We, the Congress, are saying to the people of Serbia that they are our friends, not our enemies. It is their Government, it is Slobodan Milosevic that is the problem, not the Serbian people.

Today in the Committee on Foreign Relations, we discussed at length with Madeleine Albright what we should be doing about Serbia. I have discussed it as well with Senator VOINOVICH.

I see the Senator from Iowa is on the floor. He may be here for other reasons, but I know his keen interest in Serbia, the Serbian people, and the need for us to render assistance if they, in fact, move in the direction of democracy.

The act calls for Serbia to cooperate with the International Criminal Tribunal for the former Yugoslavia.

It also contains two important Sense of the Congress provisions. The first is that the President should condemn the harassment, threats, and intimidation against any ethnic group in Yugoslavia, but in particular against such persecution of the ethnic Hungarian minority in the Serbian province of Vojvodina.

The second voices support for a fair and equitable disposition of the ownership and use of the former Yugoslavia's diplomatic and consular properties in the United States.

Finally, in a move to facilitate the transition to democracy in the Federal Republic of Yugoslavia, Congress authorizes the President to furnish assistance to Yugoslavia if he determines and certifies to the appropriate congressional committees that a post-Milosevic Government of Yugoslavia is ''committed to democratic principles and the rule of law, and that respects internationally recognized human rights.''

Mr. President, the Serbia Democratization Act offers the President ample flexibility in dealing with Serbia. If Milosevic should succeed in frustrating the will of the Serbian people by stealing this election, the act will give the President of the United States a complete kit of peaceful tools to continue to try to undermine his oppressive regime.

If, on the other hand, the democratic opposition led by Mr. Kostunica manages to make its electoral victory stick, then the final provision of the act becomes the operative one in which we open up the spigot of increased assistance to a democratic Serbia. Obviously, this would be the preferred option.

Unfortunately, however, foreign policy is rarely so black and white. The apparent winner of the election, Mr. Kostunica, is vastly preferable to Milosevic, but this may be a case of damning by faint praise. As many of my colleagues have heard me say on other occasions, I met Milosevic in Belgrade during the Bosnian war and called him a war criminal to his face. Not only is he a war criminal, but he is thoroughly corrupt and anti-democratic.

Mr. Kostunica, by all accounts, is honest and democratic, a dissident in Communist times and a man with a reputation for probity. He seems, however, to represent a democratic, honest variant of a rather extreme Serbian nationalism.

His language describing NATO's Operation Allied Force has been strident. Like Milosevic—and most other Serbian politicians—he calls for the return of Kosovo to Belgrade's rule. But I am prepared to have an open mind on what he said. I can understand why, in running for President, being labeled by Mr. Milosevic as the ''dupe of the West'' and ''a puppet of the United States,'' he would feel the need to openly condemn the United States.

I also do not have a problem with the fact that he may have used tough language with regard to Kosovo. There is a difference between words and his actions. So I will have great problems with him if, in fact, he tries to again suppress the Kosovars, who, if he comes to power will probably increase their agitation for independence.

Moreover, Kostunica has repeatedly said that if he is elected he would refuse to hand over The Hague those Serbs indicted by the International War Crimes Tribunal.

To a large extent Kostunica's criticism of Milosevic's policies toward non-Serbs in the old Yugoslavia—Slovenes, Croats, Bosniaks, and Kosovars—is that those policies resulted in four failed wars. There is no indication, for example, that Kostunica would cut off Belgrade's support for the radical Bosnian Serbs who on a daily basis are trying to undermine the Dayton Agreement.

Of course, as I have indicated earlier, Kostunica's policies must be seen in the context of an electoral campaign. Nonetheless, they do reflect what the traffic will bear. In other words, they reflect his view of contemporary Serbian society.

During the Bosnian war and after it, I often stated publicly that in my opinion Croatian President Franjo Tudjman was cut from the same cloth as Milosevic—an aggressive, anti-democratic leader. The only reason I advocated helping to rebuild his army was because, unlike Serbia, Croatia did not represent a major threat to the region. In fact, in the summer of 1995 the reorganized Croatian Army provided the Bosnian Army and the Bosnian Croat militia the support necessary to rout the Bosnian Serbs and bring all parties to the negotiating table.

Since Tudjman's death, Croatia has proven that beneath the surface of Tudjman's authoritarianism a genuine, Western-style democratic body politic survived. The newly elected government of President Stipe Mesic and Prime Minister Ivica Racan has utilized this mandate not only to enact domestic democratic reforms, but also to cut off support for the radical Herzegovina Croats who have done everything in their power to undo Dayton. The government has also taken the much less popular step of handing over to The Hague Tribunal several high-ranking Croats who were indicted for alleged war crimes.

The United States has a great deal invested in a democratic, multiethnic Bosnia, and if Serbia and the rest of the world is lucky enough to be rid of Slobodan Milosevic, we should not give him an ex post facto victory by applying a looser standard of behavior on his successor than we have to Tudjman's successors in Croatia. To be blunt: respect for Dayton and cooperation with The Hague Tribunal must be litmus tests for any democratic government in Serbia.

I fervently hope that Mr. Kostunica emerges victorious in the Yugoslav elections. If he does, the United States should immediately extend to him a sincere hand of friendship, with the assistance outlined in the pending legislation.

We should make clear to him that if he chooses to cooperate with us, a ''win-win'' situation would result, with tangible benefits for the long-suffering and isolated Serbian people who, we should never forget, were this country's allies in two world wars during the twentieth century.

If, on the other hand, Mr. Kostunica comes to power and thinks that his undeniable and praiseworthy democratic credentials will enable him to pursue an aggressive Serbian nationalist policy with a kinder face, then we must disabuse him of this notion.

Should our West European allies choose to embrace a post-Milosevic, democratically elected, but ultra-nationalistic Serbia, then I would say to them ''good luck; we'll concentrate our policy in the former Yugoslavia on preparing democratic and prosperous Slovenia for the next round of NATO enlargement, on continuing to help reconstruct Bosnia and Kosovo, and on supporting the democratic governments in Macedonia, Croatia, and Montenegro.''

Mr. President, the long-frozen, icy situation in Serbia appears finally to be breaking up. I genuinely hope that Serbia is on the verge of democracy. I urge my colleagues to support the Serbia Democratization Act of 2000 in order to enable our government peacefully to deal with any eventuality in that country.

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

Mr. BIDEN. I yield to the Senator from Iowa.

THE VIOLENCE AGAINST WOMEN ACT AND THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I want to engage in a small colloquy with the Senator. I tell my friend from Washington, I meant to get to the floor before the Senator finished speaking on the Violence Against Women Act.

Mr. BIDEN. Yes.

Mr. HARKIN. I know you switched from that to talk about our mutual enemy, Milosevic. But I wanted to, again, thank the Senator for his remarks and his strong support for the Violence Against Women Act. Hopefully, we will get it over here from the House and pass in due course.

But I want to ask the Senator this question. The Senator knows the person who heads the Violence Against Women Office in the Department of Justice, the former attorney general of the State of Iowa, Bonnie Campbell. She is the first and only person to head this office in all these years. She has done a great job. I think both sides recognize that.

I ask the Senator from Delaware, not only is it important to pass the Violence Against Women Act, to get it reauthorized, but isn't it also equally important to get people on the Federal bench who understand this issue, who have worked on this issue, like Bonnie Campbell, whose nomination is now pending before the Judiciary Committee?

I ask the Senator, wouldn't it be a good thing for this country to have someone with Bonnie Campbell's experience and her background and leadership in that office on the Eighth Circuit Court of Appeals? We have had the hearings. She has been approved. We have had all the hearings. She is supported by the bar association, and by the Iowa Police Association. She has broad-based support from both sides of the aisle.

I ask the Senator, wouldn't her confirmation be good for this country? Wouldn't it be good to have someone in the Eighth Circuit like Bonnie Campbell to make sure that the Violence Against Women Act was thoroughly enforced and upheld in our courts?

Mr. BIDEN. In response to my friend, the answer is absolutely yes. I will tell him that because I was the one who authored that act. The President was very gracious in calling me and asking me who I would like to see be the one to oversee that office. I recommended one, and only one person, the former attorney general of the State of Iowa who helped me write the act in the first instance, Bonnie Campbell.

I cannot tell you how disappointed, dismayed, and angry, quite frankly, I have been, as a member of the Judiciary Committee, about the fact that—I will be blunt about it—our Republican colleagues in the committee and here will not allow this woman to have a vote on the floor of the Senate. The ABA rates her highly. As you said, everyone I know in the Midwest who knows her, everyone, Republican and Democrat, likes her.

I see my friend SLADE GORTON on the floor. He knows a little bit about the process of picking judges. I am confident he and others, as my other colleagues in this room, would agree that qualified judges should not be kept from being on the bench for politics.

People say: Well, this is the usual thing. We hold up these judges all the time near the end of a session when there is going to be a Presidential election.

That is flat malarkey. Ask the Senator from Texas, Mr. GRAMM, who is a good friend of mine. He and I are on opposite ends of the political spectrum. I was chairman of the Judiciary Committee. My friend from Iowa may remember this. We went into a caucus in the last 2 days when President Bush was the President of the United States. We were about to go out of session, as we say in the Senate, and adjourn sine die. What happened? We walked out onto the floor of the Senate. The Senator from Texas said he had several qualified judges in Texas, Republicans, and why were we holding them up.

I went to our caucus and said: We should pass those judges. Several in our caucus, two who are no longer here, said they opposed this. I said: Well, you are going to have to oppose me to do it. On the floor of the Senate, the last day, the last hour, the last session, we passed those Texas judges.

I will never forget, the reason I love him so much, the Senator from Texas, Mr. GRAMM—who I kiddingly call ''Barbwire'' GRAMM; we kid each other—he walked up on the floor and put his hand out to me and he said: JOE, I want to thank you. You are one of the nicest guys here—that is not true—but he said: You are one of the nicest guys here. I want you to know one thing: I would never do it for you.

That is literally a true story, and he will repeat that story for you. The truth is, it is not good politics. It is not good justice. It is not good anything, just to hold up somebody.

By the way, it has been held up for a year. It is not as if they have held up this woman for the last 10 minutes, the last 10 days.

Mr. HARKIN. She has been in since earlier this year.

Mr. BIDEN. I think the long answer to a very short question is, this is an outrage. It is an outrage that she is not on the bench now. And I would hope that sanity would prevail.

Mr. HARKIN. I ask the Senator further, I had been hearing that one of the reasons that it might be hard to get Bonnie Campbell through was, well, this is a circuit court and it is right before an election. You have to understand that in an election year, we don't confirm very many circuit court judges. And so I looked back in the records. I wonder if the Senator can attest to this, since he is on the Judiciary Committee.

Mr. BIDEN. I was chairman for every one of these people. I can probably give you the names of all nine of these people.

Mr. HARKIN. In 1992, an election year, your committee confirmed nine circuit court judges.

Mr. BIDEN. That is right.

Mr. HARKIN. Under a Republican President.

Mr. BIDEN. This is in the waning hours. This last one, we were literally going out of session. I mean, we could have shut this place down easily and walked away and pretended to have a clear conscience and said: We have done the Nation's work.

To be fair about it, there were three members of our caucus who ripped me a new ear in the caucus for doing this, three of them. Two are gone; one is still around. No, we shouldn't do this. But this is an example of what happens.

I have been here since 1972. It started in October of the 1972 election. I wasn't here in the 1972 election. Then in the 1976 election, they started to hold up judges. They started holding up judges somewhere around September. And then it moved; by the 1980 election, they were being held up in July. This year, our Republican friends started 18 months ago to hold these folks up.

This is what I am worried is going to happen, and I will end with this. I am worried if we take back this place, we are going to have a lot of new women and men in this place say: Hey, the Republicans did that. Mark my words. You will have a bunch of Democratic Senators who have no institutional memory out here—if we have a Republican President and a Democratic Senate—holding up Republican judges a year out. This is bad, bad, bad precedent. This is not a good thing to do.

Mr. HARKIN. I ask the Senator further, is it true that we have only had one circuit judge that was nominated this year, approved?

Mr. BIDEN. Best of my knowledge. I don't do it day to day as I did before. Coincidentally, he was from Delaware.

Mr. HARKIN. The other reason I have heard that they had had trouble with Bonnie Campbell is that she wasn't nominated until early this year.

I did some further research. Again, I ask the Senator, he has a lot of institutional knowledge. I looked up the circuit court judges in 1992, to find out when they were nominated and when they were confirmed. If we look, here is one who was nominated in January of 1992, confirmed in September. Here is another one, January of 1992, confirmed in February of 1992. We come clear down here, there is one here, Timothy K. Lewis, nominated in September of 1992, hearing in September, confirmed in October, right before the election, nominated by a Republican President.

Mr. BIDEN. Look at Norm Stahl. Norm Stahl is in the first circuit, a New Hampshire judge. Norm Stahl was nominated in March. I held the hearing in June, and in June of that year, 1992, election year, we confirmed him. Justin Wilson didn't make it. There were reasons that that occurred, by the way. I can understand a political party saying: Hey, look, this nominee you have sent up is just not palatable to us. We in the majority will not vote for that person. We are flat not going to. I got that. I understand that.

The deal I made honestly, straight up with President Bush—if he were here,

he would acknowledge it, and my Republican colleagues on the committee will tell you—I said: Here is what I will do. If there is someone who is absolutely, positively going to be a fire storm, if they are brought up, I will flag that person as soon as you name him, tell you what the problem is, and tell you there is going to be a fight. And you can decide whether you want to go forward or not go forward.

That is not the case with Bonnie Campbell. I ask the Senator a question: Has anyone come to him and said, the reason I am against Bonnie Campbell is she is incompetent, or the reason I am against Bonnie Campbell is because she doesn't have a judicial temperament, or the reason I am against Bonnie Campbell is she is just not a mainstream person? I mean, I haven't heard anybody tell me why they are against Bonnie Campbell. Have you?

Mr. HARKIN. I can tell the Senator, no one has ever said that to me. In fact, Republicans in Iowa ask me why she is being held up. Why isn't she going through? Mainstream Republicans are asking me that. Editorials are being written in Iowa papers saying the Senate ought to move on this nominee and not hold her up. No, not one person has come up to me and said she is not qualified, not one person. When you were chairman and we had a Republican President and a Democratic Senate, we had just the opposite of what we have now. Nine circuit court judges were nominated in 1992 who were confirmed the same year.

Mr. BIDEN. In fairness, 5 of those 14 judges were not confirmed. We laid out why, and there was a great controversy about it. We debated it and we laid out why.

Again, I never question the right of the Senate or an individual Senator to say, I do not want so-and-so on the bench and I will tell you why and I will fight it.

I got that. I got that. I understand that. That is what the advise and consent clause is about. But what I don't get is: Hey, you know, she is a Democrat, we are Republicans. We may win so we will not confirm anybody until we determine whether we win.

Mr. HARKIN. I don't have all the memory the Senator has.

Mr. BIDEN. I have too much of it, unfortunately.

Mr. HARKIN. I am not on the Judiciary Committee. I had my staff look this up. I did remember Mr. Carnes, who was highly controversial, a very conservative assistant attorney general who was nominated that year, a lot of civil rights groups opposed him because he was considered one of the nation's best attorneys in arguing for the death penalty. There was talk about him being insensitive to civil rights, regarding the death penalty. Even with all of that, we brought him out on the floor and he passed in September of 1992. This was a controversial candidate. But, Bonnie Campbell has bipartisan support. Senator GRASSLEY and I have been calling for a Senate vote on her confirmation. She also has the bipartisan support from Democrats and Republicans from my state of Iowa who worked with her when she served as Iowa attorney general.

(Mr. L. CHAFEE assumed the chair.)

Mr. BIDEN. The point that is important to make for people who may be listening is that we Democrats controlled the committee. I remember this case explicitly because I got walloped. I ran for the Senate because of civil rights, and I got walloped because I held a hearing. Every liberal group in the country castigated me for holding the hearing. And then we referred Judge Carnes to the Senate—get this—in September of the election year; we confirmed a very controversial judge.

So, again, I understand the point the Senator is making. I just think this is a terrible precedent that we are continuing to pile on here. I think there is going to be a day when the nature of this place—as my Republican friends told me: What goes around comes around. That is a nice political axiom, but it is not good for the courts. We have a fiduciary responsibility under the Constitution to deal with the third coequal branch of the Government. We are not doing it responsibly. What the Senator hasn't mentioned and won't go into because the floor staff wants me to make a request here—but that doesn't even count. The District Court judges, where there are serious emergencies that exist because they cannot try the civil cases because the criminal cases are so backed up, we have held up for over a year.

Mr. HARKIN. I thank the Senator for yielding. I apologize to my friend from Washington who wants to speak. I did want to engage in this colloquy because of the history of the circuit judges. But, more specifically, everybody is now talking about the Violence Against Women Act and how it needs to be reauthorized. That must be done. Yet everybody is falling all over themselves. The House passed it today with 415 votes in the House.

Mr. BIDEN. Isn't that amazing—415 votes? You only get that on resolutions, say, for motherhood and the flag.

Mr. HARKIN. You know what 415 votes says to me? It says that the House has given Bonnie Campbell an A-plus for her job in implementing the provisions of the Violence Against Women's Act, since it became law in 1994. If you had somebody who had done a terrible job and given a bad impression of what the law was about, no, you would not have had 415 votes. It is obvious to all that Bonnie Campbell has run that office in an exemplary fashion, in a professional manner, and has brought honor to the judiciary, to the Department of Justice, and to this law that we passed here. Yet people are falling all over themselves today talking about how the Violence Against Women Act needs to be reauthorized. It makes sense to put someone on the federal bench who understands this important law because she helped write it and implement it.

Mr. BIDEN. When she was attorney general, she helped write it.

Mr. HARKIN. She can help make sure that the law lives, that the Violence Against Women Act is enforced by the courts by being on the Eighth Circuit. Yet she is being held up here. I will tell you, it is not right. I hope when we take up the Violence Against Women Act, which I hope we do shortly, I will have more to say about this sort of split personality that we see here. They say: Yes, we are for the Violence Against Women Act, but, no, don't put a woman on the circuit court who is widely supported, who has headed this office and did it in an exemplary fashion.

I thank the Senator.

Mr. BIDEN. Mr. President, I understand the passion the Senator feels. It is particularly difficult to go through this kind of thing when it is someone from your home State being so shabbily treated. I empathize with him. I might say parenthetically, Bonnie Campbell—and we are not being colloquial calling her Bonnie. People might be listening and saying, well, if this were a male, would they call him Johnny Campbell? Bonnie Campbell is what she is known as. So we are not making up pet names here. This is Bonnie Campbell.

This is a woman who has been an incredible lawyer, a first-rate attorney general in one of the States of the United States. She has run an office that, at its inception, didn't have a single employee, didn't have a single guideline, didn't have a single penny when she came in. She has done it in a fashion, as the Senator said, that the ABA thinks she is first rate. Coincidentally, this will cause controversy, but we seem to hold up people of color and women for the circuit court. They tend to get slowed up more than others around here. It simply is not right. This is a woman who is as mainstream as they come, who is well educated. If anybody has a judicial temperament, this person has it.

Mr. HARKIN. Absolutely.

Mr. BIDEN. Mr. President, I will join the Senator in whatever way he wants, as many times as he wants. I can't say enough good about Attorney General Campbell, and I have known her for a long time.

MEASURE READ THE FIRST TIME—S. 3107

Mr. BIDEN. Mr. President, I understand that S. 3107, introduced earlier today by Senator GRAHAM of Florida, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3107) to amend title 18 of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program.