

it. Senator HARKIN and I, along with Senator CONRAD and others—Senator HARKIN and I, incidentally, will be in the conference tomorrow, are prepared to offer some proposals to deal with emergency needs, it is not just the Defense Department that has emergency needs, family farming is in a full-scale emergency in this country.

This Congress must take steps to save it. Tomorrow, again, Senator HARKIN, myself and some others in the conference on appropriations, of which Senator HARKIN and I are conferees, intend to raise this question in a very forceful way and push very aggressively for action on an emergency basis with our colleagues.

Republican and Democrat colleagues here in this Chamber understand that we face a very serious problem. All of my colleagues who come from the farm belt have said the same thing. Family farmers are in trouble. There is no disagreement about that. There might be some disagreement about the mechanism by which we address this question, but I think everyone here, with whom I share the long-term interests of the welfare of family farming, believes that we need, during periods of collapsed prices, to provide some income price support. The question is how do we do that. My hope is the first step will be tomorrow during the conference that we have with the House of Representatives.

#### KOSOVO

Mr. DORGAN. Mr. President, if I may address one additional issue, this deals with Kosovo and Mr. Milosevic. There was a piece published in the Washington Post on Sunday, written by Mark S. Ellis, that I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks on Kosovo.

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

(See exhibit 1.)

Mr. DORGAN. The piece by Mr. Ellis is entitled "Non-Negotiable, War Criminals Belong in the Dock, Not at the Table."

I wanted to bring this piece to the attention of my colleagues because Mr. Ellis says it well. He points out that we are at a time and a place, dealing with Mr. Milosevic in Kosovo, when it is all of our responsibilities to bring Mr. Milosevic to justice.

Some would say, well, how do you arrest someone who is not accessible to you? It doesn't matter, as far as I am concerned, whether it's possible to apprehend and arrest him. We have a responsibility in this case, just as I felt we did in the case of Saddam Hussein, to make the case against these leaders for the war crimes they have committed and to bring them to trial before an international tribunal, try them, and, hopefully, convict them as war criminals. To not do that, it seems to me, will be to continue to have to deal with people who have committed

genocide and war crimes that have brought unspeakable horror to the people of Kosovo, and to continue to have to deal with them in the future.

I know some in this country and elsewhere say the problem is, if you push aggressively to try Mr. Milosevic as a war criminal and ultimately have to negotiate with him some sort of negotiated settlement in the Balkans, it is very hard to negotiate with someone you have identified as a war criminal. That is a lot of psychobabble, as far as I am concerned.

We have already decided this fellow is a war criminal by virtue of our actions in NATO. NATO decided that the genocide and ethnic cleansing that were occurring in Kosovo could not be allowed to stand.

I think it might be useful to read through a list of some of the allegations. By no means is this a definitive list, it is just a small sliver: the village of Goden, the execution of 20 men and then the burning of the entire village; Malakrusa, 112 men shot and their bodies burned; Pastasel, 70 ethnic Albanian bodies discovered; Pec, at least 50 ethnic Albanians killed and buried in their own yards; Podujevo, the execution of 200 military age men and 90 percent of the village burned as well; summary execution; robbery; rape; forced expulsion.

We now have seen the march of nearly 1 million people displaced from their homeland, villages burned, looted, and plundered. One refugee said, "16 special policemen appeared shooting their automatic weapons in the air. Two families had strayed from the group and the Serbs opened fire, killing every member of both families, except for a 2-year-old boy who had been protected by his mother. She hid the baby in front of her and saved him. I saw this with my own eyes," this refugee said, "maybe 150 feet from me."

In 1992, Secretary of State Eagleburger publicly identified Mr. Milosevic as a war criminal; 1992, 7 years ago. Mr. Eagleburger is one of the most respected foreign policy thinkers in our country. He said Mr. Milosevic was a war criminal in 1992. What does that mean, to say someone is a war criminal or for our country to allege someone is a war criminal, if we decide to do nothing about it, if an international tribunal exists by which someone can and should be tried but we decide, no, we don't really want to do that in the face of mass executions, in the face of ethnic cleansing? We say we really don't want to do that because we may need to negotiate a settlement to this conflict.

It was a mistake not to go to an international tribunal and convict Saddam Hussein as a war criminal so that forever after he would be branded a war criminal. He is now, many years later, of course, still running Iraq. He does not have the stigma of having been convicted in absentia as a war criminal. He should have. The same, in my judgment, is true of Mr. Milosevic.

To read a paragraph from Mr. Ellis's wonderful piece in the Washington Post, he said:

When I watched the bus loads of new arrivals enter Stenkovec camp, I saw a small girl's face pressed against the window. Her hollow eyes seemed to stare at no one. History was being repeated. In his opening statement at the Nuremberg trials in 1945, U.S. chief prosecutor Robert H. Jackson said, "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated." Jackson was expressing the hope that law would somehow redeem the next generation that similar atrocities would never again be allowed. Today, we must hold personally liable those individuals who commit atrocities in the former Yugoslavia. To negotiate with the perpetrators of these crimes not only demeans the suffering of countless civilian victims, it sends a clear signal that justice is expendable, that war crimes can go unpunished. Inevitably, lasting peace will be linked to justice, and justice will depend on accountability. Failing to indict Milosevic in the hope that he can deliver a negotiated settlement makes a mockery of the words "Never Again."

I am not an expert in this region. I have been to Yugoslavia, when it was Yugoslavia. I sat at an outdoor restaurant on a beautiful evening and watched wonderful people, just like my neighbors in Regent, ND, just like North Dakotans or Kansans or other folks, and it occurred to me that it was a wonderful country with a lot of wonderful people. Of course, we now know that what has happened as a spark occurs in an area, and Mr. Milosevic follows up the spark with ethnic cleansing, producing a calamity. We see the horrors inflicted on people, in some cases by their previous neighbors, that you would have thought unthinkable. Something is dreadfully wrong when the rest of the world allows a dictator like Mr. Milosevic to inflict ethnic cleansing and the kind of horror he has inflicted on the people of Kosovo.

That is why NATO and the United States have engaged in airstrikes. It is why all of us hope this conflict ends soon and that Kosovars are returned to their homes. Also, Mr. Milosevic, at least from my standpoint, should be brought before an international tribunal and tried even in absentia, if necessary, as a war criminal and convicted as a war criminal to send a signal to the world that this new world order will not allow this to go unpunished.

Mr. President, I yield the floor.

#### EXHIBIT 1

[From the Washington Post, May 9, 1999]  
NON-NEGOTIABLE, WAR CRIMINALS BELONG IN  
THE DOCK, NOT AT THE TABLE

(By Mark S. Ellis)

Just a few weeks ago, I stood among a sea of 20,000 desperate people on a dirt airfield outside Skopje, Macedonia, listening to one harrowing story after another. I had come to the Stenkovec refugee camp to record those stories and to help set up a system for documenting atrocities in Kosovo.

As I collected their accounts of rape, torture and executions at the hands of Serbian troops, I was struck by the refugees' common yearning for justice. They wanted those

responsible for their suffering to be held accountable. Their anger was not only directed at the people they had watched committing such savagery, but at the Political leaders—and Yugoslav President Slobodan Milosevic in particular—who had orchestrated the misery and continue to act with impunity.

The means exist to hold Milosevic and his underlings accountable. In recent weeks, there have been calls from members of Congress for his indictment by the International Criminal Tribunal for the Former Yugoslavia, and Undersecretary of State Thomas Pickering has said that the United States is gathering evidence that could lead to his indictment. And there is plenty of evidence. In the Kosovo town of Djakovica, for example, residents carefully documented the Serbian barbarity for investigators, recording the details of each murder, each rape, each act of violence, before they fled the city. The time has come to act on the testimony of these and other witnesses.

To do so, of course, flies in the face of last week's much-ballyhooped optimism about reaching a negotiated settlement with Milosevic. However eager the Clinton administration might be to reach a political and diplomatic solution, we should remember that those who have recently suffered under Serbian attacks reject outright the notion that justice must sometimes be forfeited for the sake of diplomatic expediency. During the Bosnian conflict, accountability was sacrificed on the dubious premise that negotiating with someone who is widely regarded as a war criminal is a legitimate exercise in peace-making. We shouldn't make that mistake a second time around. Milosevic's broken promises still echo among the charred ruins and forsaken mass grave sites that defile the landscape of Bosnia.

If Milosevic had been indicted for the mass killings and summary executions that the Bosnian Serbs—with backing from Serbia—are accused of carrying out, would he have acted so brazenly to "cleanse" Kosovo of its ethnic Albanians? Nobody knows. At the very least an indictment would probably have deterred him; an apprehension and a trial would have stopped him. But there should be no uncertainty about what occurs when Milosevic is allowed to act unencumbered. The time has come for the international war crimes tribunal to help put an end to that.

Inaugurated by the United Nations on May 25, 1993, and based in The Hague, the Yugoslav war crimes tribunal has, to date, tried just 16 defendants. With a staff of more than 750 and an annual budget of more than \$94 million, it has the resources—and the authority—to indict Milosevic. Indeed, failure to indict would reveal the tribunal's impotence in the face of political controversy, and prove that this institution of international law and justice is merely an expensive and irrelevant relic.

How difficult would it be to indict Milosevic? Not difficult at all. Under the tribunal's statute, the office of the prosecutor need only determine "that a prima facie case exists." That's to say that the prosecutor must gather evidence sufficient to prove reasonable grounds that Milosevic committed a single crime under the tribunal's extensive jurisdiction.

With this in mind, the chances of Milosevic being held accountable increase with the arrival of each new group of refugees driven from their homes in Kosovo. Their remarkably consistent testimony is providing crucial information—now being gathered by representatives of the tribunal as well as by human rights organizations—about what has actually taken place in Kosovo. These firsthand accounts are indispensable in building a case against Milosevic—and the refugees I

interviewed during the days I was there are willing to testify about what they saw.

But with refugees flooding out of Kosovo and some being relocated in distant countries, the prosecutor's office must ensure that testimony is taken swiftly, legally and professionally. The lack of access to Kosovo by independent journalists and human rights monitors and the extreme instability of refugee life heighten the importance of collecting these accounts while they are still fresh in people's minds. Yet the prosecutor's office was slow to act. A full five weeks went by before the tribunal sent a corps of investigators to the region.

What crimes should the Yugoslav president be indicted for? The tribunal's statute provides jurisdiction over "serious violations of international humanitarian law" including both "crimes against humanity" and "genocide," the most abhorrent of all. Milosevic should be indicted for both.

Crimes against humanity are defined as "systematic and widespread" and directed at any civilian population; they include murder, extermination, imprisonment, rape and deportation. They are distinguished from other acts of communal violence because civilians are victimized according to a systematic plan that usually emanates from the highest levels of government.

In Kosovo, the forced deportation of ethnic Albanians by the Yugoslav army and the Serbian Interior Ministry police force is an obvious manifestation of such crimes. The refugees with whom I spoke described being robbed, beaten, herded together and forced to flee their villages with nothing but the clothes they were wearing. By confiscating all evidence of the ethnic Albanians' identity—passports, birth certificates, employment records, driver's licenses, marriage licenses—the Serbian forces also severed the refugees' links with their communities and land in Kosovo. This attempt to make each ethnic Albanian a non-person is itself a crime against humanity. Emerging evidence of mass killings, summary executions and gang rape lends further credence to the widespread and systematic nature of these crimes.

As to the crime of genocide, the tribunal's statute rests on the 1948 Convention on the Prevention and Punishment of Genocide, which defines genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." Arising as it did from the extermination of the Jews in Nazi Germany, the convention invites comparison with the Holocaust and is intended to prevent such heinous crimes from happening again. This tragedy has not reached that perverse level of brutality but, like the earlier efforts to eliminate an entire people—whether the Jews, the Armenians or the Tutsis—it should be prosecuted as a crime of genocide.

The convention addresses intent, and stipulates that acts designed to eliminate a people—in whole or in part—constitute genocide. Among other acts covered by the convention, crimes of genocide include "(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part."

In the former Yugoslavia, acts of genocide have been perpetrated through the abhorrent policy of ethnic cleansing—that is, making areas ethnically homogenous by expelling entire segments of the Kosovar population and destroying the very fabric of a people.

Ethnic cleansing does not require the elimination of all ethnic Albanians; it may target specific elements of the community that make the group—as a group—sustain-

able. The abduction and execution of the intelligentsia, including public officials, lawyers, doctors and political leaders, for example, is part of a pattern of ethnic cleansing and could constitute genocide, as could targeting a particular segment of the population such as young men. It is clear from the refugees who have been interviewed that these acts are being systematically committed in Kosovo.

An often overlooked but important element of the 1948 convention is that an individual can be indicted not only for committing genocide, but also for conspiring to commit genocide, inciting the public to commit genocide, attempting to commit genocide, or for complicity in genocide. The point is that criminal responsibility extends far beyond those who actually perform the physical acts resulting in genocide. In short, the political architects such as Milosevic are no less responsible than the forces that carry out this butchery. There is no immunity from genocide.

Prosecuting Milosevic will require relying on a legal strategy based on the concept of "imputed command responsibility." Under this theory, Milosevic can be held responsible for crimes committed by his subordinates if he knew or had reason to know that crimes were about to be committed and he failed to take preventive measures or to punish those who had already committed crimes.

Since it is unlikely that Milosevic has allowed documentary evidence to be preserved that would link him to atrocities in Kosovo, the prosecutor's office will have to rely heavily on circumstantial evidence to build its case. This means identifying a consistent "pattern of conduct" that links Milosevic to similar illegal acts, to the officers and staff involved, or to the logistics involved in carrying out atrocities. The very fact that atrocities have been so widespread, flagrant, grotesque and similar in nature makes it near certain that Milosevic knew of them; despite his recent protestations to the contrary, it defies logic to suggest that he could be unaware of what his forces are doing.

What will the consequences be if the Yugoslav president is indicted? First, an indictment would send a clear message that the international community will not negotiate or have contact with a war criminal. It is current U.S. policy not to negotiate with indicted war crimes suspects. And so it should be. Milosevic would be stripped of international stature except as a fugitive from justice. This might, in turn, open an avenue for Serbians to once again distance themselves from their leader's regime. Second, an indictment would likely result in an *ex parte* hearing in which the prosecutor's office could present its case in open court—without Milosevic being there. By establishing a public record of Milosevic's role in the crimes committed, such a hearing would be cathartic for both victims and witnesses, and also for citizens long denied access to the truth. Finally, the tribunal would issue an international arrest warrant making it unlikely that Milosevic would venture outside his country's borders.

When I watched the bus loads of new arrivals enter the Stenkovec camp, I saw a small girl's face pressed against the window. Her hollow eyes seemed to stare at no one. History was being repeated. In his opening statement at the Nuremberg trials in 1945, U.S. chief prosecutor Robert H. Jackson said, "The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated." Jackson was expressing the hope that law would somehow redeem the next generation and that similar atrocities would never

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Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 15 minutes.

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

#### RURAL HEALTH CARE

Mr. THOMAS. Mr. President, I wanted to come in this morning when we had a break in regular business to talk about something that is very important to me and to Wyoming. As a matter of fact, it is also important in States such as Kansas. I am speaking about promoting health in rural areas.

I am joining with several colleagues in introducing a bill promoting health in rural areas, a bill designed to increase access to quality health care services in rural areas. Rural health care has been a priority of mine since I have been in the House and Senate. As cochair of the Rural Health Care Caucus, I am pleased that health care in rural areas is an issue that we can address in a bipartisan way.

So I am very pleased to work with colleagues, including the Presiding Officer, Senator ROBERTS; Senator GRASSLEY; Senator HARKIN; Senator BAUCUS; Senator DASCHLE; Senator CONRAD, and Senator COLLINS, to craft this bill. It is always a pleasure to work with people who have similar issues, and certainly we do in rural areas.

This bill provides some incentives, regulatory relief and Medicare payment equity, needed to ensure rural families have access to quality health care, the kind of health care that they deserve. Those of us who come from low-population areas have unique problems. We talk about education, we talk about schools, and we talk about the delivery of health care. Quite frankly, it is different in Greybull, WY, than it is in Philadelphia. So when we have national programs such as Medicare, it is important that we recognize some of the problems that exist in rural areas are unique and, indeed, need to be dealt with differently—problems such as the lack of physicians and health care providers in rural areas, and the idea that Medicare reimbursement has actually been unfair and unequal and not uniform throughout the country.

I recall last year when we were talking about Medicare payments to HMOs, the payments that were available in

some places in the east were \$700 a month. In the Midwest, it was \$250 a month under the same kind of program. So there is some unfairness there. Certainly, we have experienced limited access to mental health. I think this is particularly true for young people. In rural areas, you simply don't have the kinds of rural health care access that is necessary and should be provided.

One of the techniques that will be used increasingly, I am sure, in rural health care is telemedicine, where you can go from a family practitioner to a specialty on telemedicine and get at least many of the same quality kinds of health care advantages.

Many of these problems were explored last summer when we held a forum in Casper, WY. We brought in people interested in health care, not only providers and patients but others. Many ideas were talked about there, such as how we can strengthen health care in Wyoming. We came up with a consensus in a number of these areas, and this bill contains many of those recommendations. I am pleased about that.

Here are some of the solutions. One of the things we discovered in our health care seminar is that in big cities you have all the different kinds of specialists and different techniques for health care, but you don't have them in small towns. So it is necessary, then, to have a network so you can tie it in. Small towns aren't often able to have a fully qualified hospital that will receive payments for Medicare from HCFA. So we had to arrange to have what we call "acute care hospitals" that can provide a lesser but equally important service, so that people could have emergency care, for example, and then be transported to another place, or the full service hospital. So you need a network there.

We need assistance in recruiting physicians, as you can imagine. It is difficult sometimes to bring in doctors—particularly specialists—to low-population areas. So these are some of the problems that we talked about.

This bill ensures rural health care representation on the Medicare Payment Advisory Commission. There is an advisory commission that has oversight responsibilities, and there is no assurance that there would be anyone there with a background and experience in a rural area. These are the things we have done. Specifically, it increases the reimbursement rates for hospitals and clinics.

Medicare reimbursement rates have been unfair and inadequate. Health care costs have been undervalued. You should receive the same kind of value care there as somewhere else. The cost of living is somewhat less, perhaps, but not to the extent that the payments have been made different.

We think one of the results of that, of course, is the difficulty to get providers to come there. Their reimbursement is less than it is in Florida or

other places for doing the same thing. So we revised the rates.

The bill increases payments to sole community hospitals and, of course, that is what we have. My first recollection in talking about this is when the Presiding Officer was in the House and we talked in Kansas about having a special program for small town hospitals, and that happened and has worked well. Recruiting and maintaining providers, of course, is a problem. In Wyoming, we have 22 underserved areas. That means there is less than one primary care physician for every 3,500 people living in those areas. It is also appropriate, of course, to advocate for other professionals, such as nurse practitioners and physician assistants. In many areas, those are the types of professionals that will be in small towns.

Telemedicine, of course, can be the salvation of rural America, and it is moving quickly.

This bill expands the number of telemedicine services reimbursed by Medicare, which will be very useful in establishing a well-coordinated network of physicians, midlevel practitioners, hospitals and clinics. This is especially important if you have a nurse practitioner or physician assistant, for instance, in a small town and they need advice from a specialist. They can do that using telemedicine.

Mental health. As you can imagine, access to mental health care is quite limited in rural areas. So this bill expands and ensures coverage by Medicare for mental health types of things. I mentioned the MEDPAC. Two years ago, Congress established the Medical Payment Advisory Commission, designed to make policy recommendations in part A and part B of Medicare. Unfortunately, on the current 15-member board, only one member is from a rural area. This bill requires that at least two be on the board to give adequate input.

In conclusion, I am very pleased with this bill to promote better health care in rural areas. It provides assistance to many rural communities that have trouble getting the quality health care that people receive in bigger cities. This is designed to do that. It is possible that we can debate it this year. The Rural Health Care Caucus will be working, and perhaps it will be part of a broader health care effort. This is a good start, and I am pleased to be a part of it.

#### ACCIDENTAL BOMBING OF THE CHINESE EMBASSY IN BELGRADE

Mr. THOMAS. Mr. President, as chairman of the Subcommittee on the East Asia and Pacific Affairs, I have been very much interested in the unfortunate bombing of the Chinese embassy in Belgrade over the weekend.

Clearly, in my opinion, this was a tragic mistake. It has been suggested by some that it was done on purpose. I don't believe that. I think it was a mistake—one for which there is no excuse.