

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 846. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on Foreign Relations.

By Ms. MIKULSKI (for herself, Mrs. MURRAY, Mr. INOUYE, Mr. WYDEN, Mr. JOHNSON, Mr. HOLLINGS, Mr. REID, and Mr. BINGAMAN):

S. 847. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 848. A bill to designate a portion of the Otay Mountain region of California as wilderness; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 849. A bill to amend the Public Health Service Act to provide grant programs for youth substance abuse prevention and treatment; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 850. A bill to make schools safer by waiving the local matching requirement under the Community Policing Program for the placement of law enforcement officers in local schools; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. MOYNIHAN):

S. 851. A bill to allow Federal employees to take advantage of the transportation fringe benefit provisions of the Internal Revenue Code that are available to private sector employees; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 852. A bill to award grants for school construction; to the Committee on Health, Education, Labor, and Pensions.

S. 853. A bill to assist local educational agencies to help all students achieve State achievement standards, to end the practice of social promotion, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY:

S. 854. A bill to protect the privacy and constitutional rights of Americans, to establish standards and procedures regarding law enforcement access to location information, decryption assistance for encrypted communications and stored electronic information, and other private information, to affirm the rights of Americans to use and sell encryption products as a tool for protecting their online privacy, and for other purposes; to the Committee on the Judiciary.

S. 855. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and other purposes; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. WARNER, and Mrs. HUTCHISON):

S. 856. A bill to provide greater options for District of Columbia students in higher education; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself, Mr. SARBANES, Mr. CONRAD, Mr. ASHCROFT,

Mr. HUTCHINSON, Mr. GREGG, Mr. WELLSTONE, Mr. SCHUMER, Mr. WARNER, Mr. LUGAR, Mr. HAGEL, Mr. CRAPO, Mrs. MURRAY, Mr. BIDEN, Mr. FEINGOLD, Ms. COLLINS, Mr. DEWINE, Mr. McCAIN, and Mr. COVERDELL):

S.J. Res. 21. A joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day"; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself, Mr. CHAFEE, Mr. BAUCUS, and Mr. REID):

S. Res. 81. A resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, Mr. DODD, Mr. HUTCHINSON, Mr. HARKIN, and Mr. REED):

S. Con. Res. 28. A concurrent resolution urging the Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs; to the Committee on Health, Education, Labor, and Pensions.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 846. A bill to make available funds for a security assistance training and support program for the self-defense of Kosova; to the Committee on Foreign Relations.

#### THE KOSOVO SELF-DEFENSE ACT

Mr. McCONNELL. Mr. President, I rise today to introduce the Kosovo Self-Defense Act. I am pleased to be joined by my good friend from Connecticut, Senator LIEBERMAN, in offering this bill. Our proposal would provide \$25 million to arm and train members of the Kosovo Liberation Army, or KLA. This would equip 10,000 men or 10 battalions with small arms, antitank weapons, for up to 18 months. Let me repeat that: For less than the cost of one evening's air raids, we can provide significant defensive capabilities to those most willing to fight Serb aggression inside Kosova.

I know the administration questions why the United States should take this bold step. My question is, Why haven't we already made the decision to arm and train the Kosovar Albanians who are on the ground fighting for their homes, their loved ones, and their rights? It seems to me that the question is not why, but why not? It took 4 years of bloodshed to recognize we should arm the Bosnians. How many lives will be lost before we do the right thing in Kosova?

There is widespread agreement that President Clinton and his National Security Advisers have made a grave tactical error in removing even the threat

of U.S. ground troops. With this declaration seemingly repeated hourly by top Clinton officials, the United States has signaled to Milosevic that, regardless of his actions—including genocide—America does not have the determination to stop this outrageous behavior. After months of hollow American threats, we are now crippling our prospects for success by signaling to Milosevic just how far we are willing to go. No option should have been taken off the table.

Just last October, with great fanfare, the President announced a cease-fire, but it was a farce. The Serbs continued their brutal war against the Kosovars. In Pristina, cynics were heard to say, "If they only burn a village a day it keeps NATO away." The Serb campaign to exterminate all semblance of Albanian society raged daily—just not on a massive, headline-grabbing scale.

Unless faced with serious and sustained military pressure on the ground, this war will go on until Kosovo is empty of all Albanians. Given administration and public reluctance to deploy U.S. troops, there is only one option: The KLA must be given the means to defend their homeland. All reports indicate that the KLA is growing in number and remains willing to fight Serb aggression. Given the right equipment and limited training, the KLA could offer a significant deterrent to Milosevic's murderous thugs.

If the administration had armed the Kosovar Albanians in January when I first suggested that approach, I believe the daily tragic exodus of refugees could have been avoided.

I ask unanimous consent the op-ed I wrote which appeared in the Washington Post back in January advocating this course of action be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 22, 1999]

#### INDEPENDENCE FOR KOSOVO

(By Mitch McConnell)

Once again, NATO ambassadors have condemned barbaric atrocities deliberately inflicted by Serb forces on cold, hungry, exhausted civilians. Top generals have been dispatched to warn that Western patience has been strained by Belgrade's slaughter of 45 villagers in Racak. The Serbs have retaliated by evicting the American chief of the observer mission of the Organization for Security and Cooperation in Europe (OSCE)—leaving a more sympathetic French official in place.

It is time for the United States to accept reality, recognize Kosovo's independence and provide Pristina's leadership with the political and security assistance necessary to halt Serbia's genocidal war.

Kosovo's humanitarian disaster continues today. Although it is true that some 300,000 refugees have left the mountains where they fled from Serb ethnic cleansing last summer, the catastrophe has simply moved behind closed doors. International relief agencies support a program of one warm room per household, but this effort is barely meeting the basic human needs of the extended or expanded families created by the war. Families

ranging in size from 12 to 18 people, half of whom are children, are crammed into the only standing room left in a house, usually no larger than 12 by 20 feet. With freezing temperatures and heavy snow, shortages of mattresses, blankets, warm clothing and food are evident throughout Kosovo. Schools and clinics are shuttered or shattered.

Nongovernmental organizations and the U.S. Disaster Team have performed heroically in hostile conditions. Unfortunately, the U.N. High Commissioner for Refugees, the World Food Program and Agency for International Development headquarters have become bureaucratic bottlenecks slowing the availability of relief supplies to these able partners.

The Holbrooke-Milosevic agreement for Kosovo has failed. There is no cease-fire. The massacre in Racak is only the latest example of weekly Serbian violence. Invariably, the victims are civilians. Each time the Serbs offer the same explanation: Violence resulted from their search for the perpetrators of a crime. The Serb military response is always brutally disproportionate to the needs of any legitimate law enforcement effort. As one little girl cried after her village was shelled, "I would understand if they killed soldiers, but they killed my home. Why?"

In addition to violating the cease-fire, the Serbs have failed to comply with another key aspect of the agreement. Belgrade was required to substantially reduce its Kosovo force level. In fact, a senior American official acknowledged the effort to verify the troop withdrawal was a farce. No one knows how many Serbs are still deployed in Kosovo.

Hopeful of replacing this menacing presence, the administration is developing an ill-advised plan to create a new civilian police force. Unarmed and with the benefit of only a few weeks training, this force is destined to fail or, far worse, become hostages. An American diplomat summed up the situation: "The Serbs will continue to go where they want, do anything they want, whenever they want." Neither OSCE nor a civilian police force will change that outcome.

The primary reason the agreement has collapsed is that the use of force has been abandoned as an option. A senior OSCE French official observed, "In October, Milosevic was presented with two options—to be bombed or to accept verifiers. He agreed to the OSCE mission. We now stand in lieu of any military option. . . . Our political intervention is incompatible with military action. No nation will be willing to take military action and risk retribution against its citizen verifiers." In short, 2,000 potential hostages prevent any meaningful debate about force.

The use of force has been further undermined by the withdrawal of virtually all 300 aircraft deployed in the fall, and by members' statements that any effort to implement the Activation Order for airstrikes will require more votes by NATO. Challenge inspections of potential Serb military violations were forfeited in a Belgrade-NATO document guaranteeing prior notice of all air verification flights. Finally, the Serbs know from daily testing that aggression will produce little more than a rhetorical rebuke and renewed talks.

George Mitchell is said to have produced Ireland's Good Friday Agreement by shuttling between 12 factions, few of which were ever in the same room at the same time. The case in Kosovo has been much simpler, with only two real points of view, one seeking independence, one an interim autonomy settlement. Since the summer ethnic cleansing campaign there has been only one view: independence.

American negotiators, constrained by European anxiety and inertia, have failed to accept the inevitability of this objective. The

administration clings to the idea that this goal is unachievable politically and unwinnable through combat. This is no longer the case.

The United States should have learned several pertinent lessons in Vietnam. To win, the Kosovo Liberation Army does not need to control territory. It must be able to maneuver at will, be well trained, equipped and financed and enjoy popular support. Last year's Serb offensive energized universal popular support for the Kosovo Liberation Army (KLA), and military analysts now point to substantial improvements in the KLA's tactics, command and control, financing and arsenal.

Our policies must recognize the essential goal: independence for Kosovo. To achieve it, we must take several steps:

Expand direct U.S. aid to nongovernmental humanitarian organizations and improve the management of international organization relief efforts.

Suspend U.S. funds for the OSCE observers.

Demand a NATO vote to implement the Activation Order for airstrikes.

Recognize Kosovo's independence and implement plans to arm the KLA.

Facing hard realities has always been America's best course. It is the only course to follow in Kosovo.

Mr. McCONNELL. Rather than choosing this course, the U.S. and NATO have relied solely on the use of controlled airstrikes. Now, I supported this use of force and believe we should come to the defense of the Kosovar Albanians, the victims of genocide. However, the nightly strikes on Milosevic's terror machine have not stopped the massive killing. In fact, the atrocities have dramatically increased since NATO action began. Our halfhearted effort has allowed Milosevic the freedom to feed the most evil of instincts. Police, paramilitary, and army units are engaged in an effort to deport or exterminate 2 million Albanians.

Air power alone cannot stop this slaughter. This week the Albanian Government recognized this fact and called on the United States Government to arm the KLA. That was a shift in position of the Albanian Government. Recognizing the growing strength and tenacity of the KLA, the Albanian Government has switched positions and said we ought to arm the KLA.

I ask unanimous consent the article concerning that matter in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 20, 1999]

ALBANIA ASKS WEST TO ARM REBELS

(By Peter Finn)

TIRANA, Albania, April 19—The Albanian government has asked the United States and other NATO countries to arm the Kosovo Liberation Army and Albanian President Rexhep Mejdani is prepared to raise the subject when he meets with President Clinton during the NATO summit in Washington this week, a senior adviser to the Albanian leader said today.

The decision is a significant policy shift for Albania, which until NATO airstrikes against Yugoslavia began last month had maintained an official policy of neutrality toward the different Kosovo Albanian politi-

cal movements, including the KLA, which has been fighting to win the province's independence.

But Prec Zogaj, a senior adviser to the Albanian president, said today that one of the effects of the mass expulsion of ethnic Albanians from Kosovo, as well as reports of Serbian massacres of civilians, has been to transform the rebel army into the single voice of Kosovo Albanians, sidelining provincial leaders who advocate nonviolence.

Albania, in response, is now willing to throw its diplomatic weight behind the guerrillas' appeals for arms from the West, Zogaj said in an interview. "We have to find ways to send military aid to Kosovo," Zogaj said. "In Kosovo, the only force that protects civilians is the KLA, but they do not have enough arms."

The change of policy threatens to deepen the strains in relations between Albania and the Serb-led government of Yugoslavia, which broke off diplomatic ties with Tirana on Sunday and whose armed forces have fired shells into northern Albania in the past week. Although the Albanian army is in disarray, the West has long been concerned that it would be drawn directly into the Kosovo conflict and ignite a broader war.

The rebels set up training camps in mountainous northern Albania and smuggled arms into Kosovo from there. But the Albanian government has not officially sanctioned their activities on its soil, and argued that it was unable to control the rebels' movements in the north because the region was so lawless.

"The KLA was [previously] a military segment of the Kosovo liberation movement," Zogaj said. "Today, now, the KLA is the movement itself. There is no other option."

In Washington, State Department spokesman James P. Rubin said he was not aware of a formal request from Albania to arm the rebels, but he said Albania has informally communicated its desire to do so. The United States has made clear it continues to oppose arming or training the rebels, Rubin said.

The Clinton administration does not support the rebels' objective of a Kosovo independent of Serbia, Yugoslavia's dominant republic. However, administration officials have warned that the longer NATO's air war continues, the greater the chances are that the guerrilla army will fill a power vacuum in Kosovo.

Zogaj said Albanian officials raised the question of arming the Kosovo rebels with U.S. Army Gen. Wesley K. Clark, NATO's supreme commander, when he visited Tirana Saturday. Zogaj said officials have made the same request repeatedly to U.S. officials in the past three weeks. Zogaj said Clark refused, adding that the general cited the arms embargo placed on Yugoslavia as a barrier to such a move.

But Zogaj said that Albanian officials inferred from their conversations with Clark that he really feared that if NATO armed the rebels, Russia would arm the Serbs. Zogaj said the KLA was obtaining new arms on the international black market and continued to buy weapons from Serbian arms merchants despite the war. Zogaj also estimated that 8,000 new rebel recruits from other countries have arrived in Albania in the past four weeks. If true, that could nearly double the size of the rebel fighting force.

Albania is one of more than two dozen European countries that will join NATO's 19 members in Washington, for a three-day summit that begins Friday.

Mr. McCONNELL. Milosevic's storm troopers must face operations in the air and on the ground. The KLA is willing to wage this war on the ground. It is their homes that are being burned,

their businesses destroyed; and, worse, their wives and sisters being raped, their families being slaughtered. They don't need convincing to summon the will to fight. What they need is international support.

Senator LIEBERMAN and I have a proposal which will begin this effort. If the only people willing to fight are the KLA, we should do what we can to see that they have the ability to do so. Who else will provide the necessary deterrent to Milosevic and his army? The administration has made it clear that it will not be America's sons and daughters. I don't want to see United States soldiers fighting this war, but I also cannot abide the continued extermination of the people of Kosovo. They are entitled to defend themselves. We should not delay any further in our commitment to their legitimate cause.

Let me sum this up as I see my friend from Connecticut is here. What we have is a situation with the KLA where their leaders are in communication with the State Department and our military on a daily basis. We have an organization which, by telephone, is identifying military targets inside Kosovo for our planes. We are dealing with the KLA multiple times a day, both diplomatically and militarily. We are obviously pulling for them. We are egging them on. We are saying, "Go out there and do it." But when they request an opportunity to be adequately armed, we say no. It is an utterly absurd position.

We have heard the rumors around town. We heard these in the 1980s, when the issue was supporting the contras, that there are some bad characters in the KLA. I don't think we have time to run a background check on everybody involved in this effort. The question is simply this: Who else is willing to fight the fight on the ground inside Kosovo on behalf of the Kosovar Albanians? There is nobody else willing to fight this war on the turf. We are already co-operating with them. We already deal with them on a daily basis. We are encouraging them. They are our allies. Why not give them the opportunity to engage in a fair fight on the ground inside Kosovo where the atrocities are occurring?

The growing suspicion of all of us is that this air war can go on forever and not have an impact on the real problem, which is inside Kosovo. The Senator from Connecticut and I believe we are advocating here a proposal that is in the best interests of the United States of America and of NATO. We have obviously picked a side. We are on their side. The question is whether we should fight this war entirely on their behalf or whether we should give them an opportunity to help us fight it—since it is their land, their family, and their principal concern. We think we have a proposal here that makes sense.

Finally, for a mere \$25 million—which is less than we are spending on these air raids per night—we could arm the KLA for up to 18 months to give

them a chance to defend their wives, their homes, and their families.

So I thank the Senator from Connecticut for joining with me on this proposal. I see he is here now to speak on its behalf.

Mr. President, I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Kosova Self-Defense Act of 1999".

**SEC. 2. POLICY OF THE UNITED STATES.**

It shall be the policy of the United States to provide the interim government of Kosova with the capability to defend and protect the civilian population of Kosova against armed aggression.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR SECURITY ASSISTANCE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to funds otherwise available to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763), there are authorized to be appropriated to the President to carry out the provisions of such section, \$25,000,000, which amount shall be made available only for grants to the interim government of Kosova to be used for training and support for the established self-defense forces to carry out the policy of section 2.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

**SEC. 4. RELATION TO EXISTING AUTHORITIES IN LAW.**

Assistance provided under section 3 may be made available notwithstanding any other provision of law (including any executive order or directive or any rule or regulation).

**THE PRESIDING OFFICER.** The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Kentucky, with whom I am proud to join in this effort, and I thank him, really, for his initiative and leadership in this regard. He was the first, that I am aware of, to make this proposal. It made a lot of sense to me when we talked about it.

I must say, from the time we introduced it—which must be 4 weeks ago, now, when the NATO air campaign began—to today, it seems to me the logic and the morality that was behind the original proposal has grown greater. In fact, the support has grown for this proposal from those whom I respect, who think deeply about this matter. Some at the high levels of our Government, while not supporting our proposal to arm the Kosovars, nonetheless have increasingly spoken of the Kosovar Liberation Army positively, as the Senator from Kentucky indicated, referring to its members as our allies, and even defended them against some of the criticisms that have been heard against them.

Yesterday I came to the floor to join with several colleagues on both sides of the aisle to introduce a resolution which would authorize the President, as Commander in Chief, to take all ac-

tions necessary to achieve the objectives that NATO has stated for our action in the Balkans: To remove the Serbian military and paramilitary from Kosovo, to allow the Kosovars to return to their homes to live in peace, and to provide for an international peacekeeping force. It seems to me one of the steps that might be taken—and taken as soon as humanly possible—which supports the three NATO objectives, is exactly the proposal that Senator McCONNELL and I are making, which is to offer some truly minimal support to help arm and hopefully, at some point, better train the Kosovars who are fighting to defend their own communities, their own families, their own freedom, their own lives.

I think there are compelling strategic and moral reasons that argue for this legislation. The fact is, we are engaged in a battle, and it is a difficult battle. I am one who believes the NATO aerial bombardments, which will probably continue for weeks, are hurting the Serbs. Hopefully this bombardment will bring the leadership in Belgrade to their senses so they will order the Serbian troops out of Kosovo, which is one of our objectives. But let's speak truthfully about this. There is no indication of any breaking of will in Belgrade at the current time. There simply is none. If, after weeks and perhaps months of bombardment and still Milosevic does not yield we will not have achieved our objectives. Then we will face a stark choice. What my friend from Kentucky and I are saying is, at that point we will ask ourselves, how can we alter the status quo on the ground, since the air campaign has not done it? And the only way to do that, of course, is with forces on the ground. Then we will face a very difficult choice, which I have said I believe we have to at least begin to think about and consider and plan for, if that is necessary. That is whether to introduce NATO ground forces, including American soldiers into conflict in the Balkans.

But the fact is, as the Senator from Kentucky said, there are forces on the ground now fighting the Serbian invaders. They are the Kosovars themselves. They have by far the deepest and most genuine reason to fight, and they have the will to do so. They are fighting to defend themselves and their neighbors, their communities. They are fighting with remarkable resilience. The fact is, Milosevic had two aims in invading Kosovo. One was obviously to eliminate the Kosovars, to slaughter some of them, to torture and rape others, and expel the rest. A critical part of that strategy, the other aim was to defeat, totally defeat, the force on the ground, the indigenous force that is fighting Milosevic and frustrating his desires. That is the KLA, the Kosovar Liberation Army. Remarkably, he has failed totally at that.

Of course many people who have worn the uniform and carried the flag of the KLA have lost their lives already, but the numbers in uniform

there have grown as people from all over the world, not just from within Kosovo—including hundreds, maybe thousands, from the United States, Albanian Americans—have gone over there to fight this just fight. So they are on the ground, ready to fight. But they do not have enough to fight with. They do not have a lot of ammunition. In some cases they do not even have a lot of food.

But we have a common enemy here. Remember the old slogan, “The enemy of my enemy is my friend.” The enemy of our enemy, Milosevic, is now our ally in this fight. Senator McCONNELL said it. Our military is talking to them every day. They are providing us with valuable information from the ground that has helped us to target enemy locations in Kosovo. So we have crossed that bridge. Why not do the next logical step to advance our military purposes and to support them with arms?

I make a moral argument here, too, as well as a strategic argument. No matter what else was happening, these poor people have been victimized in a way we hate to imagine. But we have to imagine it because we see it on TV every day. We read about it in the newspaper. The fortunate ones do not look very fortunate at all. They are the ones who have been expelled. I say that comparatively, of course, because the ones who are less fortunate are the ones who have been slaughtered, who have lost their lives, who have been separated from their families and may well be trapped in areas of Kosovo now where they are starving.

So these people are exercising not just their legal right but their moral right to defend themselves. That right is at the heart of our own history and our own moral system. What was our Revolution about? It was about a valiant attempt by a band of patriots, freedom fighters, to break loose of the Crown and the suppression it was imposing on colonial America—fortunately, much less brutal and barbaric than that imposed on the people of Kosovo by the Serbs, and by Milosevic particularly.

So I think we cannot stand by and watch this slaughter. That is why we got involved in the first place. But I also think we cannot stand by and watch these brave people, against superior forces, equipped with much more than they have, fight, and not want to come to their defense.

I know there are critics of these people, as Senator McCONNELL has said. Some say the KLA is composed of extremists, Marxists; they may have connection with groups in the world which we oppose. Some even say some of them are drug runners. I cannot vouch for every one of the thousands of members of the Kosovar Liberation Army. I cannot speak to every place they are receiving funds, though I would say that a starving person does not ask the ideology or source of income of a person offering him or her food.

In the same way, in ways that we may not like, people who are fighting

for their freedom against very difficult odds may not always question the sources of help they need so desperately.

Of course, the best way for us to overcome these questions is for ourselves and, hopefully, some of our NATO allies to become the sources of financial support for the Kosovar Liberation Army. I will share with you my impression, based on all that I have read and studied about the Kosovar Liberation Army—the UCK, as they are called in their native language—and all that I have heard about them from their friends and relatives in this country, fellow Americans.

If I may, it reminds me of that old line about what is the definition of a conservative? A conservative is a liberal who has been mugged. That is from an earlier time. What is the definition of a member of the KLA? It is probably a citizen of Kosovo who has watched his house burn, his brother murdered and his daughter raped.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. McCONNELL. Mr. President, I ask unanimous consent for 2 more minutes for the Senator from Connecticut and myself.

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

Mr. LIEBERMAN. I thank the Chair.

Mr. McCONNELL. Can I ask the Senator from Connecticut a question related to the point he just made?

Mr. LIEBERMAN. Yes, indeed.

Mr. McCONNELL. Does the Senator from Connecticut not agree that if your house is being burned and your wife is being raped, you are not likely to ask the question: Who is this person who is offering to help me? And if our Government were truly offended or if our Government were truly convinced about all these rumors that have been spread around about the KLA, does not my friend from Connecticut agree we would not be taking their phone calls at the State Department and the military and we would not be accepting their advice about what military targets to hit? Is that a reasonable assumption?

Mr. LIEBERMAN. The Senator is correct. It is more than a reasonable assumption. I am a member of the Armed Services Committee. We recently had a hearing on Kosovo with Secretary Cohen and General Shelton. I was quite struck by two things: First, to hear General Shelton say that one of our aims of our air campaign is to degrade the Serbian military in Kosovo so that the UCK—the KLA—can achieve a balance of power with the Serbian forces there. So we have the Chairman of our Joint Chiefs of Staff linking us with them. Of course, the better way, the easier way to achieve that balance of power is by arming the Kosovars.

The second is, one of the members of the committee echoed some of the criticisms of the KLA—terrorists, ex-

tremists, drug merchants. And Secretary Cohen, our Defense Secretary, serving with remarkable skill in this crisis, came to the defense of the KLA and said, yes, he couldn't say that everyone there was an angel, but that the balance of equities of morality was clearly on the side of the KLA.

Mr. McCONNELL. Does my friend from Connecticut also share my memory, since we have been in several of these meetings with the President on this subject, that the only piece of good news about what is going on inside Kosovo at the last meeting was a report that the KLA was growing in strength? It was the only piece of good news about the condition within Kosovo. Does my friend from Connecticut also share my memory of that?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. May I ask, Mr. President, for an additional 5 minutes for the Senator from Kentucky and myself?

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

Mr. LIEBERMAN. I thank the Chair. The Senator from Kentucky is quite right. That is my recollection, that there was a very good report given, with some surprise, but admiration, I say, by the intelligence communities that the numbers fighting with the KLA have, in fact, grown. There is such a painful irony here. As we both said, while the air campaign goes on, the suffering, the expulsion, the murder nonetheless goes on in Kosovo on the ground, and the only force there that can stop it now is the KLA, and we are hesitating to support them.

I take them to be much more in the spirit of partisans who fought during the Second World War against overwhelming odds, perhaps even the freedom fighters in Hungary during 1956 and later in Prague, during the Prague spring. We have not only a strategic tie with them, it is much more consistent with our own history and values and our belief in democracy that we try to support this group, which, as the Senator says, is not being vanquished.

The truth is, if I were Milosevic, the one thing I would fear is the United States and the West arming the KLA because he knows their zeal, their purpose, the will they have to fight. They are brave. They will take losses because they are fighting for a greater purpose, and, in fact, if I were Milosevic, the one thing I would fear, and what I believe he will face in any case, is a long-term indigenous insurgency, which I predict he will never be able to stop. The sooner we help them, the sooner we bring them to the result that they and we want.

Mr. McCONNELL. I say to my friend from Connecticut, what our bill is all about is really an effort to call on the President to change this policy. We should not have to offer the bill that we are offering. We are offering it, but we should not have to offer it because

it makes elementary good sense to give the people, on whose behalf we are fighting this war, a chance to participate themselves.

I say to my friend from Connecticut, does he not agree, this is what this is about, to give the people, on whose behalf we are fighting this war, a chance to participate themselves?

Mr. LIEBERMAN. The Senator from Kentucky is absolutely right. That is the purpose. The purpose is to push this option, this act which will support our objectives, objectives for which we are spending billions of dollars and already risking American lives, to push us closer to achieving those objectives and also, if I may add, to hopefully force some discussion of this option among our NATO allies.

One of the arguments we hear about why this is not being considered by the administration is that there is opposition to it among our NATO allies. But we also hear there is opposition among our NATO allies, which I understand at this point, to the introduction of NATO ground forces. If there is opposition in NATO, as there is in Congress and in the administration, as the Senator has said, to the introduction of ground forces, including Americans, then, again, isn't it both wise militarily and powerful morally for us to as soon as possible be helping the fighters on the ground, the KLA?

Mr. McCONNELL. In fact, I say to my friend from Connecticut, isn't it reasonable to argue that the only reason these refugees have been created is because there was no effective fighting force on the ground inside Kosovo? No way to defend your home, no way to defend your family, and what do you do when you are afraid? You run. That is what has created the refugee problem, which is presumably what our European allies care about most—the spillover into their countries.

The only effective way, the Senator from Connecticut and I are saying, to prevent a further accumulation of refugees is for there to be some fighting force on the ground in Kosovo adequately trained and equipped in order to fight this battle where it counts.

Mr. LIEBERMAN. The Senator from Kentucky is right, and there is a painful irony here. He is absolutely right both about our objectives on the ground and our objectives to maintain stability in the region which is being destabilized now by these large refugee flows.

The victories, if one can call them that, that the tragic, brutal, barbaric victories that Milosevic's forces have had over the Kosovars are hollow. They are barbaric because this was an armed force fighting against unarmed, undefended people. It is a question that will hang in the air—and some later time we will come back to it—what might have been different if, in fact, the KLA had been better armed at the outset of this a month or two or three ago, because I think that might have deterred, certainly delayed the massive

exodus and slaughter that has been carried out against this undefended indigenous population.

Mr. McCONNELL. There is no question the Senator from Connecticut is correct. The good news is, it is not too late. The KLA is bigger and more committed today than it was 2 months ago when this policy also made sense.

Mr. President, I encourage cosponsorship on behalf of our colleagues on both sides of the aisle.

Mr. LIEBERMAN. I thank my friend from Kentucky for his leadership. We intend to pursue this and urge our colleagues to consider it as quickly as possible so that we may do something concrete and tangible that really can alter the balance of power and the balance of morality and the balance militarily on the ground in Kosovo.

By Ms. MIKULSKI (for herself, Mrs. MURRAY, Mr. INOUYE, Mr. WYDEN, Mr. JOHNSON, Mr. HOLLINGS, Mr. REID, and Mr. BINGAMAN):

S. 847. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

MEDICARE SOCIAL WORK EQUITY ACT OF 1999

Ms. MIKULSKI. Mr. President, I rise today to introduce the Medicare Social Work Equity Act of 1999. I am proud to sponsor this legislation which will amend section 4432 in the Balanced Budget Act of 1997 which prevents social workers from directly billing Medicare for mental health services provided in skilled nursing facilities (SNF's). This bill will also ensure that clinical social workers (CSW's) can receive Medicare reimbursement for mental health services they provide in skilled nursing facilities. I am honored to be joined by my good friends Senators MURRAY, INOUYE, HOLLINGS, WYDEN, JOHNSON, REID, and BINGAMAN who care equally about correcting these inequities for social workers and about ensuring quality mental health services for nursing home residents.

The Balanced Budget Act of 1997 (BBA) changed the payment method for skilled nursing facility care. Before BBA, reimbursement was made after services had been delivered for the reasonable costs incurred. However this "cost-based system" was blamed for inordinate growth in Medicare spending at skilled nursing facilities.

The Balanced Budget Act of 1997 phased in a prospective payment system for skilled nursing facilities that was fully implemented on January 1, 1999, for Medicare part A services. Payments for part B services for skilled nursing facility residents are to be consolidated. This means that the provider of the services must bill the facility instead of directly billing Medicare. The consolidated billing provision has been delayed indefinitely by the Health Care Financing Administration (HCFA) while it addresses Year 2000 (Y2K) compliance issues.

However, Congress was careful to not include psychologists and psychiatrists in this consolidated billing provision. Social workers were included, I think by mistake. Clinical social workers are the primary providers of mental health services to residents of nursing homes, particularly in underserved urban and rural areas. CSW's are also the most cost effective mental health providers.

This legislation is important for three reasons: First, I am concerned that section 4432 inadvertently reduces mental health services to nursing home residents. Second, I believe that the consolidated billing requirement will result in a shift from using social workers to other mental health professionals who are reimbursed at a higher cost to Medicare. Finally, I am concerned that clinical social workers will lose their jobs in nursing homes or will be inadequately reimbursed.

In addition, this bill ensures that clinical social workers can receive Medicare reimbursement for mental health services they provide in skilled nursing facilities. An April 1998, HCFA rule would have effectively eliminated Medicare reimbursement for clinical social worker services provided to residents of SNF's, whether or not their stay was being paid by Medicare, Medicaid, or a private payer. It would have deemed all mental health services provided to nursing home residents "required" services, not distinguishing between the mental health diagnosis and treatment services provided by CSW's and the required medically-related social services provided at the SNF.

Facilities would likely bring in a psychiatrist or psychologist (if available) because services provided by them could still be billed separately. This would affect seniors in many rural and underserved areas where CSW's are often the only available mental health provider and have developed relationships over time with these SNF patients. HCFA delayed this rule for two years. However, clarification is needed in the law to ensure that CSW's can be reimbursed by Medicare for the mental health services they provide to inpatients in SNF's. This bill makes that necessary change.

I like this bill because it will correct inequities for America's social workers, it will assure quality of care for nursing home residents, and will assure cost efficiency for Medicare. This bill is strongly supported by the National Association of Social Workers, Clinical Social Work Federation, American Psychological Association, American Group Psychotherapy Association, Bazelon Center for Mental Health Law, National Mental Health Association, National Council for Community Behavioral Health Care, National Association of Protection and Advocacy Systems, Anxiety Disorders Association of America, and the Mental Health and Aging Network of the American Society on Aging. I now look forward to the Senate's support of this important legislation.

By Mrs. FEINSTEIN:

S. 848. A bill to designate a portion of the Otay Mountain region of California as wilderness.

**OTAY MOUNTAIN WILDERNESS  
ACT OF 1999**

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Otay Mountain Wilderness Act of 1999. This bill would designate an 18,500 acre portion of the Otay Mountain region in Southern California as wilderness. The bill passed the House last week on a voice vote, with broad bi-partisan support.

Otay Mountain, which is located near the U.S.-Mexico border in eastern San Diego County, is one of California's most special wild places. The mountain is a unique ecosystem, home to 20 sensitive plant and animal species. The endangered quino checkerspot butterfly calls Otay Mountain home, and the only known stand of Tecate cypress, as well as the only known population of the Mexican flannel bush, also thrive on the mountain. For these reasons, the U.S. Bureau of Land Management first recommended Otay Mountain for wilderness designation in the 1980s.

In addition, Otay Mountain is key to San Diego County's habitat conservation planning efforts. The County has identified the region as a core reserve in the multi-species habitat conservation plan that it is currently developing.

Otay Mountain is scenic, rugged, and beautiful. The area is well worth preserving as wilderness for generations to come. This bill will ensure that San Diegans, and indeed all Americans, will be able to experience and enjoy Otay Mountain in all its unique splendor.

Unfortunately, in recent years Otay Mountain's sensitive habitat has been damaged by illegal immigration and narcotics activity in the area. The U.S. Bureau of Land Management has worked closely with the U.S. Border Patrol to bring these problems under control, and they have experienced great success. This legislation would specifically allow Border Patrol and firefighting activities to continue in the new wilderness area, so long as they remain in accordance with the 1964 Wilderness Act. This provision in the legislation is specific to Otay Mountain and will not apply to any other wilderness area.

I want to thank Congressman BRIAN BILBRAY for his leadership in introducing the Otay Mountain Wilderness Act and guiding it through the House of Representatives. I also want to thank Congressman FILNER, who has been a steadfast supporter of the legislation, along with the Clinton Administration. The California Departments of Fish and Game and Fire and Forestry Protection support the bill, as do the Endangered Habitats League and other environmental groups. Finally, the bill has strong support from the San Diego County Board of Supervisors and the San Diego Association of Governments.

Mr. President, I hope that the Senate will move expeditiously to approve the Otay Mountain Wilderness Act and send the bill to the President for signature.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 848

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Otay Mountain Wilderness Act of 1999".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the public land in the Otay Mountain region of California is one of the last remaining pristine locations in western San Diego County, California;

(2) this rugged mountain adjacent to the United States-Mexico border is internationally known for having a diversity of unique and sensitive plants;

(3) this area plays a critical role in San Diego's multi-species conservation plan, a national model made for maintaining biodiversity;

(4) due to the proximity of the Otay Mountain region to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area's wilderness values; and

(5) the illegal immigration traffic, combined with the rugged topography, present unique fire management challenges for protecting lives and resources.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) WILDERNESS AREA.—The term "Wilderness Area" means the Otay Mountain Wilderness designated by section 4.

**SEC. 4. DESIGNATION.**

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System certain public land in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled "Otay Mountain Wilderness" and dated May 7, 1998.

(b) OTAY MOUNTAIN WILDERNESS.—The area designated under subsection (a) shall be known as the Otay Mountain Wilderness.

**SEC. 5. MAP AND LEGAL DESCRIPTION.**

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in the map and legal description.

(c) AVAILABILITY.—The map and legal description for the Wilderness Area shall be on

file and available for public inspection in the offices of the Director and California State Director of the Bureau of Land Management.

(d) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is—

- (1) 100 feet north of the trail depicted on the map referred to in subsection (a); and
- (2) not less than 100 feet from the United States-Mexico international border.

**SEC. 6. WILDERNESS REVIEW.**

All public land not designated as wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991—

(1) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

(2) shall no longer be subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of those areas for preservation as wilderness.

**SEC. 7. ADMINISTRATION OF WILDERNESS AREA.**

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that for the purposes of the Wilderness Area—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the effective date of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

**SEC. 8. FURTHER ACQUISITIONS.**

Any land within the boundaries of the Wilderness Area that is acquired by the United States after the date of enactment of this Act shall—

(1) become part of the Wilderness Area; and

(2) be managed in accordance with this Act and other laws applicable to wilderness areas.

**SEC. 9. NO BUFFER ZONES.**

(a) IN GENERAL.—The designation of the Wilderness Area by this Act shall not lead to the creation of protective perimeters or buffer zones outside the boundary of the Wilderness Area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, in and of itself, preclude nonwilderness activities or uses outside the boundary of the Wilderness Area.

By Mr. BINGAMAN:

S. 849. A bill to amend the Public Health Service Act to provide grant programs for youth substance abuse prevention and treatment; to the Committee on Health, Education, Labor, and Pensions.