

So another message that we have to tell the people is that the countries of the world—indeed NATO—are united. It is just not to be perceived as a U.S. operation. It is a consolidated operation by 19 nations. Milosevic should be getting the message now, if he hasn't already, that this is not just a U.S. operation. It is a combined operation of 19 nations.

Now, the proposed air operation is the best that our Joint Chiefs, in consultation with the North Atlantic Council and the respective chiefs of the NATO, can devise given that air assets are to be used. It is spelled out, I think, in a convincing way.

The President, again, went over this very carefully with the Secretaries of State and Defense, the National Security Adviser, and the Chairman of the Joint Chiefs present this morning. This operation, in stages, unequivocally I think, will bring severe damage to, first, the ground-to-air capabilities; and then if Milosevic doesn't recognize the sincerity of these 19 nations, then there will be successive air operations on other targets designed to degrade substantially his military capability to wage the war of genocide and ethnic cleansing taking place at this very minute throughout Kosovo.

In addition, as I am sure the Senator is aware, there are many collateral ramifications to this situation, which leads this Senator to think it is in our national security interest to propose action. I shall be supporting as a cosponsor the joint resolution as it comes to the floor this afternoon.

Right on the line I will sign and take that responsibility.

Mr. President, I ask unanimous consent that the time be extended for about 5 minutes.

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

Mr. WARNER. Mr. President, it is very important that this air operation degrade his capability to do further damage in Kosovo. But the instability in the region, as stated by the President this morning, in many ways parallels Bosnia, but could be considered more serious because of Greece, Turkey, and the spillover of the refugees into Macedonia and Montenegro. It is just not an isolated situation of repression and oppression by Milosevic against Kosovo civilians. They are now flowing in and causing great problems in these nations who are trying to do the best they can from a humanitarian standpoint to accept them.

So I always come back to the fact that this Congress went along with the President as it related to Bosnia. History will show that we were misled in certain instances by the President hoping we could be out by yearend. It had not been the case. But we are there, and the killing has stopped. How soon the economic stability of that country can create the jobs to give it some permanence we know not. But we could lose an investment of up to \$8 billion or \$9 billion that this Congress has au-

thorized and appropriated through the years to bring about the degree of achievement of the cessation of hostilities in Bosnia if Kosovo erupts and spills over the borders in such a way as to undo what has been done over these years since basically 1991.

So there are many ramifications. It is difficult for the American people to understand all the complexities about the credibility of NATO and the credibility of the United States as a working partner, not in just this opposition, but future operations with our European nations. But they do understand quite clearly that genocide and ethnic cleansing, murdering, rape, and pillaging cannot go on. And we have in place uniquely in this geographic area the political organization in NATO, together with such military assets as are necessary to address this situation.

So it is my hope that the leaders will be able to resolve a very complex situation as it relates to the procedural matter before the desk and that we can have before the Senate this afternoon a resolution with clarity of purpose and clarity of how each Senator decides for themselves and speaking for the constituents about what the country should do.

I am convinced that the President has to go forward within 24 or 48 hours with the other NATO nations.

So I sort of put myself in the cockpit with those brave aviators, where you have been in a combat situation, Senator, many times, and you know that situation better than most of us. And you know how it is important to that soldier, sailor, or airman that has the feeling—or she in some cases—that this country is behind them and stands with them as they and their families take these risks.

I thank the Senator for the opportunity to have a colloquy with him on this important question. I commend him for his leadership on this and many other issues.

I thank the Chair.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of S. 682 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I will take just about 3 minutes now and I will speak longer than this later in the day.

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

Mr. HARKIN. Mr. President, it seems we are moving irrevocably towards war in the Balkans. It appears that the U.S. forces along with NATO forces will soon be engaged in open warlike activity against Serbian forces. This Senator took the floor in January of 1991, prior to the engagement of our forces

in the Persian Gulf, to state my feelings that before any President commits our troops to a military action of this nature, that President should seek the advice, consent, and approval of Congress.

Only Congress has the power to declare war; it is quite clear in the Constitution. It is this Senator's strong feeling that this President would be remiss, and we would be shirking our duties, if in fact we did not, today, set aside whatever other business this Senate has, to debate fully a resolution supporting or not supporting the use of our military force in Kosovo. That debate should be held today and the vote should be held today, or tomorrow, but as soon as possible, so we fulfill our constitutional obligations.

I said, in 1991, if the President were to engage in war in the Persian Gulf without Congress first acting, not only would it be a violation of the War Powers Act but I think it would be a violation of the Constitution of the United States. I still feel that way, regardless of whether it is President George Bush or President Bill Clinton.

So the sounds of war are about us. I am hearing the rumblings that our planes and our pilots might start flying soon, that bombs might start dropping soon. Our military people will be engaged in military activities of a warlike nature. Now is the time and here is the place to debate that. We cannot shirk our constitutional responsibilities. The debate should be held this afternoon. The vote should be held, no later than tonight or early tomorrow, on whether or not this Congress will support that kind of activity in Kosovo.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. I thank the Chair.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I would ask if you will notify me when I have talked 6 minutes.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent to extend the time?

Mr. GRASSLEY. Yes.

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

HCFA'S A NO-SHOW

Mr. GRASSLEY. Mr. President, yesterday the Special Committee on Aging, which I chair, held a hearing on the government's oversight role in ensuring quality care in our Nation's nursing homes. The committee has been investigating systemic flaws in nursing home care for two years. A series of reports by the General Accounting Office and the HHS inspector general have now shown this to be a national problem.

The Aging Committee investigates in a bi-partisan manner. The rules of the committee require it. The committee's

ranking member, Senator BREAUX, has very ably assisted the committee's work. His insightfulness and interest in issues affecting the elderly population has brought greater credibility to our work.

At yesterday's hearing, we learned much about the breakdown in the complaints process. In other words, when someone makes a formal complaint about the treatment of a loved-one in a nursing home. The various states operate the process. But the federal government has the ultimate responsibility to oversee it to make sure complaints are being addressed.

Yesterday we heard from two citizen witnesses who experienced firsthand a broken-down complaints process. Their stories were tragic, yet real. The committee, the government, and the public learned much from their testimony.

We also heard from the GAO and from the HHS IG.

The committee did not hear from the Health Care Financing Administration, or HCFA. HCFA is the federal agency charged by law to protect nursing home residents. HCFA must ensure that the enforcement of federal care requirements for nursing homes protects the health, safety, welfare, and rights of nursing home residents. Yet, HCFA was a no-show.

There is a very specific reason for yesterday's hearing, and this series of hearings. It's because the health, safety, welfare, and rights of nursing home residents are at great risk. Yet, the agency responsible was not here.

The committee invited the two private citizens in the public interest. Through their eyes, we saw a complaint process turned upside-down. It's a process that has put some nursing home residents at risk. Their testimony could help correct the process so others don't have to suffer the same wrongful treatment.

The reason HCFA wasn't here is puzzling, given the committee's focus on listening to citizen complaints. HCFA is an agency within the Department of Health and Human Services—HHS. HHS determined that HCFA should not show up because HHS witnesses do not follow citizen witnesses. That's their so-called policy.

In other words, HCFA—the organization that is supposed to serve our elderly citizens by protecting the health, safety, welfare, and rights of nursing home residents—was not here because its protocol prevents them from testifying after citizen witnesses.

Last Friday, when discussing this matter with HHS officials, my staff was told the following: "Our policy is that we testify before citizen witnesses."

Now, I have four comments on this. First, how serious is the Department about the problems we're uncovering in nursing homes when a protocol issue is more important than listening to how their complaints process might be flawed?

Second, I have conducted hearings, in which citizen witnesses go first, since

1983. Other committees have done the same. I don't recall any department at any hearing I conducted since 1983 that became a no-show, even when private citizens testified first. Especially for an issue as important as this.

Third, the Department may be trying to convince the public it cares. But this no-show doesn't help that cause. The public might confuse this with arrogance.

Finally, this situation yesterday could not possibly have illustrated better the main point of the hearing; namely, that citizens' complaints are falling on deaf ears. These witnesses traveled many miles yesterday. They were hoping that government officials—the very officials responsible—would hear their plea. Instead, what did they get? A bureaucratic response. Their agency-protectors were no-shows because of a protocol. Because of arrogance, perhaps.

So, we'll move forward with yesterday's testimony, learning how the nursing home complaint system is in shambles. And the agency responsible for fixing it wasn't here to listen. Of course, they can read about it once it's in writing—a process they are comfortable with.

Since I have been in the Congress, I have never taken partisan shots at an administration. I believe only in accountability. My heaviest shots were against administrations of my own party. The record reflects that very clearly.

The easy thing to do would be to take partisan pot shots over this. It's much harder to redouble our efforts, in a bipartisan way on the committee—which I intend to do—until HHS and HCFA get the message. When will HHS and HCFA hear what's going on out there in our nation's nursing homes? Perhaps when they learn to listen to the citizens we—all of us in government—serve. Until they get the message, these problems will get worse before they get better.

One key reason why HCFA's presence was important, yesterday, was to nail down just who is in charge. At our hearing last July, Mr. Mike Hash, HCFA's deputy administrator, told the committee that HCFA is responsible for enforcement for nursing homes. Yet in yesterday's written testimony submitted for the record, Mr. Hash says the states have the responsibility.

This needs to be clarified. Who's in charge, here? Is this why we're seeing all these problems in nursing homes? Because no one's in charge?

In my opinion, this matter has to get cleared up at once. Every day that passes means more and more nursing home residents may be at risk. The Department of HHS has to restore public confidence that it truly cares, that it's doing something about it, and that improving nursing home care is a higher priority than protocols for witnesses at a hearing.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:47 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

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

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

The legislative clerk proceeded to call the roll.

Mr. LOTT. 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 majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we are obviously dealing with very serious matters for the future of our country and our military men and women today. We want to make sure we proceed properly. We are looking at how to proceed on the Kosovo issue and the supplemental appropriations and be prepared for consideration of the budget resolution beginning tomorrow.

We have looked at a lot of options. Obviously, we have been talking among ourselves and the administration, and Senator DASCHLE and I have gone through a couple proposals.

Our conclusion is, at this time we should go forward with the cloture vote as scheduled. The cloture vote is on the Smith amendment, which is an amendment to the Hutchison amendment to the supplemental appropriations bill.

When that vote is concluded, depending on how that vote turns out, then we will either proceed on the Smith amendment or we will set it aside, if cloture is defeated, and work on the supplemental appropriations bill while we see if we can work out an agreement on language or how we proceed further on the Kosovo issue.

We thought the better part of valor at this time is to have the vote on cloture. Is that Senator DASCHLE's understanding, too? We will continue to work with the interested parties. A bipartisan group will sit down together and look at language to see if we can come up with an agreement on that language. We may be able to, maybe not. But we should make that effort. Then we also will press on the supplemental appropriations bill while we do that.

With that, Mr. President, I ask for the regular order.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule