

rights under IGRA to develop such regulations. Like Governor Herrera has pointed out, without a hearing, it is difficult for the Senator to make this judgment. For these reasons, I remain opposed to the Enzi amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I urge the adoption of the amendment. I ask for a voice vote on the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 111) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for not to exceed 10 minutes, and that this period expire at 11 a.m.

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

Mr. SHELBY. Mr. President, I was pleased to cosponsor the provision of the Senator from West Virginia for an Emergency Steel Loan Guarantee program when the Committee on Appropriations reported the bill to the Senate earlier this month. I felt then, as I do now, that many steel companies have suffered significant economic injury as a result of the illegal dumping of foreign steel. In my own State of Alabama, at least one steel mill I know of is now teetering on the brink of bankruptcy due to this illegal activity. I was, therefore, very pleased by the Senator from West Virginia's effort to address this problem and provide some short-term needed relief to our steel companies. I know Senator SESSIONS shares my support for this provision because of our concern with the plight of local steel mills in our State of Alabama.

Mr. SESSIONS. Mr. President, I too am concerned with the dilemma facing our local steel mills in Alabama and I want to commend the Senator from West Virginia for his leadership, working, in a bipartisan manner with Senators from all the steel-producing and other adversely affected states, to address the substantial economic injury that the illegal dumping of imported steel has caused across the country through an Emergency Steel Loan

Guarantee program, which is to be part of the Emergency Supplemental appropriations bill, for the fiscal year ending September 30, 1999. My understanding is that the intent of the Emergency Steel Loan Guarantee program is to afford all qualified steel companies with the opportunity to obtain a loan guarantee, whether or not the company is now or is placed in a situation where it must seek to reorganize under Chapter 11 of the United States bankruptcy laws before the end of this year? Is my understanding of the program correct?

Mr. BYRD. The Senator is correct.

Mr. SHELBY. As you know, several companies have already been forced into bankruptcy because of the "critical circumstances" that these unprecedented levels of imports have caused—Acme, Laclede, and Geneva Steel come to mind—and that several other companies are in a distressed financial condition, including companies in West Virginia and Alabama. Senator SESSIONS and I have met with the workers of steel companies on numerous occasions since this crisis started last fall. We have been told that because of this dire situation, companies are no longer able to borrow money in the private sector because of the disruptive and uncertain market. In which they must operate and that the immediate implementation of the Emergency Steel Loan Program is essential to the continued viability of these companies. It is my understanding that this program is specifically designed to encourage the private sector to make such loans available and that the Board will expedite its review of loan guarantee applicants that are in immediate need of such financial assistance.

Mr. BYRD. The Senator is correct. The Emergency Steel Loan program is designed to provide immediate access to necessary working capital and to allow companies to refinance long-term debt obligations on reasonable terms and conditions, which will improve their immediate cash flow positions so they can stay in business until this crisis passes. We do not want to have companies be deprived of an economic life-line when they are drowning and need a helping hand.

Mr. SESSIONS. As you know, the Senate Judiciary Committee, of which I am a member, spent a great deal of time last year examining the bankruptcy law and how to improve it for both debtors and creditors, I am particularly concerned that companies that seek to reorganize under Title 11 of the U.S. Code, are not precluded from obtaining a loan guarantee under this program since by definition the debts of such companies exceed their assets. Let me be specific, if a company does not have traditional forms of available "security," such as is defined in the 11 U.S.C. Sec. 101, would the Board consider an order of the federal bankruptcy judge finding that a guarantee is necessary to enable the company to operate its business or reorganize meets that requirement?

Mr. BYRD. The Senator is correct that the bill was written so that "security," as defined in the bill, would cover such a situation, however if further clarification is required we will work to address that and similar issues so that such companies are not excluded from the assistance provided in this emergency loan program.

Mr. SHELBY. Is it the Committee's intent that the Emergency Steel Loan Guarantee Program, established under S. 544, be made available to all qualified steel companies that satisfy the requisite security requirements in section (h)(2) at the time loan commitment is made as well as available at the time the loan becomes effective, regardless of whether or not a qualified steel company is now or could be required to reorganize under Chapter 11 of Title II of the U.S. Code?

Mr. BYRD. The Senator is correct, and if necessary we will clarify that further.

Mr. SESSIONS. The power of a United States bankruptcy court already provide that a court may issue any order that is necessary or appropriate to carry out its responsibilities of the bankruptcy law to protect the custody of the estate and its administration. Specifically, 11 U.S.C. Section 364 requires a debtor to obtain the permission of the court as a prerequisite to incurring additional credit. If a United States bankruptcy court determines that a qualified steel company under its jurisdiction requires the immediate access to a guarantee in an amount less than \$25 million, would that company be precluded from participating in the program because it has an immediate need of a lesser amount of guarantee than specified in section f(4)?

Mr. BYRD. That was not the intent of the Committee and we would expect the Board to afford substantial deference to such a determination by a United States bankruptcy court and we will further clarify that if required.

KOSOVO

Mr. BENNETT. Mr. President, I had not thought to address this subject, but the opportunity presents itself here and I find that I have reactions to this morning's newspaper that I would like to share with the Senate.

There were two things that happened yesterday, both of which are reported in this morning's paper. I think they come together with an interesting connection. The first one was a briefing held here in this building, on the fourth floor, on the issue of Kosovo and what the United States is about to do there. Attending that briefing, appropriately reported in this morning's paper, were the Secretary of State, Secretary of Defense, the President's National Security Adviser and the Chairman of the Joint Chiefs of Staff. Basically, they told us we are on the brink of going to war; that is, that the United States is prepared, with its

NATO allies, to attack a country within its own borders to resolve a dispute among its own people in a way that the United States feels is appropriate.

There are those who have advised us to stay out of a civil war, not go in the borders of another sovereign nation in order to resolve the dispute within that nation. But let us assume the stakes here are high enough to justify disregarding that advice. The second piece of advice that we are given is, if you do go into a civil war, pick a side. It is not entirely clear to me, from attending the briefing, that we know exactly which side we are for and what outcome we want. Because the third advice that comes along is, if you are going to go into a civil war and you are going to pick a side, make sure it is going to win. Again, in the briefing we had yesterday I was not satisfied that those four representatives of the administration had demonstrated a compelling case.

But I do not rise to issue a challenge to them on those grounds. Instead, I rise because of the connection, as I say, between two events: No. 1, a briefing of the Senate of the United States on the eve of the United States committing an act of war; and, No. 2, a report as to what the President of the United States was doing last night. In this morning's newspaper we are told that the President conducted a boffo performance before a dinner made up of representatives of the press, that he received three standing ovations, and in the Style section of the Washington Post we are told some of his best one liners. This is why I find such a jarring disconnect between the President preparing one liners in the White House for a reporters' dinner and the President's advisers talking to the Senate about going to war.

During the briefing that we had in this building yesterday, prior to the United States committing an act of war, we were told that one of the reasons we had to go ahead with this action was because we had gone so far down the road, in consultation with our allies, it would damage our treaty obligations with our allies if we did not proceed. I must confess I was offended—indeed, perhaps outraged by that logic—not because of what it said about what the administration had done with respect to our allies, but because of what it said about what the administration had not done with respect to its constitutional responsibilities. In the Constitution of the United States, the power to declare war is vested in the Congress of the United States. Very clearly, very specifically, without equivocation, Congress shall declare war.

We are on the verge of actions that are the equivalent of the United States going to war. The justification we are receiving for taking those warlike actions is that the administration has made commitments to foreign governments. Why is the administration entering into conversations, consulta-

tions and other relationships with foreign governments about going to war and not talking to the Congress of the United States about going to war, instead, preparing one liners for a dinner with members of the press so the President can get standing ovations for his comedic abilities, the President competing with Bob Hope and David Letterman, while the United States is on the verge of sending its young men and women into harm's way in a situation which, according to the President's advisers, will "take casualties"?

The phrase, "we will take casualties," is a euphemism to say that Americans are going to be killed. They are going to come home in body bags, and they will be killed in a war that Congress has not declared. They will be killed in a war that takes place because the administration has consulted with our allies and is worried about embarrassing themselves with our allies but cannot bother to bring themselves to fulfill their constitutional responsibility to come to the one agency that, under the Constitution, has the authority to declare war—that is, the Congress of the United States.

Indeed, in that briefing we were told that American forces will face the most serious challenge militarily that we have faced since the gulf war, and some said the most serious air defenses we would face since the Second World War. Yet the administration does not bother to talk to Congress about this and gain congressional authority for these actions. Instead, the administration spends its time talking to our allies.

Don't make any mistake, I am not objecting to the fact that the administration has consulted with our allies. I think that is right and proper that we should do that. Don't they have any sense of proportion or constitutional responsibility in this White House? Don't they understand that the Constitution says Congress has the right to declare war, not the President?

The last time we went into major military confrontation was over the gulf war. At that time, the White House was in the hands of a Republican President. That Republican President, whom I consider a good personal friend and for whom I have the highest affection, was going down this same road. He was preparing to take America to war without a congressional authorization to do so. There were those in this body who stood and said, "Mr. President, you cannot take us to war without the approval of Congress."

President Bush and his advisers resisted that logic for a while. Interestingly enough, one of the Senators who spoke out most vigorously, saying to the President you have no right to take us to war without congressional authorization, is now the Secretary of Defense. Then-Senator Cohen said repeatedly, to his own administration and his own party, you cannot take us to war without congressional authorization.

I am delighted and pleased that ultimately President Bush came to realize that truth and that America did not go to war in the gulf without congressional authority. President Bush had made all of the same kinds of commitments to allies that we now hear that President Clinton has made to our NATO allies with respect to Kosovo. It would have been enormously embarrassing for President Bush had the Congress not approved his action. He risked that embarrassment because he recognized his constitutional responsibilities. He came to Congress. The vote was close. He ran the risk of losing that vote, but ultimately, the Congress approved America's going ahead with the gulf war. We went ahead with the gulf war.

Yes, we did take casualties, but we set a precedent that is in concert with the constitutional responsibilities that we all face. America could say we went to war with the proper constitutional authorization.

I fear we are on the verge of going to war without the proper constitutional authorization. I fear the President of the United States, because of his concern—if we can believe what we were told in the Capitol briefing yesterday—over our relationship with our allies, is not willing to risk his constitutional responsibility to come to Congress.

I wish that instead of perfecting his one liners for the correspondents dinner last night, the President had been working on a message to Congress. I wish the President of the United States would come before a joint session of the Congress and explain to us what vital national interests are at stake here and why it is necessary for the United States to consider attacking another sovereign nation.

Obviously, he must feel the reasons are compelling or he would not have gone so far down the road as he has already gone. Let him share those compelling reasons with the people of the United States. Obviously, he feels he has a case to make or he would not have pilots standing at the ready to begin bombing. Let him make that case before the Congress of the United States. Let him recognize that when he took an oath to uphold and defend the Constitution of the United States, similar to the oath that we took, he cannot ignore the phrase in the Constitution that says that Congress has the right to declare war, not the President. It could not be clearer.

The difference in the President's priorities could not be clearer. Instead of preparing a message to Congress, he was preparing comedic one liners for a correspondents dinner.

Do my colleagues know what one of those one liners was, Mr. President? It is one of the things that offended me the most, reading the paper this morning. He referred to the fact that the vote in the Senate on the impeachment trial had acquitted him and said, "If it had gone the other way, I wouldn't be here tonight." Then the appropriate

comedic pause, and he said, "I demand a recount." Laughter.

Mr. President, I suggest, in the strongest terms I can muster, that the President should not be making light of the dangers of his appearing before a group of correspondents while his administration is in the process of preparing to send young Americans to their death. Flying over Kosovo with the air defenses that are embedded in those mountains firing at you is more dangerous than appearing before a group of correspondents who might write nasty columns about you. For the President to joke about the hazards of his appearing before that dinner on the eve of sending Americans into harm's way, where we are certainly going to see some of them come home in body bags, is to me deeply offensive.

Mr. President, I conclude with what is obvious about my position. The President of the United States has a constitutional duty before he sends Americans to war to come to the Congress of the United States and get some form of declaration of war. I believe he will abrogate his constitutional duty and violate his oath if he does not do that. Without his coming to us and without our adopting constitutionally accurate support for his actions, I will vote against everything that he proposes to do, against the appropriations.

I will vote in every way I can to say the President of the United States has violated his oath and violated the Constitution if he proceeds in the manner that we were informed about in our briefings yesterday.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. I thank the Chair, and I wish the Presiding Officer a good morning.

INVOLVEMENT IN KOSOVO

Mr. MURKOWSKI. Mr. President, a good deal has been said in the last several days concerning our potential involvement as part of a NATO peace-keeping operation in Kosovo. Having had an opportunity to be briefed on several occasions by the Administration, I am concerned that we have not given enough consideration to what we will do if the initial plan fails, or is somehow miscalculated.

Further, I am astonished that we do not have an end game for this exposure of our young men and women whom we would send into battle. As we consider the consequences of involvement in the Kosovo matter, and my sympathy runs deep for those who are in harms way as a consequence of this continued conflict, I am terribly concerned for the

American lives which would be in harms way if we send troops to Kosovo. I just don't think we can continue to be all things to all people.

There are certain times when we have to evaluate what is our appropriate role and when it is time to rally our allies in an efficient, effective coalition of support, of access, of supplies, some way short of a conflict.

When one looks at the armaments over there, we find Russian, we find Chinese, we find U.S., and we find European. As a consequence, had we taken steps some time ago to ensure that this sophisticated weaponry would not fall into irresponsible hands, we might have been able to avoid it. But we are down to a time when the administration obviously is reluctant to admit that, indeed, we are at the brink of entering into a war.

Some have suggested it could be the beginning of World War III. I am not going to dramatize, but do want to emphasize that I do not believe that we have given sufficient attention and strategic analysis to the alternatives to intervention, or to a withdrawal plan should we proceed to send troops to Kosovo. As a consequence, this Senator is not prepared to support an action at this time. I think the President of the United States owes it to the country, as well as to Congress, to come before the body with a clear-cut, committed plan that addresses the questions I have asked this morning.

I, as one Senator, want to put the White House on notice that support from this Senator from Alaska, at this time, is not there.

I also want to emphasize another point, Mr. President, concerning our potential intervention in Kosovo. We are about to enter into a recess at the end of next week and will not reconvene as a body until sometime in mid-April. Any action by the administration to send our troops, as a part of a NATO operation, into action during our absence, obviously puts the Congress in the position of having to support our troops—while we may not necessarily support the underlying action. Of course, we will want to support our troops, and we will support our troops.

But, because of the timing, we as a Congress must decide now—before our troops go in—whether or not we support this intervention. I encourage Members to express their opinions now, in fact plead that Members go on record with this issue, before we are asked to support our troops in Kosovo.

Mr. President, I see no other Member wishing to be recognized. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BUNNING. Thank you.

PRESIDENT CLINTON SENDING AMERICAN SOLDIERS TO KOSOVO

Mr. BUNNING. In 1995, when I served in the House of Representatives, I and a large bipartisan majority supported a resolution which called for President Clinton to obtain congressional authorization before deploying troops to Bosnia. That resolution passed by a vote of 315 yeas to 103 nays.

Yet, despite that vote, President Clinton went ahead with a large-scale and long-term deployment of tens of thousands of troops to Bosnia without congressional authorization or any meaningful debate.

Back then, President Clinton spoke to us and promised us all that we would have a well-defined mission with a clear exit strategy. But even today there are no details on getting our troops out of Bosnia. We are still there and President Clinton has spent approximately \$12 billion on that mission without ever including Bosnia funds in his budget.

As a result, he is draining crucial defense resources from other critical areas and further putting our soldiers in harm's way. We still have almost 7,000 troops in Bosnia and we are all unsure of what their exact mission really is and when, if ever, they can come home to their families. So much for a clearly defined mission and exit strategy.

But now, all I can say is, "deja vu" and "here we go again."

Right now, American troops are deployed all over the globe in over 30 nations on missions of questionable value and unclear rules of engagement. And now, President Clinton is about to scatter roughly 4,000 more troops to intervene in Kosovo under a NATO mission to enforce a peace agreement. But there is no peace agreement to enforce because one does not exist.

The Serbs and the Albanians have been fighting in this southern region of Serbia for centuries. So is it any surprise that earlier this week in France, the Serbs would not accept the Kosovo peace plan that their rival ethnic Albanians have agreed to sign?

I do not believe that any amount of American involvement is going to end these ethnic conflicts that have raged for centuries. We have tried to resolve this problem for three years and have gotten nowhere. I do not understand why we think we can end this civil war by sending 4,000 additional troops.

President Clinton has not given us any answers as to why sending these troops to Kosovo is so vital. President Clinton can tell us any time. But where is he? He has the bully pulpit.

I do not believe it is in our national security interest to get involved once again in another so-called peace-keeping mission in this region. In a few years, Kosovo will take its place in history books, along with Bosnia, Haiti and Somalia, as an example of a foreign policy that has no principled framework.