

name of farmers, but they really represent the agrifactories of this country.

I say to them: You are off supporting this dispute about bananas, and you are probably all upset that I am undercutting you. No, all I am interested in doing is getting the limited resources of the U.S. Trade Ambassador's office to start fighting for the economic interests of what we produce in this country. Things like wheat and steel? Sure, we have people concerned about steel. I will join them. How about focusing on wheat coming in from Canada at secret prices, sent to us by a state trading enterprise that would be illegal in this country? We send auditors up to Canada and they say, "We want information about what price you are selling for." They say, "We are sorry, we don't intend to give you any information at all." That is violative of our trade laws, and we ought to have a Trade Ambassador who will do something about that and a President who will join her to say it is time to stop that kind of unfair trade.

Well, Mr. President, my time is about over. I know that, as we begin the budget process this week and as we complete, hopefully, action on the supplemental this week, we will have a discussion about choices. I have talked a great deal about agriculture and the farm program.

Let me conclude by saying that one of the most significant choices we will make, in addition to those I have described, will be the issue of the broad choices of what we are able to do with the future surplus. One of the major choices will be to determine whether there will be reserves left from that surplus to invest in Social Security and to protect Medicare. I am especially concerned with the issue of Medicare, which is the major issue that represents the difference between the two budget resolutions that will be brought to the floor of the Senate.

That, I think, will be an aggressive and healthy debate and an appropriate one.

There are those who stood on this floor some 35 or so years ago and said that the Medicare Program would make sense for this country for senior citizens who had no health care. They found that insurance companies were not lining up to ask if they can insure older folks. They didn't run around looking for older folks to insure, because old folks aren't the kind of people you make money from. You insure young, healthy people, and make money from those folks.

Sixty percent of the senior citizens of this country had no health insurance, and we passed Medicare over the objections of many. Now, 99 percent of the senior citizens in this country have health care. They don't go to bed at night worried about whether their health circumstance will change in a way that will cause them very substantial trouble because they won't have the money to deal with their health

care needs. Medicare relieves them of that kind of anxiety.

We must, it seems to me, commit ourselves, in the context of choices that we make in the budget this year and in future years, to the long-term financial future and solvency of both Social Security and Medicare. I think in the next 2 or 3 days we will have a robust, healthy, and aggressive debate on this. Perhaps the debate will include some who never liked Medicare in the first place, and who wouldn't vote for it now, if they had a chance. I have heard a couple of people suggest as much in recent years. But, there are those on that side and perhaps many of us on the other who believe very strongly that this is a program that has been very, very healthy for tens of millions of American people and who believe that we ought to continue to provide solvency for it in the long term.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. 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 SITUATION IN KOSOVO

Mrs. HUTCHISON. Mr. President, I rise today to talk about the situation in Kosovo. We have been watching this situation unfold for days, actually months—actually, you could say thousands of years. But it is coming to a head in the very near future, perhaps in hours. As I speak today, Richard Holbrooke is talking to Slobodan Milosevic and trying to encourage him to come to the peace table. I hope he is successful, and I know every American hopes that he is successful. But what I think we must talk about today is what happens if he is not.

What happens if Mr. Milosevic says, "No, I am not going to allow foreign troops in my country," and if he says he is going to move forward with whatever he intends to do in the governance of that country? I think we have to step back and look at the situation and the dilemma which we face, because there is no question, this is not an easy decision. What comes next?

Basically, the President has committed the United States to a policy in NATO to which he really does not have the authority to commit. The consequences are that we have to make a decision that would appear to walk away from the commitment he made without coming to Congress, and that is not a good situation. I do not like having to make such a choice, because I want our word to be good. When the United States speaks, I want our word to be good. Whether it is to our ally or to our enemy, they need to know what we say we will do.

But the problem here is, the President has gone out with a commitment before he talked to Congress about it, and now we have really changed the whole nature of NATO without congressional approval. We are saying that we are going to bomb a sovereign country because of their mistreatment of people within their country, the province of Kosovo, and we are going to take this action, basically declaring war on a country that should not be an enemy of the United States and in fact was a partner at the peace table in the Dayton accords on Bosnia.

So now we are taking sides. We are turning NATO, which was a defense alliance—is a defense alliance—into an aggressive, perhaps, declarer-of-war on a country that is not in NATO. Mr. President, I just do not think we can take a step like that without the Congress and the American people understanding what we are doing and, furthermore, approving of it.

There is no question that Mr. Milosevic is not our kind of person. We have seen atrocities that he has committed in Kosovo. But, in fact, there have been other atrocities committed by the parties with whom we are purporting to be taking sides. The Albanians have committed atrocities as well, the Kosovar Albanians. So we are now picking sides in a civil war where I think the U.S. security interest is not clear.

I think it is incumbent on the President to come to Congress, before he takes any military action in Kosovo, to lay out the case and to get congressional approval. What would he tell Congress? First of all, before we put one American in harm's way, I want to know: What is the intention here? What is the commitment? What happens in the eventuality that Mr. Milosevic does not respond to bombing, that he declares he is going to go forward without responding to an intervention in his country? What do we do then? Do we send ground troops in to force him to come to the peace table? And if we did, could we consider that is really a peace? What if NATO decides to strike and an American plane is shot down? What if there is an American POW? What then? What is our commitment then?

My concern here is that the administration has not looked at the third, fourth, and fifth steps in a plan. They have only addressed step 1, which is, we are going to bomb because they will not come to the peace table and accept the agreement that we have hammered out. I just say, before we go bombing sovereign nations, we ought to have a plan. We ought to know what steps 3, 4, and 5 are, because I believe Congress has a right to know what this commitment is. How many people from the United States of America are going to be put in harm's way? What is it going to cost and where is the money going to come from? Is it going to come from other defense accounts, so other places in the world where we have troops are

put at risk? Is it going to come at the risk of our Strategic Defense Initiative? Just where is the money going to come from? Most of all, most important of all, what is the mission? How much are we going to be required to do and what is the timetable?

Mr. President, I would support a plan that would say when the two parties come to a real peace agreement, we would put our troops, along with our European allies in NATO, together in a peacekeeping mission of a short duration which would make sure that things settle down until we could have others rotate in and take our place. I would support a plan that went that far.

I would also support a plan of helping the Kosovars, but without putting American troops in harm's way. You know, the difference between the Clinton doctrine and the Reagan doctrine is that President Reagan would support freedom fighters with arms, with monetary contributions, with intelligence—many, many forms of support for freedom fighters—but he would never put a U.S. military person in the middle of a civil war. He would help, but he would not make that commitment.

Under the Reagan doctrine, therefore, we could help Afghan rebels and Nicaraguan freedom fighters. At the same time, we could also continue to remain strong in Europe and Asia because we could allocate our resources and we would not drain our resources in small civil conflicts in chosen places around the world.

What bothers me about what has been happening in the last 3 or 4 years is that we have been putting troops into civil conflicts in certain parts of the world but not all parts of the world. So every time we do it, it makes the decision not to do it somewhere else a little harder. We practically invaded Haiti and we still have 500 troops in Haiti today. We had 18 Army Rangers killed in Somalia in a mission that was ill-defined and was actually mission creep. The original mission of feeding starving people had been accomplished, but we didn't leave. We decided to capture a warlord, something our military is not trained to do and, therefore, the miscalculation cost us the lives of 18 great young Americans.

We have inserted ourselves into places like Haiti, Somalia and Bosnia, but we have not inserted ourselves into Algeria, where there are just as many atrocities as there have been in any place in the Balkans. We have not inserted ourselves into Turkey, where there is mistreatment of the Kurds. We aren't getting involved in the Basque separatist movement in Spain. We didn't step into Iran when the Ayatollah took over from the Shah and was assassinating almost every military leader that couldn't get out of the country, plus the religious minorities that were still there and their leadership. It is very difficult, when you start choosing where you are going to in-

volve yourselves, to extricate yourself when there is no clear policy.

That is why so many of us in Congress are concerned and why we realize the dilemma. We understand that this is not an easy black and white decision. We are talking about a commitment that the President has made. I do not like stepping in and saying that we shouldn't keep a commitment the President has made. Overriding that great concern is the consequence of not requiring the President to have a plan and a policy that will set a precedent for the future. I think we could explain it by sitting down with our European allies and saying, first of all, if we are going to change the mission of NATO, this must be fully debated and fully accepted by every member of NATO within their own constitutional framework. If we are going to turn NATO from a defense alliance into an affirmative war-making machine, I think we need to talk about it.

I will support some affirmative action on the part of NATO, if we are able to determine exactly what would trigger that and not go off on one mission without having a precedent for a different mission and, therefore, creating expectations among more and more people that we will step in to defend the autonomy of a country such as Kosovo or Bosnia. We must not allow the expectations to be such that we are drawn into every conflict, because we will not be able to survive with the strength that we must have when only the United States will be the one standing between a real attack from a ballistic missile or a nuclear warhead or an invasion of another country where we do have a strategic interest. We cannot allow there to be so many questions because there is so little policy. That is the responsibility of Congress, to work with the President.

We will work together. Congress will work with the President to hammer out a new mission for NATO. We will always do our fair share in the world. We will never walk away from that. We have to determine what is our fair share, what is our allocation. I submit that the United States will always be the leader in technology, and we will create a ballistic missile defense that will shield not only the United States and our troops wherever they may be in any theater in the world, but we also will protect our allies, if we have the strength to go forward. We will not have the strength to go forward if we continue to spend \$3 and \$4 billion a year on conflicts that do not rise to the level of a U.S. security interest.

We must be able to choose where we spend our defense dollars so that we will all be protected, ourselves and our allies, from a rogue nation with a ballistic missile capability that can put a chemical or biological or nuclear warhead on it and undermine the integrity of people living in our country.

Mr. President, the consequences are too great for us to sit back and let the President commit U.S. forces in a situ-

ation that I can't remember us ever having before; that is, to take an affirmative military action against a sovereign nation that has not committed a security threat to the United States. Before we would sit back and let the President do that, I cannot in good conscience say, well, he has made the commitment, even though he didn't have the right to do it, so we have got to let him go forward. Perhaps if we aren't lucky and if Milosevic does not come to the table, we would have more and more and more responsibilities because of the potential consequences that could occur if he does not come to the table.

We must know what those consequences are and what we are prepared to do in the eventuality that an American plane is shot down, that we have an American prisoner on the ground or that we bomb and bomb and bomb and bomb and he still does not do what we have asked him to do. We have to determine what we do in that eventuality. I certainly hope that we will consult with the Russians so that this war does not escalate into something that we haven't thought about. If Russia decides to step in on the side of Serbia, we could have grief beyond what anyone is saying right now.

I hope the President will work with Congress to fashion a new mission for NATO that will have the full support of Congress and the American people. I believe we could do that, because I don't think we are far apart at all. We cannot do it on an ad hoc basis. We cannot all of a sudden attack another country on an ad hoc basis and call that a policy.

I hope the President will come together with Congress and have hearings. Let's hear from the American people on just what they believe is the role of the United States. Let's hear from Congress about what our commitments should be and what is a ready division of responsibility for keeping the world as safe as we can make it, given that 30 countries have ballistic missile technology, some of whom are rogue nations. Let us step back with our European allies and determine if this is the right decision to make, or are there other ways that we could be helpful to the Kosovar Albanians.

I remember hour after hour after hour, over a 2-year period, talking about letting the Muslims have a fair fight in Bosnia, because they didn't have arms when two of their adversaries did. We never took that step. Now there is a cease-fire in Bosnia, but there are also many years to go before we will know what the cost is and if it can be lasting, because today, Bosnia is still as ethnically divided as it ever was because it is not safe for the refugees to move back in.

One can say there is disagreement on just how successful was the Bosnian mission. We do not see fighting, but NATO has just toppled a duly elected president of one of the provinces. It is pretty hard to understand. I think it is

tenuous that we would go in and forcibly remove an elected president while we are touting democratic ideals.

There was a way to go into Bosnia, but Kosovo is very different. Kosovo is a civil war in a sovereign nation. There are atrocities. There have been atrocities on both sides. We are picking one side, and we are doing it without a vote of Congress. I do not think we can do it. I do not think the President has the right to declare war, and under the Constitution, he certainly does not. And under the War Powers Act, it takes an emergency. This is not an emergency. We are not being attacked. United States troops are not in harm's way at this point.

We can take the time to talk about it, and the consequences are so great I think it is worth the time to set a policy that allows us to have some continuity for the next 25 years, so that our enemies and our allies will know what the greatest superpower in the world is going to do and they will not have to guess.

Mr. President, it is a dilemma, and I realize it is. I do not feel comfortable with the choice. I do not feel comfortable at a time when we have gone out on a limb, through our President who made a commitment for us, even though we were not part of it. Nevertheless, I would like to give the President that support, but it is worth it to take the time and do it right and ask the President to come forward to give us his plan, to tell us what happens when American troops are prisoners of war or on the ground or shot down. We need to know what we would do in that eventuality before we send them there. That is the least that we can expect.

I hope we can debate this resolution. I hope people will give their views. I have heard great debates already on it, not on the Senate floor, though. The time has come for us to have this debate, and let's vote up or down. There will be people voting on both sides in good conscience, seeing it a different way but with the same goal. So let's have that debate. Let's do it right. Let's don't haul off bombing an independent nation before the Senate and the House of Representatives has a plan and approves it or disapproves it. That is what our Founding Fathers intended when they wrote the Constitution, and it is more appropriate today than ever.

I hope we will do that, because then the American people will know what is going on and they will support it or not support it. If we are going to have a long-term commitment, which I hope we do not, but if we do, at least it will be with the support of Congress as Desert Storm was. That was a tough debate. People spoke from the heart on both sides. They took a vote, and Congress supported the President going into Desert Storm. That is the way it should be, Mr. President. That is the way it should be under our Constitution, under our democracy. That is the way our Government works. I hope it

will again as we face the crisis today that could have very long-term consequences for our country and for every one of our young men and women in the field wearing the uniform of the United States of America. Their lives are worth a debate and a policy, and that is what we are going to try to give them in the next 24 hours.

I thank the Chair. I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened to the Senator from Texas and, I must say, there are many Members of the Senate who have concerns about a range of these issues. But I will also say that one of my concerns is that as sensitive negotiations occur in Belgrade today with Mr. Holbrooke and others, a resolution that says "The United States national security interests in Kosovo do not rise to a level that warrants military operations" seems not to be the best of timing.

I understand all the points the Senator made. As she knows, we have had some discussions about NATO in the past. I am someone who voted against expanding NATO for a number of reasons. But NATO does exist. This country is a part of NATO, and NATO has indicated to Mr. Milosevic that there are consequences to his actions. The actions he has taken obviously include the slaughter of innocent civilians.

I am troubled, I guess, by having a resolution on the floor of the Senate at this moment. There will be a time and should be a time for a robust and aggressive discussion about what exactly is in our national security interest.

I was someone who was nervous about Bosnia. I would characterize the circumstances in Bosnia differently than the Senator from Texas did. There is not just a cease-fire there, there is a peace agreement in Bosnia, and this country went to Bosnia as a peacekeeper, not a peacemaker. We did not send American troops into Bosnia to create a peace that did not exist. We sent American troops in as part of a NATO contingent in Bosnia to keep a peace that already existed. Those of us who were watching what happened in Bosnia understood genocide was occurring in that area. We got involved through NATO. Frankly, it has worked to this point in a manner that has undoubtedly saved the lives of many in that region.

The Kosovo issue is, in many ways, as difficult and perhaps more difficult, and I do not know that airstrikes will have any impact at all. I honestly do not know. The Senator from Texas indicates that the President should consult with Congress, and she is absolutely correct about that. I know that there was a meeting on Friday. I was invited to a meeting at the White House on Friday, as were a number of my colleagues. I believe a bipartisan group of Members of Congress were at the White House on Friday when the President discussed the circumstances in Kosovo.

I, too, think consultation on these matters is required. Also required is a significant and robust debate about exactly what is in this country's national interest. The Senator from Texas has been very consistent on raising these questions over a long period of time.

However, it bothers me some that the timing of this particular amendment comes at exactly the moment that there are these discussions today in Belgrade with President Milosevic about the consequences of continuing to do what he is doing. Obviously, anybody has a right to offer any amendment. But I was, frankly, surprised to see the amendment that has been offered as a second-degree amendment. I understand that there will be a vote on a cloture motion tomorrow at 2:15 on this second-degree amendment. And this is a very difficult time for us to be essentially sending this message to Mr. Milosevic.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator from Texas.

Mrs. HUTCHISON. I just say to the Senator from North Dakota that I understand the concern about timing. And I could not agree with him more about the timing. But I will just point out that the amendment I offered was actually offered early last week as an amendment that I thought should be considered in a supplemental appropriations bill because, of course, it will require a supplemental appropriation. As you know, after the bill was laid down and other amendments were considered, this second-degree amendment was put on Friday. And now so much has happened in the last 48 hours that the timing is not perfect; there is no question about it.

I just say to the Senator from North Dakota that we have been trying to talk about this for quite a while. And the House took up an amendment 2 weeks ago that now is totally obsolete, because the Serbs have refused to come to the table. So I concede that the timing is bad, but I do not know when it gets better. We certainly are not going to influence Mr. Milosevic right this minute in that Mr. Holbrooke is talking to him right this minute.

But I do think that we have to have this debate, because if we do start an action before we have had this debate, and before the American people fully understand what the issues are and can weigh in, I do not think that would be acceptable, particularly if it is a long-term commitment. So I do not disagree at all with what seems to be very bad timing. I just do not know when it gets better.

Mr. DORGAN. If I might reclaim my time, the timing here is more than "less than perfect," as the Senator suggested. If I were involved in negotiations this afternoon in Belgrade with Mr. Milosevic, the Lott amendment would be of great concern to me, because I would expect that someone sitting across the table from me would

say, "Well, you are offering threats of airstrikes, but I can tell you that at this moment there is legislation pending in the U.S. Senate to prohibit those very strikes you're suggesting represent the threat to me."

I only say that I wish at this point we could have found a way—or could still find a way—to have the kind of debate about what is in the national security interest, what is the role of NATO, all of the kinds of discussions that the Senator suggests. Clearly, those are discussions we should and will have. But I rose simply to say I think the timing of this amendment detracts from the ability of our negotiators to express the threat of NATO action.

If I were negotiating for our side, debating this amendment is probably the last sort of thing I would want to see happen, because I don't think it serves our negotiating interests.

I do not say that personally in terms of anybody who offered this. The Senator from Texas indicated that she introduced this discussion in the Appropriations Committee, of which I am a member. She is correct about that. But this most recent amendment was laid down, I believe, Friday, and a cloture motion filed on Friday; and that is what I am concerned about.

Mrs. HUTCHISON. The Senator is correct, it was laid down Friday. But this amendment does not prohibit the airstrikes. It just says that we must come to Congress first, that the President must come to Congress and present a full plan first. And I think that is warranted before this type of action would be taken in this very unusual circumstance.

But as the Senator said, it is coming to a head very quickly. This amendment was offered last week. The second-degree was also offered last week. So we are trying to have a clear plan, certainly, before we get into a situation which could be very long term, with very dire consequences. And I think the full debate is what we are looking for, not necessarily a cutoff, but certainly having all the facts before us before we make such an important decision.

Mr. DORGAN. I would just point out, sending American men and women into harm's way is something I think no President wants to do. We've had ill-fated incursions and actions taken by Republican Presidents and Democratic Presidents alike. The perfection of foreign policy is not the province of any one party.

I was sitting here—the Senator from Texas was talking about President Reagan—and I was recalling that I was in Congress when Americans in Beirut were killed by a truck bomb. There have been a lot of circumstances where we had to learn exactly how and when we involve ourselves. It is a lesson that is very hard to learn.

The folks who feel very strongly about American and NATO involvement in Kosovo will make the case

that if the situation is not contained there, it will spread very quickly and we will have a very substantial, broader problem on our hands in Europe. My colleague from Delaware is waiting to speak. He knows a lot more about these issues and has been involved with them much longer than the combined service of myself and the Senator from Texas.

But I think all of us are probably nervous about these issues. We do not know exactly what the right approach might be. I only rose today to say that I am concerned about the timing of this debate. Just this afternoon sensitive negotiations are occurring in Belgrade with Mr. Milosevic. I hope Mr. Milosevic will hear at least one voice coming from this Congress, perhaps many voices, saying that the slaughter in that region of the world must stop—one way or the other.

With that point, let me yield the floor. I know my colleague, Senator BIDEN, is waiting to speak.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank my friend.

I want to begin by saying to Senator HUTCHISON, I think she is performing a valuable service. This debate needs to be undertaken. She and I have had very different views on the Balkans from the very outset. She, along with a majority of my colleagues, 3, 4, 5, 6 years ago, told me that bombing would not work in Bosnia and we should not be involved in Bosnia and they asked, "Why are we getting involved?" They were legitimate, real questions. And she could have turned out to be as right, though I think she and others have proved to be wrong.

No one knew then. I could not answer some of those questions then. I could not answer in 1992, when I came back from Bosnia and there was the report about what was happening in death camps, about the support of Milosevic across the Drina, with the VJ involved with the Serbs in Bosnia. I could not prove or convince people that there were massive massacres that had taken place and would be taking place. I could not convince anyone—either NATO or the President initially—that the longer we waited, the more the situation would deteriorate, and the harder it would be to put back together.

But the question I was always asked then is the one I am asked now as a vocal supporter of using force, along with NATO, to bomb Milosevic; and that is, people say to me now, "Well, BIDEN, tell me what the last step is. You tell me the first step now. Tell me what the last step is. You've got to have an end game here, BIDEN. If you're talking to the President of committing to a lift-and-strike policy in Bosnia"—that was 6 years ago, or more than that now, 7 years ago—"you've got to be able to tell us, if you lift the embargo and you engage in airstrikes, what happens?" The following are the contingencies—if you list them, they are all reasonable questions.

I say to my friend, the Presiding Officer and former Governor of Ohio, the truth of the matter is the world has changed so fundamentally that this calculus of what the last step will be is no longer relevant, especially if we try to answer it before the first step is taken. It leads to a policy of paralysis.

I remember arguing then with a man I had great admiration for then and do now, the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell. I remember him making the argument that unless we could submit front-end to put 300,000 troops in Bosnia, then we shouldn't put anybody in there. My argument was then and it is now that that thinking is an absolute policy for paralysis. I guarantee you that the world we are entering in the 21st century doesn't lend itself to that kind of calculus.

When there were two superpowers and we decided whether or not to go into Czechoslovakia when the Prague Spring was crushed, or when we decided whether or not we were going to invade the counteroffensive in Hungary when the Russian tanks rolled in, the calculus then was pretty clear. We could say if we responded, then there was a likely probability the Soviet Union would respond to our response, and there would be a likely possibility this would lead to World War III.

It was a reasonable calculus. We could do a cost-benefit analysis and ask if the cost of involvement was worth the possible payoff. And we do this balance, this calculus. We did this under Democrats and Republicans for 50 years and did it pretty darn well. Indeed, we won the cold war.

We are dealing with a different world now. We are not dealing with a group of people who are essentially cautious, who are part of a great empire, and who had scores of divisions along the Fulda Gap ready to roll into Western Europe if, in fact, war broke out. We are dealing now with a group of tin-armed dictators—malevolent, dangerous dictators.

In Iraq we are dealing with a man named Saddam Hussein. I heard when I urged, along with others, that we should bomb Saddam Hussein, "If you bomb Saddam Hussein, what is the second, third, fourth and fifth step you are likely to take?" We couldn't say then because these guys don't operate under the same rational basis that we do. They are cunning. They are smart. But they have fewer cards to play, and their cards are less obvious.

I approach things a little differently these days. I have been a Senator for 27 years, and I have been involved in foreign policy, deeply involved, for the bulk of that time here. I approach it this way now: Do we know what will happen if there is inaction? What happens if we don't act?

In Iraq, if we don't act, we know for certain Saddam Hussein acquires weapons of mass destruction. We know this because he has used poison gas before. We know he has used chemical weapons. We know he has invaded other

countries. We know that he has been willing to sacrifice tens of thousands of his people in a war with Iran. So we know where this guy is likely to go if we do nothing.

We have a different calculus now. In a superpower world, the calculus involved fairly cautious actors. We did not have Russian troops invading Latin America. We did not have Russian troops, in the wake of the Cuban missile crisis, storming into Cuba. We did not have Russians looking for opportunities to have a Russian soldier confronting an American soldier. It was a pretty cautious group of folks we dealt with. Dangerous, bad, an evil empire, but pretty cautious.

How about today? What is the downside of not acting? I will argue in a moment that it is immense. It is immense and it is clear, as clear as anything you can prognosticate in international affairs.

We must remember that we are a European power. Whenever I am asked why we would consider keeping 4,000–7,000 troops in Bosnia to protect 100,000 people from being massacred, I respond by saying that for 54 years we have kept as many as 365,000 troops in Europe to prevent the subjugation of people. We now have 100,000 soldiers currently deployed in that theater. Why is the idea of using 2,000–4,000 of them to keep people of Kosovo from being subjugated and massacred such a radical intellectual breakthrough?

Were the United States of America not deeply involved in the affairs of Europe, how many in this Chamber think Europe would be able to avoid the instability that has characterized it for 300 years? Who is going to step to the fore? France? England? Germany? They are all great nations, all great allies, but they suffer from disabilities we do not. They have lived on the continent for an eternity. They have old and deep animosities and differences and allegiances. All of Europe has a history of dealing with Serbs and Moslems, Albanians, Kosovars, Bosniacs, Croats, and it affects significantly their latitude.

What might happen were America to leave? Ask the French whether they would like to see us pull up stakes and leave Europe, bring the boys and the women home. Ask anyone who has spent a lot of time dealing with European affairs what happens if the United States disengages.

As a student of history and a participant in history, I ask whether America has ever been able to keep its distance from an unstable Europe. Lucky Lindbergh thought it was a good idea. A lot of other people who were more deeply involved in the conduct of foreign affairs thought it was a good idea. This question represents an historic isolationism versus internationalism debate we have had in this country for over 200 years. Internationalists are characterized as adventuresome by their critics, and isolationists are characterized as narrow and self-interested by their

critics. But it is a healthy, long-term debate.

My friend asks whether or not I would be happy to yield for questions. I am always happy to yield for questions from the Senator from Pennsylvania. I am not always able to answer them, but if he has a question, I am happy to yield.

Mr. SPECTER. Mr. President, I broach this subject gingerly, as we have shared many hours together on the train ride from Washington to Wilmington, where he departs. He should go to Philadelphia, but he gets off at Wilmington. I sent the Senator a note, as he was in the middle of his discourse and I would not want to interrupt him if he chose to proceed with the line he had. However, there are a number of subjects that I think would be useful to discuss with the distinguished Senator from Delaware because he and I have discussed foreign policy, as well as many other subjects, on many occasions. We have agreed on many subjects—not always—and on many of our judgments.

The first subject that is on my mind is on the use of force in Kosovo. Specifically, the level of public understanding and support which is present at the moment. Senator BIDEN and I, along with 29 others, attended a meeting in the Oval Office on Friday to discuss the situation in Kosovo. The general concern uniformly present, was the level of public understanding of this issue and the level of public support, and the question of how much public support we needed in order to undertake these airstrikes. That would be the first subject on which I would be very interested in the views of the Senator from Delaware.

Mr. BIDEN. Mr. President, I will be happy to respond.

I think the Senator and I agree that there has hardly been any public knowledge or discussion of Kosovo. One of the reasons I am speaking on this matter is that I feel obliged to lay out the background on this issue: what is going on, what is at stake, why we must act, and the consequences of our action. I agree with what is implicit in the Senator's question: The American public has not been given sufficient facts to allow them to be informed as to whether or not the course of action the President wants to take is, in fact, wise.

I was telling my staff as I walked over here that, this weekend, I came out of a 5 o'clock mass, and a friend of mine—a very informed fellow, who is, I think, a supporter—pulled me aside on the steps of the church and said, "JOE, look, you may be right, and I tend to trust your judgment in foreign policy; but I have tried my best to read everything I could." I listened, and he used this phrase: "I listen to MacNeil/Lehrer Newshour every night, and I am waiting to hear somebody explain to me this deal in Kosovo. I know you spent a lot of time, JOE, on the Bosnia thing, but isn't this different? Explain it to me."

Then, the Wednesday before, I was at a St. Patrick's Day function where we raised money for a fund in the name of a deceased mayor, and a very intelligent fellow, a graduate of Annapolis named Healy, a premiere builder in our State, said, "JOE, I'm a Republican"—I hope I am not going to get him in trouble—"but I've been liking you for a while. JOE, for God's sake, don't go down this bombing route." Then I started to explain some things to him and didn't change his mind, but he said, "I didn't know that."

These are two illustrations, and I think you could probably canvas the gallery here and ask them how much they have heard about Kosovo and what do they know, and whether they believe what we are apparently about to undertake makes any sense. The very sure answer to your short question is that, no, the public is not sufficiently informed.

At our recent meeting at the White House, you will recall that I, and I think the Senator from Pennsylvania and others, stood up repeatedly and said, "Mr. President, ultimately, you must educate the public." The President told us that in his first news conference he was going to lead with Kosovo.

But I have said to him and to the national security adviser, as well, that I believe the President has to address the Nation. I think the President should go on television at prime time, and take a half hour and literally, with a map and a pointer, sit there and say: This is Kosovo, this is why it is important, this is what happens if we don't act. When we act, if we do, we think we will bring about the following result. American forces probably will be killed, but possibly not. None were in Bosnia, but this is a much more sophisticated air defense system in possession of the VJ. They are much more sophisticated militarily than we faced anywhere with a bombing campaign in Bosnia, and it is possible that American forces will be hurt.

Mr. SPECTER. If the Senator would yield for a follow-up question, when the Senator from Delaware spoke at the meeting last Friday, he referred to the issue of the likelihood of casualties. When I had an opportunity to speak, I did, too. We both made the same point, although you made yours with more emphasis, which is not uncharacteristic.

I suggested to the President—

Mr. BIDEN. I will take that as a compliment.

Mr. SPECTER. It is a compliment.

I suggested to the President that he be very direct on the problems and the risks, because if there is to be public understanding, the public ought to be informed about the risks.

When the Senator from Delaware spoke, and he has repeated it today so it is not something I am telling out of

a quasi-private meeting, he used the word "probably," as opposed to the word "possibly." The Senator and others including myself all emphasized the point that there had to be public awareness as to what was going on in Kosovo.

The President has made a start. He led off his news conference with the topic, but he did not give a 30-minute speech in detail. That would be a short speech considering the complexity of this subject. This which raises the question as to what is the level of public understanding, which I think is a very important factor in letting me go to a second subject, if I may.

The first part of this is hypothetical. If the President knew he would get an affirmative vote in a resolution from Congress on the use of force in Kosovo would he be wise to seek it? Would it strengthen his hand to have an affirmative vote? I, as the Senator from Delaware, do not like to deal with hypotheticals, but we have to on some occasions. So I ask my colleague about his view as to whether the President would welcome an affirmative vote if he knew he would get one, and would his hand be strengthened if he had congressional authorization before he took military action.

Mr. BIDEN. Mr. President, I will respond by saying two things. I will answer the second part of his question first, which is very easy. Clearly, his hand would be strengthened if he had one.

Second, the first part of the question: Would President support it?

I also said in my statement to the President and our colleagues that I believe the Congress should—should—be confronted with a specific piece of legislation authorizing the use of force. I think it is constitutionally wise and politically necessary that be done.

Mr. President, such a congressional vote will spark the very debate on this floor that I think is needed to further inform the American public about what is at stake.

By the way, I called the White House after we had our meeting with the President and reiterated that I hoped he would send up a resolution. He did not. So I wrote one. I was prepared to attempt to amend Senator HUTCHISON's amendment. But, in the meantime, as is his prerogative, the majority leader came in and offered a second-degree amendment to Senator HUTCHISON's. So I now have no ability to amend her amendment.

I am told that we are going to vote on cloture. If we get cloture—and I hope we will get cloture—then there will be an up-or-down vote on the Lott-Smith amendment. That amendment says that the President can't take any action in Yugoslavia until funds are authorized. I would prefer having an up-or-down vote on that notion.

My resolution says, "The President is authorized to use the United States Armed Forces for the purposes of conducting air operations and missile

strikes against the Federal Republic of Yugoslavia, Serbia and Montenegro, pursuant to a decision of the North Atlantic Council Treaty Organization in order to achieve the objectives in section 2."

Through my resolution, I want us to step right up to our constitutional task of deciding whether or not to authorize the use of force.

I am the guy, by the way, who, in a very contentious meeting with President Bush, insisted that we have hearings in the Foreign Relations Committee on a resolution for the use of force in the Persian Gulf war. I believe that is a congressional prerogative.

One might argue that the President doesn't need congressional authorization. I think he does. In my view, a President is always better equipped and better advised to go into a risky operation if the American people know what is at stake.

My experience, Mr. President, is that Senators and Congressmen do not like to be counted. Keep in mind that I have been here for six Presidents. We in Congress don't like to be counted on issues of war and peace—Democrats or Republicans—because if, in fact, the risky business the President wishes to undertake succeeds, we all want to be able to say, "Good idea, Mr. President. I was with you." If it fails, Congress wants the luxury of saying, "I told him. He never should have done that. Bad idea."

I came out of the so-called Vietnam war generation. The only thing most everybody in my generation can agree on is that a foreign policy of this great nation cannot be sustained very long without the informed consent of the American people.

Mr. SPECTER. Mr. President, if the Senator will yield again, first, I can confirm the contentious meeting. In fact, I can confirm that the Senator from Delaware was present in many contentious meetings, not only with President Bush but others. Those were the meetings where some light was shed.

I was interested to note the generational difference by the Senator from Delaware, and he indeed associated himself with the Vietnam war. I would choose to associate myself with the Persian Gulf war.

Mr. BIDEN. I think that is appropriate.

Mr. SPECTER. I don't want to move to a generation older. I would like to move to a generation younger.

When my colleague talked about submitting a resolution, he was very artful, as he always is. He said it will be constitutionally wise and politically necessary. Then he moved on to say that he believes the President has a constitutional duty, although an argument could be made on the other side. As usual, the Senator from Delaware anticipated the next line of inquiry as to whether this military action is an act of war. I believe this is a subject which really could use some elabo-

ration and some discussion between not only the Senator from Delaware and myself but others in this not totally filled Chamber.

When the Senator from Delaware refers to the pending amendment offered by the Senator from Texas, Mrs. HUTCHISON, and the second-degree amendment offered by the Senator from New Hampshire, Senator SMITH, I believe the Senator from Delaware will be interested to know that the majority leader had looked for an approach where a substitute might be offered by the leader of the Democrats and where a substitute might be offered by Senator LOTT.

It may well be that Senator LOTT would be interested and perhaps agreeable—obviously, I cannot speak for Senator LOTT—to having the Biden amendment proposed as he has articulated. There might be an agreement by the majority leader, which I would certainly endorse, to have an up-down vote without a two-stage procedure and without having to go to a cloture vote.

For the people who are watching on C-SPAN II, a cloture vote means that there would be a vote to try and limit the debate. It requires a supermajority of 60. This would enable us to vote on the resolution, however it is articulated.

There are three items on which I would like the response of the Senator from Delaware. Let me name them and then come back to the one. Let me name them in inverse order.

Should we have the vote strictly on a resolution without a two-step procedure, as the Senator from Delaware articulates it?

Question No. 2: What are the considerations?

What is the argument that he doesn't have to come to Congress, that we are not implicating a constitutional requirement for congressional authorization to undertake this military action, if it is an act of war?

Let me deal with the most immediate question; that is this business of a cloture vote. I am, frankly, a little surprised to see the necessity to go to a cloture vote, although I do not question anybody who seeks to. I really do question this particular cloture vote. It might be something that is worth discussing, whether it is appropriate to have a filibuster over the issue of the use of force. A matter of this magnitude which involves a Constitutional authority, separation of powers, a provision of the Constitution of which there is none any more important.

So let me specify the question for the consideration of the Senator. Is it appropriate for a filibuster to be staged to bar the Senate from voting on whether to authorize or deny the President authority to use force?

Mr. BIDEN. Mr. President, let me be precise. It is legally permissible but unwise. Let me explain what I mean.

I think the reason for the cloture vote is not because the majority leader expects anyone to filibuster. It is a tool

that he has learned and has sharpened and honed very well to gain control and maintain control of the agenda and provide for the inability of anyone to amend whatever he wishes us to vote on. That is what this is about.

This has nothing to do with anyone filibustering. Indeed, I have not heard a single person suggest a filibuster. It has to do with the leader using, skillfully, as he does, the tools to be able to control the agenda of the Senate and determine what we will vote on, how long we will debate, and if we will debate.

If the Lott-Smith amendment prevails and is attached to the supplemental, I predict that the entire supplemental will fail. If that happens we will never have any action on Kosovo or the supplemental for the near term. That is my guess.

There is some confusion in the House, because they thought, as the President thought, that there would be an agreement between the Kosovars and the Serbs as a consequence of the meetings in France. They concluded that they should debate whether or not we would place American forces on the ground, as offered by the President, if there was a peace agreement.

But there is no peace agreement. So someone introduced an amendment—a freestanding bill on the House side—thinking they could pass a prohibition on the use of any American forces to implement any peace agreement signed. That was voted down.

Again, the public and a lot of our colleagues are not adequately informed on this. The headlines when the House voted were: House Supports Use of American Forces In Kosovo. That is not quite true. The House said it would permit a deployment in a permissive environment.

Now we are going to vote in the Senate on something completely different, something that may produce a very ambiguous result. The Lott-Smith amendment bars all funding for the purpose of conducting military operations by Armed Forces of the United States in Serbia and Montenegro.

What does that mean? Does that mean that, under our Constitution, if this passes with the supermajority necessary to overcome a sure presidential veto, that airstrikes are not permissible because bombs cost money and they are going to be dropped on parts of Serbia? I suspect it does. Rather than take such an ambiguous vote, we should not shirk our responsibility here.

Mr. SPECTER. Will the Senator yield for an additional question?

Mr. BIDEN. I sure will.

Mr. SPECTER. The Senator has gone through a discussion as to what Senator LOTT may have intended by the cloture motion, by the amendments pending, and by—as the Senator from Delaware characterizes it—our arcane procedure.

Mr. BIDEN. I could be wrong, but that is my reading of it.

Mr. SPECTER. It may be we can move ahead and structure a freestanding resolution which has been discussed, maybe two resolutions, one by Senator DASCHLE on behalf of the Democrats, one by Senator LOTT on behalf of the Republicans, and vote.

But let me come to the question that I think is by far the most important, which the Senator from Delaware had broached. That is the question about whether there is a constitutional requirement for congressional authorization.

As I look at the proposed military action, what has been described constitutes an act of war. The Constitution gives the President extensive authority, as Commander in Chief, but gives the Congress the sole authority to involve the United States of America in war—to have a declaration of war. That constitutional authority by Congress has been very, very significantly eroded.

Korea is perhaps the best example. I had occasion recently to pick up Margaret Truman's biography on President Truman and, seeing at least her version as to what President Truman faced in 1950, I wondered if the positions I have taken have been correct. But I stand by them, that there ought not to be the use of force without congressional authorization. The use of force was authorized prior to the Gulf war in a historic debate which occurred on this floor back on January 10, 11 and 12 of 1991.

I agree with the distinguished Senator from Delaware when he says the Members of Congress like to avoid votes on these issues. We faced an imminent airstrike last February in Iraq, February of 1998, and we chose not to decide the issue. At that time airstrikes were not made. In December of 1998, the Congress had ample opportunity to decide the question about airstrikes which did occur in mid-December over Iraq. Again, the Congress decided not to take up the issue. When we took up the issue of use of force in 1991, it came in a very unusual procedure, where the Senator from Iowa, Senator HARKIN, raised a procedural point the day we swore in Senators who were elected or reelected in November of 1990, so we took up the question.

So my view—and I have expressed it a number of times on this subject—is that however the matter is resolved, it ought to be resolved by the Congress. This subject has not really had the appropriate kind of discussion and debate.

So, I now ask the question in a specific form to the Senator from Delaware. What are the arguments in favor of the President's position not to require congressional authority? Does the Senator from Delaware agree with the proposition that I have articulated, that the Constitution does require Congressional authority before military force is used in bombing in Kosovo?

Mr. BIDEN. Mr. President, you can tell the Senator from Pennsylvania and

I are friends because I am happy to have his extended questions, because his questions always shed light on the subject.

I agree with everything he said so far. Let me be specific. When there is a Republican President, the Republicans argue the President doesn't need congressional authority. When there is a Democratic President, all of a sudden the Democrats support the President's unilateral war-making power.

Let me give you the argument that could be made by scholars as to why the President has the constitutional authority to act absent our approval.

They would argue that our actions in Kosovo are not an act of war. But as the Senator knows, the war clause does not require an act of war; it requires a use of force, a use of force that constitutes an offensive action. They would argue that this is defensive in nature. Presidents do that all the time. Remember why President Reagan invaded Grenada. To save medical students. That was the reason. That was the thin reed upon which he held his entire rationale, because everyone acknowledges that if it is an emergency or it is to defend American citizens and their property, it could be done.

In Kosovo, the argument could be made that there are U.S. personnel on the ground who would be in harm's way. If we do not take action, the roughly 40,000 Serbian troops near Pristina could threaten the small number of American forces in Macedonia. I can picture the argument being put together by the President's legal counsel. Because the Americans forces in Macedonia are now in jeopardy, there was a requirement to act to save them.

There also could be an argument made that airpower would be used for the purpose of protecting American personnel in Belgrade. The President could argue that Milosevic, with a long history of genocidal acts and acts of brutality, is about to move on American personnel. That is the nature of the argument that could be made.

There is also an argument, which I think is totally specious, that this qualifies as an emergency. The Founding Fathers, in this Senator's view, clearly contemplated emergency situations where the President would have to use force. That is why they gave Congress the power to "declare" war rather than "make" war. They did not want to tie the President's hands in the context of an emergency.

Another argument being made, which is not accurate but is made all the time by people justifying Presidential action in an area of making war or using force, is that there are 200 years of precedent. They will list hundreds of times where American forces were used without prior congressional authorization. It is a specious argument, in my view, but it is one that has credibility only as a consequence of its repetition. That is the other argument that will be used.

People will cite Libya. Did the President have a right to go in? I found Senator HUTCHISON's rendition of history fascinating, because her memory of Reagan and my memory of Reagan were fundamentally different. I don't mean it critically. I mean it factually. She said Reagan never put American forces in harm's way. Well, hell, they flew all the way from England, all the way across the Iberian Peninsula, and bombed the living devil out of Libya. Was that a declaration of war? Most Senators said it basically worked. It cowed the Libyan dictator for a while, and no American got hurt.

I cite that not to be critical of anything President Reagan did, but to point out that we often hear the precedence argument used. They say the Congress didn't do anything then. Therefore, that makes it constitutional. Yet there is a seamless fabric to the Constitution. Action, no matter how often repeated, cannot make an unconstitutional undertaking constitutional. That argument has been put forward by this administration and at least six other Presidents.

I might point out that the Lott proposal, the very thing we are going to vote on, may also be unconstitutional. It bars Defense Department funds for the purpose of conducting military operations by the Armed Forces of the United States. The only exceptions to the funding restrictions are (1) intelligence activities, including surveillance; (2) the provision of logistics support; and (3) any measure necessary to defend U.S. Armed Forces against immediate threat. Note that this third exception would give the President the excuse I just mentioned.

So the Lott proposal is flawed in two respects. First, as a constitutional matter, it is unnecessary. The Constitution already bars offensive military action by the President unless it is congressionally authorized. If Congress adopts the Lott amendment, it would imply that the President has carte blanche to take offensive action anywhere unless Congress makes a specific statement to the contrary.

We are telling the President he can't do something that the Constitution already says he can't do. Then we build in exceptions, exceptions that give him authority beyond what, in my view and the view of most constitutional scholars, he is entitled to as a matter of constitutional law.

Let me repeat the exceptions he builds. The amendment provides for providing intelligence activities. As the Senator knows, that can involve U.S. personnel. They may be all sitting up in Rhein-Main Air Force Base, or sitting in Italy. They may be on AWACS aircraft at a distance that can't be shot down. I do not know. It also could include spotters. It can include people on the ground. It could include U.S. military aircraft flying in Kosovo airspace, but not participating in the actual strikes.

Secondly, it provides for a provision of logistical support. That could in-

clude logistical support in the theater. If I were the President's lawyer on this one, I would say, Mr. President, don't worry about this sucker passing. You are OK. You can work this one out. You don't have to fight Congress on whether using force is constitutional. With this amendment, you can do what you want.

Thirdly, it excludes any measure necessary to defend forces against an immediate threat. Well, I guarantee you the argument will be made that once NATO decides to move, all those forces in Macedonia are in harm's way. Not only there, but American forces a little bit across the Drina River in Bosnia would also be in harm's way.

I guarantee you that the argument will be made, if this were to become law, that the Lott amendment gives the President the authority to bomb and use force.

Mr. SPECTER. If the Senator will yield on this point.

Mr. BIDEN. Sure.

Mr. SPECTER. When the Senator goes over the sections, they are so comprehensive as to make any prohibition meaningless.

Mr. BIDEN. I think so.

Mr. SPECTER. Which is one of the grave difficulties of having a resolution which prohibits Presidential action, but tries to accommodate to some special circumstance. In the articulation of the circumstances, it renders it absolutely meaningless and gives such latitude to the President, which may well be more latitude than he has under the Constitution.

I come back for purposes of a question, which I am about to ask, what the Senator from Delaware has had to say about the many occasions where force has been used, where acts of war have been undertaken. I agree totally that simply a recitation of those occasions does not establish a constitutional norm. One of the grave difficulties is that as the Congress sits silent, the Senate sits silent again and again and again. There has been such a total erosion of the constitutional requirement that the Congress has the authority to declare war. The situation as to emergency, which is used so frequently to justify Presidential action, is totally absent here.

This may be the clearest kind of case which we have seen where there has been time for a Congress to deliberate, to consider, and to act. I believe that the missile strikes in December of 1998 against Iraq should have required prior congressional authorization. But an argument can be made, tenuous as it is, that we are still operating under the resolution for the use of force from January of 1991. I think it is wrong, but one can make that argument.

When you talk about Libya, you may talk about the element of surprise, injecting some element of emergency. I do not want to get involved as to whether that is justifiable or not. But if you take the present circumstance, where the situation of Kosovo has been

building up for days, weeks, and months, and where there has been ample opportunity for the issue to be considered by the Congress and where the President has not taken the case to the American people, and where debate in the Senate only draws three Senators—we are honored the Senator from Virginia, the chairman of the Armed Services Committee, has joined us.

I join what the Senator from Delaware has had to say about the debate we had on the War Powers Act in 1983, where I asked then-chairman of the Foreign Relations Committee, Senator Percy, a series of questions as to whether Korea was an act of war, or Vietnam was an act of war, developing at that time a requirement for constitutional authorization.

We then had a very spirited debate with the Senator from Virginia, the Senator from Delaware, the then-Senator from Georgia, Senator Nunn, and many others on January 10 and 11 in 1991. That is the kind of consideration we ought to have now.

I believe it is possible we can articulate a resolution like the resolution of the distinguished Senator from Delaware so you do not have the prohibition and all these exceptions clauses where we do not know what we are talking about. If you have a resolution denying the use of funds and then exceptions, it is totally unintelligible.

If we have to delay the budget resolution, this matter is of sufficient importance that we can do the budget resolution next week. We might impede upon the recess. We can get that done and have the kind of debate we need.

I thank my colleague from Delaware for yielding and for the erudition which he has brought to this subject, as he teaches constitutional law and talks about this substantive matter to acquaint the American people as to what the constitutional law requires. I yield back to him so he can go on with his speech. I want to hear the substance as to why he thinks we ought to be undertaking these military strikes as a matter of national security, as a matter of national policy, as a matter of vital national interest, especially in the context where he says that the American people are not really informed, they are not really in a position to be supportive of this matter at this time.

Mr. BIDEN. I thank the Senator. I will respond—

Mr. WARNER. Mr. President, I wonder if I can interpose a question to both my colleagues.

Mr. BIDEN. Mr. President, I would be delighted to do that, but I want to warn anybody who comes to the floor, I came to the floor to deliver what I thought to be, if not enlightened, a comprehensive rationale for why I think we should act. I am happy to stay here as long as possible, and I am happy to delay giving that speech, but as long as the Senator realizes that when we finish our discussion, it is going to take me 20 to 25 minutes to deliver this speech.

One of the arguments here that no one has laid out sufficiently—I am not sure I am capable of it—is why we should do what the President is seeking to do, why we should do what NATO has voted to do, and why we should be either for or against doing that.

We did discuss here a very important subject about whether or not it is constitutionally permissible to use force absent congressional consent.

All I am suggesting is that the President and those of us who support the use of airpower in conjunction with NATO should lay out why that action is in America's interest. What are the costs, what are the risks, what are the benefits, and why should we do it? Those who disagree with our position should lay out in one place, where people can go to the RECORD, why they think we should not do that. There are legitimate arguments in opposition beyond the constitutional arguments in opposition to the use of force in Kosovo.

As long as the Senator understands that, I am happy to yield for questions. I do not want to keep him here to have to listen to my speech. When we conclude this colloquy, if I do not lose the floor, I will be delivering that speech.

I am happy to yield for a question.

Mr. WARNER. Mr. President, I am going to take 1½ minutes to pose a question.

Mr. BIDEN. Mr. President, the Senator should take as much time as the Senator wants.

Mr. WARNER. Again, we all draw on our experiences in life. I served overseas in Korea with an air unit, as a combat officer, I might say. Right now, I am trying to put myself—and I hope my colleagues put themselves—into a cockpit and we are strapped in, as these young Americans are right now, strapped in waiting for an order, which could come in the next hour.

Having met with the President the other day with my two colleagues here on the floor, I am convinced that he is going to join other NATO leaders and give that order at an appropriate time if the current mission of diplomacy by another courageous man, Mr. Holbrooke, is not successful.

I hope we can start to focus pretty quickly, not so much on all the historical parts of this important issue, like sovereignty and constitutionality, but on what we are going to do to support our military. It seems to me that this body at this time has to look itself in the eye and say these men and women are about to fly, about to take risks with our allies, and I think it is essential that the Congress of the United States be on record as supporting them. I will address that in such opportunity as I may have following my distinguished colleague's speech.

Mr. BIDEN. Mr. President, in response to the Senator's question, for technical purposes, I agree with him 100 percent. I am an admirer of the Senator from Virginia, in no small part

because he was in combat, because he was in the military and because he knows, I suspect, what it feels like sitting there, figuratively speaking, strapped in waiting for an order.

I am always very reluctant to argue a position that may get somebody killed, may get somebody maimed, may get someone put in a prison camp. And men like Senator KERREY, a Congressional Medal of Honor winner, and Senator MCCAIN, who argued against my position for years on Bosnia—not Kosovo; Bosnia—when men who are brave like that, men like DANNY INOUE, Senator CHAFEE, and Senator HOLLINGS, my seatmate, when they have questions about this, I take it very, very seriously.

Mr. WARNER. If the Senator would allow me to make one clarification to your statement. I want to make it clear I said I served with others who were in combat. I was a ground officer who helped strap them in, who checked their radios and their communications. Occasionally, I did get to ride along with them in a back seat, but I never put myself in the combat category with those brave men who, day after day, were strapped in to fly combat. But I lived with them, slept there in the same tents, ate in the same mess, used to go up and observe what they had to do.

But let me tell you, I think we have to put ourselves in that cockpit right now as if we were qualified to be in combat and show that the Congress of the United States wants to support them. I think that is absolutely essential.

Mr. BIDEN. Mr. President, I did not mean to misrepresent. I have great respect for the Senator. I know he was Secretary of the Navy. He also is more informed in a personal sense about this—not, I am reluctant to say, not the issue; I think I am as informed as he is, or quite frankly, as anybody on the floor—but in terms of all that goes into a young man's or woman's head as they are about to take off the deck of that carrier or off that piece of concrete, or whatever the mission.

But let me suggest that I will lay out for you why I personally am willing to do something that I am not happy about doing; and that is, vote to support asking the brave young women and men of our military, in this case the fliers—Navy, Marine, Air Force—to risk their lives. And it is a real risk. There is a probability someone is going to get hurt.

Mr. WARNER. I look forward to listening very tentatively to hopefully most of it. I think it is important we do lay out the case. I will allude to, I think, much the same case that you do. But I do believe it is essential to this Senate to pass on the Smith amendment, if that is what is before us at this time; and then it seems to me that someone could possibly come on with a resolution like, as I understand, the Senator from Delaware, which clearly focuses on the issue: Do we or do we

not support the use of force by the U.S. military together with our allies in this frightful situation in Kosovo?

Mr. BIDEN. Thank you.

Mr. President, let me begin my more formal remarks by referring to the concluding remarks I made on this floor on October 14, 1998, immediately after the agreement between Ambassador Holbrooke and the President of Yugoslavia, Slobodan Milosevic, was made public.

I said at that time:

[W]e must never again allow racist thugs like Milosevic to carry out their outrages while the alliance dawdles.

Referring to the just concluded agreement, I further stated:

[W]e must brook no more opposition from Milosevic on its implementation. To use a domestic American term, we must adopt a policy of "zero tolerance" with [this] Yugoslav bully.

Many of us had hoped that the mistakes that enabled the Bosnian horrors to take place would teach us a lesson.

Unfortunately, we have repeated many of those errors and have thereby allowed Milosevic and his storm troopers to repeat their atrocities in Kosovo.

Twice is enough. There must not be a third time.

I do not cite that to suggest any air of erudition, Mr. President. I cite that to say my position—right or wrong—has been consistent since the day this agreement has been signed.

Mr. President, from the bottom of my heart, I regret to report that there has been a third time. There have been more massacres, have been violations of the agreement, and both the massacres and the violations are continuing as we speak; indeed, as I speak at this moment. Let's look at the disgraceful record.

Everybody forgets that we are operating in the context of Holbrooke-Milosevic agreement, an agreement that has been signed on by our allies and our friends. The President has been saying for the last month and a half that if Milosevic does not sign on to an agreement, assuming that the Kosovars do sign on, we will bomb. For an unusual thing, NATO already acted. NATO got together and debated this issue. And NATO members all voted unanimously to use airpower if in fact one side or the other did not—did not agree. So what happened here is, there is an agreement. The context of this whole debate is that agreement in 1998.

Immediately following the Holbrooke-Milosevic agreement, machinery was set in place to prevent a recurrence of massacres that had already occurred in Kosovo and in Bosnia the previous years and to move toward an interim agreement on the future status of Kosovo.

On October 25, 1998, the Yugoslav Government and the North Atlantic Treaty Organization fleshed out the Holbrooke-Milosevic agreement, authorizing exact numbers—exact numbers—of troops, the so-called VJ, and Serbian Interior Police, so-called MUPs, who are a bunch of thugs, would

be able to be in Kosovo province. The agreement also specified the garrisons to which they were to be restricted.

That was signed by NATO and Milosevic, and a cease-fire took effect, monitored by unarmed NATO aircraft, and international compliance verifiers were allowed into Kosovo.

Like his ideological model earlier in this century, Milosevic has treated most of this agreement as a "scrap of paper." The Yugoslav Government has flagrantly violated the limits stipulated in the October agreement. Rather than the 12,500 regular army troops and the 6,500 special police called for—a total of 19,000—there are presently 40,000 Yugoslav soldiers and Serbian special police forces in the province of Kosovo, in clear violation of the agreement.

As for the cease-fire called for—it is a total joke. Milosevic was afraid to refuse entry of the international verifiers or to shoot down NATO planes. So as a result, we have a documented ongoing pattern of warfare, both against units of the Kosovo Liberation Army, but especially against Kosovar civilians.

There have been countless massacres, but the most widely publicized one was perpetrated by the Serbs on January 15, 1999, in the village of Racak. There 45 Kosovar Albanian civilians—women and children—were slaughtered. The Serbs, of course, asserted that they all had been KLA fighters who had either been killed in combat or shot while fleeing.

Unfortunately for the Serbs, a Finnish-led team of forensic experts that examined the bodies reported unequivocally that the victims had been forced to kneel and had been executed by being riddled with small-arms fire.

They got down on their knees. These bullet wounds were in the back of their heads. They were executed, just like they did in Bosnia, just like Hitler did in World War II.

Just yesterday, Mr. President, 10 Kosovars were massacred by Serbs in the village of Srbica. During the past 10 days, the Yugoslav Army and the Serbian special forces have gone on the offensive, seizing the high ground above roads and railroads, moving in their most modern weaponry, including M-72 and M-84 tanks, and conducting a search and destroy mission against Kosovar villages suspected of harboring KLA sympathizers.

The net result is a new flood of refugees so great that their number is now approaching 450,000—450,000 the number reached last fall.

I might remind my colleagues, the only difference was, last fall when it reached that number, folks were able to flee to the mountains because they were not full of snow, they were able to hide. One of the reasons for the urgency that was being argued in the negotiations by Mr. Holbrooke was—and we all seem to agree—was that winter was coming and all these folks would die. Well, it is winter there now.

Mr. President, the tragic events of Kosovo have a clear historical causality which I will summarize now. Kosovo is considered by Serbs to be the heartland of their civilization. There, in the year 1389, on the so-called Blackbirds Field near present-day Pristina, the medieval Serbian knights were defeated by the Ottoman Turks, which led to more than five centuries of Turkish domination of the Balkans.

It was a courageous fight. They saved Christianity and the rest of Europe, but the bottom line was, they lost. And the bottom line was that the Balkans for 500 years were dominated by Turkey and many parts became Moslem.

The Albanians, however, also claim Kosovo as their own and, in fact, can trace their habitation there even further back than the south Slavs, the Serbs.

As a result of the policies of the Communist dictator of the former Yugoslavia, Marshal Tito—whom I had the interesting pleasure of having lunch with in his private residence in Split, Yugoslavia, with now deceased Ambassador Averell Harriman, one of the most interesting encounters I ever had in my career—the former Yugoslavian dictator, Marshal Tito.

In 1974, the Kosovar Albanians were granted the status of an autonomous region within the Republic of Serbia because of this history. Basically, the Albanians were allowed local control, while border security and foreign relations remained under the control of Belgrade. In the next 15 years, the percentage of Serbs in the Kosovo population dropped from approximately one-quarter to less than one-tenth. At the time this agreement was reached—this autonomy was granted by Tito in 1974—one out of four people living in the province of Kosovo were Serbs; three out of four were Albanians living within Serbia. They were basically Moslem, and the others were Orthodox Christians. Since that time, it has become 10-1; only 1 in 10 are Serbs.

Now, this has occurred for several reasons: A much higher birth rate among the Kosovar Albanians than among local Serbs; "buyouts" of many Serbian homesteads by Kosovars, some of whom earned hard currency abroad; and some harassment of Serbs by Kosovars, although nothing approaching the ethnic cleansing that is now being carried out by the Serbs.

Meanwhile, in Serbia proper, an ambitious young Communist politician named Slobodan Milosevic engineered a coup against the communist leadership of Serbia. He needed a vehicle to consolidate his power, and the time-honored vehicle used by most rogues is rabid nationalism. He needed to be able to spread his newly consolidated power to the Serb-inhabited regions of Yugoslavia outside of Serbia. So in a famous speech in 1989—he would have done proud any demagogue who has ever arrived on the political scene, and I am not referring to anyone here, I am referring to those folks who don't make

it usually—in 1989, on the 600th anniversary of the Battle of Blackbirds Field, to which I earlier referred, Milosevic traveled to Kosovo and delivered a rabble-rousing speech in which he promised that no Serb would ever be pushed around by anyone again anywhere in the world, notwithstanding the fact that it was a hard case to make that that was happening.

On March 23, 1989, without the consent of the people of Kosovo, Milosevic amended the Constitution of Yugoslavia, revoking the autonomous status that they had had for roughly the past 15 years.

The following year, the parliament and the government of Kosovo were abolished by further unlawful amendments to the Constitution of Yugoslavia.

A thoroughgoing purge of ethnic Albanians in Kosovo followed. Thousands of hard-working citizens were summarily fired from their civil service positions, and the Serbian Government denied funding to basic institutions of Kosovo society.

It is absolutely necessary to note the reaction of the Kosovars to these massive violations of their human and civil rights. What was that reaction initially? Under the leadership of Dr. Rugova, the Kosovars—and he is a Kosovar—the Kosovars set up a parallel, unofficial system of governance. They set up schools, hospitals, and other institutions that make society run. Mr. President, under Dr. Rugova's leadership, the Kosovars held to a policy of nonviolence for nearly seven years. I do not know any other example elsewhere of such self-restraint anywhere in recent years.

The United States recognized that Kosovo was a tinderbox that could explode at any time. For that reason, former President George Bush sent a warning to Mr. Milosevic at Christmas 1992, the so-called Christmas warning. Keep in mind, the Kosovars had not used violence; they were still peacefully trying to piece together their society. On Christmas of 1992, the three Senators in this Chamber at the time—not in the Chamber—and President Bush, a Republican President, issued the Christmas warning that said the United States was prepared to intervene militarily if Serbia attacked the ethnic Albanians in Kosovo.

Mr. STEVENS. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. STEVENS. Is that the quote from President Bush's statement?

Mr. BIDEN. No; it is not a quote; it is a paraphrase.

Mr. STEVENS. I urge the Senator to quote.

Mr. BIDEN. As a matter of fact, I am about to come to that quote.

President Bush's warning was contained in a letter delivered to Milosevic and General Panic, the commander of the Yugoslavian Army. The New York Times and the Associated

Press quoted Bush's letter as saying: "In the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbians in Kosovo and in Serbia proper."

Let me read it again: "In the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbians in Kosovo and in Serbia proper."

Perhaps because of this Christmas warning, Milosevic refrained from an all-out military assault on the Kosovars, contenting himself with the legal repression that I described earlier.

The Kosovars waited in vain for the West to help. They hoped that their plight would be placed on the agenda of the Dayton peace negotiations in November of 1995, but having been warned by Milosevic that he would walk out if Kosovo were brought up, the West, under this President, President Clinton, and our NATO allies, restricted the talks to Bosnia and Herzegovina.

So, finally, in late 1996, armed Kosovar resistance began on a small scale under the loosely organized Kosovo Liberation Army, abbreviated UCK in Albanian, but as KLA in the West. Gradually, the KLA escalated to larger attacks by February of 1998. Let me review the bidding again here, and I will get the letter, or the news accounts quoting the letter, if I can, for my friend from Alaska, and I will enter it into the RECORD.

Now, what happened? In 1989, this genocidal leader of Yugoslavia, named Milosevic, had seized power and attempted to consolidate Serbs throughout the former Yugoslavia. He made a speech on the 600th anniversary of Blackbirds Field near Pristina to enrage and bring up the blood of every Serbian living in the region. It worked very well in Bosnia. It got them going in Bosnia and, as well, in Kosovo. Then he, under the Serb Constitution, by most accounts, unconstitutionally amended the Constitution, taking away the autonomy that Tito had granted to Kosovo in 1974. But even when that was done, the Albanian Serbs did not use force or violence. They were headed by a guy named Dr. Rugova, who said they would, by non-violent means, attempt to reestablish their societal institutions, allowing them their dignity and their right to work.

In the meantime, Milosevic comes in and he heads down from Belgrade and the orders are essentially: fire them all. Fire them all. All of the civil service jobs were eliminated, all of the schools were shut down, the language was not allowed, and so on. Still, the Kosovars did not use force. Still, they attempted, through peaceful means, to regain their autonomy. And with the help of President Bush—I can only surmise this, I can't read Milosevic's mind, but knowing what a coward he is, based on what he has done in the

past, I expect that the Christmas warning by President Bush kept him from using the force he wanted to.

Dr. Rugova came to me and others and said, "Get us into Dayton. While this is being discussed, get us on the agenda." We made a mistake, in my view. We said, "No; you are not on the agenda; this is just about Bosnia. This is about Bosnia and nothing else." And so when peaceful means began to fail, and had clearly failed in late 1996, seven years later, the Kosovar resistance called the Kosovo Liberation Army—the UCK or the KLA, whatever you would like to call it—began to engage in larger attacks, a la the IRA.

Milosevic then saw an opportunity. Having been humiliated in his aggressive wars against Slovenia in the spring of 1991, and Croatia in the summer of 1995, and having seen the Bosnian Serb puppets routed in the fall of 1995 and forced to accept a compromise settlement in Dayton, the Yugoslav dictator needed another crisis to divert the Serbian people's attention from the massive failure of his authoritarian, Communist economic and political policies.

So what did he do? He did what is often done. He found a common enemy. He appealed to this naked, rabid nationalism and used the suppression of the KLA as a justification, as his vehicle, attempting in the process to drive the ethnic Albanian population out of large areas of Kosovo. What have been the results?

To date, approximately 2,000 Kosovar Albanians and Serbian civilians have been killed. More than 400,000 Kosovar Albanians have been driven from their homes, including tens of thousands during the past 10 days. Thousands of homes in hundreds of villages in Kosovo have been razed to the ground. One-quarter of Kosovo's livestock has been slaughtered and 10 percent of its arable land burned. A food blockade has been imposed upon large segments of the Kosovar population.

The world has taken note of this. The United Nations Security Council has passed two important resolutions—Nos. 1160 and 1199—in 1998, decrying the repression and calling for an end to it. Milosevic publicly agreed to the U.N. demands and has cynically continued his state terrorism.

Mr. President, why should we be surprised by this? We saw it repeated and repeated in Bosnia, until we had the nerve to act.

What is at stake for the United States in all of this? In the interest of time, I will come back to the floor at a more appropriate time to enlarge upon this. But I will say that our entire policy in Europe since the end of World War II has been to promote stability through the spread of democracy. In order to create the security conditions for this development in Western Europe, we created NATO in 1949, and for 50 years this alliance has provided an umbrella under which our allies have survived and prospered.

Since the end of the Cold War, it has been our policy to extend this zone of stability eastward in Europe by three methods.

First, we have agreed to a well-conceived, measured enlargement of NATO, which has already brought Poland, Hungary, and the Czech Republic into the alliance.

Second, NATO has entered into partnerships with many countries in the region, which in time will probably yield additional alliance members, which also in the short run has created productive relationships with a great power like Russia.

Third—and here is where Kosovo comes in—we have determined to oppose directly the aggressive policies of demagogues like Milosevic who are trying to foment ethnic and religious hatred.

We know, as NATO knows, that its credibility is on the line in Kosovo. We have warned Milosevic countless times to halt his fascist aggression. We have cooperated with our NATO allies, and with Russia, in fashioning a fair interim settlement for Kosovo.

We know that if Milosevic's scorched-earth policy of "ethnic cleansing" is allowed to continue, the inevitable result will be a massive tide of refugees, which would destabilize fragile democracies in Macedonia and Albania. We also know that Milosevic is itching for the excuse to overthrow the democratic and reformist government of Montenegro, which is a direct challenge to his authoritarian communist rule in Yugoslavia.

We also know that the ultimate nightmare—which is not impossible by any means—is a widening of the hostilities to include NATO members Greece and Turkey, who have different interests in this outcome.

Mr. President, the national interests of the United States are directly threatened by the continued aggressive actions of the Yugoslav Government in Kosovo.

For that reason, Mr. President, I think we should do what I said earlier, which is, introduce a resolution authorizing air operations, in conjunction with the Activation Order voted on by the North Atlantic Council of NATO.

I urge my colleagues to support that resolution.

I thank the Chair and yield the floor.

Mr. WARNER. Mr. President, I commend the majority leader and Senators HUTCHISON and SMITH for bringing this matter to the Senate floor today. With fighting escalating in Kosovo, with the Serbs refusing to sign a peace agreement, and with U.S. military air units, together with those of our allies, poised to strike, it is important, if there is time, for the Senate to address this situation.

Under most contingencies, the U.S. military should not be sent into harm's way without the support of the American people and the Congress. Our nation has learned, from recent contingencies that, without such support,

when casualties occur, a clamor could begin to "bring our troops home." We witnessed that in Somalia; we could see that again in Kosovo. Our military deserves our support. I say to my fellow Senators, if you were sitting in a cockpit, ordered to carry out strikes against the Serbian military, you would like to know that the Congress, the elected representatives of the people, is with you, supporting your mission and concerned for the risks you are taking.

I first visited Kosovo in August of 1990 on a delegation headed by Senator Robert Dole. I commend this brave veteran for his mission to the Balkan region in the past few weeks in the cause of peace. His efforts contributed to the securing of signatures by the Kosovar Albanian delegation on a peace agreement.

During my visit to Kosovo in 1990, I saw first-hand the oppression of the Kosovar Albanians by the Serb authorities. I returned to the region most recently in September of 1998, traveling through Kosovo with Ambassador Christopher Hill and elements of a courageous international observer group called KDOM.

Since last March we have all closely followed developments—indeed the humanitarian tragedy—in this troubled region. And since last September, when NATO first threatened the use of force against Milosevic, NATO credibility has been on the line. We are now at a defining moment in this crisis.

Since September, I have been outspoken in my support for the use of U.S. ground troops as part of a NATO-led force to implement a peace agreement that is in place relative to Kosovo. In my view, such a military force is necessary—once a peace agreement is reached—if the parties to the agreement are to have the confidence necessary to be bound by the provisions of such a peace agreement. And I believe U.S. participation in such a force is necessary if we are to maintain our status as the leader of the NATO Alliance.

My greatest concern has been and continues to be that a deterioration of the situation in Kosovo could undermine the modest gains we have achieved in Bosnia—at a cost of over \$8 billion to date to the American taxpayer; and could lead to problems in neighboring Macedonia, Montenegro, Albania, and perhaps Greece and Turkey.

In addition, I share with all Americans concern for the humanitarian tragedy we have witnessed—are now witnessing—in that troubled land.

But what happens if a peace agreement remains elusive, which is now the situation with which we are faced. It is one thing to deploy troops into a permissive environment for the purpose of overseeing the implementation of a peace agreement. It is quite another to use military power—air—to compel a sovereign nation to sign an agreement to end what is essentially an internal civil war.

There are many questions that must be addressed. The most important question is, what happens if bombing does not succeed? There are very few operations, historic examples, where air power alone has succeeded in meeting our military objectives. Some have made the argument here today that air strikes were the key to bringing the Bosnian Serbs to the peace table in Dayton. I had the opportunity to visit with two people last week who were intimately involved in the Bosnia crisis—former British Defence Secretary Michael Portillo and former U.N. High Representative in Bosnia, Carl Bildt. Both of these men told me that air strikes were an important part, but not the decisive factor in ending the fighting in Bosnia. History records that the Croatian offensive against the Serbs, and the fact that the parties were all exhausted from fighting were of equal significance to the important air campaign by the United States and our allies. Today, that is not the case in Kosovo—the parties there are, regrettably, ready to fight.

My point is,—there is risk in relying on air strikes, alone, to stop the fighting in this crisis. We must know what our next steps will be and how far we are ready to go with other initiatives to stop the fighting in Kosovo. If this first military action is taken—which in my view this contingency is tantamount to an act of war—what comes next and how far we are willing to go? We must have in mind not simply our first step, but our second, third or fourth steps before we commit U.S. troops.

While one of my main concerns in this is the credibility of NATO now that we have threatened military action for many months, we must ask ourselves what happens to NATO credibility if the air strikes fail to accomplish their objectives? That would be a devastating blow to the Alliance if we take the drastic step of attacking a sovereign nation, and are not successful in the ultimate objective.

What of the credibility of the United States and our leadership on the continent of Europe, in military as well as economic or diplomatic partnerships? What of the credibility of the U.S. military as a partner in other actions? There are important issues that can be debated in the context of the pending amendment.

The Smith amendment provides that the Congress must be on record as supporting this operation before we commit the U.S. military to the crisis in Kosovo. I agree. We owe it to the men and women of the Armed Forces to act on this issue. For that reason, I will support the Smith amendment and vote for cloture on this amendment.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 544, which the clerk will report.

The bill clerk read as follows:

A bill (S. 544) making emergency supplemental appropriations and rescissions for recovery from natural disasters, and foreign assistance, for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Hutchison amendment No. 81, to set forth restrictions on deployment of United States Armed Forces in Kosovo.

Lott amendment No. 124 (to amendment No. 81), to prohibit the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 124

Mr. STEVENS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The present business is amendment No. 124 offered by the majority leader.

Mr. STEVENS. The amendment to the Hutchison amendment?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. The Kosovo question is the pending issue.

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I have listened with interest at the statements made by the distinguished Senator from Delaware. And he has some very good points. My memory of the conversations that were held at the time President Bush made the statement that the Senator from Delaware referred to was that the President was talking about racial cleansing, or genocide, on the part of the Serbs versus the Kosovo population—not just a military incident, but an act of genocide, but an act of racial cleansing in the magnitude of a national aspect.

There is no question that there is a dispute here. And the Senator from Delaware has heard my comments that I made to the President. I believe that article V of the NATO agreement does not authorize bombing in Serbia.

I was very interested over the weekend to listen to people talk on the radio and television about Yugoslavia. It seems that we are slipping back now, that it is a Yugoslav question, not just a Serb-Kosovo question, that is being raised now by the media. But in any event, I think this would be the first time in the history of NATO that NATO has taken offensive action against a nation that has a dispute within its borders. I think it is a horrendous proposition that the Serbs are presenting to Kosovo. "Either leave, or be exterminated."

But the question really is, What is the proper justification for this action