that has
rarely been made by any President.
Most Presidents moved forward as if
the Constitution did not exist in terms of
congressional authority.
I support the President and NATO's
policy. I think we need to have pa-
tience and resolve to see the air cam-
paign through. Many have questioned
the strategy of conducting an air cam-
paign without committing ground
troops.
This is an important debate. But I
believe we had no choice but to start
the bombing campaign in an attempt
to respond to ethnic cleansing, the
genocide in Kosovo. We could not stand
idly by and watch it happen.
I have listened to the speeches on the
floor from some of my colleagues who
take exception to the premise that the
United States is involved in this conflict
in this conflict. I do not agree with
that. Frankly, having been there, hav-
ing seen literally thousands of people in
a refugee camp in Brazda in Mac-
donia, it is clear to me what is going on.

The policies of Milosevic in Yugo-
slavia are directed toward innocent
people.
Time and time again I asked these
innocent Kosovars why they left
Kosovo—an open-ended question. Time
and time again the response was ex-
actly the same. In the middle of the
night a knock on the door, people in
black ski masks, or otherwise con-
cealed identity, gave them literally
hours to pack up your home. If they were
lucky, they got out. They got out with a
family intact. But many were not so
fortunate. They were victims of in-
vasions—not just displacement but murder.
So many times over and over we hear
these stories of murder, of genocide
against people, not because they have
done anything wrong but because they are of the wrong ethnic persuasion, the wrong culture, the wrong religious belief. I am not sure what the word "genocide" means technically. But what I have seen in the closest I may come to in my lifetime in that refugee camp in Macedonia—victims of murder, rape, displacement, genocide, suffering. These are the people forced out of Kosovo.

Some of my colleagues will come to the floor and say that this is none of our business, we can't be the policeman to the world; the United States has limited capability, limited responsibility. That is a point of view that I would disagree with but I understand. We certainly cannot police the world. But the fact is, we are part of a NATO alliance which is being tested in terms of its existence and its future. If NATO does not come forward at this moment in time unified and determined to rid Milosevic of his killing fields in Kosovo, the NATO alliance is all but moribund and dead and pointless.

For the 20th century, we have invested so much in American treasures, in American lives to preserve Europe: World War I, World War II, and the cold war—thousands and thousands of Americans fighting and dying for the stability and safety and security of Europe.

Now in the closing moments of this century are we to walk away from this corner of the world which has been so important in our alliance in the past? Are we to ignore the barbarism being practiced by Slobodan Milosevic? Are we to say that a man who has initiated four wars in 10 years can now start another war if he cares to, find more innocent victims for his policy of ethnic cleansing? Should we, as the United States, step back as the lead nation in this important alliance and declare it is over? I hope not.

I think President Clinton is right. Fighting this war at this moment in time is critically important because it will validate the future of NATO. I hope for a generation, perhaps even a century of peace in a Europe that has been torn with warfare too many times.

The critical question in Senate Joint Resolution 20 is how far do we go. I voted for airstrikes, I mentioned earlier. But this resolution goes further. I read it in its entirety in the resolution clause:

That the President is authorized to use all necessary force and other means in concert with United States allies to accomplish United States and NATO organization objectives in the Federal Republic of Yugoslavia, Serbia and Montenegro.

I cannot support that. As much as I support the current air war, as much as I support our efforts to stop ethnic cleansing by Slobodan Milosevic, I cannot support sending in ground troops. I think that is a mistake.

I made a point during my recent visit to ask military experts how it would be accomplished. How can we send troops in the field and accomplish this goal? Time and time again the answer came back: With great difficulty. We don't have the port facility that we can rely on. Frankly, we can't look at the nations surrounding Yugoslavia and find a ready army that would have to do would be elaborate, costly, expensive, time consuming, and dangerous.

That is why, though I support the air war, I don't support the concept of sending ground troops. I don't believe it is necessary nor practical, and I don't think we should do it. This resolution is open ended and gives the President authority for ground troops and beyond.

Just last week, the House of Representatives considered this issue. I am sorry to say, about an institution where I served for 14 years and one which I hold in the highest regard, that it was not one of their finer moments. It was far and away the most confusing debate. At a time when the American people needed clarity and leadership from the Congress, they received neither. They voted not to expand the war; they voted not to pull out; and then they failed to pass a resolution even supporting the current air war in place in Kosovo and in Yugoslavia.

I am not sure what message was sent. We spend a lot of time here on Capitol Hill talking about sending messages as if we are some sort of e-mail source or Western Union. But that was a very confused day for America, and I am sure the confusion was felt around the world.

I hope our vote here does not lead to the same misunderstanding. I think it is likely that this resolution, because it is so broad and open ended, will be tabled. The decision made by that, I believe, that we will continue the Senate approval of the air war, we will not give to this President something he has not asked for—the authority to commit ground troops or whatever other power is in his hands.

How did we reach this point where we have to debate whether Congress will exercise its constitutional authority? I think there are several reasons. By attrition we have given back to the executive branch the conduct not only of foreign policy but of the military as well, without reference for the language of the Constitution. We have said fundamentally, Mr. President, it is your decision to make.

I think it reflects many things. I think it reflects historical attrition. I think it also reflects a timidity on the part of Congress in terms of getting its hands dirty, involved in a military struggle that might result in American casualties. That is a sad commentary because the American people count on us to come forward during the course of a war, to make the most difficult decision and to make the call in terms of our military and foreign policy.

I think, unfortunately, this resolution by Senators McCain, Biden, and others, does not express the feelings of Congress today. I think if there were a resolution in the Senate as to whether or not we should continue this air war, the President has again will pass as it did on March 23. This idea of expanding beyond goes too far.

I listened to the Senator from Virginia argue earlier that Congress has a very limited, if any, role, when it comes to the declaration of war. I disagree with him on that score. I believe there is an important element here that must be remembered. The words of James Madison aptly summarize the founders of this country, their thinking on this point when he said:

In no part of the constitution is more wisdom to be found, than in the clause which confines the war power of government to the legislature, and not to the executive department. [...] The trust and the temptation would be too great for any one man. Hence it has grown into an axiom that the executive is the department of power most distinctly marked by its propensity for mischief because it is the practice of all states, in proportion as they are free, to disarm this propensity of its influence.

It is hard to imagine a clearer situation for acting on the Congress' war power than the situation we face with Yugoslavia and Kosovo today.

I have offered a resolution which states that if the President seeks to expand this war beyond the current air war approved earlier by Senate resolution, it would require Senate approval. I think with that type of resolution we would continue to assert our constitutional authority to authorize military activity and to draw clear, bright lines as to the extent that the President can go.

I understand the Senator from Arizona, and I have heard him speak many times on the floor and in the press about his belief that we should give to this President all power necessary to combat the war in his point of view, though I respectfully disagree with him. I think that involvement in a ground war could be costly and, frankly, not the result for which the American people are looking.

I hope during the course of this debate several things come through loud and clearly. First, regardless of your point of view on this resolution, we support the men and women in uniform. Regardless of party preference, we are here in support of their actions. I am proud of what I have seen and what I am sure will continue in their service to this country.

Second, we condemn the ethnic cleansing policy of Slobodan Milosevic. He has picked on innocent victims time and time again, and this type of genocide must come to an end.

Third, any expansion of this war beyond the current military undertaking must be debated and voted on by the American people through their elected Representatives in Congress. I hope, regardless of what the vote may be on
this resolution tomorrow, that this will be a principle which the President will continue to abide by.

I believe NATO has a future. I certainly believe that America has a future in its leadership in the world. We are both in the Balkans. I want to pass that test so the 21st century is a century of peace.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, I rise today as a cosponsor of the pending resolution authorizing the use of “all necessary force and other means” to address the crisis in Kosovo. I know our vote will be a procedural one, and that the Senate may well vote to table the resolution.

I would therefore urge my colleagues to demonstrate their support for the resolution by joining the distinguished senior Senator from Arizona, Senator MCCAIN, and the Ranking Member of the Foreign Relations Committee, Senator LEVIN, as well as those who have cosponsored this legislation.

I am heartened by this bipartisan support for President Clinton’s leadership of NATO efforts to stop the killing in Kosovo and allow ethnic Albanians to return to their homes under the protection of a NATO-led peacekeeping force.

Mr. President, we are not debating whether our values and interests merit the engagement of our armed forces.

President Bush first issued the so-called Christmas warning in 1992, threatening the use of force if Yugoslav forces moved against Kosovo. President Clinton renewed that pledge soon after taking the oath of office for the first time. Unlike our colleagues in the other body, the Senate clearly voted to authorize the President to conduct air operations and missile strikes against Yugoslavia.

Why did we do so? Why does the fate of ethnic Albanians in a province of what remains of Yugoslavia matter to the American people?

Because fundamental United States interests and values are at stake.

The first is the credibility of the United States as a moral leader in establishing rules of civilized behavior among countries, to take a stand against mass killings and mass rapes and mass expulsions of innocent civilians wherever they occur.

The second is the promise of developed nations banding together to enforce these standards of conduct, as members of NATO are doing through joint military action against Belgrade.

At the fiftieth anniversary Summit, the leaders of nineteen democracies strengthened the Euro-Atlantic Partnership Council expressing solidarity to address the threat to European security from the Milosevic regime in Belgrade.

Third is the credibility of United States threatening the use of force when appropriate.

We have followed through on declarations made by President Bush and President Clinton. Now we must prevail. Otherwise, our leadership around the world will not be taken seriously, and we may find our interests threatened more in the future.

Fourth, we must stop conflicts early, before a small but intense fire becomes a widespread conflagration.

We must help neighboring states, particularly Albania and Macedonia and Montenegro, confront the challenge of helping hundreds of thousands of ethnic Albanians driven out of their native Kosovo. We have already seen the pressure which Belgrade has brought to bear by flooding these countries with refugees.

One cannot fully predict what will happen if we do not prevail, stopping these crimes against humanity, this genocide in the Balkans, rather than permitting this abhorrent behavior to become a permanent means of controlling events.

Finally, I would remind my colleagues, Mr. President, that Milosevic and his police and military forces are killing people and raping women and driving families from their homes based on their ethnicity—they are committing unacceptable acts. We have an obligation and a responsibility to act to stop genocide.

We cannot stand by and allow these massacres to continue and claim to stand for what is right in this world?

Mr. President, the United States Senate has already decided that our national interests and values justify the engagement of our armed forces. NATO is already dominating Belgrade and Yugoslav forces.

There are signs Belgrade’s will to resist may be faltering. Therefore, we should not be showing weakness, because civilized values will certainly be under assault.

We must have history reflect that such appalling behavior will trigger sharp rebuff by democratic, life-respecting nations.

Milosevic cannot seriously question the will of NATO. Despite some losses, we have managed to sustain a serious air campaign with relative impunity. We have overwhelming force on our side.

Milosevic is instead pinning his hopes on NATO lacking the unity and political will to use the necessary force to prevail.

The time has come to dispose of these delusions. This resolution will tell Milosevic that we are prepared to do whatever it takes to halt and reverse his campaign of terror against the people of Kosovo.

Let me address some of the questions raised by my colleagues who may not support the pending legislation: Does this Resolution mean the United States and our NATO allies will fight their way into Kosovo on the ground? Should we not give air power more time to be effective? Why not negotiate an end to the conflict?

This resolution would authorize the President “to use all necessary force and other means, in concert with United States allies. . . .” That would authorize use of resources if the President determines this is necessary. The President has asked us to be patient, to give air power time to achieve Belgrade’s acceptance of NATO conditions.

While I am reluctant to wait while the killing and the rapes and the expulsions continue, as a practical matter it will take some time—perhaps months—to plan and mount a ground campaign. NATO Secretary General Solana has rightly decided to update plans for the use of ground forces to liberate Kosovo and escort more than a million displaced Kosovars back to their homes.

By signaling our readiness to commit ground forces if necessary, we can actually improve prospects for Belgrade’s capitulation. In any case, the United States should participate in an international force to become a stabilizing and protecting the civilian population of Kosovo, though our European partners will appropriately take the lead in such an effort.

Negotiations are taking place. Former Russian Prime Minister Victor Chernomyrdin, United Nations Secretary General Kofi Annan, and others are trying to mediate a solution. This is all well and good, so long as these mediators understand that we will not negotiate away the principles NATO has set out as conditions for an end to the bombing.

We all appreciate Reverend Jesse Jackson’s courageous intervention to secure the release of the three American soldiers captured in Yugoslavia/Macedonian border. However, we cannot accept the ostensibly humane act of their release as a license for Milosevic’s forces to continue the mayhem, rape, and killing they are committing even as we speak.

Mr. President, I ask unanimous consent to have printed in the Record a description from the New York Times of a singular atrocity.

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

[From the New York Times, May 3, 1999]

SURVIVOR TELLS OF MASSACRE AT KOSOVO VILLAGE

(By Anthony DePalma)

KUKES, ALBANIA, MAY 2—It lasted no more than three minutes, three minutes of savagery unleashed without even a word. “They just started shooting and I got hit in the shoulder. The dead bodies behind me pushed me over the cliff and I was lucky because all of the dead bodies fell on top of me.”

Isuf Zheniqi, who said he survived when 58 men died in a massacre at Bela Crkva in southwestern Kosovo more than a month ago, speaks out hesitantly, fearing Serbian
forces might take revenge on members of his family still in Kosovo.

But after crawling out from under the bodies of his relatives, neighbors and friends, with a bullet from a Serbian automatic rifle embedded in his right shoulder and horrors filling his head, he has carried around the names of almost all the men who died that day.

In crimped handwriting he puts them down on the pages of an address book, name after name, of his neighbors and friends, men, like himself, who were suspected by the Serbs of belonging to the Kosovo Liberation Army, which is fighting to make Kosovo independent of Serbia.

He remembers the names of all but one. But he knows they were 58 because he helped bury them, each one with a written name.

As refugees from Kosovo continue to flee across the border, the accounts of atrocities committed by Serbian forces in Kosovo multiply: a killing spree in the village of Velica Kruca, the rampage of troops through the streets of Djakovica, the slaughter of up to 100 people at Gracanica.

Accounts from different refugees are consistent enough to lend a great deal of credibility to some. But eyewitness accounts by survivors are rare because the killing was done efficiently enough to prevent survivors, or because the sheer number of those like those on the embankment at Bela Crkva prevents survivors from recounting their ordeals.

Mr. Zheniqi said that when he was brought across the border to Zrze, he told Human Rights Watch investigators what had happened at Bela Crkva. But until now, he has not given journalists a full account of his experience. Human Rights Watch separately interviewed Mr. Zheniqi and four other witnesses, who corroborated parts of his account.

Mr. Zheniqi was the only one who testified that he saw the actual killing. Human Rights Watch officials said four women who were separated from the men at Bela Crkva heard the sounds as they were walking to Zrze and later returned to see the bodies.

And other refugees told Human Rights Watch that they were among the group of 20 or so people who received a day after the killings to bury the bodies.

"All the witnesses gave us highly credible and unusually consistent accounts of what happened," said Fred Abrahams of Human Rights Watch. "They corroborated what the eyewitness told us.

"We couldn't have asked for five live ex-Kukes since they were interviewed. It was impossible to confirm the killings independently, beyond the refugee accounts, since reporters and independent investigators have been unable to visit that area of Kosovo since the bombing started.

Today Mr. Zheniqi lives in a Kukes pool hall, with his daughter and her family. He cannot use his right arm because of the bullet wound, and during the days he can often be seen dozing in the sun outside the pool hall.

"I feel like I'm in a deep sleep," he said. "I try to live, but I used to have dreams that cleave him every night because of his terrible dreams.

"My daughter tells me 'Father, sleep, why don't you sleep?'" Mr. Zheniqi said. "But I can't. All those dead bodies on top of mine. When I meet someone from Kosovo and they ask me what happened, I cry. I'm embarrassed, because 25 years old and some crying.

"The slightly built farmer, who worked for eight years in Switzerland before returning to the fertile soil of southwestern Kosovo, said that before the turmoil in Kosovo began over a year ago, he had almost no contact with his mother, father and brother.

But the area was a known stronghold of the Kosovo Liberation Army, and the Serbs were advancing ruthlessly on rebel positions, including the area of Bela Crkva. Mr. Zheniqi said that he was not a member of the rebel force and that none of those killed had any connection to the Kosovo Liberation Army.

At 9:30 in the morning, Mr. Zheniqi said, 16 special police appeared, shooting their guns into the air. Two or three families, who had stayed from the group and Mr. Zheniqi said the Serbs opened fire, killing every member of both except for a 2-year-old boy who had been his brother.

"She hid the baby in front of her and saved him," Zheniqi said. His lips quivered and he began to cry. When he continued, he said, "I saw this with my own eyes, maybe 150 feet from me.

The Serbs then shot their rifles in the air again and shouted, in Albanian, "Get up and come here.''

The villagers climbed up the banks of the stream with their hands over their heads. When they reached the train trestle, the men were separated from the women and children, and ordered to strip down to their underpants.

About 3:30 A.M. on March 25, on the First night of NATO bombings in Yugoslavia, Serbian forces started their operation, Mr. Zheniqi said. He said he saw about a dozen tanks from the Beograd bank of Bela Crkva. "One was in front of my house." he said. Anticipating violence, he took his family and his brother's family—17 people in all—and ran to the nearby mountains to hide.

When the streets again fell silent, they returned, thinking the tanks had moved on. But they hadn't. Smoke soon rose from the houses of Bela Crkva that were closest to the road from Prizren to Rahovec. Mr. Zheniqi and his family fled again, this time scrambling down the steep banks of a large nearby stream. It was about 4:30 A.M.

"The people from the whole village started to collect there in the stream," he said. They went to a place he called Ura e Belase, where a train trestle crossed the stream. About 800 villagers tried to hide beneath the bridge.

After daybreak, the villagers tried to move toward Zrze and Rogovo, two nearby hamlets they thought would be safe. But Serbian snipers followed their movements.

The police then roused their belongings, Mr. Zheniqi said, taking anything of value. A local doctor trained, Nesim Popaj, tried to talk to the police in Serbian because his mother had been wounded and had been thrown on the ground and was under a policeman's boot.

"The Serb looked at the doctor, said just two or three words, and told him to move over a bit," Mr. Zheniqi said. "Then he shot him. We were shocked. The man was a captain using an automatic rifle. He wore a green camouflage uniform, and on his shoulders were stars. I don't know his name, but he was tall and he had a scrunched-up mouth. I could recognize his picture easily.

The doctor was sent to Zrze. The men were allowed to get dressed and then were forced to move over to the high ground above the stream. Mr. Zheniqi was in the first line, at the edge of the stream bank, with many men behind him.

"We tried to say something to the Serbs but they didn't let us," Mr. Zheniqi said. "If we tried they just said, 'Shut up.' We all cried. Sahid Popaj cried from the moment we were forced to take off our clothes to the moment we were shot.

The shooting started without a word from the policemen. Several of them standing just behind the villagers opened fire with automatic weapons. Mr. Zheniqi said, "I was ahead of the gunners provided. Mr. Zheniqi with some cover, but he was struck by a bullet in his right shoulder. The shooting lasted about three minutes, he said. The weight of the men falling behind him pushed him over into the stream just about six feet, landing in the water.

"At that moment, I was just thinking of getting to one stone and from there holding my let wound, and during the days he can often be seen dozing in the sun outside the pool hall.

"I'm 39 years old and I'm crying," Mr. Zheniqi said. "All those dead bodies on top of mine. That was when he saw the extent of what had happened in Bela Crkva. "There in the stream, I saw terrible things: men without eyes, men with half their heads blown off.'

He staggered to Zrze, where he found some of his family and told them about the killing. He said the men organized a group to go back to the stream, but Mr. Zheniqi was not among them. They said they found four other survivors, and piled them into the wagon behind their tractor, driving to Zrze. On the way back, two of the survivors died.

The following day, about 20 villagers from Bela Crkva returned to the stream to bury their relatives. Already, they thought, the moment of justice and the memory of those who had been mowed down in three minutes.

"We couldn't find the dead on separate pieces of paper," Mr. Zheniqi said. Then we put the papers inside plastic soda bottles. There was one name in each bottle.

But the bottle inside the grave, not on top. And we buried them, not far from the stream.''

Mr. LAUTENBERG. Mr. President, our cause is just. Our objectives are reasonable. President Clinton has thus far insisted that Kosovo be granted substantial autonomy within the borders of Yugoslavia.

We should be prepared to do whatever is necessary to prevail, to stop the killing and the rapes and the expulsions, to reverse ethnic cleansing.

We must stand up for what is right. I hope my colleagues will agree and will join me in supporting this legislation.

President, I submit this resolution. I believe the Senate has the right and the responsibility to clearly address this issue.

And I hope that this Senate, given the opportunity to vote on the Resolution, will rise to the occasion and clearly authorize the President to do what it takes, together with our NATO allies, to prevail over the Milosevic regime, to stop the killing in Kosovo and to bring peace and stability to a troubled region of Europe.

I yield the floor.

Mr. THOMPSON. Mr. President, on its face, this resolution is hard to challenge. Of course, whatever it takes to win a conflict we are engaged in. However, voting for this Resolution, while appealing to my instincts, would go against what I believe to be my obligation. This Resolution is essentially a Declaration of War—Declaration of War—that the President hasn't even requested. It would give to the President a blank check for an indefinite period of time, regardless of
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any changes in circumstances. It does not even require that we act in concert with our NATO allies.

Congress’ Constitutional authority to declare war presupposes that the President will support such action. In each instance for which Congress has passed Declarations of War, none have come without a specific presidential request. This resolution today, however, would grant the President authority he has not sought, based on the War Powers Resolution he does not recognize, to fight a ground war he has promised he will not undertake.

If the Commander in Chief decides that we need ground troops in Yugoslavia, then he should come to the Congress and request them. At that time, the Congress would have the opportunity to ask certain questions, such as:

what are our vital national interests here?

What are our military and political objectives?

do we propose to take Belgrade or parts or all of Kosovo?

how do we propose to get our troops to the battlefield?

how many troops will it take?

how many casualties do we expect?

what will be the make up of the NATO ground forces?

...e.g., how many U.S. troops?

how long will it take us to achieve our objectives?

how thinly spread will we be left in other places in the world where we have military commitments?

what is the overall commitment level of our NATO allies, both with regard to such an operation and with regard to its aftermath?

When and if that time comes, I will ask these questions and others and listen carefully to the answers. I will give it careful consideration and cast my vote to confront the circumstances that exist at that time. If we pass this Resolution now, however, I fear that these important questions will never be answered.

When Congress was first consulted with regard to the air campaign in Yugoslavia, it was done almost as an afterthought, after the Administration had already made its decision to begin bombing. Many of us felt at the time what we should all now know with certainty: Administration officials had not adequately considered all of the ramifications of what they were doing. On the heels of that experience, should Congress now, when the stakes have been raised much higher, authorize and even pressure the Administration to fight a ground war that they are clearly not prepared to fight? Does the Senate not want answers to why and how a ground campaign would work—the kind of answers that we should have demanded before the Congress voted to approve the air campaign?

And with regard to the timing of this resolution, some now suggest that more time should be devoted to debating this issue and I agree. However, this argument is being made a little late. It would have been more helpful if we had had a more extended discussion of this issue at a time when it might have had more relevance—before the final decision for the bombing campaign was made. But the President should have explained to the Congress and the American people why going to war in the Balkans was in our national interest. We should have demanded it. However, he didn’t and the Senate, considering a 30 minute time agreement, gave pro forma approval to a decision that had already been made.

And now in the middle of a bombing campaign that the President still says will achieve our objectives, we are asked to cast another vote that will have no effect. So be it. But I would hope that in the future we would take up these matters earlier in the process and not let the President present them to us as a fait accompli. Perhaps then the two branches of government could come together with some unity of purpose and we could all go to the American people with a clear message about our intent and about our interests. What we have is a disunity of the Congress and among the American people is the result of our failure to do that.

Mr. KOHL. Mr. President, I will be voting to table S.J. Res. 20, which authorizes the President to use all necessary force against Yugoslavia.

On March 23, I voted along with 58 of my colleagues to authorize the use of air strikes against Yugoslavia. I deplore the actions of Slobodan Milosevic, a dictator who has caused pain and suffering for all the peace-loving people of the region. The decision to launch airstrikes was made only after the Administration and NATO worked diligently to bring a peaceful resolution to Kosovo. I deplore the actions of Slobodan Milosevic and continued use of air power. I continue to hope that air strikes will pave the way for an end to hostilities in the region, a return of refugees to Kosovo, and an autonomy arrangement that can be supported by all. The possibility of a diplomatic resolution to this conflict is very much alive.

Thus, the resolution before us today is premature. The President has not indicated that he intends to expand the use of force here, he has not indicated any immediate plans to use ground troops, nor has he asked us to fund such an expansion of the conflict in Kosovo. Thus, I must vote to table this resolution.

Mr. GRASSLEY. Mr. President, I rise today with deep concern over the Clinton Administration’s policy regarding Yugoslavia and Kosovo.

I have observed, over the past year, an Administration policy characterized by a lack of vision regarding events in the Federal Republic of Yugoslavia. In recent months, the American public has seen the conflict in Kosovo explode onto the front pages of newspapers and dominate prime time television news. This conflict, however, is not new. It stems from centuries of tension and a decade of deteriorating relations between Serbs and Albanians in Kosovo. Milosevic is the result of Slobodan Milosevic’s rule over the country.

I do not want to downplay the seriousness of Milosevic’s actions in Kosovo. Milosevic’s treatment of the Kosovar Albanians in a barbarous manner. But, have NATO airstrikes solved this problem? No. And the sad fact is: United States policy has—if nothing else—unfortunately speeded up Milosevic’s campaign of terror in Kosovo.

And now, with our men and women risking their lives over the skies and on the ground in the Balkan region—we must take time to evaluate past policy and determine how best to move forward toward peace making. 

Military intervention should be the method of last resort in any conflict. Once all efforts have been made to resolve a conflict peacefully, only then can we conduct military operations with a clear vision of goals to be achieved—goals backed up by sound military advice, common-sense wisdom with maximum objectivity based upon factual evidence. The Clinton Powell doctrine on military operations—you should not get into a military situation you don’t know how to exit. In other words, have plans on how you’re going to get out of the situation. And, if you do initiate a military operation—you should go in at the beginning with enough force to ensure victory.

A critical miscalculation in Clinton’s Kosovo policy was the president’s outright statement that ground troops would not be introduced into the region. It was an impassioned, emphatic statement. And it signaled to the world that—right out of the gate—the United States was not serious about this mission. Not only were the military goals vague, but the means to achieve those goals were laid out clearly for Slobodan Milosevic to see. Milosevic knew he had time to further his own twisted goals in Kosovo and has succeeded in wreaking havoc on the region with flying NATO missiles.

Therefore, we are in a situation where “gradualism” is being practiced. This was Clinton’s only way of his misstatement regarding ground troops. I say “gradualism” because the Administration has already set the stage for troops to be on the ground—regardless of what Congress says about it. First, United States ground forces were sent to surrounding countries to aid in humanitarian efforts. They were followed—on the support of the United Nations—tropes to support the Apache helicopter division—troops to support artillery to support the Apache helicopters. Soon, we will need troops on
the ground to protect troops already on the ground. I think it's fair to say we are in a ground war even though we don't have United States military forces on the ground within the geographical confines of Kosovo.

Pending a resolution to give President Clinton the authority to use "all necessary force" to achieve Clinton Administration goals in Kosovo. I understand this resolution inadvertently triggered the War Powers Act, which requires a vote. But, the president notably hasn't asked for or been given broad-ranging authority, he still maintains it isn't needed. Some of my colleagues wish to affirm the president's authority regarding our involvement in Kosovo. I cannot support such a resolution.

I cannot support a policy lacking common sense. I cannot— with a clear conscience— provide limitless authority to an Administration which has failed to demonstrate an understanding of the political realities of its involvement. It must have a defined goal—and I'm talking more defined than the United States is engaged in Kosovo. Slobodan Milosevic's "capacity to maintain his grip and impose his control on Kosovo"

What is our goal? To destroy all Yugoslav military forces and control the entire Federal Republic of Yugoslavia? To occupy Belgrade? To expel Milosevic's forces from Kosovo? This is not moving us closer to a clear goal—a clear strategy.

I support our men and women who are risking their lives—even at this moment—for the sake of NATO's reputation and Clinton's military policy. I condemn Slobodan Milosevic's reprehensible actions in the Kosovo region. I seek clear military goals and concisely appropriate communication from our nation's commander-in-chief. Congress and the people of the United States are waiting.

Mr. ASHCROFT. Mr. President, I rise in opposition to S. J. Res. 20 to authorize the use of all necessary force in the NATO operation against Yugoslavia. Taking such a step at this time is imprudent, particularly in light of the poor management of the ongoing air campaign against President Milosevic. Nothing in the operation to date indicates we have defined strategic goals in Kosovo and the political will to achieve those goals. Clearly, this is not the time to authorize the Administration to escalate a strategically flawed and poorly managed campaign in the Balkans.

A lack of foresight and planning has defined both the air war and the refugee relief effort, allowing Milosevic to seize and keep the initiative. The air war has been waged in a classic Vietnam-style fashion of escalation. Two principle elements of war, surprise and overwhelming force, have been sacrificed to the political whims of our European allies. The first three weeks of bombing in Allied Force were comparable to one day of bombing in the Gulf War. NATO has waited a full month before targeting Yugoslavia's electrical and television networks. In the Gulf War, such assets were destroyed in the first two days of the conflict.

Even as the President sends additional planes and personnel to enhance NATO's firepower, a lack of leadership continues to undermine our efforts to punish Milosevic. According to state commitments by Mr. the Chairman, General Klaus Naumann, Apache helicopters will not be sent into Kosovo, but fire into the province from Albania. NATO Commander General Wesley Clark is requesting additional planes, but NATO is running out of basing areas in the Balkans. A lack of preparatory work to have these facilities ready has delayed 400 planes being deployed to the region. NATO has an oil embargo on Yugoslavia but will not use force to stop shipments into the region.

The refugee crisis has been compounded by poor planning for the relief effort. Before the air campaign began on March 24, the Administration had enough food in the region to feed perhaps 400,000 people. Almost two-thirds of that amount was stationed in Yugoslavia, however. For relief supplies such as tents and blankets, Belgrade was the only staging area for the U.S. Office of Foreign Disaster Assistance.

Clearly, the Administration's record to date on Kosovo is not a basis upon which to authorize the use of "all necessary force." The Administration misjudged the enemy and started this war with inadequate means. Now that we are engaged, we need to deploy overwhelming air power to accomplish our objectives. I want to see an aggressive air campaign waged before we take the next step of deploying thousands of ground troops.

We should be patient and allow an aggressive air campaign to take its toll, but the air war must be combined with better political leadership if our objectives are to be achieved. An inability to explain why the United States is engaged in Kosovo has plagued this operation from the beginning. Until the Administration has demonstrated the political leadership to define and achieve clear objectives in Kosovo, authorizing the use of ground forces would be more than justifiable.

Mr. GRAMS. Mr. President, as a strong critic of the Administration's policy in the Balkans, I am uncomfortable expressing my reservations now that we are in a state of war. The U.S. forces conducting air strikes against Serbia have my full support as they go into battle even though I do not support what I believe to be an ill-defined mission.

Mr. President, I opposed the resolution authorizing the President to bomb Serbia, because I did not see how bombarding Serbia would end the atrocities being committed, bring about stability in the region, or lead to greater political autonomy for Kosovo. And I am going to oppose this resolution as well. The Senate should not be moving to authorize the President "to use all necessary force"—when the President has not asked us for that authority—and when the President has given every indication that he has no intention of moving in that direction. I know that the authors of this resolution have the best intentions, but I do not think that it is prudent to push the Commander-in-Chief towards cutting troops on the ground. If the President believes that ground troops are necessary, the President should come to the Congress, clearly explain his objectives and how the use of force can achieve those specific goals. Then, and only then, should the President ask Congress for authorization to use ground troops. That is the way to proceed.

Mr. President, the only lasting solution to this conflict in the Balkans is a political settlement. The administration to actively engage in finding a negotiated settlement to this conflict which will lead to a sustainable peace in the Balkan region.

Mr. FRIST. Mr. President, for a deliberative democracy, going to war is an agonizing task. Determining the costs of this conflict is an agonizing task. It is discomfiting to all. With regards to Kosovo, I understand the President's vision of what our world should be and what the United States' role in such a world should be. I believe I also understand the foundations of his vision of the role of the United States in a Europe fundamentally different than the one into which NATO was born—where barbarians are not allowed to butcher the innocent. The long-term stability on the continent must be defended to maintain the standard of living we have fought so hard to achieve.

I understand the intent of the authors and sponsors of this resolution. For our Nation to prevail in war, both the citizenry and the Congress must be united behind the Commander in Chief during times of war. I commend my colleague from Arizona for his intent.

The Senate should not be moving to authorize the President "to use all necessary force"—when the President has not asked us for that authority—and when the President has given every indication that he has no intention of moving in that direction. I know that the authors of this resolution have the best intentions, but I do not think that it is prudent to push the Commander-in-Chief towards cutting troops on the ground. If the President believes that ground troops are necessary, the President should come to the Congress, clearly explain his objectives and how the use of force can achieve those specific goals. Then, and only then, should the President ask Congress for authorization to use ground troops. That is the way to proceed.
this vote represents, regardless of the specific wording of the resolution:

First, this vote will be interpreted as a vote on whether we approve of the President’s strategy so far—a strategy which seems to have initially failed to achieve at least one of our primary goals: to stop ethnic cleansing in Kosovo.

Second, this vote will be interpreted as a vote on what we believe the role of the Congress should be in the future progression of the conflict.

Third, and most important, this vote will be interpreted as a statement on whether we are willing to commit ground troops to invade Yugoslavia, and whether we are willing to risk a considerable sum in blood and treasure to meet those goals.

On all three accounts, the vote on this resolution is premature. The wisdom or failure of the President’s strategy cannot yet be fully determined. More important, at the current time in our nation’s history, with the decision of what means will be employed to achieve our ends still undetermined, it is premature for Congress to relinquish any future authority to say how this war will or will not be conducted.

I believe that I fully appreciate the importance of an unencumbered Commander in Chief, I also believe it is necessary for Congress to retain its limited but critical Constitutional role in declaring war. Such a vote, where that authority would be relinquished now at a time prior to the President specifically seeking it from the Congress, is tantamount to approval of the deployment of ground troops to invade Kosovo or other parts of Yugoslavia. That is a blessing I am not willing to give at this time—when the Commander in Chief has not even sought that approval.

Because the resolution is premature, I will not support it now. If the Commander in Chief determines that this war must be expanded beyond the air campaign, he will have every opportunity to seek that authority. I will listen thoroughly and fulfill my Constitutional duties at that time.

For now, I will vote to table this resolution because such a vote does not tie the President’s hands more than he already has. I certainly will not give aid and comfort to our enemies by voting against the possibility of using ground troops. While I would like to see the full range of options but does underscore my insistence that he more adequately address his rationale before the U.S. Congress and the American people before committing ground troops to battle.

Mr. MCCAIN. I yield 15 minutes to the Senator from Connecticut, Senator Lieberman.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MCCAIN. Mr. President, I have been privileged to join with the Senator from Arizona, the Senator from Delaware and others, in cosponsoring this resolution. So I have listened with considerable personal interest as one after another of our colleagues have expressed their points of view. I joined with Senator McCain and Senator BIDEN and the others in cosponsoring this resolution as a way to make very clear to the American people and hopefully on a bipartisan basis—and the co-sponsors of this resolution are a broad and bipartisan group—to give the Senate an opportunity to express our support for the objectives that NATO has adopted in entering the conflict in the Balkans and that the United States and this administration have, course, subscribed to. Let me read what those objectives are:

That the Federal Republic of Yugoslavia, (Serbia and Montenegro) . . . withdraw its military, paramilitary and security forces from the province of Kosovo, [that the Federal Republic of Yugoslavia] allow the return of ethnic Albanian refugees to their homes, and [that Serbia] permit the establishment of a NATO-led peacekeeping force in Kosovo.

In light of all the blood that has been spilled, in light of the horrific scenes we have heard about, not just heard rumored, not heard speculated about, but seen with our own eyes on television, heard the eye-witness reports on television; of all the horrors that we have been forced to witness in Kosovo—when we think of all of those objectives of the NATO campaign, the NATO effort, the NATO war in the Balkans, they are extremely reasonable and extremely just.

So I join with my colleagues in offering this resolution as a way to restate clearly and simply what our objectives are here and to say that we want to support the President of the United States in the decision he has made to join with our allies in NATO to carry out this cause. We want to say by this resolution, so strongly do we believe in this cause, that the President is not asking for this authorization, as the resolution says, authorization “to use all necessary force and other means, in concert with the United States allies, to accomplish United States and NATO objectives.” That I have just described.

To me, it is an opportunity, broad-based, simple, fair, direct, not just to stand together on a bipartisan basis in this Senate, but to stand together in support of the policy that this administration has adopted in support of our NATO allies and, in doing so, to send a message to the enemy, to Mr. Milosevic—who we are reliably informed began this invasion of Kosovo, this massacre, this massive expulsion, to have not just heard about it, but with our own eyes—tonight and earlier today, based on the ethnic history, identity and religion of the people being expelled—to say to Mr. Milosevic, who, again, we are reliably informed, began his evil deeds in Kosovo and who has continued to believe that the NATO allies would soon break their cohesiveness, would not hold in the face of this onslaught and his clever diplomatic moves, he was wrong.

The NATO allies were here just a week ago. They spoke with unity. They strengthened their ranks. They came together. They agreed to intensify the effort against Milosevic and they have done so in the ensuing week. Those of us who have been here before the Senate have done so with the hope that we might also make clear to Milosevic that the other belief he had, that he could divide the American people and their Representatives here in Congress, was false. It was in vain. It was folly.

That is the spirit in which this resolution was offered. I have listened to my colleagues speak, and, as others who have spoken before me, it seems clear to me the motion to table this resolution will be agreed to tomorrow. I have heard three or four different reasons given for that. I would say the majority of reasons are procedural, and I understand those. They are not substantive. They do not reflect the fact that we, the sponsors of this resolution, have intended to convey. Some of my colleagues have said the resolution is not needed; it is premature.

What NATO is doing now is carrying out the aerial bombardment of Serbia and military sites in Kosovo. The Senate has already authorized that, to our great credit, on a bipartisan basis. Almost 60 percent of the Senate voted almost a month ago, as the air campaign began, to authorize and support, if you will, the President and NATO in that effort—that valiant effort, that effort that has been conducted by the men and women in uniform for all the NATO countries and for ourselves. I am proud to cite the tremendous courage and skill with which our military personnel have carried out that effort. The Senate distinguished itself in support of that effort. Unfortunately, the House did not do so last week and sent a mixed signal. But some of my colleagues have said tonight the Senate has already spoken on the military effort that is part of this battle against Milosevic and so we need not speak now in more width or depth.

What others have said—the second reason I can hear—is that the President is not asking for this authorization. In fact, since we introduced this resolution, S.J. Res. 20, the President has indicated both at meetings in the White House with a broad, bipartisan group of Senators, and publicly, if it came to a point, which he hopes and believes we will not reach—and of course we all hope we will not reach—when it became clear, tragically, that the Milosevic leadership in Serbia was remaining what I would describe as insanely intransigent in the face of a devastating air campaign against that country—which some experts say, analysts say has already set back the Serbs who have fought this resolution by even more—if Milosevic remains intransigent, the President has said, and he was forced to reconsider the statement he has made that he does not believe
we need to employ ground forces there, that he would come to Congress and ask for our consent. So I understand some of our colleagues have said, therefore, that this resolution is premature. There are others, and I hope and believe, as I will say a little bit later on, that they are in the minority here, who do not support this effort at all, who want to see us negotiate a settlement or, worse, negotiate a settlement with a regime that has blood on its hands, that has violated the values that we hold dear, the humanitarian values, as we have all seen. We know what is happening. This is a regime in Belgrade that has carried out aggression, that has aimed at destabilizing Europe; a regime that, over the last decade, successively has invaded Slovenia, Croatia, Bosnia, and now Kosovo.

This is a regime that, evidence leads us to conclude, by its policies has brought about the death of hundreds of thousands. That is why I say this is about: Destabilization, aggression, ethnic cleansing and genocide in Europe at the end of this century, challenging the premise that brought about the creation of NATO 50 years ago, which was to defend against the Soviet invasion of Western Europe, but was to uphold the principles for which the then recently completed Second World War was fought, which were freedom, human dignity, democracy. Sometimes, as I watch the slaughter continuing, the expulsions continuing in Kosovo, as I think of the history of Serbia and Milosevic for these last 10 years, I just say to myself: Have we not learned the lessons of this century, of the last 60 years of this century?

Why did we fight the Second World War and the cold war if not to establish the principle that it was in America's security interest and, of course, even more intensely and intimately in the security and the principle of interest of our allies in Europe not to allow tyranny, brutality, communism to exist in Europe? It threatened the stability of that great region with which we have historic ties, with which we have extraordinary economic ties, which contains the heart of our alliance, the strength of the partners we would turn to, not just when in crisis in Europe, but when in crisis anywhere in the world, as we did in the gulf war. Whom did we ask to stand by our fight, to fight beside us, and in Europe, first and most significantly.

Will we allow this century to end having fought the Second World War, made vivid in the Spielberg movie, "Saving Private Ryan," did the Americans fight that extraordinary fight with that unbelievable courage, lose their lives, so that a dictator, bent on the same kind of aggression and ethnic genocide at the end of the century, would be allowed to work his evil will in Europe?

Did we spend billions of dollars and stand face to face with Communist tyranny for the long years of the cold war, did President Reagan lead us to the great final victories in the cold war, so less than a decade later we would allow a Communist—what is Milosevic? He is an unreconstructed Communist dictator—that we would allow a Communist dictator to work his will in the backyard of NATO, that we would stand by and do nothing? I hope not.

I take issue respectfully on the merits, as I see them, with those who oppose this resolution because they do not see its wisdom involved. But I understand those who say, as my colleague from Illinois said a moment ago, that the Senate is not ready to make the statement contained in this resolution.

As a cosponsor of this resolution, as one who worked with Senator McCaIN, Senator Biden, and others to fashion this resolution, I have already made the statement, I have already come to the conclusion, so I will stand with all of my colleagues who have sponsored this resolution and whom I heard speak up now on this debate, who say they will oppose the motion to table. We are ready to vote, and we will vote tomorrow morning against the tabling of this resolution. We will vote against the tabling of the resolution with the confidence that if the President is wrong and the air campaign does not bring this war to an end, not on any weakened terms, but on the terms we clearly state in this resolution—the Serbs out, the Kosovars back in to live in peace, and an international peacekeeping force there—then we will return.

Those who have said that they are not prepared now to vote for this resolution, those who have said this is merely a procedural vote—and I understand that—those who are essentially voting to table not because they are against, as I hear them speak, the substance of this resolution, but opposed to the timing, which I think is wrong, I think is wrong, and I am clear on this. We need to employ ground forces there, and those who have spoken against, as I hear them speak, the resolution's timing, I have not supported the time-table, the motion to table. We will vote tomorrow morning against the tabling of this resolution. We will vote tomorrow morning against the tabling of this resolution. We will vote against the tabling of the resolution with the confidence that if the President is wrong and the air campaign does not bring this war to an end, not on any weakened terms, but on the terms we clearly state in this resolution—the Serbs out, the Kosovars back in to live in peace, and an international peacekeeping force there—then we will return.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCaIN. Mr. President, I yield 3 additional minutes to the Senator.

Mr. LieBERMAN. I thank the Senator.

I am confident if that day comes—and, of course, I hope it does not come. But if we are not able to achieve the victory we must have here, that NATO must have to remain credible, that we must be credible, that we must achieve so that all the bullies, the thugs and the dictators, wherever they may be—in Asia, the Middle East or anywhere else—will not see an opportunity to take advantage of us, if we return at that point to the Senate and ask for support for the next necessary means to achieve our objectives, I am confident that on that day a bipartisan majority in the Senate will not walk away from the field of battle. If we have achieved the victory, will not yield to the forces of ethnic cleansing and ethnic slaughter and ethnic expulsion but will stand together, united across party lines, to support our soldiers in uniform, yes, indeed, our NATO allies, of course, to support the principles upon which this country was founded, which are at stake in Kosovo today, and to support the administration in the full conduct of this effort.

May 3, 1999

The Chair. Mr. President, I recognize the distinguished Senator from Arizona, a great student of history, actually such a man as I yield to the Senator from Arizona.

Mr. CleLAND. Mr. President, I thank the distinguished Senator from Arizona, my dear colleague and friend and fellow Vietnam veteran, for pushing to make sure that this issue of war in Kosovo, war in Yugoslavia, war in the Balkans receives the time and attention from this great and august body that I think it truly deserves.

I am struck by the fact that in the earlier weeks of this year, all of my colleagues in the Senate and House on a question of serious constitutional gravity: impeachment of the President of the United States. This is a serious matter equivalent to that, Mr. President, that is, sending young Americans into harm's way. It is a constitutional matter, one that I personally feel strongly about and one on which I am personally conflicted.

As the distinguished Senator from Arizona, I served in Vietnam. I cannot help but think back, on the presentation of this resolution, to the fact that some 35 years ago the Senate voted 88-2 in favor of the Tonkin Gulf resolution which authorized the President to "take all necessary measures to repel any armed attack against the forces of the United States, and to prevent further aggression," in Vietnam. The House approved that resolution unanimously, 416-0. It is fascinating that my colleague, my friend, my mentor, Senator Russell, and those of us, chairmen of the Armed Services Committee, and a great student of history, actually succeeded in attaching language which
gave Congress the right to terminate the authorization of the Tonkin Gulf resolution at any time by concurrent resolution.

Senator Russell, in those days, certainly spoke against open-ended conflict and urged Congress to support the open authority to the President. He tried to rein in the Executive and preserve the ability of the Senate, particularly, to exercise its constitutional authority and exercise its constitutional role.

But this vote on the Tonkin Gulf resolution served as an unchallenged congressional authorization of war until 1970, by which time, of course, we were deeply involved in the conflict, but no closer, unfortunately, to our political objectives. The way out was long and difficult.

The near unanimous votes in favor of war against North Vietnam in the mid-1960s reflected an apparent certainty of purpose and clarity of message to the President, our adversaries, the American people, and our service men and women. However, future events, as they unraveled, were to show that this hasty congressional action, done for the best of intentions, to display national unity, eventually produced exactly the opposite result—national divisiveness and uncertainty. And we gave an uncertain reaction to the service men and women—and I was one of those servicemen—who carried out the Government's policies and came back to a divided nation and a nation on its way out of war, not in it. But that process took 10 years, Mr. President.

Growing out of our Vietnam experiences, the Senate from Arizona and I have taken the Kosovo issue very seriously. For us, it is not an issue—it is a war, a war in which young men and women's lives are at stake. And we come to very different conclusions about what should be done in that war in terms of further military conflict. But we both believe the same thing in one sense, and that is, above all, the Senate must speak, the Senate must debate, the Senate must stand up and be counted in terms of the policy that we are to follow in the Balkans.

For that reason, Mr. President, I urge that the motion to table this resolution be defeated. I shall be voting against the motion to table. We cannot just table a war. We cannot just shunt as if we can kick the ball into a distant nation and a nation on its way out of war, not in it. But that process took 10 years, Mr. President.

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its success in reducing Milosevic’s capability to keep a stranglehold on Kosovo does not achieve the broader mission of being able to return these refugees, at that point we can consider changing the military mission. At that point we can consider the use of ground troops by NATO.

Is it prudent to plan for that? Yes, it is. In my judgment, it is prudent to plan for it. Would it be prudent, in fact, to carry it out once the groundwork has laid? I do lay claim, sir, that the capability has been significantly weakened? Yes, in my judgment it would be.

Most important to the success of this mission, broad and narrow, is NATO’s unity. It is my fear that the adoption of this resolution will put us in a significantly different position than the rest of NATO, in advance of a need to do so.

NATO is unified on an air campaign. It is not yet unified on a ground campaign. The Apaches alone, after their employment, will take 30 to 60 days before they have a significant impact on the ground. That is what General Clark, the commander, has told us. That may not be the common wisdom, common understanding, common media messages, but that is the truth, as General Clark believes it—that it will take 30 to 60 days for the Apaches to have an effect after they begin to be employed. So the debate over authorizing ground forces is a premature debate. I believe it will distract us from a current unified mission while we are in the middle of an air campaign.

It is for that reason that, with some reluctance, I am going to vote to table the resolution, the general direction of which I support, because it is so critically important that we be unified and united with NATO allies, that we stay together in planning and in execution of a mission which must succeed. We must not be distracted by a premature debate and forces. Prudence and common sense would indicate that we plan for such a contingency, but there is no need for us to authorize it at this time. It seems to me, if anything, it will divide and distract, rather than protect that critical unity which is so essential to the success of this mission.

Again, I commend my good friend from Arizona Senator Biden, Senator Lieberman, and the other cosponsors for their support of a very important position, which is that we must win. That is the thrust of this resolution. Again, while I support that thrust, I will vote to table for the reasons indicated.

I thank the Chair and, again, thank my good friend from Arizona.

Mr. McCaIN. Mr. President, I thank my friend, the Senator from Michigan. May I just point out, he made the point that it took a month or two to get the Apaches in place, and I am suggesting that preparations be made in case we have to exercise the option is exactly the reason he stated concerning the Apaches. It would take 6 to 8 weeks now for us to assemble ground forces if we decide to use the option.

I am told by some military experts that we now have to worry about the onset of bad weather in the fall, but I do appreciate the remarks of the Senator from Kansas, a friend, and the information that he brought back, which I think was very helpful to the entire Senate.

Mr. Levin. Mr. President, I thank my good friend. Again, I happen to concur that the planning is prudent and should be underway. It is the commitment to the utilization that I think might divide and distract. Again, I thank him.

Mr. McCaIN. Mr. President, I note the belated appearance of my dear friend from Kansas. I yield him however much time he may consume.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, thank you very much for allowing me to speak tonight. I recognize my distinguished colleague from Arizona for all he has done on this issue but, more than that, for what he has given to his country. He chaired the Commerce Committee, with which I serve on with him, but I have enormous respect for what he has already given to his Nation, the sacrifice where he put his life on the line in a previous war. Actions speak louder than words, and he spoke with actions at times I am enormous proud to know and be associated with him in this body.

Mr. President, the situation in Kosovo is clearly a very serious one deserving of our deliberation and vigorous debate. To this point in time, though, the administration, for my satisfaction, has certainly not provided the Members of the full Senate body with the information needed to make an informed decision on this matter. Therefore, I will vote to table the resolution.

One month ago, I wrote to the President asking that he respond to certain fundamental questions regarding the objectives and the implementation of the NATO mission in Kosovo. To date, I have not received a response to those questions.

What is the objective, I put forward? They have been responding and defining some of that as we have gone along, but most recently, can we define success? Is there a coherent and achievable plan of action in place? What price would we pay for this in terms of potential loss of lives? What about the monetary cost? Is escalation in the true national interest of the United States? Those simple, basic questions that I have put forward have not been answered.

Not until we understand the objective of NATO and how that objective will be attained, can we consider an informed determination with respect to S.J. Res. 20. The administration must provide the answers to these questions, with clarity, with satisfaction, and to the satisfaction of all Members of the Senate. Until that happens, I cannot give my support to the administration in this broad, open resolution.

At such time that it is shown how granting the President the authority to use all necessary force and other implements of war, more quickly, or at less expense or other means, then we would be able to consider this proposal in some context.

I note, Mr. President, that I fully support our troops. I appreciate the sacrifices that they are being asked to make. If stop Milosevic’s atrocities he has perpetrated against the people of Kosovo. It was several weeks ago that I was in Wichita at the McConnell Air Base meeting with some of the troops and their families before they were shipping off. You could see in their eyes their willingness, their commitment to see this action through. They asked a number of the same questions that I continue to ask of the President, that I continue not to get satisfaction answers.

Until those are answered, I cannot give my support to this type of authority. It is appreciation for these troops that makes it impossible for me to support this resolution, until we understand the full plan. Once we know it, then we can debate its merits and determine how best to support the President and our troops. Without that and in clarity of what that plan is, we are making a decision in a vacuum. The situation merits more attention than that.

Again, I note, as I did at the outset, my enormous respect for my colleague from Arizona who has put forward this resolution and his wisdom. His support of this makes me give much more pause to my statement. But these questions we not not given to my satisfaction. While I respect that and I respect enormously the Senator from Arizona, I cannot in good conscience vote for this resolution at this time.

Mr. President, I yield the floor.

Mr. McCaIN. Mr. President, may I say to my dear young friend, who I see as one of the rising stars in this Senate—and I can say that with confidence because I have watched very closely, as a member of the Commerce Committee, his involvement with a number of issues—I respect his dissatisfaction with the failure to begin to answer to certain fundamental questions that he and, frankly, the people of Kansas and of this country have a right to get the answers to. I understand his position on this issue, and I am in deep sympathy with it.

He makes a compelling case that we should be better informed before we embark on a ground war or consider the likelihood of a ground war. I appreciate his views. The realities on the battlefield, as we have seen from Kosovo, are such that it requires a minimum of 6 to 8 weeks to get some forces assembled. So if we don’t begin preparations—and I am not saying we would
have to use them, but it is of the utmost importance that we do that; otherwise, we will lose the opportunity.

A person that Senator BROWNBACK and I respect enormously, Henry Kissinger, the former Secretary of State, testified before the Senate Armed Services Committee last week. I quote him saying:

On the issue of ground forces, my view is as follows: I have no way of judging what will ultimately be necessary. That is a military decision. But it is a mistake to preclude any category of forces and to turn the conflict into an endurance contest. Second, because of air power, that air power will ultimately succeed, which it well may, we nevertheless should make clear not only that we are planning to use ground forces, we should assemble the ground forces that will be needed. This will put a safety net under the bombing campaign because under present circumstances, it is a question of endurance. Thus, Milosevic and the Serbian leadership believe that they can simply outlast us.

If they know that at the end—not even at the end—Serbs and paramilitary thugs will be invited out of Kosovo, they will insist on using ground forces, I think it will shorten the air campaign.

That was the testimony last week of Dr. Kissinger before the Armed Services Committee. I know of no wiser man than President George H. W. Bush, Kissinger, a person who has a great appreciation for history and its challenges.

Because of our failure to even plan, much less prepare ground forces, as Dr. Kissinger, Larry Eagleburger, Brent Scowcroft, et cetera, seek to do, this gives foes, as essential as air power, the telltale, driven by polls that dictate both in this process will insist on using ground forces, I think it will shorten the air campaign.

One can not expect anything to be a peaceful and stable time, only the steadiness and power of the United States makes us that this entire article, along with these other documents, be printed in the Record.

It is of two minds about being ambivalent.

That is because the war to make Kosovo safe for Kosovars is a war without an entrance strategy. By its unwillingness to enter Serbian territory to stop the killing at the start, NATO conceded defeat. The bombing is simply intended to coerce the Serbian leader to give up at the negotiating table all he has won on the killing field. He won't.

Clinton will make a deal. By urging that Russia be the broker, Clinton knows he can do no better than compromise with criminality. That means we are not fighting to win but are merely punishing to settle.

Clinton has so few followers in Congress because he is himself the world's leading follower. He steers not by the compass but by the telltale, driven by polls that dictate both how far he can go and how little he can get away with.

The real debate, then, is not intervention vs. isolation, not sanctity of borders vs. self-determination of nations, not Munich vs. Vietnam, not NATO credibility vs. America the globocop. The central question is: Do we trust this President to use all force necessary to establish the principle that no nation can drive out an unwanted people?

The answer is no. The distrust is palpable. Give him the tools and he will not finish the job.

Proof that such distrust is well founded is in the annals of NATO's history. In the Persian Gulf war for President Bush not to "go wobbly"—made a speech the other night for "Project for the New American Century."

I ask unanimous consent that her statement be printed in the record.

There being no objection, the matter was ordered to be printed in the Record, as follows:

DeAR SENATOR MCCAIN: If the 21st Century is to be a peaceful and stable time, only the steadiness and power of the United States must make it so. That steadiness and power is now being tested; we must not fail. If ground forces were essential to assuring our success, then we must use them.

Sincerely,

Lawrence S. Eagleburger.
cleansing—these are the monuments to Milosevic's triumphs. They are also, let's remember and admit, the result of eight long years of Western weakness; how did they ever learn?

Apeassement has failed in the 90s, as it failed in the 30s. Then, there were always politicians arguing that the madness of fascism could be contained and that reckoning could somehow be avoided. In our own day too there has never been a lack of politicians and diplomats willing to collaborate with Milosevic's Serbia. At each stage, both in the thirties and in the nineties, the tyrant carefully laid his snares, and naive negotiators fell into them.

For eight years I have called for Serbia to be stopped. Even after the massacre of Srebrenica I was told that my calls for military action were mere "emotional nonsense," words which, I think, only a man could have uttered.

But there were also good reasons for taking action early. The West could have stopped Milosevic in Slovenia or Croatia in 1991, or in Bosnia in 1992. But instead we deprived his opponents of the means to arm themselves, thus allowing his aggression to prosper.

Even in 1995, when at last a combination of airstrikes and well-armed Croat and Muslim ground forces broke the power of the Bosnian-Serb aggressors, we intervened to halt their advance onto Banja Luka, and so avoid anything that might threaten the Bosnians. Even Western political leaders believed that the butcher of Belgrade could be a force for stability. So here we are now, fighting a war eight years too late, on treacherous terrain, with ineffective airpower, with imperfect intelligence, and with war aims that some find unclear and unappealing.

But with all that said—and it must be said, so that the lessons are well and truly learned—let there be no doubt: this is a war that must be won.

I understand the unease that many feel about the way in which this operation began. But those who agonize over whether what is happening in Kosovo today is really of sufficient importance to justify our military intervention, gravely underestimate the consequences of doing nothing. There is always method in madness. He who matters at using human tides of refugees to destabilize his neighbors and weaken his opponents. And that we simply cannot allow. The Serbs just can't afford to be two million Albanian refugees without protection, with imperfect intelligence, and with war aims that some find unclear and unappealing.

I have had a good debate today. I wish it had been longer. I think it should go on for several more days. But it won't.

Tomorrow we will have a tabling motion which may be one of the more bizarre scenarios that I have seen in my 13 years here in the Senate, with an administration lobbying feverishly to defeat a resolution which gives it more authority. I have never seen that before in my years in the Senate.

I believe we could have carried this resolution to victory had American public opinion and the United States Congress not supported it. I can only conclude that the reason for it is that the President of the United States is more interested in his own Presidency than the institution of the Presidency. Mr. President, that is indeed a shame.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business, Friday, April 30, 1999, the federal debt stood at $5,585,839,850,171.61 (Five trillion, five hundred eighty-five billion, eight hundred thirty-nine million, eight hundred fifty thousand, one hundred seventy-one dollars and sixty-one cents).

One year ago, April 30, 1998, the federal debt stood at $5,499,895,000,000 (Five trillion, four hundred ninety-nine billion, eight hundred ninety-five million, one hundred thirty-eight million, one hundred sixty-one dollars and sixty-one cents).

One hundred years ago, April 30, 1899, the federal debt stood at $43,476,000 (Forty-three million, four hundred seventy-six thousand, one hundred thirty-eight million, one hundred sixty-one dollars and sixty-one cents).

Two million Albanian refugees without national protection. And there must be no uncertainty about this.

We have had a good debate today. I wish it had been longer. I think it should go on for several more days. But it won't.

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air crew shortages in the United States. And because the Air Force tends to send its most experienced crews, Hawley said, the experience level of units left behind also is falling. With little need demanded for another 300 U.S. aircraft—on top of 600 already committed—Hawley said the readiness rating of the remaining fleet will drop quickly and significantly.

His grim assessment underscored questions about the U.S. military’s ability to manage a conflict on Yugoslavia after reducing and reshaping forces since the Cold War. U.S. military strategy no longer calls for battling another superpower, but it does require that it be prepared to fight two major regional wars at about the same time.

As the number of U.S. planes involved in the conflict over Kosovo approaches the level of a major regional war, the operation is exposing weaknesses in the availability and structure of Air Force as well as Army units, engendering fresh doubts about the military’s overall preparedness for the world it now confronts. If another military crisis were to erupt in the Middle East or Asia, Hawley said reinforcements are still available, but he added: “I’d be hard-pressed to give them everything that they would probably ask for. There would be some complications made.”

The Army’s ability to respond nimbly to foreign hot spots also has been put in question by its management of the deployment of 300 AH-64 Apache helicopters to Albania. While Army officials insist the helicopter task force moved faster than any other country could have managed, the experience appeared to highlight a gap between the Pentagon’s talk about becoming a more expeditionary force and the reality of deploying soldiers.

Massing forces for a ground invasion of Yugoslavia, officials said, would require two or three months. Because U.S. military planners never figured on fighting a ground war in Europe following the Soviet Union’s disintegration, they were not prepared to let a tyrant in the Balkans slaughter his countrymen and overrun his neighbors with hundreds of thousands of refugees, other combustible regions of Europe.

Arms deals, for example, forecasts a brave new world dominated by ethnic conflicts. There are thousands of ethnic groups that could plausibly argue they deserve independence, he estimates, making it imperative for the U.S. to decide where it should intervene. “There’s potential for enormous violence,” he says.

In this spirit, just yesterday, The Times spoke of “The Logic of Kosovo.” With the cold war over, the country needs a new calculus for determining when its security is threatened and the use of force is warranted. Kosovo is a test case. If the United States and its NATO allies are prepared to let a tyrant in the Balkans’ war against his countrymen set a precedent, their neighbors with hundreds of thousands of refugees, other combustible regions of Europe may face similar upheavals.

A long-dormant conflict in the Balkans almost became a decade ago the eminent scientist E. O. Wilson offered a perspective from the field of sociobiology. Once “the overwhelmingly suppressive force of supranational ideology was lifted,” ethnicity would strike. “It was the unintended experiment in the natural science mode: cancel one factor at a time, and see what happens.”

As “coiled and ready ethnicity is to be expected from a consideration of biological evolutionary theory.”

Throw in television and the like, and sudden we are in a new situation just as surely, it is time to think anew.

The first matter has to do with the number of such potential conflicts. Here it is perhaps the case that the United States bears a special responsibility. For, it is we, in the person of President Woodrow Wilson, and the setting of the Versailles Peace Conference who brought to world politics the term “self-determination.” It is not sufficiently known that Wilson’s Secretary of State, Robert Lansing, of Jefferson County, New York, had the greatest foreboding. Hence this entry in his diary written in Paris on December 30, 1918.

“SELF-DETERMINATION” AND THE DANGERS

ON NATO INTERVENTION IN KOSOVO

Mr. MOYNIHAN. Mr. President, a month ago, April 7, as the war in Yugoslavia began to assume its present form, President Clinton spoke to the U.S. Institute for Peace. It was an important statement about the nature of conflict in the years to come. “Clearly,” he stated, “our first challenge is to build more peaceful world, one that will apparently be dominated by ethnic and religious strife. This is a thought of primitive, but which Senator M OYNIHAN, for example, has referred to now as post-modern.” I am scarcely alone in this; it has become, I believe, a widely held view. A recent article in The Wall Street Journal began by asking: “Does Kosovo represent the future or the past.” The distinguished Dean of the J ohn F. Ken- nedy School had an emphatic answer.

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A long-dormant conflict in the Balkans almost became a decade ago the eminent scientist E. O. Wilson offered a perspective from the field of sociobiology. Once “the overwhelmingly suppressive force of supranational ideology was lifted,” ethnicity would strike. “It was the unintended experiment in the natural science mode: cancel one factor at a time, and see what happens.” For “coiled and ready ethnicity is to be expected from a consideration of biological evolutionary theory.”

Throw in television and the like, and suddenly we are in a new situation just as surely, it is time to think anew.

The first matter has to do with the number of such potential conflicts. Here it is perhaps the case that the United States bears a special responsibility. For, it is we, in the person of President Woodrow Wilson, and the setting of the Versailles Peace Conference who brought to world politics the term “self-determination.” It is not sufficiently known that Wilson’s Secretary of State, Robert Lansing, of Jefferson County, New York, had the greatest foreboding. Hence this entry in his diary written in Paris on December 30, 1918.

“SELF-DETERMINATION” AND THE DANGERS

ON NATO INTERVENTION IN KOSOVO

Mr. MOYNIHAN. Mr. President, a month ago, April 7, as the war in Yugoslavia began to assume its present form, President Clinton spoke to the U.S. Institute for Peace. It was an important statement about the nature of conflict in the years to come. “Clearly,” he stated, “our first challenge is to build a more peaceful world, one that will apparently be dominated by ethnic and religious strife. This is a thought of primitive, but which Senator MOYNIHAN, for example, has referred to now as post-modern.” I am scarcely alone in this; it has become, I believe, a widely held view. A recent article in The Wall Street Journal began by asking: “Does Kosovo represent the future or the past.” The distinguished Dean of the J ohn F. Kennedy School had an emphatic answer.
It will, I fear, cost thousands of lives. In the end it is bound to be discredited, to be called the dream of an idealist who failed to realize the danger until too late to check those who attempted to reduce it to force. When this happens it will be a calamity that the phrase was ever uttered. What misery it will cause! Think of the feelings of the author when he counts the dead who died in the struggle. Everyone is responsible for every detail of the origin of the present horror. I cannot speak for every detail of his account, but some are well known, and his view is not, to my knowledge, contested.

The current phase of the Kosovo crisis can be traced to the actions of commanders in the Balkans, where most of the victims have perished. The administrative structure of the Serbian military has been weakened by the collapse of Yugoslavia, but it has not yet been destroyed. It is possible that NATO might be able to take advantage of this situation, but only if it can be convinced that the situation is under control.

The United States and its NATO allies have agreed to grant Kosovo a limited degree of self-government. This agreement, which was signed in February, is intended to help bring about a peaceful resolution of the conflict. It is hoped that this agreement will be agreed upon by all parties, including the Serbs.

The United States has also promised to keep an eye on the situation in Kosovo. This is an important step, as it will allow the United States to keep a close watch on the situation in the Balkans. It is hoped that this will help prevent further violence and instability in the region.

In conclusion, the United States and its NATO allies have agreed to grant Kosovo a limited degree of self-government. This agreement is intended to help bring about a peaceful resolution of the conflict, and it is hoped that it will be agreed upon by all parties, including the Serbs.

Hume's career is surely one of the most distinguished in Irish history, or in any nation's history, and those who care about Ireland are greatly in his debt. Last week, this distinguished leader of the Social Democratic and Labour Party celebrated 30 years of public service. His accomplishments are many, as was recognized last year when he shared the Nobel Peace Prize for extraordinary leadership in producing the Good Friday Peace Agreement. One detail about that prize speaks volumes about John Hume—his deep concern for the future of Ireland and Northern Ireland. I welcome this opportunity to extend our congratulations to John Hume on his 30 years of service to
Many members of the party were present, including Mr. Ivan Cooper, Mr. Nice Gael TD, Mr. Austin Currie, Mr. Paddy O'Hanlon. Apologies were received from Mr. Paddy Devlin and former SDLP leader Lord Fitt.

More than 400 people attended the reception and dinner including the Minister for Social, Community and Family Affairs, Mr. Ahern, and the Minister of State for Foreign Affairs, Ms. Liz O'Donnell. Ms. O'Donnell praised Mr. Hume's political ingenuity in devising a political plan that brought Sinn Fein into the political equation and ultimately led to the Belfast Agreement. She said Mr. Hume had won respect right across the "political board". Her analysis had proved correct and she was delighted to be attending the gala in his honour.

Music was supplied by the McCafferty singers from Derry and Belfast vocalist Brian Kennedy. Ms. Gerry Cosgrove, the SDLP general secretary, said the party wanted to celebrate and honour Mr. Hume's achievements. "The 30-year career of John Hume has been characterised by courage, conviction and vision," she said.

"He has been instrumental in perhaps every positive development in the long and difficult Troubles, and rightly regarded as the principal architect of the Good Friday agreement," she said. "This function was to say thank you for that courage and on behalf of the SDLP and all who have worked with the SDLP".

The Northern Secretary, Dr. Mo Mowlam, apologised for being unable to attend. In a message she praised Mr. Hume for his single-minded determination in pursuing the "goal of peace".

Among the speakers were Mr. cooper, the SDLP's deputy leader and Deputy First Minister, Mr. Seamus Mallon, and Mr. Ahern. Mr. Hume was accompanied by his wife, Pat.

REPORT ON EMERGENCY IN SUDAN—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13008 of November 3, 1997.

WILLIAM J. CLINTON.


REPORT ON BLOCKING PROPERTY AND PROHIBITING TRADE INVOLVING YUGOSLAVIA—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In response to the brutal ethnic cleansing campaign in Kosovo carried out by the military, police, and paramilitary forces of the Federal Republic of Yugoslavia (Serbia and Montenegro), the NATO Alliance has needed to but not always met its commitment to withdraw NATO's military actions by tightening economic sanctions against the Milosevic regime. Pursuant to section 204(b) of the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1702(b)) PM 22, I hereby report to the Congress that, in order to implement the measures called for by NATO, I have exercised my statutory authority to take additional steps with respect to the continuing human rights and humanitarian crisis in Kosovo and the national emergency described and declared in Executive Order 13088 of June 9, 1998.

Pursuant to this authority, I have issued a new Executive order that:

—exempt commercial sales of food and medicine from sanctions regimes; the Executive order directs the Secretary of the Treasury, in consultation with the Secretary of State, to authorize commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end use in the Federal Republic of Yugoslavia (Serbia and Montenegro).

Such sales are to be subject to appropriate safeguards to prevent diversion to military, paramilitary, or political use by the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, or the Republic of Montenegro.

Veterans and civilians of the Federal Republic of Yugoslavia (Serbia and Montenegro) or the Republic of Montenegro; the Republic of Serbia, or the Republic of Montenegro.

The executive order provides that the Secretary of the Treasury, in consultation with the Secretary of State, shall give special consideration to the circumstances of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, or the Republic of Montenegro.

In keeping with my Administration's new policy to exempt commercial sales of food and medicine from sanctions regimes, the Executive order directs the Secretary of the Treasury, in consultation with the Secretary of State, to authorize commercial sales of agricultural commodities and products, medicine, and medical equipment for civilian end use in the Federal Republic of Yugoslavia (Serbia and Montenegro).

William J. Clinton.

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotic traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2792. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled “Department of Agriculture Livestock Price Reporting Act of 1999” (RIN0560-AF66), received April 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2793. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to 1998 Marketing Quotas and Price Support Levels for various types of tobacco (RIN0560-AF2066), received April 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2794. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Dairy Indemnity Payment Program” (RIN0560-AF66), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2795. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Non-insured Crop Disaster Assistance Program” (RIN0560-AF66), received April 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2796. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “End-Use Certificate Program” (RIN0560-AF64) and “Assistance Program” (RIN0560-AF58), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2797. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Non-insured Crop Disaster Assistance Program” (RIN0560-AF40), received April 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2798. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Milk in the New England and Other Marketing Orders” (RIN0581-AB49), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2799. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Almonds Grown in California; Revision of Handling Requirements” (Docket No. FV-99-1-FR), received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2800. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Grapes” (Docket No. FV-99-916-2-FR), received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2801. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Olives Grown in California; Increased Assessment Rate” (Docket No. FV-99-932-1-FR), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2802. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirement for Red Seedless Grapefruit” (Docket No. FV-99-905-1-FR), received April 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2803. A communication from the Inspector General, Department of Agriculture, transmitting, the report of an audit of the settlements of complaints of discrimination; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2804. A communication from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Official Testing Service for Corn Oil, Protein and Starch” (RIN0580-AA62), received April 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2805. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Karnal Bunt; Reclassification of Regulated Areas” (RIN0579-AA83), received April 29, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2806. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “WIC/Food Stamp Program (FSP) Vendor Disqualifications” (RIN0584-AC50), received April 1, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2807. A communication from the Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Processing Requests for Farm Labor Housing (LH) Loans and Guarantees” (RIN0584-AC64), received April 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2808. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Geneva: Toll Certificate Program” (RIN0575-AC19), received April 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2809. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2810. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2811. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2812. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2813. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules and the withdrawal of a rule relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2814. A communication from the Director, Office of Government Relations, Smithsonian Institution, transmitting, pursuant to law, a report entitled “Annual Progress Report on the Seventh Annual Celebration of the 1776 Continental Congress” of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

EC-2815. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Trichoderma Harzianum KRL-AG2 (ATCC #20947) or Strain T-22; Revocation from Tolerances” (RIN2070-AB78), received on April 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2816. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Beauveria bassiana (ATCC KRL±AG2 (ATCC #20947) or Strain T-22; Revocation from Tolerances” (RIN2070-AB78), received on April 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2817. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of six rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2818. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules relative to the Small Business Regulatory Enforcement and Fairness Act of 1996, received April 12, 1999; to the Committee on Agriculture, Nutrition, and Forestry.
the Committee on Agriculture, Nutrition, and Forestry.

EC-2818. A communication from the Direc-
tor, Committee for Purchase From People
Who Are Blind or Severely Disabled, trans-
mitting, pursuant to law, the report of a rule
relative to additions to the procurement list,
received April 26, 1999, to the Committee on
Governmental Affairs.

EC-2819. A communication from the Direc-
tor, Committee for Purchase From People
Who Are Blind or Severely Disabled, trans-
mitting, pursuant to law, the report of a rule
relative to additions and deletions to the
procurement list, received April 30, 1999, to
the Committee on Governmental Affairs.

EC-2820. A communication from the Audit-
or, District of Columbia transmitting, pur-
suant to law, a report entitled “Evaluation of
the Department of Public Works’ Monitor-
ing and Oversight of the Ticket Proc-
essing and Delinquent Ticket Debt Collection
Contracts”; to the Committee on Gov-
ernmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memo-
rials were laid before the Senate and were
referred or ordered to lie on the
Table as indicated:

RESOLUTIONS

Resolved, That we, the Kansas Legislature, be-
lieve that Gulf War illness has had a severe
negative impact on the physical and emo-
tional well-being of Gulf War veterans who
honorservely honored Kansas and the United
States; and be it further

Resolved, That we memorialize the Presi-
dent and the Congress of the United States
to provide funding for Gulf War illness re-
search independent of that administered by
the Veterans Affairs, the Department of Defense,
and Veterans Affairs; and to establish a proc-
ess of independent review of federal policies
and programs associated with Gulf War ill-
ness; and to ask for research, benefits, and health care; and be it further

Resolved, That we urge the Governor of
Kansas, the Secretary of Health and Envi-
ronment, the Kansas Gulf War Veterans
Affairs, and other appropriate state agency heads to take action to continue to
investigate Gulf War illness and promote
programs to inform and assist Kansas Gulf
War veterans and family members suffering
from Gulf War illness; and be it further

Resolved, That we urge our Kansas Congress-
sional Delegation to coordinate acquisition
of federal grants from the National Institute
of Health (N.I.H.) or other federal sources to
study causes and cures for Gulf War illness; and be it further

Resolved, That we encourage our Kansas Congress-
sional Delegation to meet with mem-
ers of the Kansas Persian Gulf War Vet-
erns Initiative to coordinate efforts on the
federal level; and be it further

Resolved, That the Secretary of State be di-
rected to provide an enrolled copy of this
resolution to the President of the United
States, the Vice-President of the United
States, the Speaker of the United States
House of Representatives, the President of
the Senate, the Speaker of the Nevada
House of Representatives, the Secretary of
Health and Environment, the Secretary of
Human Resources, and the Chairman of the
Nevada Commission on Veterans Affairs; and to the National and State Commanders of the
American Legion, the Veterans of Foreign
Wars and the Disabled American Veterans.

POM-71. A concurrent resolution adopted
by the Legislature of the State of North
Dakota to the Committee on Energy and
the Environment; and to the Committee on
Governmental Affairs.

EC-2821. A communication from the Direc-
tor, Committee for Purchase From People
Who Are Blind or Severely Disabled, trans-
mitting, pursuant to law, the report of a rule
relative to additions and deletions to the
procurement list, received April 26, 1999, to
the Committee on Governmental Affairs.

Resolved, That we encourage the Kansas Con-
cessional Delegation to meet with mem-
ers of the Kansas Persian Gulf War Vet-
erns Initiative to coordinate efforts on the
federal level; and be it further

Resolved, That we encourage our Kansas Congress-
sional Delegation to coordinate acquisition
of federal grants from the National Institute
of Health (N.I.H.) or other federal sources to
study causes and cures for Gulf War illness; and be it further

Resolved, That we urge our Kansas Congress-
sional Delegation to build coalitions with
other states to call on Congress and the ad-
ministration for action in investigating and
finding answers to Gulf War illness; and be it further

Resolved, That we urge the Governor of
Kansas, the Secretary of Health and Envi-
ronment, the Kansas Gulf War Veterans
Affairs, and to each member of the Kansas Congress-
sional delegation; to the Governor of
the State of Kansas, the Secretary of Health
and Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
State of Kansas, the Secretary of Health and
Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
National and State Commanders of the
American Legion, the Veterans of Foreign
Wars and the Disabled American Veterans.

POM-72. A joint resolution adopted by the
State of Kansas, the Secretary of Health and
Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
Governor of the State of Kansas, the Secretary of
Health and Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
Governor of the State of Kansas, the Secretary of
Health and Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
National and State Commanders of the
American Legion, the Veterans of Foreign
Wars and the Disabled American Veterans.

house concurrent resolution no. 5021

Resolved, That the honor and achievements of all
World War II veterans are very
important to the nation; and be it further

Resolved, That we encourage the construction of the World
War II Memorial to begin immediately; and be it further

Resolved, That we encourage the Kansas Con-
cessional Delegation to coordinate acquisition
of federal grants from the National Institute
of Health (N.I.H.) or other federal sources to
study causes and cures for Gulf War illness; and be it further

Resolved, That we encourage our Kansas Congress-
sional Delegation to build coalitions with
other states to call on Congress and the ad-
ministration for action in investigating and
finding answers to Gulf War illness; and be it further

Resolved, That we urge the Governor of
Kansas, the Secretary of Health and Envi-
ronment, the Kansas Gulf War Veterans
Affairs, and to each member of the Kansas Congress-
sional delegation; to the Governor of
the State of Kansas, the Secretary of Health
and Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
State of Kansas, the Secretary of Health and
Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
National and State Commanders of the
American Legion, the Veterans of Foreign
Wars and the Disabled American Veterans.

POM-72. A joint resolution adopted by the
State of Kansas, the Secretary of Health and
Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
Governor of the State of Kansas, the Secretary of
Health and Environment, the Secretary of Human Re-
sources, and the Chairman of the Kansas
Commission on Veterans Affairs; and to the
National and State Commanders of the
American Legion, the Veterans of Foreign
Wars and the Disabled American Veterans.
Resolved, That the Senate of the Commonwealth of Pennsylvania Memorialize the President of the United States, the presiding officers of each house of Congress which will regulate and restrict the amount of municipal waste imported from other states; and

Whereas, legislation has been introduced in Congress which will regulate and restrict the amount of municipal waste imported from other states; and

Whereas, Governor Thomas J. Ridge and the Governors of the states of Ohio, Michigan and Indiana wrote to Congress expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

Whereas, the failure of Congress to act will harm this Commonwealth by allowing the unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania Memorialize the President of the United States and Congress and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation communities hosting landfills and incinerators the right to decide by agreement whether to accept waste from other states and that creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-76. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

Whereas, good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right; and

Whereas, participation in international health programs is crucial to world health as the potential for the spread of various infectious diseases increases proportionately with the increase in world trade and travel; and

Whereas, the World Health Organization sets standards in the first layer of the international effort to ensure health and well-being and the objective of attaining the highest possible level of health for all people; and

WHEREAS, it costs on average more than twice as much to educate a student with a disability as to educate a student without a disability; and

WHEREAS, the issue of funding special education in our schools is one of the people of Maine’s foremost concerns; and

WHEREAS, when the Individuals with Disabilities Education Act was first enacted, Congress committed to covering 40% of the cost of special education in the United States; and

WHEREAS, according to the Maine Department of Education, in fiscal year 1998, the Federal Government covered only 8.1% of the cost of special education in the State of Maine; and

WHEREAS, special education costs paid with local and state taxes have more than doubled in the past 10 years from $62,697,027 in the 1987-1988 school year to $125,008,657 in the 1997-1998 school year; and

WHEREAS, special education costs in some Maine communities consume a large percentage of local education dollars including:

1. An amount of $4,595,769 constituting 19.7% of total education expenditures in the City of Portland; and

2. An amount of $1,324,791 constituting 12.2% of total education expenditures in the Town of Wiscasset; and

3. An amount of $5,758,750 constituting 21.5% of total education expenditures in the City of Lewiston; and

4. An amount of $2,941,301 constituting 11.7% of total education expenditures in the City of Bangor; and

5. An amount of $14,860 constituting 21.7% of total education expenditures in Monhegan Plantation; and

6. An amount of $6,357,742 constituting 12.4% of total education expenditures in the City of Portland; and

WHEREAS, that special education has increased dramatically in recent years, causing property taxes in the State of Maine to rise and school districts around the State to cut activities such as art and music programs, field trips and extracurricular activities to maintain balanced budgets; now therefore be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress increase funding to support special education at a level originally envisioned in the Individuals with Disabilities Education Act; and be it further

Resolved, That suitable copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress, to each member of the Maine Congressional Delegation.

POM-75. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

WHEREAS, the United States Supreme Court has issued a series of decisions holding that the Commerce Clause of the Constitution of the United States prohibits states from restricting the importation of solid waste from other states; and

WHEREAS, over the past ten years owners and operators of solid waste landfills located in Pennsylvania have recently increased the amount of municipal waste that they accept from other states; and

WHEREAS, New York City released a long-term waste management plan on November 1998, that will allow New York City to close the Fresh Hills Landfill as planned on December 31, 2001, resulting in the export of approximately 13,000 tons of solid waste a day now disposed at the Fresh Hills Landfill to Pennsylvania and other states; and

WHEREAS, the states of West Virginia, Virginia, New Jersey and Maryland notified the Mayor of New York City that the recently released waste plan to manage waste displaced by the closure of Fresh Hills Landfill did not adequately address limiting the exportation of the waste as well as other vital waste management alternative management and

WHEREAS, the present and expected future levels of municipal waste that owners and operators of landfills and incinerators located in Pennsylvania and the states of Pennsylvania, West Virginia, West Virginia, New Jersey and Maryland pose environmental, aesthetic and traffic problems and is unfair to citizens of this Commonwealth, particularly citizens living in areas where landfills and incinerators are located; and

WHEREAS, the Commonwealth of Pennsylvania has met its recycling goal of 25% and has established a new goal of 39% for fiscal year 2002; therefore be it

Resolved, That the members of the Legislature of the State of Pennsylvania, jointly, That the members of the Legislature of the State of Pennsylvania hereby express their strong opposition to the extension of mandatory Social Security coverage to newly hired state and local government employees; and be it further

Resolved, That the Nevada Legislature hereby urges Congress to oppose all efforts to extend mandatory Social Security coverage to newly hired state and local government employees; and be it further

Resolved, That the Chief of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-73. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Banking, Housing, and Urban Affairs.

WHEREAS, Senior citizen housing was originally designed to provide adequate and safe housing for older citizens in an environment where residents’ interests and needs were held in common; and

WHEREAS, Senior citizen housing has been especially designed to house senior citizens in order to live in a community setting around individuals of common interest and common experiences while maintaining independent living quarters; and

WHEREAS, Senior citizen housing was designed to provide our older residents with affordable housing while ensuring them a quality-of-life standard; and

WHEREAS, The Department of Housing and Urban Development has begun placing non-seniors in buildings originally designed to house senior citizens; and

WHEREAS, These young individuals, while meeting eligibility requirements for placement within these housing complexes, do not maintain a lifestyle conducive to that of the older residents in those same complexes; and

WHEREAS, Increased crime, noise and dangerous traffic conditions are among the serious problems now seen in those complexes where young tenants are being placed; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize to the Congress of the United States to urge the Department of Housing and Urban Development to carefully consider the needs of all residents of a complex or building with respect to placing new tenants in areas previously considered to be senior citizen housing; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-74. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations.

WHEREAS, the people of Maine believe that every student should receive an adequate public education; and

WHEREAS, the idea that mandatory Social Security coverage of newly hired public employees will solve the funding problems of the national Social Security System is fallacious; and

WHEREAS, there are serious constitutional and administrative problems with the extension of mandatory Social Security coverage to newly hired public employees; now therefore be it

Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the Legislature of the State of Nevada hereby express their strong opposition to the extension of mandatory Social Security coverage to newly hired state and local government employees; and be it further

Resolved, That the Nevada Legislature hereby urges Congress to oppose all efforts to extend mandatory Social Security coverage to newly hired state and local government employees; and be it further

Resolved, That the Chief of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-76. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Foreign Relations.

WHEREAS, it is within the power of the Congress of the United States to delegate authority to the states to restrict the amount of municipal waste imported from other states; and

WHEREAS, legislation has been introduced in Congress which will regulate and restrict the amount of municipal waste imported from other states; and

WHEREAS, Governor Thomas J. Ridge and the Governors of the States of Ohio, Michigan and Indiana wrote to Congress expressing their desire to reach an accord on authorizing states to place reasonable limits on the importation of solid waste; and

WHEREAS, the failure of Congress to act will harm this Commonwealth by allowing the unrestricted flow of solid waste generated in other states to landfills and incinerators located in this Commonwealth; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That the Senate memorialize the President of the United States and Congress to support legislation communities hosting landfills and incinerators the right to decide by agreement whether to accept waste from other states and that creating a rational solid waste management strategy that is equitable among the states and environmentally sound; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.
Whereas, in 1977, the World Health Organization established “Health for all by the year 2000” as its overriding priority and reaffirmed that commitment in 1995 with the initiation of its “Health for All” renewal process; and

Whereas, this country’s population of 211 million is larger than three-quarters of the member countries in the World Health Organization and Taiwan shares the noble goals of the organization; and

Whereas, the achievement of Taiwan in the field of healthcare is substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to western standards, the eradication of such infectious diseases as cholera, smallpox and the plague and the first country in the world to provide children with routine hepatitis B vaccinations; and

Whereas, before its loss of membership in the World Health Organization in 1972, Taiwan sent specialists to serve in other member countries on countless health projects and its health experts held key positions in the organization, all to the benefit of the entire Pacific region; and

Whereas, presently, this remarkable country is not allowed to participate in any forums and workshops organized by the World Health Organization concerning the latest technology of disease control, monitoring and control of diseases; and

Whereas, in recent years, the government and the expert scientists and doctors in the field of health in Taiwan have expressed a willingness to assist financially or technologically in international aid and health activities supported by the World Health Organization, but these offers have ultimately been refused; and

Whereas, according to the constitution of the World Health Organization, Taiwan does not fulfill the criteria for membership; and

Whereas, because the World Health Organization does not allow observers to participate in the activities of the organization and considering all of the benefits that such participation would bring, it is in the best interests of all persons in this World that Taiwan be admitted to the World Health Organization, now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That the members of the 70th Session of the Nevada Legislature do hereby urge President Clinton and the Congress of the United States to support all efforts made by Taiwan of the Republic of China to apply for useful participation in the World Health Organization; and be it further

Resolved, That the policy of the United States should include the pursuit of an initiative in the World Health Organization that would ensure such participation; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States, the president of the Senate, the Speaker of the House of Representatives, the Secretary of Health, Education and Welfare, the World Health Organization, the Director General of the Taipei Economic and Cultural Office in San Francisco and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-77. A resolution adopted by the House of the Legislature of the State of New Hampshire to the Committee on Appropriations.

Whereas, the presence of national forest land provides both economic benefits and burdens to these communities; and

Whereas, adequate funding by Congress of the Land and Resource Management Plan ensures that the full economic, social and conservation benefits of proper management are received by these communities; and

Whereas, the proposed federal tax that the federal government ensures that these communities receive revenues comparable to those received in property taxes were they in private ownership; and

Whereas, full funding of the forest plan and full participation in international aid and health activities supported by the World Health Organization concerning the latest technology of disease control, monitoring and control of diseases; and

Whereas, the federal government should make full funding of the Land and Resource Management Plan its highest priority in relation to its ownership and management of the White Mountain National Forest; and

That the federal government fully fund its statutory obligation to make payment in lieu of taxes to New Hampshire communities which contain lands within the White Mountain National Forest; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the member of the New Hampshire congressional delegation.

POM-78. A resolution adopted by the Senate of the Legislative of the State of Hawaii; to the Committee on Appropriations.

Whereas, the federal government asserts that the funds were not invested as originally mandated by Congress, and that the interest at an annual rate of at least five percent; and

Whereas, in 1998, a Japanese Peruvian former internee and the National Coalition for Redress/Reparations filed a class action suit alleging that the Treasury Department breached its fiduciary duty by failing to invest the funds mandated by Congress, and seeking to recover the lost interest which is estimated to be between $50,000,000 and $200,000,000; and

Whereas, the reparations fund has made payments to approximately eighty-two thousand claimants, there will not be sufficient money in the trust fund established by Congress to pay all of the claims by Japanese Americans and Japanese Latin Americans or to meet the goal of $50,000,000 in educational grants; and

Whereas, a United States Justice Department official has apparently acknowledged that the funds were not invested as originally mandated by Congress, and that the federal government should make a legal permanent resident of Japanese ancestry; and

Whereas, the Presidio of the Senate, the Secretary of the Senate and the Speaker of the House of Representatives, filed a class action suit alleging that the Treasury Department breached its fiduciary duty by failing to invest the funds mandated by Congress, and seeking to recover the lost interest which is estimated to be between $50,000,000 and $200,000,000; and

Whereas, the presence of national forest land provides both economic benefits and burdens to these communities; and

Whereas, adequate funding by Congress of the Land and Resource Management Plan ensures that the full economic, social and conservation benefits of proper management are received by these communities; and

Whereas, the proposed federal tax that the federal government ensures that these communities receive revenues comparable to those received in property taxes were they in private ownership; and

Whereas, full funding of the forest plan and full participation in international aid and health activities supported by the World Health Organization concerning the latest technology of disease control, monitoring and control of diseases; and

Whereas, the federal government should make full funding of the Land and Resource Management Plan its highest priority in relation to its ownership and management of the White Mountain National Forest; and

That the federal government fully fund its statutory obligation to make payment in lieu of taxes to New Hampshire communities which contain lands within the White Mountain National Forest; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the member of the New Hampshire congressional delegation.

POM-79. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Finance.

Whereas, the federal government has not brought its own lawsuit against the tobacco industry; and

Whereas, the federal government, through the Health Care Financing Administration, has entered into a settlement agreement to a share of the state settlement on the basis that it allegedly represents the federal share of Medicaid costs; and

Whereas, the federal government asserts that it is authorized and obligated, under the third-party recovery provisions of the Social Security Act...
By Mr. SPECTER (by request):  
S. 940. A bill to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself, Mr. MACK, Mr. Risch, Mr. SPECTER, and Mr. SMITH of Oregon):
S. 941. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:
S. 942. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to develop an Internet site where a taxpayer may generate a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Finance.

By Mrs. HUTCHISON:
S. 943. A bill to authorize the Administrator of General Services to restore, preserve, and operate the LBJ Presidential Office Suite in Austin, Texas; to the Committee on Governmental Affairs.

By Mr. INHOFE:
S. 944. A bill to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. FEINGOLD, and Mr. SARABANES):
S. 945. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):
S. 946. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself and Mr. MCCAIN):
S. 947. A bill to amend federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM:
S. Res. 93. A resolution expressing the sense of the Senate that Jim Thorpe should be recognized as the "Athlete of the Century"; to the Committee on Commerce, Science, and Transportation.

By Mr. BOXER (for herself, Mr. LAUTENBERG, Mr. MCDONALD, Mr. HOLLINGS, and Mr. INOUYE):
S. 937. A bill to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):
S. 938. A bill to eliminate restrictions on the acquisition of certain land contiguous to Hawaiian National Park, and for other purposes; to the Committee on Energy and Natural Resources.

S. 939. A bill to correct spelling errors in the statutory designations of Hawaiian National Parks; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mrs. BOXER, and Mr. REED):
S. 936. A bill to prevent children from having access to firearms; to the Committee on the Judiciary.

CHILDREN’S FIREARM ACCESS PREVENTION ACT

Mr. DURBIN. Mr. President, I rise today with my colleagues Senator CHAFFEE, Senator KENNEDY, Senator SCHUMER, Senator LAUTENBERG, Senator BOXER, and Senator REED to introduce the Child Firearm Access Prevention Act of 1999.

Following the tragedy in Littleton, Colorado, it is natural to ask "why?", but we also need to ask "how?".

How do two teenagers enter their high school armed with a Tec 9, semi-automatic assault rifle, two sawed off 12 gauge shotguns, a 9 millimeter semi-automatic pistol, 30 explosive devices and kill 13 innocent people?

There are those who say you can’t pass laws to stop this behavior because those inclined to do it will simply ignore the law. I guess the message of this logic is if you can’t solve the entire problem, you shouldn’t even try.

But I think that logic is wrong. I think that we need to do everything we have to act and we have to act now. Everyday in America, 13 children die as a result of gun violence.

In the last two years our schools have been shattered by gun violence.

October 1, 1997, Pearl, Mississippi: A sixteen year old boy killed his mother then went to his high school and shot nine students, two fatally.

December 1, 1997, West Paducah, Kentucky: Three students died and five were wounded in a hallway at Heath High School by a 14 year old classmate.

March 24, 1998, Jonesboro, Arkansas: Four girls and a teacher were shot to death and 10 people were wounded during a false fire alarm at a middle school when two boys 11 and 13 opened fire from the woods.

April 24, 1998, Edinboro, Pennsylvania: A science teacher was shot to death in front of students at an eighth grade dance by a 14 year old student.

May 19, 1998, Fayetteville, Tennessee: Three days before his graduation, an 18 year old honor student allegedly opened fire in a parking lot at a high school killing a classmate who was dating his ex-girlfriend.

May 21, 1998, Springfield, Oregon: Two teen-agers were killed and more than 20 people were hurt when a 15 year old boy allegedly opened fire at a high school. The boy’s parents were killed at their home.

There is something we can do to protect our children. Seventeen states have already recognized the problem and passed a child firearm access prevention law, which is known as a CAP law. These laws say to those who purchase and own guns, it is not enough for you to follow the law in purchasing them and to use the guns safely; you have another responsibility if you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.
These laws are effective. Florida was the first State to pass a CAP law in 1989. The following year, unintentional shooting deaths of children dropped 50%. Moreover, a study published in the Journal of the American Medical Association (JAMA) in October of 1997 found a 23% decrease in unintentional firearm related deaths among children younger than 15 in those States that had implemented CAP laws. According to the JAMA article, if all 50 states had CAP laws during the period of 1990-94, 216 children might have lived.

Should we consider these state laws as a national model? I think the obvious answer is yes. Unfortunately, the Littleton tragedy is no longer unique. Mr. President, what I propose today is Federal legislation that will apply to every State, not just 17, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do, so you can; but if you own it, you have a responsibility. You must be certain that it is kept securely and safely.

What does the bill do? The bill imposes criminal penalties for gun owners who know or should know that a juvenile could gain access to the gun, and a juvenile has access to the gun thereby causes death or injury or exhibits the gun in a public place. The gun owner is subject to a prison sentence of up to 1 year and/or fined $10,000 (a misdemeanor penalty). The bill also provides a felony provision for a reckless violation. The bill has 5 common sense exceptions. (1) The adult uses a trigger lock, secure storage box, or other secure storage technique; (2) The juvenile used the gun in a lawful act of self-defense; (3) The juvenile takes the gun off the person of a law enforcement official; (4) The owner has no reasonable expectation that juveniles will be on the premises; and (5) The juvenile got the gun as a result of a burglary.

States which have passed CAP laws include: Florida, Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, Texas, Massachusetts and Illinois. An examination of this list does not reveal the most liberal states in America. The first State to pass this legislation in 1989 was Florida and in 1995, Texas, certainly no bleeding heart state by any political definition, passed a CAP law. I am asking my Senate colleagues to join me in this bipartisan effort to protect children from the dangers of gun violence. Children and easy access to guns are a recipe for tragedy.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

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

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Firearm Access Prevention Act".

SEC. 2. CHILDREN AND FIREARMS SAFETY.

(a) Definition.--Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting "or removing" after "deactivating".

(b) Prohibition.--Section 922 of title 18, United States Code, is amended by inserting after subsection (b) the following:

(2) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO FIREARMS.--(D) Definition of Juvenile.--In this subsection, the term 'juvenile' means an individual who has not attained the age of 18 years.

(2) Prohibition.--Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an un-loaded firearm and ammunition for the firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premise that is under the custody or control of that person if that person knows, or reasonably should know, that a juvenile is capable of gaining access to such firearm without the permission of the parent or legal guardian of the juvenile.

(3) EXCEPTIONS.--(Paragraph (2) does not apply if:

(A) the person uses a secure gun storage or safety device for the firearm;

(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of 1 or more other persons;

(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept; or

(E) the juvenile obtains the firearm as a result of an unlawful entry by any person.

(c) Penalties.--Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

(7) Whoever violates section 922(c), if a juvenile (as defined in section 922(c)) obtains access to the firearm and thereby causes death or bodily injury to the juvenile or to any other person, or exhibits the firearm in a public place, or in violation of section 922(c):

(A) shall be fined not more than $10,000, imprisoned not more than 1 year, or both; or

(B) if such violation is reckless, shall be fined in accordance with this title, imprisoned not more than 5 years, or both.

(d) Role of Gun Dealers.--Section 926 of title 18, United States Code, is amended by adding at the end the following:

(9) CONTENTS OF FORM.--Any State which shall ensure that each copy of section 922(c) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm:

(e) No Effect on State Law.--Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purposes of which are to prevent juveniles from injuring themselves or others with firearms.

By Mrs. HUTCHISON (for herself, Mr. Mccain, Mr. Hollings, and Mr. Inouye):

S. 937. A bill to authorize appropriations for fiscal years 2000 and 2001 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000 AND 2001

Mrs. HUTCHISON. Mr. President, today I rise to introduce legislation on behalf of myself, Senator Mccain, chairman of the Senate Commerce Committee, Senator Hollings, the ranking member of the Senate Commerce Committee and Senator Inouye, Surface Transportation and Merchant Marine Subcommittee ranking member. This legislation authorizes appropriations for fiscal years 2000 and 2001 for the Maritime Administration.

The introduction of this bill demonstrates our firm commitment to our nation's maritime industry and our willingness to work with the Maritime Administration, the Maritime Administration's leadership on a wide range of maritime issues. The bill was developed along with Administration officials and provides a base to build upon in coming weeks.

There are several aspects of this measure that will require interested members of the Senate to work together to come to a consensus. Therefore, this bill can be viewed as a starting point for reauthorizing the agency and making changes to U.S. maritime policy. I look forward to working with members of the Committee and the administration to find common ground for a final legislation.

The bill authorizes appropriations for the Maritime Administration [MarAd] for fiscal year 2000 and covers two appropriated accounts: (1) operations and training, and (2) the shipbuilding loan guarantee program authorized by Title XI of the Merchant Marine Act, 1936. MarAd oversees the operations of U.S. Government-supported maritime promotion programs, such as the Maritime Security Program, the state maritime academies and the port of Commerce, Science, and Transportation.
The bill amends Title IX of the Merchant Marine Act of 1936 to provide a waiver for eliminating the three year period bulk and breakbulk vessels newly registered under the U.S. flag must wait in order to carry government-impelled cargo. The waiver would be in effect for one year beginning on the date of enactment. Finally, the bill would reauthorize the War Risk Insurance Program through June 30, 2005, change the requirement for an annual report to Congress by the Maritime Administration detailing the Department's activities to be a biennial report, and make clear the ownership status of the vessel named the Jeremiah O'Brien.

I look forward to working on this important legislation and hope the Department and the other sponsors in expeditiously moving this authorization through the legislative process.

Mr. McCAIN. Mr. President, I am pleased to join Senator HUTCHISON and the other sponsors in expeditiously moving this authorization through the legislative process.

Mr. SPECTER (by request): S. 940. A bill to provide a temporary authorization of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff, and for other purposes; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1999

Mr. SPECTER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Department of Veterans Affairs, S. 940, the proposed Department of Veterans Affairs Employment Reduction Assistance Act of 1999.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all Administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter and the enclosed analysis of the draft legislation which accompanied it. There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 940

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Employment Reduction Assistance Act of 1999.”

SEC. 2. DEFINITIONS.

For the purpose of this Act—

(a) “Department” means the Department of Veterans Affairs.

(b) “Employee” means an employee (as defined by section 2105 of title 5, United States Code) of the Department of Veterans Affairs, who is serving under an appointment without time limitation, and has been currently employed by such Department for a continuous period of at least 3 years, but does not include—

(1) a reservist annuitant under subchapter III of chapter 63 or chapter 64 of title 5, United States Code, or another retirement system for employees of the Federal Government;

(2) an employee having a disability on the basis of which such employee is eligible for disability retirement under subchapter III of chapter 63 or chapter 64 of title 5, United States Code, or another retirement system for employees of the Federal Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who previously has received any voluntary separation incentive payment by the Federal Government under this Act or any other authority;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 7406(a) or title 5, United States Code, or a recruitment bonus under section 7408 of title 38, United States Code.

(7) any employee who, during the twelve-month period preceding the date of separation, received a retention allowance under section 7504 of title 5, United States Code, or a retention allowance under section 7408 of title 38, United States Code.

(c) “Secretary” means the Secretary of Veterans Affairs.

SEC. 3. DEPARTMENT PLANS; APPROVAL.

(a) IN GENERAL.—The Secretary, before obligating any resources for voluntary separation incentive payments, shall submit to the Director of the Office of Management and Budget a strategic plan outlining the use of such incentive payments and a proposed organizational chart for the Department once such incentive payments have been completed.

(b) CONTENTS.—The plan shall specify—

(1) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level; the proposed coverage may be based on—

(A) any component of the Department;

(B) any occupation, level or type of position;

(C) any geographic location;

(D) any non-personal factors; or

(E) any appropriate combination of the factors in paragraphs (A), (B), (C) and (D);

(2) the manner in which such reductions will improve operating efficiency or meet actual or anticipated levels of budget or staffing resources;

(3) the period of time during which incentives may be paid; and

(4) a description of how the affected component of the Department will generate without the eliminated functions and positions.

(c) APPROVAL.—The Director of the Office of Management and Budget shall approve or disapprove each plan submitted under subsection (a), and may make appropriate modifications to the plan with respect to the time period in which voluntary separation incentives may be paid, with respect to the number and amounts of incentive payments, or with respect to the coverage of incentives on the basis of which the factors in subsection (b)(1) apply.

SEC. 4. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVES.

(1) IN GENERAL.—The Secretary may pay a voluntary separation incentive payment to
an employee only to the extent necessary to reduce or eliminate the positions and functions identified by the strategic plan; or
(2) EMPLOYEES WHO MAY RECEIVE INCENTIVES. (a) In order to receive a voluntary separation incentive payment, an employee must separate from service with the Department voluntarily (whether by retirement or resignation) under this Act.

(b) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—
(1) shall be paid in a lump sum after the employee's separation;
(2) shall be equal to the lesser of—
(A) the amount equal to the amount the employee would be entitled to receive under section 5959(c) of title 5, United States Code, if the employee were entitled to payment under section 5959(c)(2) (without adjustment for any previous payment made under that section); or
(B) an amount determined by the Secretary, not to exceed $25,000;
(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;
(4) shall not be taken into account in determining the amount of severance pay to which an employee may be entitled under section 5959(c) of title 5, United States Code, based on any other separation; and
(5) shall be paid from the appropriations or funds available for payment of the basic pay of the employee.

SEC. 5. EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.

(a) An individual who has received a voluntary separation incentive payment under this Act and accepts any employment with the Government of the United States, or who works for any agency of the United States Government under a personal service contract, within 5 years after the date of the separation on which the payment is based shall be required to repay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Department.

(b)(1) If the employment under subsection (a) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(2) If the employment under subsection (a) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) For the purpose of this section, the term "employment" includes—

(1) the purposes of subsections (a) and (b), employment of any length or under any type of employment contract, but does not include employment that is without compensation; and
(2) for the purpose of subsection (a), employment with any agency of the United States Government through a personal service contract.

SEC. 6. ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.

(a) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Department shall remit to the Office of Personnel Management for deposit in the Treasury of the United States for the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Department who is covered by section 8905a(d)(4) of title 5, United States Code, or an amount equal to 15 percent of the final basic pay of each employee of the Department who is covered by section 8905a(d)(4) of title 5 to whom a voluntary separation incentive has been paid under this Act.

(b) For the purpose of this section, the term 'final basic pay', with respect to an employee, means the total amount of basic pay that would be payable for a year of service by that employee for the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

SEC. 7. REDUCTION OF AGENCY EMPLOYMENT LEVELS.

(a) IN GENERAL.—The total full-time equivalent employment in the Department shall be reduced by one for each separation of an employee who receives a voluntary separation incentive payment under this Act. The reduction will be calculated by comparing the Department's full-time equivalent employment for the fiscal year in which the voluntary separation payments are made with the actual full-time equivalent employment for the prior fiscal year.

(b) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the Department and take any action necessary to ensure that the requirements of this section are met.

(1) Subsection (a) of this section may be waived upon a determination by the President that—
(1) the existence of a state of war or other national emergency so requires; or
(2) the existence of an extraordinary emergency which threatens life, health, safety, property, or the environment, so requires.

SEC. 8. CONTINUED HEALTH INSURANCE COVERAGE.

(a) A voluntary separation incentive payment to an employee under this Act shall be paid in a lump sum after the employee's separation.

(b)(1) If the employment under subsection (a) is with a non-personal service contract, the Secretary may waive the repayment at the request of the employee.

(2) If the employment under subsection (a) is with a personal service contract, the Secretary may waive the repayment if the Secretary determines that an employee's employment is necessary to ensure that the requirements of the strategic plan submitted, and may modify the plan with respect to the time period of incentives, with respect to the amounts of incentive payments, or the coverage of incentive offers.

(c) Subsection (a) of this section may be waived if the Secretary determines that an employee's employment is necessary to ensure that the requirements of the strategic plan submitted, and may modify the plan with respect to the time period of incentives, with respect to the amounts of incentive payments, or the coverage of incentive offers.

(1) the purpose of subsection (a) is to provide an employee with a separation incentive payment to an employee only to the extent necessary to reduce or eliminate the positions and functions identified by the strategic plan.

(2) the existence of a state of war or other national emergency so requires; or
(3) the existence of an extraordinary emergency which threatens life, health, safety, property, or the environment, so requires.

SEC. 9. REGULATIONS.

The Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of this Act.
the agency head if the individual possesses unique ability and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the employing entity or the appointing official may waive repayment on the same criteria. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria.

For the purpose of the repayment provisions, but not the waiver provisions, employment includes employment under a personnel leave or temporary appointment contract.

For the purpose of the repayment and waiver provisions, employment does not include without compensation employment.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the Department who is covered by the Civil Service Retirement System, or the Federal Employees' Retirement System, to whom a voluntary separation incentive is paid under this Act. It also defines "final basic pay." Section 7 requires the reduction of full-time equivalent employment (FTEE) in the Department of Veterans Affairs by one FTEE for each separation of an employee who received a voluntary separation incentive under this Act. Also it directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be based on the FTEE basic time equivalent employment (FTEE) in FY 1998 of 1050 FTEEs, and 50 FTEE separations during FY 1999 using voluntary separations incentives. The President may waive the reduction in FTEE in the event of war or emergency.

Section 8 amends sections 805a(d)(4) of title 5 to provide that VA employees who are voluntarily separated in a reduction in force or staffing adjustment, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium. Section 8 also extends the section 805a sunset provisions for VA employees for FY 1999 through FY 2004.

Section 9 requires that the Director of OPM may prescribe any regulations necessary to administer the provisions of the Act.

Section 10 provides that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2004, and that the Act supplants and does not supersede other authority of the Secretary.

Section 11 provides that the Act is effective on the date of enactment.

DEPARTMENT OF VETERANS AFFAIRS,
Hon. Albert Gore, Jr.
President of the Senate.
Washington, D.C.

Dear Mr. President: On behalf of the Department of Veterans Affairs (VA), I am submitting a draft bill "To provide a temporary incentive to reduce full-time equivalent employment, improve efficiency, and meet budget or staffing levels through voluntary separation incentives." Under current law, VA employees are entitled to separation incentives that equal 15 percent of their basic pay. The Office of Management and Budget (OMB) has determined that VA could implement buyouts at the beginning of the fiscal year of FY 2000, with expected discretionary savings of $103 million in FY 2000 and estimated savings of $220.4 million annually in subsequent years. VA also could implement buyouts in VBA with estimated savings of $320,000 in FY 1999 and estimated savings of approximately $1 million annually in subsequent years. VA has implemented buyouts under the Federal Workforce Restructuring Act of 1994, and the Treasury, Postal Service, and General Government Appropriations Act of 1997. We believe that VA used these previous authorities conservatively, responsibly, and effectively. As an example, VHA required that elements allowing a separation and the employee receiving the buyout. VA has implemented a total of 9,302 buyouts under both statutes, which is significantly fewer than the number of buyouts VA would implement if use of buyouts significantly assisted VA in restructing its workforce, and enabled it to achieve downsizing and streamlining goals while minimizing adverse impact on employees, through such actions as involuntary separations.

The Office of Management and Budget favored VA's recommendation to support its plans to reduce and adjust the staffing mix in its Franchise Fund and Supply Fund activities. Over this period, these activities will undergo changes in their work and product lines, as well as new technologies. These changes will require fewer employees and employees with different skill sets the current employees.

The Office of Financial Management will target any incentive payments to specific organizations, locations, occupations and grade levels.

Under the proposed bill, before obligating any resources for any incentive payments, the VA Secretary must submit to the Director of OMB a strategic plan outlining the use of such incentive payments. The plan must specify the positions and functions to be reduced or eliminated, as well as the organizational unit, geographic location, occupational category, and grade level. Coverage may be on the basis of any component of VA, any specific position, occupation, type of position, any geographic location, other non-personal factors, or any appropriate combination of these factors. The plan must also specify in which the planned employment reductions would improve efficiency or meet budget or staffing levels.

The act also includes a proposed time period for payment of separation incentives, and a description of how the affected VA component would operate without the eliminated functions and positions. The Director of OMB would approve or disapprove each plan submitted, and would have authority to modify the time period for payment of incentives, the number and amounts, and the percentage of incentive offers. We believe that these provisions for plan approval would ensure that separation incentives are appropriately targeted and paid in amounts that are needed, and are offered on a timely basis. Although VA would reduce full-time equivalent employment by one for each employee receiving an incentive payment who separates, we believe that service to veterans would improve as a result of the recommended changes, which is happening simultaneously within the system.

The authority for separation incentives would be in effect for the period starting on the enactment of the Act and ending on September 30, 2004. The amount of an employee's incentive would be the lesser of the amount of the employee's severance pay and a maximum amount determined by the Secretary, not to exceed $25,000.

Any employee who receives an incentive and accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

This proposal would provide a very useful tool to assist in reorganizing VA and re-engineering services quickly, effectively, and humanely, to provide higher quality service to more veterans. We also believe that it is necessary for the increased savings. The buyout would be funded within the base in the President's FY 1999 Budget. If VA receives authority before June 30, 1999, it could implement buyouts in VHA in FY 1999 with an estimated costs of $4.7 million in FY 1999 and estimated savings of $13.3 million annually in subsequent years. It also could implement buyouts in VBA with savings of $320,000 in FY 1999 and estimated savings of approximately $1 million annually in subsequent years. VA would implement buyouts at the beginning of FY 2000, with expected discretionary savings of $103 million in FY 2000 and estimated savings of $220.4 million annually in subsequent years. VA's savings authorized for FY 2000 would be $2.7 million, with estimated savings of $15.5 million annually in subsequent years. The Office of Financial Management savings for FY 2000 would be $992,000, with estimated savings of approximately $1 million annually in subsequent years. In addition, each subsequent year's buyouts during the five-year period would yield additional discretionary savings.

The Office of Management and Budget advises that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

Sheila C. McCreary,
Principal Deputy Assistant Secretary for Congressional Affairs.

By Mr. INHOFE:
S. 944. A bill to amend Public Law 105-188 to provide for the mineral leasing of certain Indian lands in Oklahoma to the Committee on Indian Affairs.

MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA

Mr. INHOFE. Mr. President, for too long, economic development in Indian country has been hindered by antiquated rules and regulations, many dating back to before the turn of the century. Many of us continue to struggle, denied by bureaucracy the opportunity to take steps to improve their position. I am proposing legislation today that would reverse one of these situations.

Under current law, Indian lands owned by more than one person require the consent of 100 percent of the owners before mineral development can go
forward. Oftentimes, this fractionated property is owned by over one hundred people; it is difficult, if not impossible, to locate all the owners. Once found, developers must obtain their unani-
mous consent. As you can imagine, this creates a substantial and often insu-
mountable obstacle for leasing or other development. Last year, Congress low-
ered this requirement for the Three Af-
filiated Tribes of the Fort Berthold In-
dian Reservation to a majority, which more closely resembles regulation of the non-Indian land. By loosening the con-
sent requirements, these tribes have found the right balance between eco-
nomic progress and protection of land-
owners’ rights.

I am proposing to extend last year’s legislation to seven Oklahoma tribes: the Comanche, Kiowa, Apache, Fort Sill Apache, Delaware, and the Wichita and Affiliated Tribes. Oil and gas are the cornerstone of Oklahoma’s econ-
omy, but Oklahoma’s tribes have by and large been left out of this industry because of the stringent consent statutes. In-
creased access to their own land would greatly facilitate mineral development, bringing increased economic oppor-
tunity. These tribes and their members will now be able to undertake oil and gas exploration which was previously not possible. This will represent a sig-
nificant advance toward greater eco-
nomic empowerment, breaking out of the constraints now imposed on these tribes.

Common sense dictates that the first step of self-sufficiency is being allowed to use the resources you already own. This will prevent the neg-
ative consequences of loss of the interest and that bankruptcy reform is one step we can take

This year, Senator GRASSLEY has intro-
duced S.625, the bankruptcy reform bill of 1999. This bill has more similar-
ities to last year’s conference report than the bipartisan measure that passed the Senate last year by an over-
whelming margin.

The Durbin-Leahy bill is fairer. S.625 uses a means test adopted from IRS collection allowances. The test would require every debtor, regardless of in-
come, who files for Chapter 7 bank-
ruptcy to be scrutinized by the U.S. trustee to determine whether the fill-
ing is abusive. The bill creates a pre-
sumption that a case is abusive if a debtor can pay the lesser of 25% of un-
secured nonpriority claims or $15,000 over five years. The IRS means test was designed on a case by case basis, not as an automatic template.

In my home state, the average an-
nual income for bankruptcy filers in the Central District of Illinois for 1998 was $20,448, yet the median amount of unsecured debt was $22,900. This figure shows that many filers were hopelessly insolvent. They owed more money on debt that had no collateral than their total income for the entire year. These debtors don’t even come close to meet-
ing the standards that would require them to convert their case to a chapter 13 case, but they will be forced to go through additional scrutiny at extra costs to everyone involved.

In contrast, the Durbin-Leahy bill gives courts discretion to dismiss or convert a Chapter 7 bankruptcy case if the debtor can fund a Chapter 13 repay-
ment plan. One of the factors for the court to consider in making the deci-
sion is whether the debtor is capable of paying all secured claims under a 3 year plan. This reform can address abuses without the complexity of certifying ability to pay in every case as re-
quired by S.625.

The Durbin-Leahy bill is cheaper be-
cause every case does not go through means testing. By requiring the trustee to submit reports on all filers the cost to trustees is dramatically increased with little reward.

The means test in S.625 looks a lot like the standards in the House bill. We now know that the means test in the House bill would require them to convert their case to a chapter 13 case, but they will be forced to go through additional scrutiny at extra costs to everyone involved.

The means test in S.625 looks a lot like the standards in the House bill. We now know that the means test in the House bill would only apply to far less than 10% of Chapter 7 filings. A study released by the American Bank-
ruptcy Institute found that by using the test from the House bill, 97% of sample Chapter 7 debtors had too little income to repay even 20% of their un-
secured debts over five years. As a re-

ular capita and penalize American con-
sumers. I could not support it. I hope this year will be different.

The bankruptcy code is delicate bal-
ance. When you push one thing, almost invariably something else will give. For that reason, it is crucial for bank-
ruptcy reform to be thoughtful and for the changes to be targeted and not cre-
ate more problems than they attempt to solve.

Beyond the administrative costs, there is the unneeded stress on poor families. According to the National Conference on Bankruptcy Judges, a review of surveys of Chapter 7 cases from 46 judicial districts in 33 states reveals that the median annual income for the 3151 cases in 1998 was $21,540, some $15,000 lower than the 1997 national median income for all families in the United States. Yet, the median amount of unsecured nonpriority debt for these same debtors was $23,411. These people are insolvent, and forcing them to go through unnecessary hoops for little reward is unfair and ineffect-
ive.

The Durbin-Leahy bill is more bal-
anced. The Durbin-Leahy bill includes credit disclosures designed to help fam-
ilies understand their debt and prevent them from incurring debt which makes them financially vulnerable. Many families file for bankruptcy after a health crisis or some other unexpected event that causes them from paying their debts. For example, the survey conducted by the bankruptcy judges shows that on average over 25% of bankruptcy cases involve debtors with medical debts over $1000. By re-
cquiring more complete information for debtors, they can make better credit decisions and avoid bankruptcy alto-
gether.

The Durbin-Leahy bill addresses abu-
sion creditor practices. The Durbin-
Leahy bill protects the elderly from predatory lending practices. Much of our discussion concerning reform of the nation’s bankruptcy laws has focused upon perceived abuses of the bank-
ruptcy system by consumer debtors. Far less discussion has occurred with regard to abuses by creditors that help usher the nation’s consumers into bankruptcy. I believe that abuses exist on both sides of the debtor-creditor rela-
tionship and that bankruptcy reform is incomplete if it fails to address documen-
ted abuses among creditors.

Last year, I worked to protect elderly Americans by prohibiting a high-
cost mortgage lender who extended credit in violation of the provisions of the Truth-In-Lending Act from collect-
ing its claim in bankruptcy. If the lender has failed to comply with the re-
quirements of the Truth-in-Lending Act for high-cost second mortgages, the lender will have absolutely no claim against the bankruptcy estate. This provision is not aimed at all lend-
ers or at all second mortgages. Indeed, it is aimed only at the worst, most predatory, of these by and large worthy lenders. It is aimed only at practices that are already illegal and it does not deal with technical or immaterial vi-
olations of the Truth in Lending Act.

Disallowing the claims of predatory lenders in bankruptcy cases will not end these predatory practices al-
together. It is one step we can take to curb creditor abuse in situations where the lender bears primary responsi-
bility for the deterioration of a con-
sumer’s financial situation.
I encourage my Senate colleagues to join Senator LEAHY and me in this effort. Bankruptcy reform must be balanced and must not create a nation of financial outlaws.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Bankruptcy Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.

Sec. 102. Dismissal or conversion.

TITLE II—ENHANCED PROCEDURAL PROTECTIONS FOR CONSUMERS

Sec. 201. Allowance of claims or interests.


Sec. 203. Effect of discharge.

Sec. 204. Automatic stay.

Sec. 205. Discharge.

Sec. 206. Discharging predatory lending practices.

Sec. 207. Enhanced disclosure for credit extensions secured by dwelling.

Sec. 208. Dual-use debit card.

Sec. 209. Enhanced disclosures under an open end credit plan.


Sec. 211. Discouraging abusive reaffirmation practices.

Sec. 212. Sense of Congress regarding the need for additional disclosures.

Sec. 213. Encouraging creditworthiness.

Sec. 214. Treasury Department study regarding security interests under an open end credit plan.

TITLE III—IMPROVED PROCEDURES FOR EFFICIENT ADMINISTRATION OF THE BANKRUPTCY SYSTEM

Sec. 301. Notice of alternatives.


Sec. 303. Discouragement of bad faith repeat filings.

Sec. 304. Timely filing and confirmation of plans under chapter 12.

Sec. 305. Application of the codelender stay only when the stay protects the debtor.

Sec. 306. Improved bankruptcy statistics.

Sec. 307. Audit procedures.

Sec. 308. Creditor representation at first meeting of creditors.

Sec. 309. Fair treatment of secured creditors in chapter 7 and 13 cases.

Sec. 310. Stopping abusive conversions from chapter 13.

Sec. 311. Prompt relief from stay in individual cases.

Sec. 312. Dismissal for failure to timely file schedules or provide required information.

Sec. 313. Adequate time for preparation for a hearing on confirmation of the plan.

Sec. 314. Discharge under chapter 13.

Sec. 315. Nondischargeable debts.

Sec. 316. Credit extensions on the eve of bankruptcy presumed nondischargeable.

Sec. 317. Definition of household goods and antiques.

Sec. 318. Relief from stay when the debtor does not complete intended surrender of consumer debt collateral.

Sec. 319. Adequate protection of lessors and purchase money secured creditors.

Sec. 320. Lien valuation.

Sec. 321. Miscellaneous improvements.

Sec. 322. Bankruptcy judgeships.

Sec. 323. Definition of domestic support obligor.

Sec. 324. Priorities for claims for domestic support obligations.

Sec. 325. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.

Sec. 326. Exceptions to automatic stay in domestic support obligation proceedings.

Sec. 327. Nondischargeability of certain debts for alimony, maintenance, and support.

Sec. 328. Continued liability of property.

Sec. 329. Protection of domestic support claims against preferential transfers and preferential transfers.

Sec. 330. Protection of retirement savings in bankruptcy.

Sec. 331. Additional amendments to title 11, United States Code.

Sec. 332. Debt limit increase.

Sec. 333. Elimination of requirement that formerly married spouses receive over 50 percent of income from farming operation in year prior to bankruptcy.

Sec. 334. Prohibition of retroactive assessment of disposable income.

Sec. 335. Amendment to section 1325 of title 11, United States Code.

Sec. 336. Protection of savings earmarked for the postsecondary education of children.

TITLE IV—FINANCIAL INSTRUMENTS

Sec. 401. Bankruptcy Code amendments.

Sec. 402. Damage measure.

Sec. 403. Asset-backed securitizations.

Sec. 404. Prohibition on certain actions for failure to incur finance charges.

Sec. 405. Fees arising from certain owner-occupied transactions.

Sec. 406. Bankruptcy fees.

Sec. 407. Applicability.

TITLE V—ANCILLARY AND OTHER PROVISIONS

Sec. 501. Amendment to add chapter 6 to title 11, United States Code.

Sec. 502. Amendment to add chapter 6 to title 11, United States Code.

Sec. 503. Amendment to add chapter 6 to title 11, United States Code.

Sec. 504. Amendment to add chapter 6 to title 11, United States Code.

TITLE VI—MISCELLANEOUS

Sec. 601. Executory contracts and unexpired leases.

Sec. 602. Expedited appeals of bankruptcy cases.

Sec. 603. Creditors and equity security holders' committees.

Sec. 604. Repeal of sunset provision.

Sec. 605. Cases ancillary to foreign proceedings.

Sec. 606. Limitation.

Sec. 607. Amendment to section 546 of title 11, United States Code.

Sec. 608. Amendment to section 303(a) of title 11, United States Code.

TITLE VII—TECHNICAL CORRECTIONS

Sec. 701. Adjustment of dollar amounts.

Sec. 702. Extension of time.

Sec. 703. Who may be a debtor.

Sec. 704. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.

Sec. 705. Limitation on compensation of professional persons.

Sec. 706. Special tax provisions.

Sec. 707. Effect of conversion.

Sec. 708. Automatic stay.

Sec. 709. Allowance of administrative expenses.

Sec. 710. Priorities.

Sec. 711. Exemptions.

Sec. 712. Exceptions to discharge.

Sec. 713. Effect of discharge.

Sec. 714. Protection against discriminatory treatment.

Sec. 715. Property of the estate.

Sec. 716. Preferences.

Sec. 717. Postpetition transactions.

Sec. 718. Technical amendment.

Sec. 719. Disposition of property of the estate.

Sec. 720. General provisions.

Sec. 721. Appointment of elected trustee.

Sec. 722. Abandonment and railroad line.

Sec. 723. Contents of plan.

Sec. 724. Discharge after chapter 12.

Sec. 725. Extensions.

Sec. 726. Bankruptcy cases and proceedings.

Sec. 727. Knowing disregard of bankruptcy law or rule.

Sec. 728. Rolling stock equipment.

Sec. 729. Curbings abusive filings.

Sec. 730. Study of operation of title 11 of the United States Code with respect to small businesses.

Sec. 731. Transfers made by nonprofit charitable organizations.

Sec. 732. Effective date; application of amendments.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.

Sec. 102. Dismissal or conversion.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Bankruptcy Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.

Sec. 102. Dismissal or conversion.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Bankruptcy Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.

Sec. 102. Dismissal or conversion.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Bankruptcy Reform Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
SEC. 202. EXCEPTIONS TO DISCHARGE.
Section 523 of title 11, United States Code, is amended—
(1) in subsection (2)(A), by striking "false representation" and inserting "a material false representation upon which the deceived person justifiably relied"; and
(2) by adding at the end the following:

"(ii) before the filing of the petition, the debtor made a good faith effort to negotiate an alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

"(iii) that creditor refused to negotiate an alternative repayment schedule, and that refusal was not reasonable."

For purposes of this paragraph, the debtor shall have the burden of proof of establishing that—

"(A) more than 20 percent of the amount of the offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(B) the refusal to negotiate by the creditor involved to was not reasonable.""

SEC. 203. EFFECT OF DISCHARGE.
Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(2) by striking subsection (d) and inserting--

"(i) before the filing of the petition, the debtor made a good faith effort to negotiate an alternative repayment schedule (including making an offer of a reasonable alternative repayment schedule); and

"(ii) that creditor refused to negotiate an alternative repayment schedule, and that refusal was not reasonable.

"(B) or

"(1) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(2) the refusal to negotiate by the creditor involved to was not reasonable.""

SEC. 204. AUTOMATIC STAY.
Section 362 of title 11, United States Code, is amended—

"(1) by striking "shall be entitled" and inserting "shall be entitled to"

"(2) by adding at the end the following:

"(f)(1) The court may award the debtor reasonable attorneys' fees and costs under paragraph (1) and such damages as may be required by the equities of the case.

"(A) if the court finds that the position of a party filing a motion under this section is not substantially justified; and

"(B) or

"(1) the refusal to negotiate by the creditor involved to was not reasonable; and

"(2) the refusal to negotiate by the creditor involved to was not reasonable.""

SEC. 205. DISCHARGE.
Paragraph (1) of section 523(a) of title 11, United States Code, is amended—

"(A) by adding at the end the following:

"(ii) that creditor refused to negotiate an alternative repayment schedule, and that refusal was not reasonable.

"(B) or

"(1) an offer made by that debtor under subparagraph (A)(i) was reasonable; and

"(2) the refusal to negotiate by the creditor involved to was not reasonable.""

SEC. 206. NON-OPEN END CREDIT EXTENSIONS SECURED BY DWELLING.
Section 127a(a)(13) of the Truth in Lending Act (15 U.S.C. 1629(a)(13)) is amended—

"(A) by striking "consultation of tax advisors" and inserting "a tax advisor"; and

"(B) by adding at the end the following:

"(C) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.""
amendments made by this section shall take the deductibility of interest and charges.''

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

``(e) Each advertisement to which this section applies that relates to a consumer credit it transfer described in subsection (a) shall include a clear and conspicuous statement that—
``(i) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling shall clearly and conspicuously state that—
``(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code or other unique identifier other than a signature (as such a fingerprint or retina scan), unless—
``(A) the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act;''

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 909(a)(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693(a)(1)) is amended to read as follows:

``(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling shall clearly and conspicuously state that—
``(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code or other unique identifier other than a signature (as such a fingerprint or retina scan), unless—
``(A) the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act;''

(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.''

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

``(e) Each advertisement to which this section applies that relates to a consumer credit it transfer described in subsection (a) shall include a clear and conspicuous statement that—
``(i) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling shall clearly and conspicuously state that—
``(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code or other unique identifier other than a signature (as such a fingerprint or retina scan), unless—
``(A) the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act;''

SEC. 208. DUAL-USE DEBIT CARD.

(a) CONSUMER LIABILITY.—

(1) IN GENERAL.—Section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g) is amended—

(A) by redesigning subsections (b) through (e) as subsections (d) through (g), respectively;

(B) in subsection (a)—

(i) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and inserting at the end the following:

``(ii) by inserting "CARDS NECESSITATING UNIQUE IDENTIFIER."—
``(1) IN GENERAL.—Section 909(a)(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693(a)(1)) is amended by adding at the end the following:

``(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code or other unique identifier other than a signature (as such a fingerprint or retina scan), unless—
``(A) the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act;''

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 909(a)(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693(a)(1)) is amended by adding at the end the following:

``(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code or other unique identifier other than a signature (as such a fingerprint or retina scan), unless—
``(A) the consumer is entitled to a copy of his or her credit report in accordance with the Fair Credit Reporting Act;''

(3) SEC. 209. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—

(1) ENHANCED DISCLOSURE OF REPAYMENT TERMS.—

(A) IN GENERAL.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1673(b)) is amended by adding at the end the following:

``(B) In making the disclosures under subsection (a), the creditor shall apply to the outstanding balance of the consumer under the credit plan, including—
``(i) the required minimum monthly payment on that balance, represented as both a dollar figure and a percentage of that balance;
``(ii) the number of months (rounded to the nearest whole month) that it would take to pay the entire amount of that current balance if the consumer pays only the required minimum monthly payments and if no further advances are made; and
``(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays only the required minimum monthly payments and if no further advances are made; and

SEC. 210. VIOLATIONS OF THE AUTOMATIC STAY.

Section 362(a) of title 11, United States Code, is amended—

(1) in paragraph (7), by striking "and" at the end; and

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:
“(9) any communication threatening a debtor, at any time after the commencement and before the granting of a discharge in a case under this title, of an intention—

(a) to cause damage to property or to injure person(s) or property by any act or statement;

(b) to file a motion under section 707(b) to dismiss or convert the case; or

(c) to commence an action to remove property from the debtor to which the stay applies.”

SEC. 212. DISCOURAGING ABUSIVE REAFFIRMA- TION PRACTICES.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking “and” after the semicolon; and

(C) in paragraph (6)—

(i) by striking subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by adding “and” after the semicolon; and

(iii) by adding at the end the following:

“(C) such agreement contains a clear and conspicuous statement that advises the debtor—

(1) may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

A study described in subparagraph (B) and inserting the following:

“(A) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(1) A brief description of chapters 7, 11, 12, and 13 of title 11, United States Code, which allows a bankruptcy trustee or the bankruptcy court to order a consumer to file a motion to sell, to sell property that is purchased under an open end credit plan and is subject to a security interest.

BANKRUPTCY SYSTEM

SEC. 301. NOTICE OF ALTERNATIVES.

(a) IN GENERAL.—Section 342 of title 11, United States Code, is amended—

(A) by striking subsection (b) and inserting the following:

“(b) SENSE OF THE CONGRESS.ÐIt is the sense of the Congress that—

(1) meaningful bankruptcy reform cannot be achieved without capping the homestead exemption; and

(2) bankruptcy reform legislation should be achieved without capping the homestead exemption.

SEC. 213. ENCOURAGING CREDITWORTHINESS.

The Federal Reserve System shall conduct a study of—

(a) a list of creditors; and

(b) the effects of such practices on consumer debt and insolvency.

(1) A brief description of chapters 7, 11, 12, and 13 of title 11, United States Code, which allows a consumer to file a motion to sell, to sell property that is purchased under an open end credit plan and is subject to a security interest.

A study described in subparagraph (B) and inserting the following:

“A study described in subparagraph (B) and inserting the following:

“(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

SEC. 214. TREASURY DEPARTMENT STUDY REGARDING SECURITY INTERESTS UNDER AN OPEN END CREDIT PLAN.

(a) STUDY.—The Secretary of the Treasury shall conduct a study of—

(1) may issue regulations that would require additional disclosures to consumers in connection with extensions of credit; and

(2) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 211. DISCOURAGING ABUSIVE REAFFIRMA- TION PRACTICES.

Section 522 of title 11, United States Code, is amended—

(1) by inserting ``(a)'' before ``The debtor'' and inserting ``applicable re-

(2) a motion to determine the dischargeability of a debt;

(3) by striking subparagraph (B) and in-

(4) in the few States with unlimited home-

(5) the homestead exemption should be capped at $100,000 to prevent such high-pro-

SEC. 212. SENSE OF CONGRESS REGARDING THE HOMESEAT EXEMPTION.

(a) FINDINGS.—The Congress finds that—

(1) the homestead exemption under section 522 of title 11, United States Code, which allows a debtor to exempt the debtor’s home, up to a certain value, as established by State law, from being sold off to satisfy debts;

(2) a motion to determine the dischargeability of a debt;

(3) the homestead exemption under section 522 of title 11, United States Code, which allows a debtor to exempt the debtor’s home, up to a certain value, as established by State law, from being sold off to satisfy debts;

(4) the vast majority of States re-

(5) in the few States with unlimited home-

(6) creditors receive little or nothing;

(7) the Board finds necessary to ensure respon-

(8) while the vast majority of States re-

(9) the Board finds necessary to ensure respon-

(10) bankruptcy reform legislation should be achieved without capping the homestead exemption.

SEC. 213. ENCOURAGING CREDITWORTHINESS.

The Federal Reserve System shall conduct a study of—

(a) a list of creditors; and

(b) the effects of such practices on consumer debt and insolvency.

(1) A brief description of chapters 7, 11, 12, and 13 of title 11, United States Code, which allows a consumer to file a motion to sell, to sell property that is purchased under an open end credit plan and is subject to a security interest.

A study described in subparagraph (B) and inserting the following:

“A study described in subparagraph (B) and inserting the following:

“(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

SEC. 212. SENSE OF CONGRESS REGARDING THE HOMESEAT EXEMPTION.

(a) FINDINGS.—The Congress finds that—

(1) the homestead exemption under section 522 of title 11, United States Code, which allows a debtor to exempt the debtor’s home, up to a certain value, as established by State law, from being sold off to satisfy debts;

(2) a motion to determine the dischargeability of a debt;

(3) the homestead exemption under section 522 of title 11, United States Code, which allows a debtor to exempt the debtor’s home, up to a certain value, as established by State law, from being sold off to satisfy debts;
"(l) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicated, in the bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

(ii) if no attorney for the debtor is indicated, in the bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

(iv) to keep a record of the tax returns and other documents, including any schedules or attachments, filed by the debtor for the 3-year period preceding the order for relief;

(v) to keep a record of any payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days prior to the filing of the petition;

(vi) a statement of the amount of projected monthly net income, itemized to show how calculated; and

(vii) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing.

(3) At any time, a creditor, in a case under chapter 7 or 13, may file with the court a request to obtain from the debtor and the court shall make those documents available to the creditor who requests those documents.

(a)(1) At any time, a creditor, in a case under chapter 7 or 13, may file with the court the petition, schedules, and a statement of all offsets held by the creditor in the case and the court shall make those documents available to the creditor who requests those documents.

(2) After any change in the nonprofit debt counseling services, the court shall prepare, and submit to Congress a report that—

(i) further protect the confidentiality of tax information; and

(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

(c) T ITLE 28.ÐSection 586(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking the matter after the period described in paragraph (1);

(2) by striking paragraph (6), by striking the matters after the period described in paragraph (2) after—

(i) the time; or

(ii) the 90-day period described in paragraph (2) after—

(a) the time; or

(b) a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13;

(b)(1) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, with respect to the period from the commencement of the case until such time as the case is closed;

(2) at the time filed with the taxing authority, all tax returns, including any schedules or attachments, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with the period that is 3 years before the order for relief;

(3) by adding at the end the following:

(1) the amount and sources of income of the debtor;

(2) if appropriate, includes proposed legislation—

(i) to further protect the confidentiality of tax information; and

(ii) to provide penalties for the improper use by any person of the tax information required to be provided under this section.

(3) Not later than 1 year after the date of enactment of the Consumer Bankruptcy Reform Act of 1999, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

(4) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

(5)(C) the identity of any persons who consistently pay more than 30 days after any change in the nonprofit tax information services registered with the bankruptcy court, prescribe and make available under this section.

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(i) inadmissibly.

(ii) After an order is issued under subparagraph (A), the stay under subsection (a) shall not apply to any property subject to such an in rem order in any case of the debtor,

(ii) if an in rem order issued under subparagraph (A) so provides, the stay shall, in addition, be applicable to the debtor involved, not apply with respect to an entity under this title if—

(i) the entity had reason to know of the order at the time that the entity obtained an interest in the property affected; or

(ii) the entity was notified of the commencement of the proceeding for relief from the stay, and at the time of the notification no case in which the entity was a debtor was pending.

(6) For purposes of this section, a case is pending during the period beginning with the issuance of the order for relief and ending at such time as the case involved is closed.”.

SEC. 304. TIMELY FILING AND CONFIRMATION OF PLANS UNDER CHAP-TER 11

(a) FILING OF PLAN.—Section 1321 of title 11, United States Code, is amended to read as follows:

“§ 1321. Filing of plan

“The debtor shall file a plan not later than 90 days after the order for relief under this chapter was issued, that the court may extend such period if the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable.

(b) CONFIRMATION OF HEARING.—Section 1304 of title 11, United States Code, is amended by adding at the end the following:

“Conduct of Hearing—Section 301(b) of this Act, is amended in paragraph (3) by striking the period after “30 days” and inserting “60 days”.

SEC. 305. APPLICATION OF THE CODESTOR STAY ONLY WHEN THE STAY PROTECTS THE DEBTOR.

Section 1301(b) of title 11, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following:

“(2) The term ‘case’ includes all cases filed in the district for which relief is sought.

(b) CONFIRMATION OF HEARING.—Section 1304 of title 11, United States Code, is amended by adding at the end the following:

“(1) by inserting “(2)” after “(1)”; and

“(2) by striking the provision after “60 days” and inserting “90 days”.

SEC. 306. IMPROVED BANKRUPTCY STATISTICS.

(a) AMENDMENT.—Chapter 6 of part I of title 11, United States Code, is amended by adding at the end the following:

“§ 1350. Bankruptcy statistics

“(a) The clerk of each district shall compile statistics regarding individual debtors with primarily consumer debts seeking relief under chapter 7, 11, or 13 of title 11, and such statistics shall be in a form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the ‘Office’).

“(b) The Director shall—

“(1) compile the statistics referred to in subsection (a); and

“(2) make the statistics available to the public and annually thereafter, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

“(c) The compilation required under subsection (b) shall—

“(1) be itemized, by chapter, with respect to title 11;

“(2) be presented in the aggregate and for each district; and

“(3) include information concerning—

“(A) the total assets and total liabilities of the debtors described in subsection (a), and in each case, the number of debtors

“(B) the current total monthly income, projected monthly net income, and average income and average expenses of those debtors as reported on the schedules and statements that the debtor files under sections 110, 120, and 1301 of title 11;

“(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

“(D) the average period of time between the filing of the petition and the closing of the case;

“(E) the average period of time between the filing of the petition and the closing of the case;

“(F) the number of cases in which a reaffirmation agreement was filed; and

“(G) the total number of reaffirmation agreements filed;

“(H) the number of those in which a reaffirmation agreement was filed, the number in which the debtor or was not represented by an attorney; and

“(I) the number of persons in which the reaffirmation agreement was approved by the court;

“(J) with respect to cases filed under chapter 13 of title 11, for the reporting period—

“(1) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

“(2) the number of cases in which the total value of the property securing a claim was determined.

“(k) The Director may prescribe uniform definitions, methods, and terms for the purpose of this section.

“(l) In the case of a Chapter 7 case, the director may require the debtor to submit to the bankruptcy court a statement of the debtor’s obligations under the lease.”.

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 550 of title 11, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

“(section 301(b) of this Act, is amended in paragraphs (3) and (4) by inserting “or an auditor appointed under section 586 of title 28” after “serving in the case” each place it appears.

(b) In Amendments to Section 727 of Title 11, United States Code.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end of

(2) in paragraph (3), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“the auditor has failed to explain satisfactorily—

“(A) a material misstatement in an audit performed under section 586(f) of title 28; or

“(B) the failure of an individual to file an annual report as required by section 306.”.

SEC. 308. EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.
‘‘(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor or the individual, as the case may be, that are necessary for the preparation of a statement of the nature and character of the property of the debtor; non-compliance with any request of the creditor not later than 5 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subparagraph (a) with respect to a particular case.‘‘

SEC. 310. STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.

Section 349(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ‘‘and’’ at the end;

(2) in subparagraph (B)—

(A) by striking ‘‘in the converted case, with all allowed secured claims in cases under chapter 11 or chapter 13’’ and inserting ‘‘only in a case converted to chapter 11 or 13’’;

(B) by striking the period and inserting ‘‘;’’;

(3) by adding at the end the following:

‘‘(c) in subsection (d), unless—

(1) in subsection (c), by striking ‘‘, but the court may not order the’’ and inserting ‘‘;’’; and

(2) by striking ‘‘or 13 given by the court shall be to that address unless specific notice is given under subparagraph (a) with respect to a particular case, non-compliance with any request of the creditor not later than 5 days following the filing of that notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subparagraph (a) with respect to a particular case.‘‘

SEC. 311. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ‘‘(1)’’ after ‘‘(e);’’ and

(2) by adding at the end the following:

‘‘(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, 12, or 13, the court shall terminate the stay on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

(B) that 60-day period is extended—

(i) by agreement of all parties in interest; or

(ii) by the court for such specific period of time as the court finds is required for good cause.’’

SEC. 312. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUESTED INFORMATION.

Section 707 of title 11, United States Code, as amended by section 102 of this Act, is amended—

(1) in paragraph (1), by striking ‘‘, but the court may not order the’’ and inserting ‘‘;’’; and

(2) by adding at the end the following:

‘‘in the case of an individual filing under chapter 7 or 13 fails to file all of the information required under section 521(a)(1) within 45 days after the filing of the petition, the court shall be automatically dismissed effective on the 46th day after the filing of the petition, the court shall be automatically dismissed effective on the 46th day after the filing of the petition.‘‘

SEC. 313. ABSENCE OF A HEARING FOR A HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, as amended by section 304 of this Act, is amended—

(1) by striking ‘‘After’’ and inserting the following:

‘‘Except as provided in subsection (b) and after;’’ and

(2) by adding at the end the following:

‘‘(b) if not later than 5 days after receiving notice of a hearing on confirmation of the plan, the creditor objects to the confirmation of the plan, the hearing on confirmation of the plan shall be held no earlier than 20 days after the first meeting of creditors under section 341(a).’’

SEC. 314. DISCHARGE UNDER CHAPTER 13.

Section 1328(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ‘‘or 13’’ and inserting ‘‘or 7’’;

(2) in paragraph (2), by inserting ‘‘(1)’’ after ‘‘(c)’’; and

(3) by adding at the end the following:

‘‘(A) a final decision is rendered by the court during the 60-day period preceding the date of the petition; or

(B) if not later than 5 days after receiving notice of a hearing on confirmation of the plan, the creditor objects to the confirmation of the plan, the hearing on confirmation of the plan shall be held no earlier than 20 days after the first meeting of creditors under section 341(a).’’

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (8) the following:

‘‘(9) incurred to pay a debt that is non-dischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subchapter, if the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly created debt.’’

SEC. 316. CREDIT EXTENSIONS ON THE EVE OF BANKRUPTCY PRESUMED NONDISCHARGEABLE.

Section 523(a)(2) of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in paragraph (A), by striking the semicolon at the end and inserting the following:

‘‘, and, for purposes of this subparagraph, consumer debts owed in an aggregate amount greater than or equal to $400 incurred for goods or services not reasonably necessary for the maintenance or support of the debtor or a dependent child of the debtor to a single creditor that are incurred during the 90-day period preceding the date of the petition; or

(B) a final decision is rendered by the court during the 60-day period preceding the date of the petition; or

(2) by adding at the end the following:

‘‘(B) by striking ‘‘or’’ at the end; and

(2) by adding at the end the following:

‘‘by striking subparagraph (C).’’

SEC. 317. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate regulations defining the term ‘‘household goods and antiques’’, to be applied to section 522(d)(3) of title 11, United States Code, in a manner suitable and appropriate for cases under title 11.

(b) ABSENCE OF FINAL REGULATIONS.—If final regulations are not promulgated under subsection (a) and in effect by the date that is 180 days after the date of enactment of this Act,
Act, then, for purposes of section 522(d)(3) of title 11, United States Code, the term "household goods" shall have the meaning given that term in section 444(i) of title 11, Code of Federal Regulations, except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child.

SEC. 310. REAFFIRMATION; DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL

(a) AUTOMATIC STAY.—Section 302 of title 11, United States Code, as amended by section 303 of this Act, is amended—

(1) in subsection (c)(1), by striking "(A)," by inserting "(A)," and by striking "(B)" and inserting "(B)"; and

(2) in redesignating subsection (h) as subsection (g), by striking "(h)" and inserting "(g)".

(b) DEBTOR'S DUTIES.—Section 521(a) of title 11, United States Code, is amended by adding at the end the following:

"(1)(A) the debtor fails to timely file a statement of intention to surrender or retain the property; or

"(B) if the debtor indicates in the filing that the debtor will retain the property, the debtor fails to meet an applicable requirement to—

"(i) either—

"(1) redeem the property pursuant to section 722; or

"(2) reaffirm the debt the property secures pursuant to section 524(c); or

"(ii) assume the unexpired lease pursuant to section 365(d) if the trustee does not so do; or

"(2) the debtor fails to timely take the action specified in a statement of intention referred to in paragraph (1)(A) (as amended, if that statement is amended before expiration of the period for taking action), unless—

"(A) the statement of intention specifies reaffirmation; and

"(B) the creditor refuses to reaffirm the debt on the original contract terms for the debt.

(b) CREDITOR'S DUTIES.—Section 301(a)(2) of title 11, United States Code, as redesignated by section 301(b) of this Act, is amended—

(1) in the matter preceding subparagraph (A), by striking "consumer";

(2) in subparagraph (A)—

(A) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first payment under subsection (a)(1)"; and

(B) by striking "forty-five-day period" and inserting "30-day period"; and

(3) in subparagraph (C), by inserting "except as provided in section 362(h) before the semicolon.

SEC. 319. ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORs.

(a) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding after section 1307 the following:

"(2) the creditor refuses to reaffirm the debt on the original contract terms for the debt.

(b) AUTOMATIC STAY.—Section 302 of title 11, United States Code, as amended by section 303 of this Act, is amended—

(1) in subsection (c)(1), by striking "(A)," by inserting "(A)," and by striking "(B)" and inserting "(B)"; and

(2) in redesignating subsection (h) as subsection (g), by striking "(h)" and inserting "(g)".

SEC. 320. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

(2) by adding at the end the following new subsection:

"(n) Except as provided in paragraph (2), as a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a transfer of any amount of interest that exceeds in the aggregate $100,000 in value in—

(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

(B) a cooperative that owns property that is in an amount greater than $3,000, or

(C) a lessor or creditor described in subsection (a)(1); and

(2) the debtor's failure to perform an obligation to pay any money, whether by any kind or description of security, if the failure constitutes a breach of that obligation.

SEC. 321. MISCELLANEOUS IMPROVEMENTS.

(a) IN GENERAL.—Chapter 13 of title 11, United States Code, is amended by adding at the end the following:
"(e) In addition to the requirements under subsection (a), an individual debtor shall file with the court:

"(1) a certificate from the credit counseling service that provided the debtor services under section 109(h); and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the credit counseling service referred to in paragraph (1)."

(e) EXCEPTIONS TO DISCHARGE.—Section 522(d) of title 11, United States Code, as amended by section 302 of this Act, is amended by striking paragraph (3)(A)(i) and inserting the following:

"(i) within the applicable period of time prescribed in section 109(h), the debtor received credit counseling through a credit counseling program in accordance with section 109(h); and"

(f) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a list of credit counseling services that provide an approved program in accordance with section 109(h) and that have been approved by—

"(1) the United States trustee; or

"(2) the bankruptcy administrator for the district.

"(b) The United States trustee or each bankruptcy administrator referred to in subsection (a)(1) shall—

"(1) make available to debtors who are individuals an instructional course concerning personal financial management, under the direction of the bankruptcy court; and

"(2) maintain a list of instructional courses concerning personal financial management that are operated by a private entity that have been approved by the United States trustee or that bankruptcy administrator.

"(c) EXTENSIONS.—(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the

northern district of Alabama; the district of Delaware; the district of Puerto Rico; the district of South Carolina; and the eastern district of Tennessee under subsection (a)(3), (7), (8), and (9) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge appointed under paragraph (1); and

"(2) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1); shall not be filled.

"(d) TECHNICAL AMENDMENT.—The first sentence of section 152(a)(3) of title 28, United States Code, is amended to read as follows:

"(A) means the expenses incurred by a bankruptcy judge assigned to the applicable district for the travel that is directly related to any case assigned to such bankruptcy judge; and

"(B) shall not include the travel expenses of a bankruptcy judge if—

"(i) the payment for the travel expenses is paid by such bankruptcy judge from the personal funds of such bankruptcy judge; and

"(ii) such bankruptcy judge does not receive funds (including reimbursement) from the United States or any other person or entity for the travel expenses.

"(2) Each bankruptcy judge shall annually submit the information required under paragraph (3) to the chief bankruptcy judge for the district in which the bankruptcy judge is assigned.

"(3)(A) Each chief bankruptcy judge shall submit an annual report to the Director of the Administrative Office of the United States Courts on the travel expenses of each bankruptcy judge assigned to the applicable district (including the travel expenses of the chief bankruptcy judge of such district).

"(B) The annual report under this paragraph shall include—

"(i) the travel expenses of each bankruptcy judge, with the name of the bankruptcy judge to whom the travel expenses apply;

"(ii) a description of the subject matter and purpose of the travel relating to each claim covered under clause (i), with the name of the bankruptcy judge to whom the travel applies; and

"(iii) the number of days of each travel described under clause (i) and the name of the bankruptcy judge to whom the travel applies.

"(4)(A) The Director of the Administrative Office of the United States Courts shall—

"(i) consolidate the reports submitted under paragraph (3) into a single report; and

"(ii) annually submit such consolidated report to Congress.

"(B) The consolidated report submitted under this paragraph shall include the specific information required under paragraph (3) including the name of each bankruptcy judge with respect to clauses (i), (ii), and (iii) of paragraph (3)(B).

"SEC. 322. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, as amended by section 322(g) of this Act, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14)(A) 'domestic support obligation' means a debt that accrues before or on account of, or by reason of, or on account of the order for relief under this title that is—

"(i) owed to or recoverable by—

"(I) a spouse, former spouse, or child of the debtor or a child's legal guardian; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, or parent solely for the purpose of collecting the debt.

"SEC. 324. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—
(1) by striking paragraph (7); (2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; (3) in paragraph (2), as redesignated, by striking “First” and inserting “Second”; (4) in paragraph (3), as redesignated, by striking “Second” and inserting “Third”; (5) in paragraph (4), as redesignated, by striking “Third” and inserting “Fourth”; (6) in paragraph (5), as redesignated, by striking “Fourth” and inserting “Fifth”; (7) in paragraph (6), as redesignated, by striking “Fifth” and inserting “Sixth”; (8) in paragraph (7), as redesignated, by striking “Sixth” and inserting “Seventh”; and (9) by inserting before paragraph (2), as redesignated, the following: “(1) First, allowed claims for domestic support obligations are paid in the following order of priority: (A) the withholding, suspension, or restriction of drivers’ licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) or with respect to the reporting of overdue support owed by an individual to an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7)); (B) the interception of tax refunds, as specified in section 466(a)(3) of the Social Security Act (42 U.S.C. 666(a)(3)); or (C) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).”.

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended— (1) in subsection (a), by striking paragraph (5) and inserting the following: “(5) for a domestic support obligation;”; (2) in subsection (b), by striking “(6), or” and inserting “(6), and” (3) in paragraph (15), by striking “governmental unit” and all through the end of the paragraph and inserting a semicolon.

SEC. 328. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended— (1) in subsection (a), by striking paragraph (1) and inserting the following: “(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));”; (2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting “of a kind that is specified in section 523(a)(5);”;

SEC. 329. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFERS.

Section 574(c) of title 11, United States Code, is amended by striking paragraph (7) and inserting the following: “(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or.”

SEC. 330. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) In General.—Section 522 of title 11, United States Code, as amended by section 328 of this Act, is amended— (1) in subsection (b), as redesignated, by striking “(A) any property;” and (2) in subsection (d), as redesignated, by striking “paragraph (1), by striking “(A)” and inserting “(B)” and (ii) by striking at the end of the following: “(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 403A, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 and which has not been pledged or promised to any person in connection with any extension of credit.”;

(B) by striking paragraph (1) and inserting: “(1) Property listed in this paragraph is property that is specified in subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (3)(A) of this subsection specifically does not authorize.”;

(C) in the matter preceding paragraph (2)— (i) by striking “(b)” and inserting “(b)(1)”; (ii) by striking “paragraph (2)” both places it appears and inserting “paragraph (3)”; (iii) by striking “paragraph (1)” each place it appears and inserting “paragraph (2);” and (iv) by striking “Such property is—”; and (D) by adding at the end of the subsection the following: “(4) For purposes of paragraph (3)(C), the following shall apply: “(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, the retirement funds are exempt from the estate.

(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, the retirement funds are exempt from the estate if the debtor demonstrates that— "(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and "(ii) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or "(iii) the retirement fund fails to be in substantial compliance with such applicable requirements, the debtor is not materially responsible for such failure to comply;"

(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(3) of the Internal Revenue Code of 1986, otherwise, shall not cease to qualify for exemption under paragraph (3)(C) by reason of that direct transfer.

(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of the distribution;

(ii) A distribution described in this clause is an amount that— "(i) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and "(ii) to the extent that those funds are deposited in such a fund or account not later than 60 days after the distribution of that amount;”;

(D)(ii) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of the distribution; and

(E)(i) A distribution described in this clause is an amount that— "(i) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and "(ii) to the extent that those funds are deposited in such a fund or account not later than 60 days after the distribution of that amount;”;

(E)(ii) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of the distribution.
exempt from taxation under section 401, 403, 408, 408A, 414, 415, or 501(a) of the Internal Revenue Code of 1986.’’

(b) AUTHORITY.—Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (18), by striking ‘‘or’’ at the end;

(2) in paragraph (19), by striking the period and inserting ‘‘; or’’;

(3) by inserting after paragraph (19) the following:

‘‘(20) under subsection (a), of withholding of income from a debtor’s wages and collection of amounts withheld, pursuant to the debtor’s authorization, the withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

‘‘(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); and

‘‘(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.”; and

(4) by adding at the end of the flush material following paragraph (20) the following: ‘‘Paragraph (20) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (20) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.”.

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a)(9) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking ‘‘or’’ at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting ‘‘; or’’; and

(3) by adding at the end of the following:

‘‘(19) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.

Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.”.

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

‘‘(f) A plan may not materially alter the terms of a loan described in section 362(b)(20).’’

SEC. 321. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

(a) Section 507(a) of title 11, United States Code, is amended by inserting after paragraph (5) the following:

‘‘(6) Eighth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug or another substance.’’

(b) Section 529(a)(9) of title 11, United States Code, is amended by inserting ‘‘or vessel’’ after ‘‘vehicle’’.

SEC. 332. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

‘‘(4) by adding at the end of the flush material following paragraph (3) and by inserting after paragraph (1) the following:

‘‘(2) The plan shall be confirmed if—

‘‘(A) the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B);

‘‘(B) the amounts under subparagraph (A) equal or exceed the debtor’s projected disposable income for the applicable period; and

‘‘(C) the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.’’

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

‘‘(2) A modification of the plan under this section to increase payments based on an increase in the debtor’s disposable income may not require payments to unsecured creditors in any particular manner that is greater than the debtor’s disposable income for that month unless the debtor proposes such a modification.

‘‘(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.’’.

SEC. 335. AMENDMENT TO SECTION 1325 OF TITLE 11, UNITED STATES CODE.

Section 1325 of title 11, United States Code, is amended by inserting ‘‘(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law and which is reasonably necessary to be expended)’’ after ‘‘received by the debtor’’.

SEC. 336. PROTECTION OF SAVINGS EARMARKED FOR THE POSTSECONDARY EDUCATION OF CHILDREN.

Section 512(b) of title 11, United States Code, is amended by inserting ‘‘(1) in paragraph (5), by striking ‘‘or’’ at the end;

(2) by redesignating paragraph (5) as paragraph (7); and

(3) by inserting after paragraph (4) the following:

‘‘(5) except as otherwise provided under applicable State law, any funds placed in a qualified State tuition program (as described in section 529(f) of the Internal Revenue Code of 1986) at least 180 days before the date of entry of the order for relief;

‘‘(6) any funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) at least 180 days before the date of entry of the order for relief; or’’.

TITLE IV—FINANCIAL INSTRUMENTS

SEC. 401. BANKRUPTCY CODE AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CON-TRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

‘‘(A) in paragraph (2)—

(i) by striking ‘‘means a contract’’ and inserting ‘‘means—’’;

‘‘(A) a contract’’;

(ii) by striking ‘‘, or any combination thereof or option thereof’’; and inserting ‘‘, or any other similar agreement’’; and

(iii) by adding at the end the following:

‘‘(B) a combination of agreements or transactions referred to in subparagraph (A) and (C);’’

‘‘(C) an option to enter into an agreement or transaction referred to in subparagraph (A) (B);’’

‘‘(D) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to such master netting agreement, without regard to whether such master netting agreement provides for an agreement or transaction that is not a forward contract under the Act, except that such master netting agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), or (C); or

‘‘(E) a security agreement or arrangement, or other credit enhancement, related to any agreement, a contract, option, or transaction referred to in subparagraph (A), (B), (C), or (D);’’

(b) MODIFICATION OF PLAN.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

‘‘(4) ‘‘repurchase agreement’’ and ‘‘reverse repurchase agreement’’—

‘‘(A) mean—

‘‘(i) an agreement, including related terms, that provides for the transfer of—

‘‘(I) a certificate of deposit, mortgage related security (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loan, interest in a mortgage related security or mortgage loan, eligible banks’ acceptance, or qualified foreign government security (defined for purposes of this paragraph to mean a security that is a direct obligation of, or is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development); or

‘‘(ii) a security that is a direct obligation of, or that is fully guaranteed by, the United States or an agency of the United States against the transfer of funds by the transferee of such certificate of deposit, eligible bankers’ acceptance, security, loan, or interest; with a simultaneous agreement by such transferee to transfer to the transferee therefor a certificate of deposit, eligible bankers’ acceptance, security, loan, or interest of the kind described in clause (i) or (ii), at a date certain that is not later than 180 days after the date of the transferor’s transfer or on demand, against the transfer of funds;”
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“(ii) a combination of agreements or transactions referred to in clauses (i) and (iii);

“(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

“(iv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to such master netting agreement and with regard to whether such master netting agreement contains an agreement or transaction described in any such clause, but only with respect to each agreement or transaction referred to in any such clause that is under such master netting agreement, except that

“(B) the definition under subparagraph (A) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Investment Company Act of 1940, the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the

Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, and the regulations prescribed by the Securities and Exchange Commission or the Commodity Futures Trading Commission.”;

“(2) in section 741, by striking paragraph (7) and inserting the following:

“(7) `securities contract’—

“(A) means—

“(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or an interest in a mortgage loan, a group or index of securities, certificates of deposit, mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

“(ii) a margin loan;

“(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

“(vi) a combination of the agreements or transactions referred to in this subparagraph;

“(vii) an option entered into on a national securities exchange relating to foreign currencies;

“(viii) the guarantee by or to a securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any of the foregoing;

“(ix) a futures contract;

“(x) a securitySwap;

“(xi) a securityForward;

“(xii) an agreement or transaction referred to in this subparagraph;

“(xiii) an option to enter into an agreement or transaction referred to in this subparagraph;

“(xiv) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (vi), or (vii), together with all supplements to such master netting agreement, without regard to whether such master netting agreement or transactions referred to in this subparagraph;

“(xv) a combination of agreements or transactions referred to in this subparagraph;

“(xvi) an option to enter into an agreement or transaction referred to in this subparagraph;

“(xvii) a master netting agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (vi), (vii), or (xv), together with all supplements to such master netting agreement, without regard to whether such master netting agreement or transactions referred to in this subparagraph;

“(xviii) a combination of agreements or transactions referred to in this subparagraph;

“(xix) an option to enter into an agreement or transaction referred to in this subparagraph;

“(xx) a securities contract, as defined in section 78a(2) of the Securities Exchange Act of 1934, without regard to whether such securities contract is a commodity contract or forward contract; and

“(xxi) any other agreement or transaction referred to in this subparagraph.”;

“(C) by striking paragraph (53B) and inserting the following:

“(53B) `master participant’ means an entity that—

“(A) is a party to a securities contract, commodity contract or forward contract;

“(B) on the date of the filing of the petition under this title, has a netting agreement or series of netting agreements with one or more of the debtors or any other entity (other than an affiliate of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any date during the previous 15-month period; and

“(C) has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in an agreement or transaction under subparagraph (A) with the debtor or any other entity (other than an affiliate of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any date during the previous 15-month period); and

“(D) does not include a purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;”;

“(E) by striking paragraph only with respect to each agreement or transaction referred to in this paragraph; and

“(F) by adding at the end the following:

“(G) a combination of the agreements or transactions referred to in this paragraph;

“(H) an option to enter into an agreement or transaction referred to in this paragraph;

“(I) a master netting agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), or (H), together with all supplements to such master netting agreement, without regard to whether such master netting agreement or transactions referred to in this paragraph only with respect to each agreement or transaction under such master netting agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

“(J) a securitySwap, or other credit enhancement, related to any agreement or transaction referred to in this paragraph.

“Definitions of Financial Institution, Financial Participant, and Forward Contract Merchant.—Section 101 of title 11, United States Code, is amended—

“(B) by striking paragraph (22) and inserting the following:

“(22) `financial institution’ means—

“(A) a Federal reserve bank, or any entity that is commercial or industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity; and

“(B) if such Federal reserve bank, receiver, or conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer;”;

“(C) by striking paragraph (26) and inserting the following:

“(26) `forward contract merchant’ means a Federal reserve bank, or an entity, the business of which consists in whole or in part of entering into forward contracts as or with merchants or in a commodity, as defined or redefined in section 761, or any similar good, article, service, right, or interest that is presently or in the future becomes the subject of dealing on or off a forward contract;

“(c) Definition of Master Netting Agreement and Master Netting Agreement Participant.—Section 101 of title 11, United States Code, is amended—

“(B) by striking paragraph (38) and inserting after paragraph (38) the following new paragraphs:—

“(38A) the term `master netting agreement’—

“(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with any series of agreements described in any 1 or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to 1 or more of the foregoing; except that

“(B) if a master netting agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), the master netting agreement shall be deemed to be a master netting agreement with respect to those agreements or transactions that are described in any 1 or more of paragraphs (1) through (5) of section 561(a); and

“(C) the term ‘master netting agreement participant’ means an entity that, at any time before the filing of the petition, is a
party to an outstanding master netting agreement with the debtor;

(d) Swap Agreements, Securities Contracts, Forward Contracts, Repurchase Agreements, and Master Netting Agreements under the Automatic Stay;

(1) In general.—Section 362(b) of title 11, United States Code, as amended by section 330 of this Act, is amended—

(A) in paragraph (6), by inserting "; and" and under the control of," after "held by;"

(B) in paragraph (7), by inserting "; and" to, and under the control of," after "held by;"

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant of a mutual debt and claim under or in connection with a swap agreement that constitutes the setoff of a claim against the debtor for a payment or transfer due from the debtor under or in connection with a swap agreement against a payment due to the debtor from the swap participant under or in connection with a swap agreement against cash, securities, or other property held by, pledged to, and under the control of, due from such swap participant to guarantee, secure, or settle a swap agreement.

(D) in paragraph (19), by striking "or" at the end;

(E) in paragraph (20), by striking the period at the end and inserting "; or"; and

(F) by inserting after paragraph (20) the following:

"(22) under subsection (a) of the setoff by a master netting agreement participant of a mutual debt and claim, to the extent such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue."

(2) Limitation.—Section 362 of title 11, United States Code, as amended by section 432(e) of this Act, is amended by adding at the end the following:

"(i) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), or (17) of subsection (b) shall not be stayed by an order of a court or administrative agency in any proceeding under this title;

(e) Limitation of Avoidance Powers Under Master Netting Agreement.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g), as added by section 103 of Public Law 101-311 (104 Stat. 267 et seq.), by striking "under a swap agreement"; and

(B) by striking "under a swap agreement"; and

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(e) a master netting agreement participant that receives a transfer in connection with a swap agreement with any individual contract covered thereby takes for value to the extent of such transfer, except, with respect to a transfer under any individual contract, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.

(f) Termination or Acceleration of Securitizations Contracts.—Section 555 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 555. Contractual Right to liquidate, terminate, or accelerate a securitization contract; and

and

(2) in the first sentence, by striking "liq-

uidation" and inserting "liquidation, termi-

nation, or acceleration.

(g) Termination or Acceleration of Com-

modities or Forward Contracts.—Section

556 of title 11, United States Code, is ame-

nded—

(1) by striking the section heading and in-

serting the following:

"§ 556. Contractual Right to liquidate, termi-

nate, or accelerate a commodities or forward contract; and

and

(2) in the first sentence, by striking "liq-

uidation" and inserting "liquidation, termi-

nation, or acceleration.

(h) Termination or Acceleration of Repur-

chase Agreements.—Section 559 of title 11, United States Code, is amended—

(1) by striking the section heading and in-

serting the following:

"§ 559. Contractual Right to liquidate, termi-

nate, or accelerate a repurchase agreement; and

and

(2) in the first sentence, by striking "liq-

uidation" and inserting "liquidation, termi-

nation, or acceleration.

(i) Liquidation, Termination, or Acceleration of Swap Agreements.—Section 560 of title 11, United States Code, is amended—

(1) by striking the section heading and in-

serting the following:

"§ 560. Contractual Right to liquidate, termi-

nate, or accelerate a swap agreement; and

(2) by inserting "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of a swap agreement"; and

(k) Liquidation, Termination, Acceleration, or Offset Under a Master Netting Agreement and Across Contracts.—Title 11, United States Code, is amended by inserting after section 560 the following new section:

"§ 561. Contractual Right to liquidate, terminate, accelerate, or offset under a master netting agreement and across contracts

(a) Subject to subsection (b), the exercise of any contractual right, because of a condition described in subsection (d) of section 365(l), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts or other transaction obligations arising under or in connection with 1 or more (or the termination, liquidation, or acceleration of 1 or more—

(1) securities contracts, as defined in section 741(l); and

(2) commodity contracts, as defined in section 761(4);

and

(3) forward contracts; and

(4) repurchase agreements; and

(5) swap agreements; and

(b) Master netting agreements, shall be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title;

(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could otherwise exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement.

(2) A party may not exercise a contractual right described in subsection (a) to offset or net obligations or in connection with, a commodity contract against obligations arising under, or in connection with, any instrument listed in subsection (a), if the obligations are not mutual.

(B) if a debtor is a commodity broker subject to subchapter IV of chapter 7, a party may not exercise an obligation to the debtor arising under, or in connection with, a commodity contract against any claim arising under, or in connection with, other instruments if that party has not positive net equity in the commodity account of the debtor, as calculated under subchapter IV.

"In this use of the term "contractual right" includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or the relevant clearing agency in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

(i) Municipal Bankruptcy.—Section 901 of title 11, United States Code, is amended—

(1) by inserting ", 555, 556" after "553"; and

(2) by inserting ", 559, 560, 561, 562" after "557";

(2) in the first sentence, by striking "liq-

uidation" and inserting "liquidation, termi-

nation, or acceleration.

(j) Liquidation, Termination, or Acceleration of Securities Contracts and Forward Contracts, or Master Netting Agreements, or Repurchase Agreements, or Securities Clearing, Swap, or Master Netting Agreements shall apply in a case ancillary to a foreign proceeding under this section or any other section of this title, so that enforce-

ance of contractual and agreement provisions of such con-

tracts and agreements in accordance with their terms—

(1) shall not be stayed or otherwise limited by—

(A) operation of any provision of this title;

and

(B) order of a court in any case under this title;

(2) shall limit avoidance powers to the same extent as in a proceeding under chapter 7; and

(3) shall not be limited based on the presence or absence of assets of the debtor in the United States.

(n) Commodity Broker Liquidations.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securities clearing agencies, swap participants, and master netting agreement participants

(1) Any understanding or arrangement involving provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, or master netting agreement participant under this title shall not affect the
priority of any unsecured claim it may have after the exercise of such rights or affect any provision of this subchapter relating to customer property or distributions.

(2) in the table of sections for chapter 7—
(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, financial institutions, securitizations clearing agencies, swap participants, repo participants, and master netting agreement participants."

Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of rights or any provision of this subchapter relating to customer property or distributions.

(p) SETOFF.—Section 553 of title 11, United States Code, is amended—
(1) in subsection (a)(3)(C), by inserting "(except for a setoff of a kind described in section 362(b)(6), 362(b)(17), 362(b)(21), 555, 556, 559, 560, or 561)" before the period; and
(2) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(21), 555, 556, 559, 560, 561.".

(q) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—
(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant;"
(2) in section 546(e), by inserting "financial participant after "financial institution;";
(3) in section 548(d)(2)(B), by inserting "financial participant after "financial institution;";
(4) in section 555—
(A) by inserting "financial participant after "financial institution;"; and
(B) by inserting after the period ", a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing body thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice;"; and
(5) in section 556, by inserting "financial participant after "commodity broker"."

(r) TECHNICAL AND CONFORMING AMENDMENTS.—Section 104 of title 11, United States Code, is amended by adding at the end the following:

"(c) Exception for Certain Defined Terms.—No adjustments shall be made under this section to the dollar amounts set forth in the definition of the term "financial participant" in section 101 (22A)."

(s) CONFORMING AMENDMENTS.—Title 11 of the United States Code is amended—
(1) in the table of sections for chapter 5—
(A) by striking the items relating to sections 535 and 556 and inserting the following:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.
556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract."

(B) by striking the items relating to sections 559 and 560 and inserting the following:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.
560. Contractual right to liquidate, terminate, or accelerate a swap agreement."

and
(C) by adding after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts."

and
(2) in the table of sections for chapter 7—
(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, financial institutions, securitizations clearing agencies, swap participants, repo participants, and master netting agreement participants."

and
(B) by inserting after the item relating to section 762 the following:

"763. Stockbroker liquidation and forward contract participants.
764. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, securitizations clearing agencies, swap participants, repo participants, and master netting agreement participants."

SEC. 402. DAMAGE MEASURE.

(a) IN GENERAL.—Title 11, United States Code, is amended after section 563 (as added by section 401(b)) the following:

"§ 562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodities contracts, repurchase agreements, or master netting agreements.

If the trustee rejects a swap agreement, securities contract as defined in section 741, forward contract, repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securitizations clearing agency, repo participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates any such contract or agreement, damages shall be measured as of the earlier of—
(1) the date of such rejection; or
(2) the date of such liquidation, termination, or acceleration.

(b) CLAIMS ARISING FROM REJECTION.—Section 502(g) of title 11, United States Code, is amended—
(1) by designating the existing text as paragraph (1); and
(2) by adding at the end the following new paragraph:

"(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), (c) or (e) of this section or disallowed under subsection (d) or (e) of this section as if such claim had arisen before the date of the filing of the petition."

SEC. 403. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, as amended by section 336 of this Act, is amended—
(1) in subsection (b)—
(A) by striking "or" at the end of paragraph (6); and
(B) by redesigning paragraph (7) as paragraph (8);
(2) by inserting after paragraph (6) the following:

"(7) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by reason of avoidance under section 546(a); or";
and
(3) by adding at the end the following new subsection:

"(e) In this section:

(1) The term "asset-backed securitization" means any transaction in which eligible assets (including interests therein and proceeds thereof), either fixed or revolving, including residential and commercial mortgage loans, consumer receivables, trade receivables, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;
(C) cash; and
(C) securities.
(2) The term "eligible asset" means—
(A) an issuer; or
(B) a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.
(3) The term "issuer" means a trust, corporation, partnership, or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto.
(5) The term "transferred", means, with respect to a debtor, that the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(3), without regard to—
(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;
(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or
(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.

SEC. 404. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following:

"(g) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor may not, solely because a consumer has not incurred finance charges in connection with an extension of credit, deny the consumer—
(1) refuse to renew or continue to offer the extension of credit to that consumer; or
(2) charge a fee to that consumer in lieu of a finance charge."

SEC. 405. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(10) of title 11, United States Code, is amended—
(1) by striking "dwelling" the first place it appears;
(2) by striking "ownership or" and inserting "ownership;";
(3) by striking "hiring the first place it appears; and
(4) by striking "but only" and all that follows through "such period," and inserting "or a lot in a homeowners association, for as
[Section 603 of title 11, United States Code, is amended—]

(1) in subsection (a), by striking “Notwithstanding section 1915, the parties” and inserting “Subject to subsection (f), the parties”; and

(2) by adding at the end the following:

“(f)(1) The Judicial Conference of the United States shall prescribe procedures for waiving fees under this subsection.

“(2) Under the procedures described in paragraph (1), the district court or the bankruptcy court may waive a filing fee described in paragraph (3) for a case commenced under chapter 7 of title 11 if the court determines that an individual debtor is unable to pay that fee in installments.

“(3) A filing fee referred to in paragraph (2) is—

“(A) a filing fee under subsection (a)(1); or

“(B) any other fee prescribed by the Judicial Conference of the United States under subsection (b) that is payable to the clerk of the district court or the bankruptcy court upon the commencement of a case under chapter 7 of title 11.

“(4) In addition to waiving a fee described in paragraph (2), the district court or the bankruptcy court may waive any other fee prescribed under subsection (b) if the court determines that the individual is unable to pay that fee in installments.

SEC. 407. APPLICABILITY.

The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law after the date of enactment of this Act.

TITLe V—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 501. AMENDMENT TO ADD CHAPTER 6 TO TITLE 11, UNITED STATES CODE.

(a) In General.—Title 11, United States Code, is amended by inserting after chapter 5 the following:

“CHAPTER 6—ANCILLARY AND OTHER CROSS-BORDER CASES

“Sec.

601. Purpose and scope of application.

602. Definitions.

603. International obligations of the United States.

604. Commencement of ancillary case.

605. Authorization to act in a foreign country.

606. Public policy exception.

607. Additional assistance.

608. Interpretation.

SUBCHAPTER I—GENERAL PROVISIONS

601. Purpose and scope of application.

602. Definitions.

603. International obligations of the United States.

604. Commencement of ancillary case.

605. Authorization to act in a foreign country.

606. Public policy exception.

607. Additional assistance.

(a) Nothing in this chapter limits the power of the court, upon recognition of a foreign proceeding, to provide additional assistance to a foreign representative under this title or under other laws of the United States.

(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

(1) just treatment of all holders of claims against or interests in the debtor’s property;

(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

(3) prevention of preferential or fraudulent dispossession of property of the debtor;

(4) distribution of proceeds of the debtor’s property substantially in accordance with the order prescribed by this title; and

(5) if appropriate, an opportunity for a fresh start for the individual that such foreign proceeding concerns.
§ 608. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT"

§ 609. Right of direct access

"(a) A foreign representative is entitled to commence a case under section 604 by filing a petition for recognition under section 615, and upon approval to appear directly to other Federal and State courts for appropriate relief in those courts.

"(b) Upon recognition, and subject to section 616, a foreign representative shall have the capacity to sue and be sued.

"(c) Recognition under this chapter is prerequisite to the granting of comity or cooperation to a foreign representative in any Federal or State court in the United States. Any request for comity or cooperation by a foreign representative in any court shall be accompanied by a sworn statement setting forth whether recognition under section 615 has been sought and the status of any such petition.

"(d) Upon denial of recognition under this chapter, the court may appropriate orders necessary to prevent an attempt to obtain comity or cooperation from courts in the United States without such recognition.

§ 610. Limited jurisdiction

"The sole fact that a foreign representative files a petition under sections 604 and 615 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

§ 611. Commencement of case under section 301 or 303

(a) Upon filing a petition for recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302 if the foreign proceeding is a foreign main proceeding.

(b) The petition commencing a case under subsection (a) must be accompanied by a statement describes the petition for recognition and its current status. The court where the petition for recognition has been filed must be advised of the foreign representative's commencement of a case under subsection (a) prior to such commencement.

(c) A case under subsection (a) shall be dismissed unless recognition is granted.

§ 612. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in that proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

§ 613. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

"(b) Subsection (a) does not change or codify law in effect on the date of enactment of this chapter as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

"(c) A foreign representative or another person, including an examiner, in order to protect and preserve assets; and

"(d) The court is entitled to so presume.

§ 614. Notification to foreign creditors concerning a case under this title

"(a) Whenever in a case under this title notice is to be given to creditors generally or to any class of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have adequate means by which to obtain such notice.

"(b) The notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, the notification would be more appropriate. No letters rogatory or other similar formality is required.

"(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

"(1) indicate the time period for filing proofs of claim and specify the place for their filing;

"(2) indicate whether secured creditors need to file their proofs of claim; and

"(3) contain any other information required to be included in such a notification to creditors pursuant to this title and the orders of the court.

"(d) Any order of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

"SUB CHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

§ 615. Application for recognition of a foreign proceeding

"(a) A foreign representative applies to the court in which the foreign proceeding is proceeding in which the foreign representative has been appointed by filing a petition for recognition.

"(b) A petition for recognition shall be accompanied by—

"(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

"(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative;

"(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

"(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor or that are known to the foreign representative.

"(d) The documents referred to in paragraphs (1) and (2) of subsection (b) must be translated into English. The court may require a translation into English of additional documents.

§ 616. Presumptions concerning recognition

"(a) If the decision or certificate referred to in section 615(b) indicates that the foreign proceeding is a foreign proceeding, within the meaning of section 101(23) and that the foreign representative is a foreign representative, within the meaning of section 101(24), the court is entitled to so presume.

"(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not the documents have been subjected to legal processing under United States law;

"(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

§ 617. Order recognizing a foreign proceeding

"(a) Subject to section 606, an order recognizing a foreign proceeding shall be entered if—

"(1) the foreign proceeding is a foreign main proceeding or a foreign nonmain proceeding under the meaning of section 602 in the foreign country where the proceeding is pending.

"(c) A petition for recognition of a foreign proceeding shall be denied if the court is of the opinion that recognition under section 615.

"(d) The provisions of a subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the granting of recognition.

The case under this chapter may be closed in the manner prescribed for a case under section 350.

§ 618. Subsequent information

"After the petition for recognition of the foreign proceeding is filed, the foreign representative shall file with the court promptly a notice of change of status concerning—

"(1) any substantial change in the status of the foreign proceeding, including of the foreign representative's appointment; and

"(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

§ 619. Relief that may be granted upon petition for recognition of a foreign proceeding

"(a) Beginning on the date on which a petition for recognition of the foreign proceeding is filed and ending on the date on which the petition is decided upon, the court may, at the request of the foreign representative, if relief is urgently needed to protect the property or the interests of the creditors, grant relief of a provisional nature, including—

"(1) staying execution against the debtor's assets;

"(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to a foreign representative or another person, including an examiner, designated by the court, including examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation, or otherwise in jeopardy; and

"(3) any relief referred to in paragraph (3), (4) of section 623 of this title.

"(b) Unless extended under section 621(a)(6), the relief granted under this section

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terminates when the petition for recognition is decided upon.

"(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including an examiner designated by the court, to the extent that is provided for property of an estate under sections 363, 549, and 552.

"(2) Unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the powers of a trustee under section 549, subject to sections 363 and 552.

"(b) The scope, and the modification or termination, of the stay and restraints referred to in subsection (a) are subject to the exceptions and limitations provided in subsections (b) and (d) of section 362, subsections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560.

"(c) Subsection (a) does not affect the right to commence individual actions or proceedings in a foreign country to the extent necessary to preserve a claim against the debtor.

"(d) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

§ 621. Relief that may be granted upon recognition of a foreign proceeding

"(a) Upon recognition of a foreign proceeding, the court may, upon the request of a foreign representative or another interested entity, grant any appropriate relief, including—

"(1) staying the commencement or continuance of actions or proceedings concerning the debtor's assets, liabilities, obligations, or liens to the extent that such actions or proceedings have been stayed under section 602(a);

"(2) staying execution against the debtor's assets to the extent the execution has not been stayed under section 620(a);

"(3) if to transfer, encumber, or otherwise dispose of any assets of the debtor to the extent that such assets may be transferred, encumbered, or otherwise disposed of by the court in a case under another chapter of this title after recognition of a foreign main proceeding—

"(1) any relief granted under section 619 or 621 to conditions that under sections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560;

"(2) any relief granted under section 619 or 621 to conditions that under sections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560;

"(c) In granting relief under section 619 or 621 to conditions that under sections (b) and (c) of section 363, and sections 552, 555 through 557, 559, and 560;

"(d) the court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, unless the court considers to be appropriate.

§ 622. Protection of creditors and other interested persons

"(a) The court may grant relief under section 619 or 621, or modify or term relief under subsection (c), if the court finds that the interests of the creditors or other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 619 or 621, or at its own motion, modify or terminate the relief.

"§ 623. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending in another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) In any case in which the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding.

"§ 624. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a Federal or State court in the United States in which the debtor is a party.

"§ 625. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) In all matters included within section 603, the court shall cooperate with the foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of persons in interest to notice and participation.

"§ 626. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) In all matters included within section 603, a proceeding involving an examiner, designated by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, designated by the court, is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§ 627. Forms of cooperation

"cooperaAon referred to in sections 625 and 626 may be implemented by any approAate means, including—

"(1) appointment of an examiner, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"§ 628. Commencement of a case under this title after recognition of a foreign main proceeding

"Upon recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of an order for relief may be extended to other assets of the debtor that are within the territorial jurisdiction of the United States or, to the extent necessary to implement cooperation and coordination under sections 625, 626, and 627, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

§ 629. Commencement of a case under this title and a foreign proceeding

"In any case in which a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court may coordinate the administration and coordination under sections 625, 626, and 627, and the following shall apply:

"(1) if the case in the United States is taking place at the time that the foreign proceeding is filed—

"(A) any relief granted under section 619 or 621 shall be consistent with the relief granted in the case in the United States;

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 620 does not apply.

"(2) if a Case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) if the foreign proceeding is a foreign main proceeding under section 619 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 620(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) in granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court shall be satisfied that the relief relates to assets that, under the law of the United States, should be
administered in the foreign nonmain proceeding or concerns information required in that proceeding.

(4) In achieving cooperation and coordination under sections 628 and 629, the court may grant any of the relief authorized under section 305.

§ 630. Coordination of more than 1 foreign proceeding.

In matters referred to in section 601, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 625, 626, and 627, and the following shall apply:

(1) Any relief granted under section 101 or 621 to a representative of a foreign nonmain proceeding in recognition of a foreign nonmain proceeding shall be consistent with the foreign main proceeding.

(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 629 or 621 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

(3) If, after recognition of a foreign nonmain proceeding another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

§ 631. Presumption of insolvency based on recognition of a foreign main proceeding.

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is evidence of insolvency of the debtor. If a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

§ 632. Rule of payment in concurrent proceedings.

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign main proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the creditors of the same class is proportionately less than the payment the creditor has already received.".

(2) Clerical Amendment.—The table of chapter sections of this title, as amended by section 422, is amended by inserting after the item relating to chapter 5 the following: "§ 601—Miscellaneous.

SEC. 601. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Section 365(d) of title 11, United States Code, is amended by inserting paragraph (4) and inserting the following:

(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is lessee shall be deemed rejected and the trustee shall immediately surrender and repossess the nonresidential real property to the lessor if the trustee does not assume or reject the unexpired lease by the earlier of—

(i) the date that is 120 days after the date of the order for relief; or

(ii) the date of the entry of an order confirming a plan.

(8) The court may extend the period determined under subparagraph (A) only upon a motion of the lessor.

SEC. 602. EXPEDITED APPEALS OF BANKRUPTCY COURT ORDERS

(a) In General.—Section 158 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (d)(1); and

(2) by inserting after subsection (c) the following:

(d)(1) Any final judgment, decision, order, or decree of a bankruptcy court judge entered for a case in accordance with section 157 may be appealed by any party in such case to the appropriate court of appeals if—

(A) the order for relief, or decree of a bankruptcy judge entered for a case in accordance with section 157 may be appealed by any party in such case to the appropriate court of appeals if—

(B) the order for relief, or decree of a bankruptcy judge entered for a case in accordance with section 157 may be appealed by any party in such case to the appropriate court of appeals if—

(2) On the date that an appeal is filed with a court of appeals under paragraph (1), the chief judge for such court of appeals shall issue an order to the clerk for the district court from which the appeal is filed. Such order shall direct the clerk to enter the final judgment, decision, order, or decree of the bankruptcy judge as the final judgment, decision, order, or decree of the district court.

SEC. 603. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

SEC. 602. AMENDMENTS TO OTHER CHAPITERS IN TITLE 11, UNITED STATES CODE.

(a) Applicability of Chapters.—Section 303 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: "; and this chapter, sections 555 through 557, 559, and 560 apply in a case under chapter 6;"; and

(2) by adding at the end the following:

(j) Chapter 6 applies only in a case under such chapter, except that section 605 applies to trustees and to any other entity, including an examiner, designated by the court under chapter 7, 11, or 12, to debtors in possession under chapter 11 or 12, and to debtors under chapters 9 and 13 who are authorized to act under section 605.".

(b) Definitions.—Paragraphs (23) and (24) of section 11 of United States Code, are amended to read as follows:

'§ 620. Limitation.

Section 546(c)(1)(B) of title 11, United States Code, is amended by inserting "20" and inserting "45".

SEC. 607. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, as amended by section 403 of this Act, is amended by adding at the end the following:

"(i) Notwithstanding paragraphs (2) and (3) of section 546, the trustee may not avoid a nonbankruptcy lien on personal property, real property, or other costs incidental to the storage and handling of goods, as provided by an
applicable State law that is similar to section 7-209 of the Uniform Commercial Code.”.

SEC. 608. AMENDMENT TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE
Section 330(a)(3)(A) of title 11, United States Code, is amended—
(1) by inserting “or” after “determining the amount of reasonable compensation to be awarded a trustee, the court shall treat such compensation as a commission based on the results achieved.” after “(3)(A)”; and
(2) by inserting “to an examiner, chapter 11 trustee, or professional person” after “awarded”.

TITLE VII—TECHNICAL CORRECTIONS
SEC. 701. ADJUSTMENT OF DOLLAR AMOUNTS
Section 101 of title 11, United States Code, is amended by inserting “522(f)(3), 707(b)(5),” after “522(d),” each place it appears.

SEC. 702. EXTENSION OF TIME
Section 108(c)(2) of title 11, United States Code, is amended by striking “922” and all that follows through “or”, and inserting “922, 1201, or”.

SEC. 703. WHO MAY BE A DEBTOR
Section 109(b)(2) of title 11, United States Code, is amended by striking “subsection (c)” and inserting “attorneys”.

SEC. 704. PENALTY FOR PERSONS WHO NEG- LIGENTLY OR FRAUDULENTLY PRE- PARE BANKRUPTCY PETITIONS
Section 111(a) of title 11, United States Code, is amended by striking “attorney’s” and inserting “attorneys”.

SEC. 705. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS
Section 328(a) of title 11, United States Code, is amended by inserting “on a fixed or percentage fee basis,” after “hourly basis,”.

SEC. 706. SPECIAL TAX PROVISIONS
Section 346(g)(1)(C) of title 11, United States Code, is amended by striking “, except” and all that follows through “1986.”.

SEC. 707. EFFECT OF CONVERSION
Section 348(f)(2) of title 11, United States Code, is amended by inserting “of the estate” after “property” the first place it appears.

SEC. 708. AUTOMATIC STAY
Section 362(a) of title 11, United States Code, as amended by section 315 of this Act, is amended—
(1) in subsection (a)(3), by striking “(i)” and inserting “(i)”.
(2) by inserting “and” after “(i)”.

SEC. 709. ALLOWANCE OF ADMINISTRATIVE EX- PENSES
Section 503(b)(4) of title 11, United States Code, is amended by inserting “subparagraph (A), (B), (C), (D), or (E)” of before “paragraph (3)”.

SEC. 710. PRIORITIES
Section 707(a) of title 11, United States Code, as amended by section 325 of this Act, is amended—
(1) in paragraph (3)(B), by striking the semicolon at the end and inserting “;” and
(2) in paragraph (7), by inserting “unse- cured” after “allowed”.

SEC. 711. EXEMPTIONS
Section 522 of title 11, United States Code, as amended by section 320 of this Act, is amended—
(1) in subsection (f)(1)(A)(i)(I)Ð
(A) by striking “a liability desig- nated as” and inserting “is for a liability that is designated as, and is actually in the nature of,”; and
(B) by striking “,” unless and all that follows through “support”; and
(2) in subsection (g)(2), by striking “sub- section (f)” and inserting “subsection (f)(1)(B)”; and

SEC. 712. EXCEPTIONS TO DISCHARGE
Section 523 of title 11, United States Code, as amended by section 315 of this Act, is amended—
(1) in subsection (a)(3), by striking “or (6)” and inserting “(5)”.
(2) as amended by section 304(e) of Public Law 103–309 (108 Stat. 4133), in paragraph (14A) of subsection (a),
(3) in subsection (a)(9), by inserting “; watercraft, or aircraft” after “motor ve- hicle”;
(4) in subsection (a)(15), as so redesignated by paragraph (2) of this subsection, by insert- ing “to a spouse, former spouse, or child of the debtor and” after “(15)”; and
(5) in subsection (a)(17)—
(A) by striking “by a court” and inserting “on a prisoner by any court”;
(B) by striking “under sections 1915 (b) or (f)” and inserting “subsection (b) or (f)”;
(6) in subsection (a)(18), by inserting “(i) the service of any trustee appointed under section 326(b); (ii) the service of a chapter 13 trustee; (iii) the service of a chapter 7 trustee; (iv) the service of a chapter 9 trustee; (v) the service of an examiner; (vi) the service of a chapter 11 trustee; (vii) the service of a chapter 12 trustee; or (viii) the service of a chapter 13 trustee;”.

SEC. 713. EFFECT OF DISCHARGE
Section 524(a)(3) of title 11, United States Code, amended by striking “section 523” and all that follows through “or” and inserting “section 523, 1228(a)(1), or 1328(a)(1)” of this title, or that”.

SEC. 714. PROTECTION AGAINST DISCRIMINA- TION AND DETERMINATION ON INSURANCE
Section 525(c) of title 11, United States Code, is amended—
(1) in paragraph (1), by inserting “student” before “grant” the second place it appears; and
(2) in paragraph (2), by striking “the program operated under part B, D, or E of” and inserting “any program operated under”.

SEC. 715. PROPERTY OF THE ESTATE
Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting “365 or” or before “542”.

SEC. 716. PREFERENCES
Section 547 of title 11, United States Code, is amended—
(1) in subsection (b), by striking “sub- section (c)” and inserting “subsections (c) and (h)” and
(2) by adding at the end the following: “(h) If the trustee avoids under subsection (b) a security interest given between 90 days and 1 year before the date of the filing of the petition, be the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such security interest shall be considered to be avoided under this section only with respect to the creditor that is an insider.”.

SEC. 717. POSTPETITION TRANSACTIONS
Section 547(c) of title 11, United States Code, is amended—
(1) by inserting “an interest in” after “transfer of”; and
(2) by striking “such property” and inserting “such real property” and
(3) by striking “the interest” and inserting “such interest”.

SEC. 718. TECHNICAL AMENDMENT
Section 552(b)(1) of title 11, United States Code, is amended by striking “products” each place it appears and inserting “product”.

SEC. 719. DISPOSITION OF PROPERTY OF THE ES- TATE
Section 726(b) of title 11, United States Code, is amended by striking “1099.”.

SEC. 720. GENERAL PROVISIONS
Section 903(a) of title 11, United States Code, as amended by section 401 of this Act, is amended by inserting “1123(d),” after “1123(b),”.

SEC. 721. APPOINTMENT OF ELECTED TRUSTEE
Section 1104(d) of title 11, United States Code, is amended—
(1) by inserting “(1)” after “(b)”; and
(2) by adding at the end the following: “(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election. Upon the filing of a report under the pre- ceeding sentence—
(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and
(ii) the service of any trustee appointed under subsection (d) shall terminate.
(2)(B) In the case of any dispute arising out of an election under subparagraph (A), the court shall resolve the dispute.”.

SEC. 722. ABANDONMENT OF RAILROAD LINE
Section 1177(e)(1) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 723. CONTENTS OF PLAN
Section 1121(2)(c) of title 11, United States Code, is amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 724. DISCHARGE UNDER CHAPTER 12
Sections 1221(h) and 1228(b)(1) of title 11, United States Code, are amended by striking “section 11347” and inserting “section 11326(a)”.

SEC. 725. EXTENSIONS
(1) in subparagraph (A), in the matter fol- lowing clause (ii), by striking “or October 1, 2002, whichever occurs first”; and
(2) in subparagraph (F) of clause (i) in the matter following paragraph (1) by inserting “(1) in clause (i) or (ii)”.

SEC. 726. BANKRUPTCY CASES AND PRO- CEEDINGS
Section 1334(d) of title 28, United States Code, is amended—
(1) by striking “made under this subsection” and inserting “made under subsection (c)”; and
(2) by striking “This subsection and subsection (c) and this subsection”.

SEC. 727. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first designated paragraph—
(A) by inserting “(1) the term” before “bankruptcy”; and
(B) by striking the period at the end and inserting “; and”; and
(2) in the second designated paragraph—
(A) by inserting “(2) the term” before “bankruptcy”; and
(B) by striking “this title” and inserting “title 11.”

SEC. 728. ROLLING STOCK EQUIPMENT

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment

(i) the right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security interest or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, if the retention or disposition of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that the right to take possession and enforce those other rights and remedies shall be subject to section 362, if—
(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court’s approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

(i) occurs before the date of commencement of the case and is an event of default thereunder before the expiration of such 60-day period;

(ii) occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

(I) the date that is 30 days after the date of the default or event of the default; or

(II) the expiration of such 60-day period; and

(iii) occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

(2) The equipment described in this paragraph—

(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court’s approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor of such equipment described in subsection (a)(1) to take possession is protected under subsection (a) and subject to subsection (b), the right of a secured party, lessor, or conditional vendor entitled under subsection (a)(1), to take possession of such equipment described in subsection (a)(1), if the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract and makes a written demand for such possession to the trustee.

"(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

(A) before the date that is 60 days after the date of the order is cured before the expiration of such 60-day period;

(B) after the date of the order and before the expiration of such 60-day period is cured before the later of—

(I) the date that is 30 days after the date of the default or event of the default; and

(II) the expiration of such 60-day period; and

"(iii) on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

(A) is—

(I) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 101(47) of title 11) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued under section 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

(II) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

(B) includes all records and documents relating to such equipment, whether held, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor or by the secured party, lessor, or conditional vendor, described in subsection (a)(1), to take possession of such equipment, if such security interest or conditional sale contract relating to such equipment, if such security interest or conditional sale contract is an executory contract, shall be deemed rejected.

(4) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

(A) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

(B) the term ‘security interest’ means a purchase-money equipment security interest.

(5) With respect to equipment first placed in service after October 22, 1994, for purposes of this section—

(A) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

(B) the term ‘security interest’ means a purchase-money equipment security interest.

(6) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

(A) the term ‘lease’ includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

(B) the term ‘security interest’ means a purchase-money equipment security interest.

(7) SEC. 729. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end; and

(2) in paragraph (3), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

(2) with respect to real property under subsection (a), by a creditor whose claim is secured by an interest in
such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

(A) a transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to subsection (c) shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except the debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 708 of this Act, is amended—

(1) in paragraph (25), by striking ‘‘or’’ at the end;

(2) in paragraph (26), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (26) the following:

‘‘(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in any property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that, the debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing;’’.

‘‘(28) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property.’’

‘‘(A) if the debtor is insolvent under subsection 109(g) to be a debtor in a bankruptcy case; or

(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.’’.

SEC. 730. STUDY OF OPERATION OF TITLE 11 OF THE UNITED STATES CODE WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Courts, the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11 of the United States Code and that prevent small businesses from successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President, pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 731. TRANSFERS MADE BY NONPROFIT OR CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking ‘‘only’’ and all that follows through the end of the subsection and inserting ‘‘only—’’;

‘‘(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneymaking, business, or commercial corporation or trust;’’.

‘‘(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.’’.

(b) CONFIRMATION PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

‘‘(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust, or commercial corporation or trust.’’.

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by section 403 of this Act, is amended by adding at the end the following:

‘‘(e) Notwithstanding any other provision of this title, property that is held by a debtor or that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.’’.

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may be heard in proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

SEC. 732. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 946. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; to the Committee on Energy and Natural Resources for joint use of the visitor center facility by the National Park Service, the Franklin D. Roosevelt Presidential Library, and the Franklin D. Roosevelt Institute.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site in Hyde Park, New York.

(b) VISITOR CENTER.—On the land transferred under subsection (a), the Archivist shall construct a visitor center facility to serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library.

(c) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE SITE.—Any transfer under this section shall be subject to an agreement between the Secretary and the Archivist that includes provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library.

(2) DISCONTINUANCE OF USE BY THE ARCHIVIST.—If the Archivist determines that it is in the best interest of the National Archives and Records Administration to discontinue use of the land transferred under subsection (a), the Archivist shall retransfer administrative jurisdiction over the land to the Secretary.

(d) LAND DESCRIPTION.—The land referred to in subsection (a) shall consist of not more...
than 1 acre of land, as agreed to by the Secretary and the Archivist and more particularly described in the agreement under subsection (c)(1).

By Mr. HOLLINGS (for himself and Mr. MCCAIN):

S. 947. A bill to amend federal law regarding the tolling of the Interstate Highway System; to the Committee on Environment and Public Works.

INTERSTATE TOLLS RELIEF ACT OF 1999

Mr. HOLLINGS. Mr. President, I rise to bring to your attention an issue of great national concern. We all remember the great debate that this chamber had last year during reauthorization of the federal highway bill, TEA-21. We all negotiated to get more funds for our states because we know that more investment in our highways means better, safer, and more efficient transportation for those who rely on roads for making deliveries, going to work or school, or just doing the grocery shopping. Transportation is the linchpin for economic development, and those states that have good, efficient transportation systems attract business development, ultimately raising standards of living. However, I think that we may have gone too far in authorizing states additional means to raise revenue for highway improvements. These means to raise revenue are not productive and hurt our system of transportation.

Specifically, I am concerned that states have too much flexibility to establish tolls on our Interstate highway system. For many states, the large increases in TEA-21 funding have satisfied the need to invest in infrastructure. Other states have found that they need to raise more money, and so they have raised their state fuel taxes or taken other actions to raise the needed revenue. These increases may be difficult to implement politically, but may go one too far in authorizing states additional means to raise revenue for highway improvements. These means to raise revenue are not productive and hurt our system of transportation.

In my opinion, the authority of states to put tolls on their Interstate highways in TEA-21 is an introduction of the Interstate Tolls Relief Act of 1999 to restrict Interstate toll authority. The debate over how best to go back to the genesis of our Republic, and contributed to our movement away from the Articles of Confederation to a more uniform system of government under the U.S. Constitution. Toll roads were the bane of commerce, in the early years of the Republic, as each state would attempt to toll the interstate traveling public to finance state public improvements. Ultimately, frustration with delay and uneven costs helped contribute to the adoption of Commerce Clause powers to help facilitate interstate and foreign trade. Those concerns hold true today, and I think that we in Congress must take a national perspective and promote interstate commerce.

I think that if one were to ask the citizens of the United States about tolls, they would ultimately conclude that Interstate tolls would reduce the efficiency of our Interstate highways, increase shipping costs, and make interstate travel more expensive and less convenient. Not to mention the safety problems associated with erecting toll booths and operating them to collect revenues.

Now, I recognize that tolls under certain circumstances may be a good idea, and my bill does not prevent states from tolling non-Interstate highways. My bill also does not affect tolls on highways where they are already in use, and states will continue to be able to rely on existing tolls for revenues. Furthermore, my bill recognizes that when funds must be found for a major Interstate bridge or tunnel project, states may have no other option but to use tolls to finance the project. They may continue to do so under my bill. I believe this is consistent with the original intent of authority granted for Interstate tolls. What my bill does is to prevent the proliferation of Interstate tolls, and restrict tolling authority for major bridges and tunnels. Mr. President, this bill is essential if we are to continue to have an Interstate Highway System that is safe and facilitates the efficient movement of Interstate commerce and personal travel. I urge the support of my colleagues.

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

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

S. 947

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Tolls Relief Act of 1999."

SEC. 2. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM REPEALED.

Section 1215(b) of the Transportation Equity Act for the 21st Century (112 Stat. 212-214) is repealed.

SEC. 3. TOLLS ON BRIDGES AND TUNNELS.

Section 129(a)(1)(C) of title 23, United States Code, is amended by striking "toll-free bridge or tunnel," and inserting "toll-free major bridge or tunnel. For purposes of this section, a 'major bridge' is one that has a deck area which exceeds 125,000 square feet."

SEC. 4. LIMITATION ON USE OF TOLL REVENUES.

Section 129(a)(3) of title 23, United States Code, is amended by—

(1) striking "first" in the first sentence and inserting "only";

(2) striking "if the State certifies annually that the tolled facility is being adequately maintained"; and

(3) inserting "the State may use any toll revenues in excess of amounts required under the preceding sentence for any purpose for which Federal funds may be obligated by a State under this title.".

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Mr. BREAUXT), the Senator from Nebraska (Mr. KERREY), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 51, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.
S. 678

At the request of Mr. Abraham, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 678, a bill to establish a program to enable States to establish and maintain pilot drug testing and drug treatment programs for welfare recipients engaging in illegal drug use, and for other purposes.

S. 661

At the request of Mr. Santorum, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 661, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 662

At the request of Mr. Santorum, his name was added as a cosponsor of S. 662, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 679

At the request of Mr. Feinstein, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 678, a bill to establish certain safeguards, or the protection of purchasers in the sale of motor vehicles that are salvage or have been damaged, to require certain safeguards concerning the handling of salvage and nonrebuildable vehicles, to support the flow of important vehicle information to the National Motor Vehicle Title Information System, and for other purposes.

S. 682

At the request of Mr. Kyl, the names of the Senator from Ohio (Mr. DeWine), the Senator from Kansas (Mr. Brownback), and the Senator from Kentucky (Mr. Bunning) were added as cosponsors of S. 682, a bill to prohibit Internet gambling, and for other purposes.

S. 763

At the request of Mr. Thurmond, the name of the Senator from Mississippi (Mr. Lott) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 796

At the request of Mr. Wellstone, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 817

At the request of Mrs. Boxer, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

S. 873

At the request of Mr. Durbin, the names of the Senator from Louisiana (Mr. Breaux) and the Senator from Massachusetts (Mr. Kennedy) were added as cosponsors of S. 873, a bill to close the United States Army School of the Americas.

S. 906

At the request of Mr. Abraham, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 906, a bill to establish a grant program to enable States to establish and maintain pilot drug testing and drug treatment programs for welfare recipients engaging in illegal drug use, and for other purposes.

S. 913

At the request of Mr. Kerry, the name of the Senator from North Carolina (Mr. Heflin) was added as a cosponsor of S. 913, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reserves' small business, and for other purposes.

S. 918

At the request of Mrs. Hutchison, the name of the Senator from Mississippi (Mr. Lott) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 920

At the request of Mr. Santorum, the name of the Senator from Georgia (Mr. Coverdell) was added as a cosponsor of S. 920, a bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001.

S. 928

At the request of Mr. Santorum, the name of the Senator from Georgia (Mr. Coverdell) was added as a cosponsor of S. 928, a bill to amend title 18, United States Code, to ban partial-birth abortions.

SENATE JOINT RESOLUTION 21

At the request of Ms. Snowe, the names of the Senator from Pennsylvania (Mr. Specter), the Senator from South Carolina (Mr. Thurmond), and the Senator from Delaware (Mr. Roth) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE RESOLUTION 59

At the request of Mr. Lautenberg, the name of the Senator from Hawaii (Mr. Akaka) was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as 'National Literacy Day.'

SENATE RESOLUTION 91

At the request of Mr. Santorum, submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 91

SECTION 1. SENSE OF THE SENATE THAT JIM THORPE SHOULD BE RECOGNIZED AS THE "ATHLETE OF THE CENTURY".

(a) FINDINGS.—The Senate finds the following:

1. Jim Thorpe is the only athlete ever to excel as an amateur and a professional in 3 major sports—track and field, football, and baseball.

2. Prior to the 1912 Olympic Games, Jim Thorpe won the pentathlon and the decathlon at the Amateur Athletic Union National Championship Trials in Boston, Massachusetts.

3. Jim Thorpe represented the United States and the Sac and Fox Nation in the 1912 Olympic Games in Stockholm, Sweden, where he won a gold medal in the pentathlon, became the first American athlete to win a gold medal in the decathlon, in which he set a world record, and became the only athlete in Olympic history to win both the pentathlon and the decathlon during the same year.

4. The athletic feats of Jim Thorpe resulted in worldwide publicity that helped to ensure the viability of the Olympic Games.

5. During his major league baseball career, Jim Thorpe played with the New York Giants, the Cincinnati Reds, and the Boston Braves, and ended the 1919 baseball season with a .327 batting average.

6. Jim Thorpe established his amateur football record playing halfback, punter, and place-kicker while he was a student at the Carlisle Indian School in Pennsylvania, and was chosen as Walter Camp's First Team All-American Half-Back in 1911 and 1912.

7. Jim Thorpe was a founding father of professional football, playing with the Canton Bulldogs, which was the team recognized as world champion in 1916, 1917, and 1919, the Cleveland Indians, the Oorang Indians, the Rock Island Independent, the New York Giants, and the Chicago Cardinals.

8. In 1920, J. Jim Thorpe was the first president of the American Professional Football Association, now known as the National Football League.

9. In 1920, Jim Thorpe was voted America's Greatest All-Around Male Athlete and chosen as the greatest football player of the half-century in 1950 by an Associated Press poll of sportswriters.

10. Jim Thorpe was named the Greatest American Football Player in History in a 1992 national poll conducted by Sport Magazine.

11. Because of his outstanding achievements, Jim Thorpe was inducted into the National Football Foundation, the Professional Football Hall of Fame, and the Helms Professional Football Hall of Fame.
the National Indian Hall of Fame, the Pennsylvania Hall of Fame.

(12) The immeasurable sports achievements of Jim Thorpe have long been an inspiration to the youth in Pennsylvania and throughout the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Jim Thorpe should be recognized as the “Athlete of the Century”.

Mr. SANTORUM. Mr. President, I rise today to submit a resolution recognizing Jim Thorpe as the Athlete of the Century.

Born to an impoverished family on Sac-and-Fox Indian land, Jim Thorpe overcame adverse circumstances to excel as an amateur and as a professional in three sports: track and field, football and baseball. Thorpe, who was voted “Athlete of the First Half of the Century” by the Associated Press almost fifty years ago, is the only American athlete ever to excel at this level in three major sports.

As a student at Carlisle Indian School in Pennsylvania, Thorpe proved his athletic ability early on. One anecdote recalls how the 5-foot-9½ inch, 144-pound Thorpe almost single-handedly overcame the entire Lafayette football team in a meeting in Carlisle, Pennsylvania, winning six events. Also while attending the Carlisle Indian School, Jim Thorpe established his amateur football record playing halfback, defender, punter, and place kicker. In 1911, he was named an All-American.

In 1912, he represented the United States and the Sac-and-Fox Nation in the Olympic Games in Stockholm, Sweden. To this day, Thorpe is the only athlete to win gold medals in both the pentathlon and decathlon. After his Olympic feats in Sweden, Thorpe returned to Carlisle’s football team and was named an All-American again.

In 1913, Thorpe left amateur athletics and signed a $5,000 contract to play baseball with the New York Giants. As an outfielder with the Giants, and later with the Cincinnati Reds and Boston Braves, his best season was his last one, when he batted .327 in 60 games for Boston.

In 1915, Thorpe agreed to play professional football for the Canton Bulldogs. Thorpe went on to become a key part of this team as it was recognized as the “world champion” in 1916, 1917, and 1919. Thorpe’s professional football career included stints with Cleveland, Rock Island, the New York Giants, and the Chicago Cardinals. In 1920, Thorpe became the first president of the American Football Association, which was later to become the National Football League. Today, he is recognized as a founding father of professional football.

Recently, I had the privilege of attending a luncheon honoring Jim Thorpe’s daughter, Grace, at the Jim Thorpe Area Sports Hall of Fame in the Carbon County, Pennsylvania, a town named for the great athlete. Grace Thorpe has traveled around the country asking people to sign petitions declaring her father athlete of the century. She plans to send the petition to cable sports networks and national sportswriters. As Jim Thorpe Area Sports Hall of Fame president, Jack Kmetz has noted, Thorpe unfortunately missed out on the modern-day media blitz that surrounds popular athletes today. Nonetheless, I promised Ms. Thorpe and the people of Jim Thorpe, Pennsylvania that I would introduce this resolution which I hope will raise awareness of this true legend’s achievements and give him the recognition he deserves.

SENATE RESOLUTION 92—TO EXPRESS THE SENSE OF THE SENATE THAT FUNDING FOR PROSTATE CANCER RESEARCH SHOULD BE INCREASED SUBSTANTIALLY

Mr. BOXER (for herself, Mr. LAUTENBERG, Mr. REID, Mr. EFFORDS, Mr. SCHUMER, Mr. MCCaIN, Mr. MADDEN, Mr. COVERDELL, and Mr. HELMS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pension:

S. Res. 92

Whereas, in 1999, prostate cancer was expected to kill more than 37,000 men in the United States and be diagnosed in over 180,000 new cases; Whereas prostate cancer is the most diagnosed nonskin cancer in the United States; Whereas African Americans have the highest incidence of prostate cancer in the world; Whereas the devastating impact of the disease among men and their families, prostate cancer research remains underfunded; Whereas more resources devoted to clinical and translational research at the National Institutes of Health will be highly determinative of whether rapid advances can be attained in treatment and ultimately a cure for prostate cancer; Whereas the Congressionally Directed Department of Defense Prostate Cancer Research Program is making important strides in innovative prostate cancer research, and this Program presented to Congress in April of 1998 a full strategic plan of the prostate cancer research at the Department of Defense; and Whereas the Senate expressed itself unanimously in 1998 that the Federal commitment to biomedical research should be doubled over the next 5 years: Now, therefore, be it Resolved,

SECTION 1. SHORT TITLE.
This resolution may be cited as the “Prostate Cancer Research Commitment Resolution of 1999.”

SEC. 2. SENSE OF THE SENATE.
It is the sense of the Senate that—
(1) finding treatment breakthroughs and a cure for prostate cancer should be made a national health priority;
(2) significant increases in prostate cancer research funding, commensurate with the impact of the disease, should be made available at the National Institutes of Health and to the Department of Defense Prostate Cancer Research Program; and
(3) these increases should prioritize prostate cancer research that is directed toward innovative clinical and translational research projects in order that treatment breakthroughs can be more rapidly offered to patients.

• Mr. BOXER. Mr. President, I submit today the Prostate Cancer Research Commitment Resolution Act of 1999 along with several of my colleagues, Senators LAUTENBERG, REID, EFFORDS, SCHUMER, ASHCROFT, MACK, COVERDELL, and HELMS.

Prostate cancer is the most diagnosed form of cancer in the United States. More than 40 percent of all male cancers and 14 percent of all male cancer-related deaths are due to complications from prostate cancer. In 1998, over 40,000 American men died from prostate cancer, and in 1999, it is expected that the estimated number will strike another 37,000 men in the United States.

I, along with my colleagues, am deeply committed to aiding our medical community in their research efforts to find preventive measures to stem—and eventually eradicate—this disease.

Our resolution expresses the sense of the Senate that funding for prostate cancer research should be increased substantially, commensurate with the impact of the disease. Funds should be made available at the National Institutes of Health and at the Department of Defense Prostate Cancer Research Program. We are also encouraging these agencies to prioritize prostate cancer research that is directed toward innovative research projects in order that treatment breakthroughs can be more rapidly offered to patients.

Mr. President, this is an important step on behalf of men in the United States who have this feared from prostate cancer. Increasing funds for research would assist the medical community in its efforts to identify preventive measures men can take through prostate cancer screening procedures.

I am pleased to offer this resolution today and I urge my colleagues to support this legislation.

AMENDMENTS SUBMITTED

DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO THE KOSOVO REGION IN YUGOSLAVIA

DURBIN AMENDMENT NO. 300
(Ordained to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the preamble to the joint resolution (S.J. Res. 20) concerning the deployment of the United States Armed Forces to the Kosovo region in Yugoslavia; as follows:

Strike the preamble and insert the following:

Whereas the United States and its allies in the North Atlantic Treaty Organization are conducting large-scale military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas the Federal Republic of Yugoslavia and Serbia and Montenegro has refused to comply with NATO demands that it withdraw its military, paramilitary and security forces from the province of Kosovo, allow the return of ethnic Albanian refugees to their homes, and permit the establishment of a NATO-led peacekeeping force in Kosovo;
WHEREAS Article 11 of the North Atlantic Treaty states that "its provisions [shall be] carried out by the Parties in accordance with their respective constitutional processes";

WHEREAS Article 1, Section 8, of the Constitution vests in Congress the power to declare war; and

WHEREAS on March 23, 1999, the Senate passed Senate Concurrent Resolution 21, relating to authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro); Now, therefore, be it

DU RB IN AMENDMENT NO. 301

(Ordered to lie on the table.) Mr. DURBIN submitted an amendment intended to be proposed by him to the joint resolution, S. J. Res. 20, as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. REQUIREMENT OF SPECIFIC STATUTORY AUTHORIZATION PRIOR TO USE OF UNITED STATES GROUND FORCES AGAINST YUGOSLAVIA.

No ground forces of the Armed Forces of the United States may be used to invade the Federal Republic of Yugoslavia (Serbia and Montenegro) unless specifically authorized by statute.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will meet on May 3, 1999 in SR-328A at 9:00 a.m. The purpose of this meeting will be: (1) To consider the nomination of Thomas J. Erickson to be a Commissioner of the Commodity Futures Trading Commission, and (2) To discuss agricultural trade options.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on May 8, 1999 in Nampa, ID, starting at 9 a.m. at the City Council Chambers. The purpose of this hearing will be to examine the noxious weeds and plant pest problems.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Water and Power, at 2:00 p.m. for a hearing on Management, Restructuring and the Forest Service are informing the public about these plans; and ongoing research related to wildland and fire suppression activities.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Amie Brown or Mike Menge (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I would like to announce for the information of the State and the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Thursday, May 27, 1999 at 2:00 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 244, To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a non-profit corporation, for the planning and construction of the water supply system, and for other purposes; S. 623, To amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; and S. 769, To provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will meet on May 5, 1999 in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 1253, To increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat, and for other purposes; and S. 769, To provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HUTCHISON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be permitted to meet, on May 3, 1999, at 3:30 p.m. for a hearing on Management Reform in the District of Columbia.

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

OUTSTANDING VOLUNTEER PERFORMANCE BY BROWARD COUNTY SENIORS

Mr. GRAHAM. Mr. President, today I am delighted to have the opportunity to salute the 1999 honorees of the Dr. Nan S. Hutchinson Broward Senior Hall of Fame Award. These outstanding volunteers have contributed time, talents and love toward benefitting the residents of Broward County.

On May 6, 1999, eleven new members selected for this prestigious honor will be at ceremonies celebrating their selection, and their names will be added to a commemorative plaque housed in the Broward County Government Building.

This year's honorees are: Pat Chishom, Estelle Ernstoff, Commissioner Sam Goldsmith, Max Klein, Bill Kling, Ella Anderson Lawrence, Madelyn Markham, Myrna Wilkey, Hattie Robinson, Marvin Simon and John Washburn.

Panchitta Chishom has dedicated her life to serving the community as a teacher for 38 years in the Broward County School system. She is a volunteer. She devotes her wisdom, generosity and tireless efforts to various groups including the Northwest Federation Woman's Club, Broward General Medical Center and the NAACP.

Estelle Ernstoff has a passion for volunteer work that has enriched the lives of those in her community. Among the work she has done for various causes, she has faithfully arranged bi-annual blood drives while supporting the Cancer Association and the Memorial Manor Nursing Home Auxiliary. Her devotion to improving the lives of others has made her a role model for her community.

Commissioner Sam Goldsmith has paved a steady and long road to a life that has given selflessness to the needs and concerns of the citizens of Coconut Creek. Besides serving as a former mayor and current city commissioner, Sam has devoted additional precious time to volunteer for several organizations including the Florida Council of Aging, American Legion Post #170 and Board of Trustees of Northwest Regional Hospital.

Max Klein has been a determined and energetic activist for the citizens of Broward County, and in particular, the City of Lauderdale. His participation in journalism and the political process has brought attention to the issues and concerns of elderly. His compassion extends to all residents, young and old, of Broward County.

Bill Kling has spent his adult life campaigning for the rights and benefits of war veterans. He was instrumental in establishing the Veterans Administration outpatient clinic in Oakland Park. His compassion and perseverance have improved the community in numerous ways.

Ella Anderson Lawrence has dedicated her life to others through her
generous community service. From distributing lap robes to local nursing homes to preparing and serving meals for her church, Bethlehem Lutheran, she has contributed her time, energy and kindness to her entire neighborhood. Her generosity has touched the lives of many people, young and old.

Hyman Moskowitz has a strong sense of community that is evident through his many accomplishments and volunteer work. His efforts have led to the establishment of the Northwest Focal Point Senior Center and a monthly award honoring “Students of the Month” by the Margate City Commission. Hyman is a dedicated volunteer who gives and cares for others.

Hattie Robinson shows her compassion for humanity through her generous good deeds to her church, the 15th Street Baptist Church of Christ, and throughout her neighborhood. She has fed the hungry, distributed clothing to the needy and been an active member of the Broward County Foster Grandparent Program. Her kindness and charity are not limited by boundaries, but instead touch the lives of all whom she meets.

Marvin Simon has been a dedicated and enthusiastic supporter of Broward County’s senior population. His perseverance resulted in the establishment of an Emergency Medical Services base on the Pine Island Ridge Condominium grounds. His devotion extends past his neighbors through his active participation in various organizations including the Gilda’s Club and the Jewish War Veterans Post 129.

John Washburn has a gift of giving that has enhanced the lives of all those who have been touched by his generosity. He volunteers for numerous organizations including the Cooperative Feeding Program, Manna Share a Meal program and Optimist Club of West Broward/Lauderhill. His commitment to the community has benefited all, especially the needy and the sick, the young and the elderly.

Florida and Broward County are fortunate to have these inspiring senior citizens who have given so much to their communities. I congratulate them today and wish for them many more productive and healthy years.

TRIBUTE TO DR. PATRICIA CLEMENTS

Mr. GRAHAM. Mr. President, today I rise to offer a tribute to Dr. Patricia L. Clements for her years of work on behalf of historical preservation in Florida.

As we prepare for a new millennium, with its promise of inventions and technical advances beyond our comprehension, we are reminded of the importance of preserving and understanding our past.

Toward that end, Dr. Clements has helped lead the historical preservation effort in Florida, particularly in preserving and interpreting women’s history.

Women helped build and lead Florida, and their roles have been preserved in myriad ways by Dr. Clements and her colleagues.

She has been a pioneer in producing audio biographies of prominent Florida women. Dr. Clements is the founder of the Inaugural Gown Collection, housed at the Museum of Florida History, including textiles dating to 1901, nearly a century ago.

Meanwhile, she has collected more than 100 artifacts for the First Families exhibit at the Museum of Florida History. Strong public interest prompted the museum to extend the exhibit by three months.

RECOGNITION OF NATIONAL CHARTER SCHOOLS DAY

Mr. ABRAHAM. Mr. President, I rise this morning to recognize the contribution of charter schools to the education of our nation’s children. Today, on Charter Schools Day, we celebrate the hard work and accomplishments of charter school teachers, parents, and students.

In 1993, Michigan became the ninth state to grant citizens the freedom to establish charter schools. Many public educators have hailed the development of charter schools as a much-needed way to help children, particularly those in low-income areas, because they empower parents to send their children to charter schools and graduate with their class.

Charter schools are also successful because they empower parents to send their children to the public school of their choice. Last year, Michigan public schools served 13,000 students in charter schools, an increase from 21,000 in 1997. Throughout the nation, charter school organizations report that most, if not all, schools have large waiting lists.
These lists symbolize the healthy competition that charter schools have created within the public school system. However, a charter school’s primary mission is to educate its students. Standardized testing has revealed that a charter school education has a dramatic impact on its students. All public schools in Michigan, including charter schools, administer the Michigan Education Assessment Program test. Between 1997 and 1998, Michigan charter schools exam results kept pace or surpassed those of traditional public schools. In fact, half of all charter schools in 1998 doubled or tripled the number of students receiving satisfactory scores in one or more subjects. These results indicate that charter schools are truly improving education.

In closing, I wish to honor charter school students, who work day after day to develop their skills and gifts. These students are the future of our nation and contribute to the vibrant life found throughout the countryside and cities of America. I applaud them for their efforts and congratulate them on this important day, Charter Schools Day.

ORDERS FOR TUESDAY, MAY 4, 1999

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, May 4. I further ask that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask that, following the prayer, Senator McCAIN be recognized for 5 minutes for a closing statement, with the majority leader recognized immediately following Senator McCAIN.

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

Mr. McCAIN. I ask unanimous consent that on Tuesday the Senate recess from 12:30 p.m. until 2:15 p.m. so that the weekly party caucus luncheons may take place.

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

PROGRAM

Mr. McCAIN. Mr. President, for the information of all Senators, the Senate will convene on Tuesday at 9:30 a.m. Following a brief statement by Senator McCAIN, the majority leader will make a motion to table S.J. Res. 20. Therefore, Senators can expect further rollcall votes throughout Tuesday's session of the Senate. The Senate will recess for the weekly party caucus luncheons from 12:30 p.m. until 2:15 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:06 p.m., adjourned until Tuesday, May 4, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 3, 1999:

ROBERT RABEN, OF FLORIDA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ANDREW FOIS, RESIGNED.