

## PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 18, 2000.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. L. CHAFEE thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

## SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of the military construction appropriations bill. There are nearly 5½ hours of debate remaining on the Levin amendment in regard to Kosovo. Senators who have statements are encouraged to work with the amendment managers on a time to come to the floor. Following the use or yielding back of time, a vote will occur at approximately 2:30 this afternoon. After the disposition of the Levin amendment, it is hoped the Senate can proceed to a vote on final passage of the bill.

For the remainder of the day, it is the intention of the leader to begin consideration of the foreign operations appropriations bill. Senators, therefore, can anticipate votes into this evening's session.

## MEASURE PLACED ON THE CALENDAR—H.R. 3709

Mr. ROBERTS. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. ROBERTS. Mr. President, I object to further proceedings on the bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Under the rule, the bill will be placed on the calendar.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2521, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Levin amendment No. 3154, to strike certain provisions which require ground troops be withdrawn from Kosovo by a fixed date.

The ACTING PRESIDENT pro tempore. The pending amendment is the Levin amendment No. 3154.

Under the previous order, the Senator from Kansas, Mr. ROBERTS, is recognized to speak for up to 15 minutes.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is a time that has been allocated to each side. I ask my good friend from Kansas whether or not the additional 5 minutes will come out from the time that is allocated to his side.

Mr. ROBERTS. The Senator is correct. Last night I asked, under a unanimous consent request, for 20 minutes. I discovered this morning it was 15 minutes. I am merely asking for an additional 5 minutes. Obviously, it will come out of our time.

Mr. LEVIN. I have no objection if it comes out of their time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 20 minutes.

Mr. ROBERTS. Mr. President, I rise to lend my support to the proposed legislation by my colleagues, Senator BYRD and Senator WARNER, in reference to U.S. obligations and involvement in Kosovo and, in a larger sense, in NATO as well, and in opposition to the amendment to strike that has been offered by the distinguished Senator from Michigan.

In this regard, I am a cosponsor of the language introduced several weeks ago by the distinguished chairman of the Armed Services Committee, Senator WARNER. I had the privilege of being in the Presiding Officer's chair

when he introduced his legislation. Senator WARNER, after many trips to Kosovo and firsthand experience, became convinced that our united efforts in the Balkans would have no chance of success unless promises made by our allies were kept—obligations for humanitarian assistance and reconstruction so crucial to any positive outcome.

Senator WARNER, in effect, issued a strong warning to our valued allies, and I believe his legislation has become a catalyst for action. Almost every contributing NATO ally and the officials within the administration, has assured the chairman, that they have been, are, or will step up to the plate and fulfill their financial obligations.

I feel with certainty that President Clinton can and will certify the Warner requirements have been met, so essential to achieving peace and stability in Kosovo. Regardless of how Members feel about this legislation or U.S. involvement in Kosovo, we owe Senator WARNER a debt of gratitude.

The second part of this legislation has been authored by Senator ROBERT BYRD. His knowledge of the U.S. Constitution has no equal in this body and his tireless efforts in defending and protecting the constitutional prerogatives of this institution will be among the many legacies he will leave us.

Senator BYRD has a not-so-unique conviction. He believes, and I believe, that we should balance the need for Presidential flexibility in foreign affairs and our constitutional power of the purse.

His legislation signals the end to open-ended—and I emphasize the word "open-ended"—U.S. peacekeeping operations in Kosovo and by periodic reporting promote actual consultation with the Congress and enable us to abide by the Constitution's directives on the separation of powers.

I certainly identify with Senator BYRD's purpose, as I authored a somewhat similar reporting requirement in 1998 during consideration of the Defense appropriations bill, as did Senators CLELAND and SNOWE. This is not new ground we are plowing. The reporting requirement was a little different. It was after the fact, and it was a foregone conclusion in terms of our involvement. We were trying to better determine the mission, the cost, the timing, et cetera. Again, this is not new ground we are plowing.

Notwithstanding the actual content of the Byrd-Warner amendment, it certainly has caused quite a fuss, so much of a fuss that the Senate of the United States is actually in the midst of a foreign policy debate, some \$15 billion and 6 or 7 years into intervention in the Balkans.

We actually have Senators in both the Republican conference and the Democratic caucus involved in some very spirited debate about the U.S. policy in the Balkans, so emblematic of the so-called Clinton doctrine. Imagine that, foreign policy actually getting

some attention in the middle of an election year and a Presidential campaign. That is good. That is not bad; that is good. We need this debate.

In fact, I know of two Senators, the Senator from Georgia, Mr. CLELAND, and this Senator from Kansas who have braved the morning business hours, always held in the late afternoons, to launch what we call a foreign policy dialog and discuss at length our vital national security interests, the direction of our foreign policy, and the use of force and related topics.

A few Senators have joined us, particularly Senators HUTCHINSON, HAGEL, LUGAR, and LEVIN. It was a good dialog. We will have more. But this debate is about an actual amendment calling for the Senate to meet our obligations and responsibilities to be an equal partner with the executive in determining where and why our American men and women in uniform are put in harm's way, and for what purpose, and commensurate with our commitments in regard to our allies.

This is almost beyond the hopes of Senator CLELAND and myself, who have been trying to attract attention to this topic for the better part of this session.

My colleagues, this legislation does us, our military, and the American people a big favor, it seems to me. It places the Congress into a process, a process where we already have a constitutional obligation. Simply put, if we, as a body, believe our continued presence in Kosovo is justified, then we do so by voting to stay.

Second, the provision asks the United States to provide a plan to return the peacekeeping responsibility—I emphasize that, the peacekeeping responsibility—to our allies in Europe by the first of October of next year—18 months away.

Last, it asks the President to certify that the E.U. and the European members of NATO meet the obligations for the humanitarian assistance and the reconstruction they have promised.

This legislation has created quite a fuss. Supporters have been labeled—and I am quoting here—as “isolationists,” “Cassandras,” and “blind to the facts.”

The critics of this legislation say, if this amendment is adopted, Europe will be plunged into darkness, NATO will resemble Humpty-Dumpty, and 50 years of U.S.-Europe cooperation will be in danger, not to mention the peace and stability in the Balkans. Really?

My colleagues, to suggest that if we ask to bring our combat troops home after an orderly turnover to European peacekeepers, to ask the Congress to vote on their approval or their disapproval of continued U.S. participation in Kosovo, and to ask that the President certify that the Europeans will meet their funding obligations they promised—if that represents a lessening of our commitment to Europe, this, to me, is histrionics of amazing proportions.

Let the critics, let all of my colleagues who oppose this legislation, answer the following questions:

First: Are the Europeans capable of maintaining the peace in Kosovo? That is a very important question.

Second: Are the Europeans solvent enough to meet their promised fiscal responsibility? I think we all know the answer to that.

Does the Congress have any responsibility for foreign policy?

Have we asked the President, time and time again, with numerous reporting requirements—as I have indicated, as Senator CLELAND, Senator SNOWE, and I have over 2 years ago—to better inform and include Congress in foreign policy decisions?

Would the United States respond militarily if a conflict erupted in Europe following the passage of this legislation?

Does an ill-defined, poorly executed, and ineffective policy in the Balkans have a direct negative effect on our military and our remaining military obligations around the world?

I think the answers, my colleagues and critics, is yes to all of those questions.

In fact, I think it is a bit condescending or paternalistic, if not outright arrogant, to suggest, as some have stated, that without direct U.S. participation—we are talking about ground troops now, not logistics, not airlift, not intelligence—that the European military would be unable to maintain the peace and war will spread to neighboring nations.

Those of us who are privileged to serve on the Senate Armed Services Committee have met repeatedly with our foreign counterparts to learn repeatedly that the European Union members are developing a rapid deployment force with defensive capability—they call it the ESDI—that they say will be, or is right now, capable of maintaining the peace in the Balkans. Are they wrong? We have 17 months to really try to figure that out.

As an aside, would our peacekeepers assume a combat role? Do I recall press accounts where Americans are no longer permitted to come to the assistance of other peacekeepers in other sectors, in certain situations, following a skirmish in the German sector?

So let me get this right. We are peacekeepers, but we cannot withdraw because of a possible problem that could break out; but we are not allowed to go to other sectors to assist if a problem breaks out? Something is wrong here.

Do the opponents of this legislation actually think that because of this provision, the United States will in fact become isolationists? Do opponents think by passing this provision, it signals an end to our participation in NATO or in Europe? That argument is absurd. I think the opponents know it. That is not the issue.

Aside from fulfilling our constitutional obligations, the issue is this:

The U.S. military is being deployed all over the world by this administration at rates far above that seen in regard to the cold war. We must ensure that we have the forces to be able to respond to threats to our vital national security interests.

The point is not to debate whether we should have gone to war in Kosovo—those 20-20 hindsight lessons learned are still in progress, and they should be—but rather to decide how long we will keep draining limited U.S. resources when we still cannot define what our long-term objectives in Kosovo are, or when the Europeans are fully capable of performing the peacekeeping mission again, and they have committed to providing the reconstruction resources and the resources for humanitarian relief.

This legislation is, in fact, in concert with the new Combined Joint Task Force mechanism adopted by NATO during the Washington summit. That is the summit that was held last spring. In this regard, we all left town and the NATO ambassadors stayed here. They adopted a new Strategic Concept. I doubt if many Senators have read the new Strategic Concept. I did.

I am a little concerned about our mission in that regard. I even had an amendment, that was adopted, that asked the President to certify whether we had obligations and responsibilities on all these new missions in regard to the Strategic Concept.

In that Strategic Concept, passed last fall, largely at the request of our European allies, the task force allows NATO members to utilize—listen up, my colleagues—the task force allows NATO members to utilize noncombat NATO resources in support of an operation that is conducted by a coalition of willing nations without requiring all alliance members to participate in it.

That is the concept. That is what this legislation does.

There is no reason this CJTF plan would not allow the United States to continue to provide—as the distinguished chairman of the Armed Services Committee said over and over again in this debate—airlift, logistics, intelligence, and, yes, peacekeeping support.

What is the end game here? Not only are there no clear objectives that would end our involvement in Kosovo, but there is no understanding, at least from this Senator's standpoint, of what constitutes “winning the peace.” I would like somebody to tell me.

I would like somebody to tell me, after years of discussion and hearings, especially in the Intelligence Committee and Armed Services Committee, the President, Secretary Albright or National Security Adviser Berger or Gen. Wesley Clark, who is back in Washington after a very tough duty assignment that he conducted so well, or my colleagues who are so critical of this amendment: What is it that winning the peace in Kosovo means?

Is it harmonious coexistence of the Serb and the Albanian population in

some yet to be defined autonomous or semiautonomous region called Kosovo? Is it when the level of violence, Serb on Albanian, Albanian on Serb, Albanian on Albanian or Serb on Serb or any combination of those, has been reduced to a point that CNN no longer covers it? Or is it when the western nations have kept the peace long enough for generations to pass and the great grandchildren of the combatants no longer remember the atrocities they inflicted on one another?

I am all for winning a peace. I don't know of anybody who is not. But I am concerned, and I am afraid the reality is that the U.S. cannot afford to wait. We are not talking about now. We are talking about October from October, 18 months. I say this not out of a lack of compassion for the inflicted innocents of Kosovo—those who I met and whose pleas I have heard and the memories of which I will carry forever—but because our U.S. military is stretched and strained and growing hollow once again, and our world commitments are too great to allow us to stay in Kosovo indefinitely.

Some time ago, June 19, 1998, Senator CLELAND and Senator SNOWE passed an amendment calling for a report from the Executive, what clear and distinct objectives guide the activities of the United States in the Balkans, what the President has identified on the basis of those objectives as the date or set of conditions that define the end point of the operation. That was 2 years ago.

There are findings here that pretty well underscore the concern and the frustration we have had, all of us, in a bipartisan way. We have a May 3, 1994, Presidential Decision Directive 25 declaring that American participation in the United Nations and other peace operations will depend in part—this was before Kosovo; this is Bosnia—on whether the role of the U.S. forces is tied to clear objectives and an end point for U.S. participation can be identified.

I think the distinguished chairman's amendment and that of Senator BYRD is commensurate with the Presidential directive. I had an amendment, as I indicated, to the Defense appropriations bill, saying: None of the funds appropriated on or otherwise made available, et cetera, could be obligated or expended for any additional deployment of forces—this is before Kosovo and the bombing, all of that—until the following questions were answered: The reasons why the deployment is in the national security interests of the United States; the number of U.S. military personnel; the mission and objectives, et cetera; the exit strategy.

About 6 months to a year later, we finally got a response. I can tell you that the mission has changed dramatically. Then we all wanted to safeguard the return of the refugees and provide a safe haven and end the fighting. Today, I am not sure if we can define "winning the peace."

A GAO report that just came says: On the eve of the Senate vote to set a

deadline for withdrawing American troops from Kosovo. A GAO report released today said that prospects for lasting peace in Kosovo are bleak. It says it will take another 5 years. Maybe we should have an amendment by those opposed to this amendment simply stating that the GAO indicates there is going to be another 5 years and simply to go ahead and say that, that we tell the truth in regards to how long it is going to take.

Last week in our foreign policy dialog, Senator LUGAR asked the question: Are we committed to NATO, after the lessons hopefully learned following the isolationist policies of World War I and all we have worked to achieve in the 50 years since World War II? Are we still committed to Europe in that their security involves our security? The answer is yes. His point is well taken. That is not the issue.

I submit the conduct of foreign policy is just as important as the alleged or stated goal. And there is the rub for this Senator. Some day I hope to pull together all of the information and reports I have stacked up in my office and address the concern, the frustration, in regard to the planning, the intelligence, the conduct, the law of unintended effects of the Kosovo and Bosnia operations, but now is not the appropriate time.

Upon returning from Kosovo and talking with one of the colonels in charge, who was a member of the Airborne, I asked him what he did from the time he got up in the morning until the end of the day, other than the briefing we had. He indicated there was some progress being made.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent I be granted another 2 minutes to close.

Mr. KERRY. Mr. President, I assume that comes off their time?

Mr. ROBERTS. That is correct.

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

Mr. ROBERTS. I asked the colonel what he was proud of, what kind of progress he had made. That was the trip that we had in February to Kosovo. He indicated that finally they had found somebody who agreed to serve as a schoolbus driver for the Serb children. Unfortunately, there were no Serb schoolchildren in Urisivic, and they would not have been allowed to attend the Kosovar school had they been there. In addition, there would have had to have been a separate curriculum and separate teachers. But they found a schoolbus driver who was willing to drive the schoolbus if, in fact, there was schoolchildren.

These troops were guarding six Serb families in what was called Serb Alley. They were escorted by armored vehicles to shop and get groceries once a week. These families are staying with the hope that their youngsters would return some day, if they are, in fact, still part of Serbia, and so they could continue their businesses.

I could go on with example after example. Basically, we asked him what he spent most of his time on. He said, Albanian violence on Albanian. The basic question is, within the next 18 months that we figure out if, in fact, Europe has the capability to conduct the peacekeeping operations. This is not a pullout. This is not an automatic retreat. All this is, is for the Congress of the United States to assume its constitutional responsibility at the end of 18 months, if the President requests it and says it is in our vital national interests, that we vote to stay. I, for one, would vote to stay if, in fact, the President looked me in the eye and said that was the case. I think under the circumstances I have made my point.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, under the standing order, the vote on this issue will occur at 2:30, give or take a few minutes on either side. Senator LEVIN has, under his control, 2 hours 45 minutes. The Senator from Virginia has roughly an hour and a half or less, of which 1 hour is reserved to our distinguished colleague, Mr. BYRD of West Virginia. Thus far, the Senator from Virginia is desirous of trying to accommodate those who wish to speak in support of the amendment. I have the names of Mr. TORRICELLI, Mr. CLELAND, Mr. FEINGOLD, Mr. GREGG, Mr. BURNS, Mr. INHOFE, Ms. SNOWE, Mr. THOMAS, and Mrs. HUTCHISON of Texas. I am going to be right here to do the very best I can to accommodate all.

Time is going to move very swiftly, and I hope Senators will contact the managers and indicate the times convenient for them to speak.

Mr. LEVIN. Mr. President, I wonder if my good friend will yield for a question as to whether we might be able to schedule—

Mr. WARNER. On your time because my clock is ticking.

Mr. LEVIN. It will be brief and on my time. Senator LAUTENBERG is scheduled to go next under the unanimous consent agreement. Can we schedule a speaker on your side, perhaps?

Mr. WARNER. Yes, Senator INHOFE will be seeking recognition, and perhaps 10 minutes would be agreeable. Would that be agreeable?

Mr. INHOFE. I would like to have 12, if I could.

Mr. WARNER. We will give the Senator 12.

Mr. LEVIN. I ask unanimous consent that Senator DEWINE be recognized for 10 minutes immediately after Senator INHOFE, and then does the Senator know who would be ready on his side?

Mr. WARNER. I reserve 8 minutes for a Senator in support of the amendment.

Mr. LEVIN. After that, Senator KERRY of Massachusetts could go on our side.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I add that following Senator KERRY, I will have a speaker for about 7 minutes. I thank the Chair and my colleague.

The PRESIDING OFFICER. The Senator from New Jersey is recognized, under the previous order, to speak for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, I thank Senator LEVIN for the courtesy of being able to speak at this time. I believe very strongly in the issue which is before us. I am in opposition to section 2410 in the military construction appropriations bill, which in the view of most, I think it is fair to say, effectively terminates the U.S. military role in Kosovo. I opposed this amendment when it was offered in committee, and I am proud to join with Senator LEVIN in offering an amendment to strike it here in the full Senate.

Last year, the Armed Forces of the U.S., our NATO allies, and other countries, valiantly fought to stop the killing in Kosovo. They ended Slobodan Milosevic's brutal campaign of ethnic cleansing against the Albanians and prevented his genocidal warfare from being carried out to its full extent.

Like many of my colleagues, I have made many visits to the area. I watched with admiration and awe when I saw our fliers flying out of Aviano, Italy, to the front in Kosovo. That flight—in a fighter plane there is not much room—typically would take up to 8 or 9 hours to complete. It also needed four to five refuelings in the air to keep that pilot and that equipment going. It was an incredibly well-done campaign. Our pilots' morale and commitment was second to nothing I have ever seen. I served 3 years in World War II, so I have seen war directly before. I remember even then, when everybody was so committed, how sometimes the morale would flag after a period of time. But these pilots would get in those planes almost daily and exhaust themselves in carrying out their missions. They were at high, high risk.

Fortunately, with good planning, skilled pilots, skilled crews and ground personnel, we only had one plane go down, and the rescue of that pilot is something that will live in the annals of military history—how they scooped him up in the middle of the night in a carefully planned evacuation. They got him and brought him home safely. When I met him a couple of days later, he wanted to fly again and was ready to go back and do his duty.

In Kosovo, we watched hundreds of thousands, perhaps millions, of people being uprooted from their homes—men, women, and children. A few men they would take away.

Even before the air campaign, I met a family in Albania where they lifted grandpa up to cross the mountains along with lots of little kids—about five of them—to cross the mountains to try to protect themselves. It was a sad story they related. They got to Albania to their relatives and slept on the floor and thought they were in heaven.

This was a genocidal act, if we have ever seen one. It was a brutal massacre involving the worst crimes that one could imagine—mutilation, rape. It was a terrible situation. We were compelled sometimes by our heartstrings more perhaps than our planning to intervene, and to say to the world you can't do that kind of killing while civilized nations exist around the world. We violated that, if we look at Africa. But we had a direct interest there.

When we think now of just pulling out—and I will say arbitrarily. I hate to disagree with two very distinguished and good friends in this Senate, the distinguished Senator from Virginia, chairman of the Armed Services Committee—I don't like to argue with him. He is too smart. He has too much knowledge—and the Senator from West Virginia, not in a different category. But I disagree with them on this very important decision that is about to be made.

In my view, and in the view of the Senate in the past, the United States and our allies were right to act last year in Operation Allied Force. And we were right to stay in Kosovo to accomplish our goals in Operation Joint Guardian.

We won the war. Now we have to ensure that victory by maintaining the peace.

Mr. President, the discussion and the debate on this provision since the Appropriations Committee markup has shed considerable light on the Byrd-Warner amendment and its consequences.

Most immediately, it ties our military presence in Kosovo to burden-sharing criteria for European reconstruction and humanitarian aid. They are doing it.

It has been my belief for a long time that our allies must do more burden-sharing. I talked about it with Japan; I talked about it with Saudi Arabia; I talked about it with South Korea—that there has to be burden sharing by our allies. I believe that the European countries should fulfill their broad commitment to take the lead in the reconstruction of Kosovo, as well as their specific aid pledges.

But I don't think threatening to reduce our peacekeeping presence is a constructive way to speed up European aid disbursement.

More importantly, I don't think anyone can predict with any certainty that the President will be able to meet the burden-sharing certification requirements by July 15 as this bill requires. July 15, 2000, is not very far away. Administration people—top people at OMB—say it is unlikely that it can be done. They are saying it certainly cannot be done now, and I know some of my colleagues who supported the amendment in the committee had a different understanding about whether or not the certification of the allies meeting their obligation could be done at this time. It can't be.

If the Europeans fail to meet even one of the yardsticks, U.S. funds for

military operations could only be used to withdraw U.S. forces.

This provision could force U.S. troops to withdraw from Kosovo this July, 2 months from now. I think even some of the sponsors of the measure would consider this highly undesirable.

But let us suppose the Europeans do indeed fulfill their aid pledges as is required, after the first phase, which is July of this year, 2000. What happens then?

Section 2410 in this bill is quite clear on this point: Unless the President gets explicit congressional authorization in the form of a joint resolution, the next President will have to pull our troops out of the NATO-led peacekeeping mission in Kosovo by July of next year at the latest.

Just a reminder: The Second World War ended in August of 1945. We had troops stationed in Germany and Japan. We still have troops stationed in Europe and Japan as a result of that war. After more than 50 years, we still have troops there. We still have troops in South Korea as a result of that war. Why? Because we have determined we are better off keeping the peace than fighting another war.

I believe that is the attitude that ought to dominate. We were never asked permission to keep those troops there. Two-hundred thousand Americans have been stationed around the world—in Japan and Germany, in the Pacific and European theaters. We were never asked if it was OK to continue. It is automatically thrown into the budget. Why, I ask, isn't that question raised? Why doesn't someone say, hey, if the burden-sharing falls behind—mind you, there was a time when it was way behind, and I fought very hard to get that up to date—why don't we write legislation that would say, should one of those countries—Japan, South Korea, or Germany—fall behind in fulfilling their share of the burden, pull our troops out arbitrarily? Just pull them out. One would never dare think of that.

It has been 9 years since we concluded the war in the Persian Gulf. We have 9,000 troops stationed there in harm's way. We have lost a bunch of our people during the last 2 years because of an attack on a barracks. But we still have 9,000 people there monitoring the no-fly zones and making sure we have reserve troops to move in in case Iraq gets frisky and attacks again. I do not hear anybody saying, OK, look, done with; let's get out of there. The reason we don't do it is common sense. It is military sense. It is foreign policy sense.

We are leaders because of the actions we take. That is the position America is in. This debate, I think, is a real tough one because there are two very popular Senators who are offering this amendment. I know they don't want to win this battle based on their popularity, I am sure, but the fact of the matter is this is a very important policy decision. Proponents of this measure argue that they are upholding the

role of the Congress in deciding when and where to send our troops into harm's way.

I just gave you a list of some places where we have troops. We all know that South Korea is on the border with North Korea, and our troops could very easily be in harm's way.

The President asked Congress to support his decision for U.S. Armed Forces to participate in the NATO air campaign against Yugoslavia. Unlike the House, the Senate, on March 23, 1999, on the eve of the first air strikes, adopted Senate Concurrent Resolution 21 authorizing U.S. participation in the NATO air campaign.

The issue now is not authorization for offensive military action but continued deployment of U.S. troops in a peacekeeping mission that is carried out with our NATO allies and other nations.

Congress has in the past used the constitutional power of the purse to support or to end U.S. participation in peacekeeping missions. For example, in 1993, the Senate adopted an amendment offered by the Senator from West Virginia to cut off funding for the U.S. participation in peacekeeping operations in Somalia after the tragic death of U.S. marines. The Congress has never passed a joint resolution authorizing deployment of U.S. troops in a peacekeeping mission and has never before required the President to seek one.

In fact, Congress has generally supported U.S. deployments abroad by providing funding. In my view, that is what we should do right now for Operation Joint Guardian in Kosovo.

Historically, when our armed forces have prevailed in war, we have counted on our armed forces to remain deployed to consolidate our victory, to keep the hard won peace, to ensure that our values of democracy and human rights are respected.

The distinguished Senator from Virginia knows that. He was in the military for some time. He headed one of our most important divisions of the military. He knows after a conflict is over, we don't just walk away, pack up our bags, fold the tent, and go home. That is impossible.

Remember, this whole military engagement started late because we couldn't get agreement among our NATO allies. It was in March of last year, just over a year ago. We are being asked to continue this operation. We ought not put strings on it that impair the ability of the President to make decisions.

After more than half a century, in the war in which I was honored to serve, we still have the troops in Europe. I haven't heard my colleagues demanding we withdraw from those situations unless explicitly authorized by a joint resolution in the Congress. In fact, in all of my years in this body, I have never been asked to authorize the deployment of United States forces in Germany, Japan, Korea, or many other

places, other than by authorizing and appropriating funds to continue those deployments.

The alternative in this bill would not really leave it to the next President to decide whether to continue the deployment of U.S. troops in Kosovo, as the sponsors have asserted. Rather, section 2410 requires that the pullout by July 1, 2001, essentially be a done deal during President Clinton's term of office.

Do we want to do that? I have a short term remaining, and I share the same schedule as the President. I am out of office in just a few months. To say that my successor ought to do exactly what I have done, Heaven forbid, we would never consider that. Do we want to tie the hands of the next President of the United States? We don't even know which party that President will come from.

Under section 2410, this President, President Clinton, must "develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries, will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo."

This President, President Clinton, must submit "an interim plan for the achievement of the plan's objectives" to Congress by September 30, 2000. That means President Clinton has to plan for a pullout and prevail upon our allies to pick up the slack within the next few months.

I am not trying to protect President Clinton's initiatives. I am trying to protect the President's initiative, whoever that President may be. Whether it is AL GORE or George W. Bush, our next President would have to reverse course to fulfill our small share of the burden to keep the peace in Kosovo, to keep the soldiers, the brutes from attacking the men and women. By the way, that could be from the Albanians to the Serbs, or the Serbs to the Albanians.

Kosovo is a tinderbox. In my view, this part of the bill puts a fuse on that tinderbox. If we pass it, we will light that fuse.

I hope my colleagues now understand the issue posed by section 2410 of this bill.

It is not about burden-sharing. We don't need to threaten to pull our troops out to make a point that the Europeans need to fulfill their commitments to take a lead in the reconstruction effort.

This is not about the prerogatives of Congress. We can exercise our rights by providing or denying funds to continue to deploy. We have every right to do that.

This is not about presenting the next President with a decision on a national security issue, since it would instead present the next President with a fait accompli, a done deal.

The issue now before the Senate is whether to force the President, this

President, to withdraw U.S. troops from Kosovo in this year, or at the latest by July of 2001, hoping our allies will go on without us. If they fail to, are we ready to bring those pilots back and assemble our armada, when we could avoid that? It is a mission that carries some danger, there is no doubt about it. Our brave men and women are there to do that. They are well trained and ready to take on the obligation.

The issue we are deciding in the Senate is about policy and about making policy. What we do is immediately strap the hands of the President and the military leaders in our country, a pretty bright group. We strap their hands behind their backs and say: Sorry, we've decided to subject this to a perhaps appropriate political or power discussion.

The policy now codified in this bill is against the national security interests of the United States.

Why should we support the continued deployment of U.S. forces in the peacekeeping mission in Kosovo? Let me give you some reasons.

First, leadership. U.S. leadership in Europe and around the world does not just mean having modern and effective armed forces backed by a nuclear deterrent. U.S. leadership does not mean just defending our territory, our citizens at home, or our supply of foreign oil. U.S. leadership means standing up for our interests and values and standing up for those who cannot themselves prevent genocide, as we have done and should continue to do in Kosovo.

The second reason is burden-sharing. United States aircraft, the best technology flown by the best pilots, flew most of the missions in the air campaign against Yugoslavia, but many of our allies were there with us providing aircraft, bases, and other critical resources.

The Europeans have agreed to bear most of the burden of peacekeeping and reconstruction in Kosovo, and while some assistance has been slow in coming they are unquestionably doing the lion's share of the tasks we now face.

The United States contributes fewer than 6,000 of more than 45,000 NATO troops deployed in Kosovo for Operation Joint Guardian. This is more than a token presence; we have accepted responsibility for security in a sector of Kosovo and have the robust force necessary to do the job right without unnecessary risk. But this limited role shows our allies that we understand the importance of doing our part to achieve a common interest.

The third reason is peace and stability in the Balkans and in Europe. Maintaining a significant U.S. presence in a robust, NATO-led force lets the Serbs and the Kosovar Albanians know that the future of Kosovo and its people will not be determined by renewed ethnic violence. Over time, and with a strengthened civilian effort, this should open the way to development of civil society and self-government in Kosovo and a negotiated solution on its international status.

Maintaining peace in Kosovo helps prevent a wider war which could otherwise draw in NATO allies as combatants. In contrast, withdrawal of U.S. forces would likely weaken Operation Joint Guardian. The Kosovar Albanians and the Serbs would instead rearm and prepare to resume fighting for control of territory once our allies join us on the sidelines. The killing we intervened to stop would eventually resume, with devastating consequences.

The fourth reason we should continue our limited role in Operation Joint Guardian is credibility.

If we show the world that we don't have the resources or the political will to stay on the ground in Kosovo, then all our potential enemies will believe they can prevail simply by waiting us out. We were far too reluctant to use ground forces or even helicopters to stop the killing in the first place. Do we really want to cut and run now?

Finally, we should maintain our forces in the peacekeeping mission in Kosovo to maintain the NATO alliance which is vital to our national security.

The nations of the European Union, in trying to deepen their unity, are developing a European Security and Defense Identity, or ESDI. We are at a critical juncture in the evolution of the NATO, as we work to give the European Union a stronger identity and more autonomy within the alliance rather than dividing it. Failing to stay on the ground to address a threat to European security would reinforce calls for Europe to make unilateral decisions on the use of military force.

We must not undermine the unity of purpose and unity of action that has been the strength of an alliance which has been a mainstay of our national security for more than half a century.

Mr. President, I hope my colleagues will look at this in the context of other decisions we have made about our military presence and its necessity. We will look at it in terms of whether or not in this Chamber, in these offices, we are making decisions that should be reserved for the military. Let's hear from them. We heard from General Clark, one of the brightest leaders we have had in the military in the history of this country. He said this could be disaster. Montenegro and other nearby countries could explode with Milosevic's ambition; he has been looking at Montenegro, salivating for the opportunity to get in that small division of Yugoslavia and absorb it.

So to maintain the strength of NATO, to preserve our own credibility, to keep the peace in the Balkans and Europe, to uphold our commitment to burden-sharing, and to demonstrate United States leadership, the United States Senate should reject Section 2410 of the Military Construction Appropriations bill. Instead we should support our Armed Forces deployed in Kosovo by voting for the Levin amendment.

I thank the Chair and yield the floor.

Mr. WARNER. I ask unanimous consent to speak for 2 minutes on my time.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have been privileged to serve together for many years. The Senator draws on personal experience, having served in World War II in the concluding chapters of the war in Europe. The Senator's opinion, in my judgment, is to be respected. I regret we are on different sides.

As I listened very carefully to the speech, the theme time and time again was, our allies, our allies. And that is important. Senator BYRD yesterday recounted the history from World War I and World War II. Time and time again, we have always been in partnership with the allies for that portion of Europe. We will do so in the future.

We have 100,000 in NATO. Time and time again, I get the feeling that people who are trying to strike this provision have no confidence in the ability of the Congress of the United States, acting at the direction and request of the next President, to make a proper decision for national security.

Those who select a vote to take this out, think about your constituency: \$2 billion of taxpayers' money expended on Kosovo; yet there is no conclusion as to how this is going to be spent over the years, how long we will be there. What we are trying to do is put some discipline in the Congress of the United States to assume its responsibilities and to involve itself in a coequal way with the President of the United States. That is not asking too much for hometown America which is supplying these dollars and supplying the men and women who proudly wear their uniform.

I yield the floor.

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

Under the previous order, the Senator from Oklahoma is recognized for 12 minutes.

Mr. INHOFE. Mr. President, as our chairman, Chairman WARNER, I listened to the distinguished Senator from New Jersey talk about this issue. While I do have the utmost respect for him, I would have to say that one of the problems we had, getting into this mess to start with, was the grossly exaggerated figures that were used. I believe the Senator used the number 100,000—100,000 has been batted around quite often. I am going to read into the RECORD at this point from Robin Cook, the Foreign Secretary—this is October of 1999. He is under pressure to answer claims that ministers misled the public on the scale of deaths of civilians in Kosovo:

At the height of the war, western officials spoke of a death toll as high as 100,000. President Bill Clinton said the NATO campaign had prevented "deliberate, systematic efforts at ethnic cleansing and genocide".

Emilio Perez Pujol, a pathologist who led the Spanish team looking for

bodies in the aftermath of the fighting, said:

I calculate that the final figure of dead in Kosovo will be 2,500 at the most.

The U.N. report came out and said the figure is closer to 2,000. There is a big difference between 2,000 dead and 100,000. I am involved in West Africa. I can assure you, as I said on the floor back during this debate, for every one killed there through ethnic cleansing and otherwise, 100 were killed in Sierra Leone. That seemed to be the excuse that was used for our intervention into that area.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. INHOFE. No, I will not yield unless I yield on your time.

I would like to have a better solution than the solution that is in front us. Frankly, I think we should have done this some time ago, but this seems to be the only vehicle in town. There are reasons we should not have been involved in Kosovo. It is not in our vital national security interests. There is no clear mission objective or schedule to accomplish it. There is no exit strategy.

The thing that really concerns me more than anything else, as chairman of the Senate Armed Services Subcommittee on Readiness, is what this has done to our state of readiness. I have been saying since before we sent the cruise missiles into Kosovo that the United States is in the most threatened position we have been in as a nation in this Nation's history. I have been saying that for a long time. It finally was redeemed the other day—our chairman will remember this—when we had George Tenet, Director of Central Intelligence, before our committee. I made that statement. I asked him to respond live on C-SPAN. He said, yes, we are in the most threatened position we have been in as a nation in the history of this country.

Why is that? It is because of three things. First of all, we are at one-half the force strength that we were in 1991 during the Persian Gulf war. Second, we do not have a national missile defense system. We were to have one deployed by fiscal year 1998, and through the President's veto and his veto messages saying he is not going to put more money into a national missile defense system, in spite of the fact that in July of last year we passed a bill that he signed into law with a veto-proof margin saying that is our No. 1 concern, we still do not have one.

But the third reason is all these deployments that have nothing to do with our national security interests. I can remember the first one that came along. It was Bosnia. I went up to Bosnia. I knew the President was bound and determined to send our troops into Bosnia. I knew we did not have the spare troops to send in, that we could not respond to a crisis in the Middle East or North Korea if we were to continue to make these deployments, so I went up to the northeast sector. I remember this so well because I was the

first American, civilian or military, up there. I went up there with a British General named Rupert Smith, a colorful guy. He and I really enjoyed that trip, going up, talking about what the President promised the American people.

If you remember, we had a resolution of disapproval to stop the President from sending troops over there and getting involved. We lost it only by three votes. We lost it because the President said all the troops they would send there, in December of 1995, would be home for Christmas 1996. This is not an approximation. This is the commitment the President made to the American people.

We knew that was not going to happen. So we tried this same thing before. We tried at that time to say let's just draw a line in the sand at June of 1996; then June of 1997. We had the same debate at that time. "No, they are going to come back, but all in good time."

There is no end in sight in Bosnia. They are still there. So here we have our people involved in an area with the Croats and Serbs and Muslims. Then you have the various other groups such as the Arkan Tigers and Black Swans. The only thing all these groups have in common is they all hate us, hate that we are over there. We lost our resolution of disapproval by three votes.

I have tried to determine how much we have spent in Bosnia alone. The most conservative figure will be \$13 billion. When you consider everything that has to go with it in terms of ground logistics support, it is considerably more than that.

Then along came Kosovo. I knew the same thing was going to happen. This President has an obsession for sending our troops into places where we do not have any national security interests. So I went over to Kosovo. It is not a hard place to go across; it is only 75 miles across. I went by myself, one individual with me. As I went across Kosovo, I only saw one dead person, and that was a Serb, a Serb soldier who had been killed by an Albanian.

I rounded one corner and looked down the barrel of a rocket launcher, and it was held by an Albanian. Of some 92 mosques that are there, only 1 was burning. CNN had pictures of it from every angle. When you got back to the United States, you thought every mosque in Kosovo was burning. It was a propaganda effort deliberately to make the American people believe things were going on there that were not going on there.

What has happened since then, I might add, speaking of us, on this Senate floor I showed pictures and documented, since the Albanians are now on top, they have burned to the ground a minimum of 52—and we have pictures of all 52—Serb Christian Orthodox churches, most of them built prior to the 15th century. If you do not have any sensitivity to the religious aspect of this, look at the historic aspect. Nonetheless, this is the propaganda effort that got us over there.

I can remember one of my many trips. I have to say, I believe I have been in the Balkans, both places, more than any other Member has. Normally I am by myself, to really try to determine what is going on there. I remember being in Tirana. Tirana is where all the refugees showed up. They were all pretty well dressed, but they were all upset with us. They said to me, "When are you going to do something about this?" I said, "Why should we do it?" They said, "It's your fault we had this ethnic cleansing."

I will quote out of the Washington Post of March 31 of last year. They wrote:

For weeks before the NATO air campaign against Yugoslavia, CIA Director Gen. Tenet had been forecasting that Serb-led Yugoslavian forces might respond by accelerating ethnic cleansing.

Then Bill Cohen said:

With respect to Director Tenet testifying that the bombing could in fact accelerate Milosevic's plans, we also knew that.

This was live on Tirana television. They said: When are you—and I was the only American in the group—going to do something about our plight? Because it is your fault we had the ethnic cleansing.

Anyway, I think one of the bigger issues is the fact we are diluting our scarce resources. I will quote the comments by Henry Kissinger. He said at that time:

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

He said:

The proposed deployment to Kosovo does not deal with any threat to American security. . . .

Kosovo is no more a threat to America than Haiti was to Europe.

So I know a lot of lies got us into this thing. I remember they rewrote history, saying if we do not go in there, we are going to have another world war because that is the way World War I started and that is the way World War II started.

Again quoting from Kissinger's book:

The Second World War did not start in the Balkans, much less as a result of its ethnic conflicts.

He wrote:

World War I started in the Balkans not as a result of ethnic conflicts but for precisely the opposite reason: because outside powers intervened in a local conflict. The assassination of the Crown Prince of Austria—an imperial power—by a Serbian nationalist led to a world war because Russia backed Serbia and France backed Russia while Germany supported Austria.

That is exactly what we are doing. We have rubbed Russia's nose in this thing because we have gotten involved in this thing, creating another serious problem facing our Nation. We are now down to where we have diluted the forces. General Richard Hawley, who at that time, in 1999, headed the Air Combat Command, said:

The Air Force . . . would be hard-pressed to handle a second war in the Middle East or Korea.

Hawley said that 5 weeks of bombing Yugoslavia have left the United States munitions stocks critically short, not just of air-launched cruise missiles as previously reported but also of another precision weapon, the Joint Direct Attack munition, that is JDAM, dropped by the B-2 bombers.

If my colleagues go to the 21st TACOM in Germany, right down the road from Ramstein, they will find—that is where they handle the ground logistics—that even before we went into Kosovo, we were at 100-percent capacity. I asked the question: What would happen if we had to respond to a serious problem in the Persian Gulf where we do have national security interests?

The response was: We would be 100-percent dependent upon Guard and Reserve.

What has happened to our Guard and Reserve as a result of all these deployments? We have critical MOSs, military occupational specialties, because they cannot be deployed 180 and 270 days out of a year and keep the jobs they have at home.

Finally, I want to read one paragraph of an article written by Henry Kissinger which says:

President Clinton has justified American troop deployments in Kosovo on the grounds that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

I ask unanimous consent that at the conclusion of my remarks the article be printed in the RECORD.

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

(See Exhibit 1.)

Mr. INHOFE. Mr. President, I thank my colleagues for this time.

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

Mr. INHOFE. I want to have a better solution, but this is the only solution there is. I urge my colleagues to support this for the state of readiness of our Nation.

#### EXHIBIT 1

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

(By Henry Kissinger)

NO U.S. GROUND FORCES FOR KOSOVO—LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES.

President Clinton's announcement that some 4,000 American troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at once time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the



NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a "solution" never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the cease-fire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides.

What is described by the administration as a "strong peace agreement" is likely to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement in so far as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serb's attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements "that we can make a difference" and that "America symbolizes hope and resolve" are exhortations, not policy prescriptions. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established?

In my view, that line should be drawn at American ground forces for Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a

security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Sooner or later, we must articulate the American capability to sustain a global policy. The failure to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences. They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end, our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a clear definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

**THE PRESIDING OFFICER.** The Senator from Ohio, under a previous order, is recognized.

**Mr. WARNER.** Mr. President, I seek 50 seconds. I thank the Senator from Oklahoma. Underlying this is clearly the readiness issue. It is not just the Kosovo operation, but it is how our troops are spread throughout the world. We are speaking in this amendment to a discipline that could well apply to the next mission, wherever it may be, or an existing mission. It is simply the accountability of the Congress of the United States in the expenditure of these funds to exercise a voice. I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Ohio is recognized for 10 minutes under a previous order.

**Mr. LEVIN.** Mr. President, I wonder if the Senator will yield 30 seconds to the Senator from New Jersey.

**Mr. DEWINE.** I will.

**Mr. LEVIN.** Parliamentary inquiry: Is the time just used by my good friend from Virginia taken from the other side?

**THE PRESIDING OFFICER.** It is taken from the time of the Senator from Virginia.



Mr. WARNER. I advised the Chair when I arrived this morning that all my comments will be charged to the Chair.

Mr. LAUTENBERG. Mr. President, I say in response to the commentary of the Senator from Oklahoma, I talked of hundreds of thousands. If the Senator listened carefully, I talked about displacement, and I talked about movements. I did not talk about deaths. We can get the number of deaths from the records. I want to make sure that is clearly understood.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to express my strong support for the Levin amendment which would strike the Byrd-Warner provision regarding U.S. troop withdrawal from Kosovo. As my colleagues know, the Byrd-Warner provision includes language designed to ensure our allies in NATO provide their fair share of the peacekeeping burden in Kosovo. This certainly is an important goal, and I understand the Europeans right now are meeting the requirements outlined in the Byrd-Warner provision.

Frankly, I believe a great deal of the credit for this great accomplishment goes to my friend and colleague from Virginia, Senator WARNER. He has demonstrated unflinching dedication and commitment to this very important burdensharing issue. Senator WARNER traveled to Kosovo in January of this year and saw firsthand that the Europeans needed to share a larger portion of the burden in the Balkans. Because of his efforts in the short time since his visit to Kosovo, the proportion of European involvement has changed considerably. In fact, currently U.S. troops now make up 5,900 of the 39,000-member NATO peacekeeping force. U.S. involvement accounts for 15 percent of the overall peacekeeping effort, and the Europeans are carrying the bulk of the effort on the civilian side. This is a victory for Senator WARNER. I believe we have to pause for a moment today to congratulate him on a job very well done.

I also agree with the Senator from Virginia, Mr. WARNER, and the distinguished ranking member of the Appropriations Committee, Senator BYRD, that Congress needs to assert itself more in foreign affairs. Congress can and Congress should engage more in the kinds of debate over foreign policy issues such as the one we are having today and should work harder to shape U.S. defense and foreign policy. The last 7 years of drift in foreign affairs has demonstrated the need for Congress to reassert its constitutional role in shaping American foreign policy.

I also share the very legitimate concerns expressed by the distinguished chairman of the Appropriations Committee, Senator STEVENS, about the way the current administration funds our peacekeeping activities. We find ourselves repeatedly in a situation in which the administration draws funds

and resources away from important defense activities to pay for its peacekeeping operations.

For example, the administration knew before the end of last year when we were negotiating the remaining appropriations bills that they were planning to keep our forces in Kosovo for the duration of the fiscal year. They knew it but did nothing in the budget about it, except to put a number of readiness and operational projects on hold at reduced funding levels. That practice has become the standard practice in recent years. That practice needs to change. We should debate the cost of operations before the operations. We should debate the cost before the beginning of each fiscal year and not do this back-door funding.

I do understand the motives of the proponents of this provision. I understand what they are trying to accomplish. They have good reason to be frustrated, but this is not a debate about motive but, rather, one about method. It is the method that will be employed under this language that deeply troubles me. What concerns me most about this provision is that it sets an arbitrary deadline for the withdrawal of U.S. forces from Kosovo. The deadline is not based on any goals that would make it possible for the reduction of forces in the region. This arbitrary deadline signals to the Albanians the limits to our commitment for providing for their protection. This, in turn, could give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. In essence, this provision would undermine our current efforts to achieve stability in the region and could give the despotic Milosevic the victory he could not achieve on the battlefield.

The fact is, in the delicate and complex world of foreign affairs, one thing should always be clear: As a nation, we should demonstrate to our allies the certainty of our resolve, and we must demonstrate that same resolve to our enemies, while at the same time making our enemies uncertain as to how and when we will exercise that resolve.

Unfortunately, what this provision does is just the opposite. It makes our allies uncertain and signals to our adversaries what we will do and what we will not do.

The proponents of this provision have argued this is really all about process. Respectfully, I disagree. This debate is about whether Congress will use sound judgment in the exercise of power. I believe the Byrd-Warner provision is not a wise use of congressional power. By voting for this provision, we will be exercising our power arbitrarily and setting ourselves on a course toward the removal of U.S. troops in Kosovo in 14 months.

The next President would be placed in the position of having to convince Congress to change the policy, to act. We have sadly found many times that to get this Congress to act is very difficult.

The current administration, for example, could not convince the House of Representatives to authorize airstrikes over Serbia. There simply are no guarantees that Congress will act in 14 months.

Congressional inaction over the next year could result in a dramatic change in policy that would create uncertainty and undermine our credibility with NATO and with our own troops. Fostering that kind of uncertainty about U.S. resolve is not what is intended but that, sadly, could be the result. That result, that uncertainty, will, I believe, create a more dangerous situation for our troops for the next 14 months.

The fact is that our credibility as a leader in the international community is predicated on a shared commitment to the stability and growth of democracy and free markets on the European continent.

We cannot reach these goals through arbitrary, unilateral deadlines. We cannot reach these goals by placing the next administration in the position of shaping foreign policy in response to a congressionally imposed deadline rather than on current and future world events. In essence, we cannot allow our foreign policy to run on autopilot.

I say to my colleagues, if they believe we should withdraw our troops, there is ample opportunity to have an up-or-down vote on that at any time. We could do it today. We could do it in 14 months. We could do it in July of the year 2001. That is the right way for us to exercise our power.

I believe this is the wrong action because what this does is, in essence, say that Congress may never directly vote on this issue. Members can vote for this language which would provide that our troops would automatically have to come out in July of the year 2001 if Congress took no action. Members could vote for this, and then Congress could take absolutely no action and we would never have a direct vote on the issue.

I believe that is the wrong way to approach this issue. I believe that if Members believe our troops should be withdrawn, they have ample opportunity to have an up-or-down vote on this at any time they wish to do it.

I believe the uncertainty that will be created over the next 14 months by the insertion of this language into law will create a very difficult and untenable position for our troops and for our country in the conduct of American foreign policy.

I thank my colleague for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I yield myself 30 seconds.

I, again, thank my distinguished colleague for his contribution to this very important debate, and particularly to his thoughtful references to this humble Senator, but I must say that I respectfully disagree.

The time has come when we have to speak to the people of the United

States who are constantly giving us this money—to expend \$2 billion in this instance—to provide for the men and women in uniform, who march off in harm's way. This is simply a procedure by which to speak on behalf of this constituency and not just always our allies abroad. But I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I also yield myself 30 seconds to thank my good friend from Ohio for a very thoughtful statement. He has put his finger on the heart of the matter, which is that Congress, by acting now, putting on automatic pilot a withdrawal of forces a year from now, unless action is taken later on, creates a very dangerous year of uncertainty which threatens the success of this mission as well as our alliance.

It was an extremely thoughtful statement, which I hope all of our colleagues had an opportunity to hear. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe the distinguished Senator from New Jersey is to be recognized for a period on my time of 8 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Virginia for yielding the time. I commend the Senator from Virginia and my colleague, Senator BYRD from West Virginia, in bringing this issue before the Senate.

Before discussing Kosovo, or the provisions of the NATO treaty, there is something more paramount that should come before the Senate. It is not a treaty with a foreign nation or obligations in another land but our own Constitution and our own responsibilities in this country.

For too long, the foreign policy and military powers of the Congress have been yielded to the executive. This Congress has not been a jealous guardian of its own constitutional prerogatives.

Under our system of government and its Constitution, the military and foreign policy powers are shared between the executive and the legislative branches. By necessity, the Commander in Chief must have the ability to deploy troops and make command decisions in emergencies. Often there is not time to consult, certainly not time to receive permission. But the power remains shared because we have the responsibility for the resources of the Government.

The unfolding events in Kosovo that threaten to go not a matter of months but many years—even more than a decade—does not require emergency powers. There is no shortage of time. There is an opportunity for our Constitution to function and for the President to return to this Chamber.

We are now having the debate in this Chamber. The Bundestag had theirs in

Berlin a year ago. The British Parliament gave its assent. The National Assembly in Paris and the Italian Parliament have had their debate. This Congress, unlike the great democracies in Europe, has remained silent. Is our Constitution less? Do our people exercise less powers through their elected representatives than those in Germany or Italy or France?

Many Members have risen to talk about Kosovo. I rise to talk about the United States. There has been great concern for the NATO treaty. As did my colleagues from Virginia and West Virginia, I rise because I am concerned about our Constitution.

I believe there is a legitimate role for the United States in Kosovo. I strongly believe in the NATO treaty. The United States has met its responsibilities under the NATO treaty.

Strictly defined, that treaty was for the defense of Western Europe from external threats. By necessity, it was properly expanded at the end of the cold war to include legitimate internal threats to European order.

The United States was not a participant in dealing with that threat. We were a leader. Not a single European soldier would have been in Kosovo or Bosnia but for the U.S. Air Force. None of it could have been supported but for the U.S. Army. None of it would have been viable but for the U.S. Government. Our responsibilities were met.

But expanding the NATO treaty to include internal threats to Europe was one thing—legitimate, in my judgment—but expanding the NATO treaty to deal with permanent control of order and peacekeeping is another.

I believe we have met our responsibilities. I believe it is incumbent upon a new administration, next year, to return to this Congress and make the case, if it is possible, that it is necessary on an ongoing basis to have a near-permanent presence in Kosovo—no longer a crisis—now maintaining order.

It is not too much to ask the administration to make that case or this Congress to meet its responsibilities and act affirmatively upon the judgment. It will, in truth, not be an easy case to make.

Kosovo is a nation of a mere 2 million people. This long after the war in Kosovo, it must be made in a case to this Congress that 300 million Europeans, with a gross national product larger than the United States, with combined government resources in excess of the United States, are unable to maintain these modest numbers of troops to maintain order within their own borders, on their own continent, for their own purposes. It is not a question of our unwillingness to respond to crises or threats, but to learn to separate the crisis response from the near permanent presence to maintain order.

The final point made against this amendment is the most extraordinary of all, that our credibility is at issue. Who could rise to challenge the credi-

bility of the U.S. Government to international security or the defense of freedom—which of our NATO allies? Fifty-five years after the close of World War II, tens of millions of American young men and women have served in western Europe. Our presence remains, at an expenditure of hundreds of billions of dollars. Who among our NATO allies could rise and say that our credibility is in question? But for the United States, there would have been no operation in Bosnia or in Kosovo. It was made possible by the U.S. Government.

This Government's credibility is not at issue. Fifty years after the war in Korea, we and we alone remain on the line to defend freedom. A decade after the war in the Persian Gulf, often we and we alone remain resolute in defiance of Saddam Hussein. Twelve years after the destruction at Lockerbie, we alone have to convince our allies to remain strong against Libya. We alone often maintain vigilance against those few remaining Communist states where freedom is eclipsed. The credibility of the U.S. Government is not at issue.

What is at issue is the constitutional prerogatives of this institution. It remains a question of Europe meeting responsibilities not for crisis response, which we share under NATO, but for maintaining order on a near permanent basis. It is not an issue of credibility.

There is a fourth issue. Kosovo is not the last crisis this Government is going to deal with in international order or maintaining peace and stability.

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

Mr. TORRICELLI. May I have another 30 seconds?

Mr. WARNER. I yield the Senator another minute.

Mr. TORRICELLI. A future American President is going to have to factor in, in responding to a crisis in Asia or North Africa or the Middle East, that American ships and planes are on station supporting operations in Kosovo, not dealing with a crisis but on a police patrol. The number of forces may not be great, but, indeed, our resources are very strained. Is it fair to this country, the security of the United States, that we will have to at some point forgo defending interests elsewhere because our forces are substituting what Europe should be doing in Kosovo?

No, Mr. President, our credibility is not at issue, nor our resolve. Whether or not this generation of Senators and Members of the House defend its prerogatives under the Constitution is at issue.

I commend the gentleman from Virginia for bringing this before the Senate.

Mr. WARNER. Mr. President, I yield myself 30 seconds.

I thank the distinguished Senator from New Jersey. This clearly shows this is a bipartisan issue. It is not a political issue. We are not directing anything at our President. We are directing it solely, as my distinguished colleague said, at fulfilling our duties

under the Constitution. I am grateful for his pointing out that the United States, in the Korean conflict, where we have had a large number of nations, stands alone today. In Iraq, we stand alone with Great Britain containing that situation, after a dozen allies in 1991 helped us with that conflict.

I yield the floor.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. Mr. President, I thank the Chair and the Senator from Michigan.

In the 16 years I have been here, I have debated a number of these issues with my colleague from Virginia. We have debated a number of different incursions in various countries, involvement of U.S. troops abroad. There are few people in the Senate I respect as much or have as much affection for as the Senator from Virginia, whose knowledge and patriotism are absolutely unquestionable on subjects such as this.

I, as a veteran of Vietnam and as somebody who came back from that war to argue about Congress's capacity and prerogatives to make judgments about our involvement there, have nothing but respect for the position he espouses today about congressional prerogative. It exists. We should respect it. It is a critical component of the balance of power in this country. It is entirely appropriate that Senator BYRD and Senator WARNER ask the Senate to make a judgment about our troops. We should do no less. We owe the American people that judgment. That is one of the great prerogatives of the Senate.

What they are asking the Senate to do is, in effect, to make the judgment today that we have reached our limit with respect to the current involvement in Kosovo and we are going to set up a structure for withdrawal. They argue: not at all; there is a vote down the road as to whether or not we will appropriate money. But in point of fact, the way this amendment is structured, the message is clear: The vote is now; the choice is whether or not we believe we should continue to be involved.

I do not question that there are aspects of this involvement that I think are not necessarily well thought out even today. I think there are divisions between the ethnic parties in Kosovo that we have not properly thought through as to how we resolve them in the long run. There are aspects of the risks we are asking young American troops, male and female, to bear with which I am uncomfortable.

I am not suggesting there aren't ways to strengthen our approach to this, both our responsibilities and European responsibilities. But—here is the “but”—I ask my colleagues to look at the law as it is set forth in the lan-

guage of S. 2521. It says: None of the funds appropriated or otherwise made available shall be available for the continued deployment of U.S. combat troops in Kosovo after July 1, 2001, unless and until the President does something.

What does the President have to do? He has to submit a report to Congress asking for the money to be spent but, most importantly, describing the specific progress made in implementing a plan.

What is the plan the President has to describe to Congress on which he is making progress? The plan refers to a subsection (b). If we turn to it, it says very specifically:

The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

That means, according to the plan he must now begin to put into effect, he must report to us how far along we are in getting out. There are quarterly target dates that that plan requires us to establish, with 3-month intervals, achieving an orderly transition. There is an interim plan for achieving the objectives not later than September 30, 2000, and then there is the final plan.

We are, in effect, being asked to vote today on a plan for withdrawal. We are stating our intention that, absent a future vote at some later time, which has been met with a succession of interim stages of withdrawal, we will have a vote on appropriations.

I say to my colleagues, that is not the way to deal with foreign policy generally. It is certainly not the way to deal with this specific issue. Why is it not the way to deal with this specific issue? Well, effectively, we are being asked to vote today as to whether or not we think the investment we made in the war itself is worthwhile.

On March 23, 1999, I joined with 57 of our colleagues to vote that we thought there was something worthwhile doing in Kosovo. And we voted to support a resolution that authorized the President to conduct military operations against the Federal Republic of Yugoslavia. I did so because I believed then, as I believe now, that the U.S. national interest and stability throughout Europe was unquestionable and that the oppression and thuggery of the Milosevic regime not only threatened that stability throughout Europe, but it posed an unacceptable challenge to the humanitarian values of the American people.

Mr. President, this Nation committed 50 years and trillions of dollars to protecting the security of Europe through the Marshall Plan. Half a million American troops served in Europe to preserve the peace won by our fathers and grandfathers in World War II. I respectfully suggest that the Senate effectively decided, when we voted to

do those military operations, that we were not willing to walk away from the ethnic cleansing in Kosovo because that would have been walking away from the very investment in peace and freedom for which we paid so dearly. It troubles me, then, to say that today some of the most stalwart supporters of our efforts in Kosovo only a year ago would now say that we should effectively put into gear the process of walking away from whatever responsibilities may remain in terms of how we adequately finish the job.

I share the frustration of my colleagues that our European allies, whose own stability is so closely tied to peace in the Balkans, have not met their obligations to the Kosovo peacekeeping effort as swiftly and as deftly as we would like. I want to underscore that I think the efforts of Senator BYRD and Senator WARNER have helped to place that responsibility squarely in front of them.

Let me ask a simple question of my colleagues. If restoring the peace in Kosovo was in our interest 1 year ago, isn't preserving the peace in Kosovo in our interest today? I don't believe you can separate those obligations. I think the answer is resoundingly yes, it is in our interest today. Some people may rethink their vote, and that is perfectly legitimate. Some people may believe that they misinterpreted that national interest, and they should explain it as such. But I don't understand how this country can clearly define its interest in Europe for the 50 years since World War II and maintain hundreds of thousands of troops in Europe in order to make clear our determination to stay with that peace effort and not be willing to keep 5,000-plus troops in Kosovo, which we all deem to be a component of our European interests. I don't understand that.

Are we suggesting that we are not willing to bear any of those risks? Now, I understand as well as anybody the post-Vietnam syndrome and the sort of nervousness people have about putting troops in harm's way. But I am confident that most of my colleagues who have worn the uniform will share with me the belief that that is what you put it on for, and that being in the military is not a cakewalk to get your GI bill so that you can ride on the benefits for the rest of your life; it is assuming certain risks. Sometimes in the national interest of our country—maybe not the vital security interest, but in a security interest, or some level of interest—there are sometimes risks that we have to be willing to bear to achieve our goals.

The price of leadership that we have spent so much of our treasure earning is not cheap. You can't fulfill the obligations that we have in the world on the fly. You can't do it on the cheap. I know there are certain questions of readiness and other questions, but there are many choices we make with respect to the entire military budget, national missile defense, and others

that bear significantly on where we spend money and how we spend money. I believe that we won an enormously important victory in terms of the values that drive our foreign policy and on which this country is founded. I think 5,000 troops, the lack of losses, and the extraordinary accomplishments we have gained in this region over the last years say to us that even with the difficulties, this is a policy that, measured against the risk to our troops, is worth pursuing.

I ask my colleagues to measure very carefully whether or not they are prepared today to send a message to Milosevic, as well as our allies, that we are not willing to stand the test of time with respect to those obligations and responsibilities.

I thank the Chair.

Mr. WARNER. Mr. President, the next speaker will be the distinguished Senator from Montana, Mr. BURNS, for 7 minutes.

Mr. LEVIN. Mr. President, if the Senator will yield for 30 seconds, I thank the Senator from Massachusetts for the contribution he just made, pointing out with extreme accuracy that, No. 1, this is not an issue of the prerogative of the Senate—we have the prerogative to do this if we choose to exercise it—but raising the question: Is it wise this year to set a deadline for the withdrawal of troops next year and the dangers that will ensue in the interim both to the troops, the alliance, and to the cause for which they fought? His experience, both in war and in peace, has been invaluable and his contribution this morning is very clear. I thank him for that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, We are setting an all-time record for spending Senate time on the military construction bill this year. Never has it taken this long to pass military construction. Since this bill is under my management, I am not real happy about the precedent that we are setting.

I do want to rise in support of the Byrd-Warner amendment. This debate today is not about withdrawal, or even the continued deployment, of our troops in Kosovo. What it is about is more important: the role of Congress and its relationship with the executive branch of this Government under our Constitution.

Congress has a constitutional responsibility to vote on long-term military commitments, especially when they are offensive and not defensive in nature. Kosovo is not a defensive response to an armed attack against the United States or its allies. There is no pressing emergency requiring the President to act with dispatch. In such cases, it is very important for Congress to act on its role. It is easy to see the need for the exercise of Congressional responsibility in the case at hand since the administration has already spent \$21.2 billion since 1992 in the Bosnia/Kosovo area.

Contrary to the rumors, and even as stated by my good friend from Massachusetts who has interpreted this as a step to withdraw, the Byrd-Warner amendment makes specific provisions for Congress to continue American presence beyond July 1, 2001. The process outlined is orderly but it will require planning by the administration and the type of public debate expected in a democracy.

Without the Byrd-Warner amendment, the administration is taking congressional appropriations as a tacit approval by the Congress for American involvement in Kosovo. In these circumstances, by approving emergency supplemental funding to continue our presence in that area, Congress can be seen as avoiding its responsibilities under the Constitution.

In the first place, we are not properly exercising our Constitutional responsibility for the power of the purse as vested in the Congress. United States presence in Kosovo, without congressional scrutiny and affirmative endorsement, does not meet our duties to the American people that their voices be heard through congressional representation.

Administration officials have repeatedly spent defense funds for these deployments. Afterwards, they come back to the Congress and ask us to pay bills that are improperly—and some would say illegally—incurred. This process must stop.

Our effort to uphold the Constitution will not undermine the troops in the field. There is ample time under the amendment for rational implementation while still imposing the accountability required by our laws.

Some opposed to the Byrd-Warner amendment say we should not even have this debate, and that the timing is wrong. But when is it a good time to intercede? The Congress has been patient with the administration in Kosovo. But we, too, have responsibilities under the Constitution, especially when it comes to spending money. Today is the day we step up to the plate to face those responsibilities.

The amendment shifts the responsibility for determining our future involvement in Kosovo to the next administration.

I think the American people should also understand one other thing. We are not just talking about cents or dollars. I repeat that we are talking about \$21.2 billion spent in this area since 1992. In addition, we currently have over 5,000 troops there participating in peacekeeping operations in Kosovo.

The primary responsibility of the peacekeeping force is to act as escorts for Serbs and Albanians. That is not what our troops were trained for. And administration officials wonder why our recruitment and retention in our military services is lagging.

Senator TORRICELLI of New Jersey had it right when he called upon our NATO allies to provide their share of resources in this operation. That is

what this amendment does. It is not because the Europeans don't have the resources or cannot get the resources. This debate has gone on, and they have been willing to let the United States of America shoulder the majority of the costs of the operation. As long as somebody in the administration stands up and says we will always do it, then we will always have to do it. But, we cannot be the police force for the world community.

It is time to give our good friends, the European allies, the opportunity to demonstrate to the world their support for true democracy in the face of a dictator that was overstepping his bounds in the region of the Balkans.

I urge my colleagues to support this amendment. It is well thought out, and needs our full support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are alternating between those who wish to strike the provision and those who wish to retain it.

I see Senator LEVIN is prepared to accept a speaker from his side.

Mr. LEVIN. Mr. President, we would be happy for their side to go forward. We have many other speakers, but they are still on their way.

Mr. WARNER. We are trying to conduct this in an orderly debate. I hope some from their side will begin to appear.

Mr. LEVIN. We are going to have too many on our side to speak with little time to do it.

Mr. WARNER. We have the same situation. Senators FEINGOLD, THOMAS, and CLELAND are on the floor waiting to speak in support of the Byrd-Warner amendment.

I yield the floor. I yield to Senator FEINGOLD 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in opposition to the Levin amendment and in support of the Warner-Byrd amendment to the military construction appropriations bill.

The Warner-Byrd amendment to the Military Construction Appropriations bill. The Warner-Byrd amendment, which was accepted in committee, would require Congressional authorization for the continued presence of U.S. troops in Kosovo beyond July 1, 2001. In other words, it would require this Congress, finally, to debate and to decide on the issue of U.S. troops in Kosovo, as I believe that we are required to do under the War Powers Resolution.

I am sure that some opponents of this measure will paint a picture of a power-hungry Congress, eager to wrest authorities away from the executive in an attempt to gain leverage over the White House.

But this is about more than power, Mr. President. It is about responsibility. Approximately 5,900 U.S. troops are currently serving in an apparently open-ended operation in Kosovo. Fifty-

nine hundred Americans are operating in often dangerous conditions in the pursuit of a policy that this Congress has not authorized. Fifty-nine hundred families are sacrificing. We cannot continue to suggest to the American people, to our constituents, that this is none of our business. Congressional approval is essential to the commitment of U.S. troops in dangerous situations abroad.

Still other opponents of this measure paint a grim picture of the consequences that will follow should Congress insist on authorizing a large-scale deployment like that in Kosovo. Because they believe that Congress would act irresponsibly, they prefer that Congress not act at all.

Again, this is a simply unacceptable abdication of responsibility. What does it say about the state of the this body that we do not trust ourselves to make tough decisions? What kind of leadership do we exercise when we dodge accountability for a policy of such critical importance to this country?

The decision that this legislation would force upon the Congress—a decision to either remain in or withdraw from Kosovo—is exactly the kind of choice that we are here to make. It, Mr. President, is our responsibility. I urge my colleagues to shoulder it with care, as fifty-nine hundred dedicated men and women are counting on us to do our duty.

The Warner-Byrd amendment would also mandate the burden-sharing that was supposed to be at the heart of the U.S. approach to Kosovo. The U.S. bore the lion's share of the burden in NATO's military campaign of last year. I did not agree with that policy; I believed then and I believe now that the leading role was Europe's to fill. But I was heartened by the promise that Europe would take the lead when it came to securing the peace, and that Europe, and not America, would provide the vast majority of the resources required to meet Kosovo's enormous needs.

There have been a lot of suggestions that this legislation does a lot more than it actually does.

All this legislation does, Mr. President, is hold our valued friends and allies to their word. Kosovo's reconstruction and return to civil authority cannot be allowed to become a U.S.-led project. Certainly, Mr. President, while the U.S. fails to intervene in equally compelling crises around the globe, we make the case—and it is, in my view, a very strong case—for regional leadership in regional conflicts. African solutions to African problems—that is often our prescription for the conflicts and challenges of that troubled continent. In East Timor, we stood back, allowed a regional force led by Australia to take the lead, and then played a supporting role in that effort. This, Mr. President, is the most promising recipe for U.S. engagement in the world today. And it should be followed when it comes to Kosovo.

But there have been problems, Mr. President, with the timely delivery of

Europe's pledges. This amendment makes the U.S. position crystal clear—our allies must fulfill their responsibilities if they are to continue to count on U.S. support. This is the right message and the right thing to do, and Mr. President, I hope that my colleagues will remember how right this is the next time the tables are turned and it is our country that is failing to honor our international commitments, be it at the U.N. or elsewhere.

So I urge my colleagues to face up to our shared responsibility when it comes to the U.S. involvement in Kosovo, and to insist that our allies do the same. The fifty-nine hundred American men and women in Kosovo cannot dodge reality or duck responsibility. Neither should our European allies, and neither should we.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in opposition to the Levin amendment on the military construction appropriations bill. Of course, the Levin amendment is designed to strike the Byrd-Warner provision, which I support.

I suspect that most of the things that could be said have been said. We find ourselves saying them again, perhaps in other ways, or simply committing ourselves to our views with regard to this issue.

Clearly, it seems to me, there are two issues involved.

One is the role of Congress. What is the responsibility? What is the obligation? What is the authority of the Congress in terms of committing troops for long terms in places around the world?

The other, of course, is a policy question of an exit strategy for Kosovo. That has been a question in a number of places where we have been recently.

It comes, I suppose, as no surprise to my colleagues that I view the Kosovo foreign policy as sort of an oxymoron—that it actually has not been a policy. We went in. Indeed, that was one of the things that concerned me the most in the beginning. There was not a strategy. We did not have a plan for where we would go. Indeed, that has proven to be the case. We didn't articulate the goals as to where we were, nor what the responsibilities would be among our allies, and, of course, the length of time to be there complicates that.

We have seen an unbridled passion for involving the United States in peacekeeping operations around the world. I believe that has begun to overtax our military capacity. We have military people deployed in many places.

There is no better or worse example of that than Bosnia and Kosovo. There we have not had a strategy as to when we complete our job and who, in fact, takes the leadership role. I agree with the Senator from Wisconsin. We had an example in East Timor where we shared the responsibility with others in the region. Indeed, in that case, Australia took the lead. We were very supportive, as we should be.

The idea we need to have a major role both in the activity as well as the financing in each of these areas is one that needs some specific examination. Certainly the European Community has done some work there. They are very capable. It is not as if we are talking about Third World countries. We are talking about two of the world's most vibrant economies.

Another reason I question the involvement, again, as a member of the Foreign Relations Committee, we asked questions when this first came up and we were told certainly we would not be in Bosnia more than 18 months. How many years have we been there? We were told we were not going to be in Kosovo.

We have to come to some decision. The question arises, What is the role of the Senate? I believe the Senate is responsible in terms of spending the money, in terms of authorizing long-term commitments. We should step up to the post and express our views. We now have the opportunity to do that. We could also question, as I mentioned, the whole idea of our level of involvement in places where we are with allies. We would certainly have the capacity to do much.

I am concerned about the constitutional implications of the President's actions. Clearly, the President should have, and does have, the authority to move when there is a case of an emergency. That is as it should be. But the fact is, in both Bosnia and Kosovo, we didn't have the opportunity. Did we vote? Yes, we voted after the troops were there. Certainly no one is going to vote against the support for troops who are already committed. I remember meetings held in Ohio and the original talk about Bosnia and Kosovo. We asked: What will we do? They said: We can't tell you yet; we have to go to Europe and have a meeting there. We asked: What is our commitment? Well, we can't tell you yet. Before the Congress had an opportunity to do anything, the troops were there. We were committed. Clearly, we were going to support them.

This idea of an exit strategy, and certainly the idea that we have a role as Congress, as a responsibility to the people of the United States, to do that, is the question. I am not concerned that we are making a judgment ahead. That is not the case at all. We are setting guidelines. We say if those guidelines are not appropriate in that time, then the President can come—whom ever the President might be—to the Congress and say there have been changes; here is what I am supporting, and with the support of Congress can go forward with something different.

Byrd-Warner gives a clear plan to work with the European Community and, in fact, turn some of the full responsibility over to the European Community whenever it is appropriate. Byrd-Warner gives us that. We need to ensure that the community is not renegeing on its promises regarding its

share of reconstruction funds. That is important. That should be done.

Finally, it puts us on a track, a flexible track, for exit and moving our troops out of that situation. That is what we ought to do. Certainly, it was mentioned on the floor that preserving peace in Kosovo is important. That is not the issue. The issue is how do we do that. Everyone knows it is important to have peace there. I think we can do that through this system. It will solve both the constitutional question and the question of direction.

I urge my colleagues oppose the Levin amendment and support the Byrd-Warner amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia is recognized.

Mr. REID. If the Senator will yield, it is my understanding Senator CLELAND is taking time off the other side.

Mr. WARNER. That is correct. I say with some dismay, we have been trying to alternate. If the tactic here is to hold those in opposition until the end, I think an element of fairness in this debate may be slipping away.

Mr. REID. I say to my friend from Virginia, there is no reason to be suspect of anything. We had a speaker lined up who you persuaded not to speak. It threw us out of queue. We have Senator CLELAND ready to speak.

Mr. WARNER. I had to make that case.

Mr. LEVIN. Regarding that change, we are happy to have two or three of our speakers in a row when the Senator from Georgia is finished.

Mr. CLELAND. Mr. President, I echo the marvelous remarks of the distinguished Senator from Wyoming, and my seatmate, the great distinguished Senator from Wisconsin, and others who support the Byrd-Warner amendment.

The question is, simply put: Will the Congress of the United States step forward and help this Government articulate an exit strategy of our military might out of Kosovo and out of the Balkans ultimately or will we not?

I just got back from a trip to Western Europe, particularly to Kosovo. I visited Brussels. I talked to NATO leaders. I visited the Aviano Air Base in Italy where I met with some who flew the incredible air missions in the war. I went to Macedonia and saw the areas where more than 100,000 refugees were, and into Kosovo itself and up on the Serbian border. We then exited through London. I came back with a definite impression that unless this country articulates its own exit strategy, particularly for our military forces, there will be no exit strategy. Our allies are quite willing for us to stay there forever and ever and ever.

I met with the distinguished Deputy Secretary General of NATO in Brussels. He looked at me and said: I can't count on one hand the number of years NATO will have to be in Kosovo. Peo-

ple in the United States have to accept that you are a European power whether you like it or not, both in Europe and the Balkans.

I believe very strongly that we have borne the brunt of war. Seventy percent of the air missions in that war in Kosovo were ours. It was American airpower and American mobility and technology that actually won that war. I supported that. I voted on the floor of this great body for air and missile strikes against Milosevic. I have also voted for the accession of the Czech Republic, Poland, and Hungary to come into NATO. I, by no means, want to abdicate the role of the United States in filling the power vacuum in Eastern Europe left by the fall of the Soviet Union. By the same token, I came back with a couple of clear senses that I carry in my mind of what our American role should be. First, before we went in a helicopter into Kosovo, an Army colonel said: Look out the windows. There is a Roman aqueduct. I thought: I'm flying over terrain where Alexander the Great and his father, Philip II, made wars in Macedonia and that part of the world in 300 B.C. Then the Romans were there. Later the Turks were there. And now we are there.

I respectfully submit, what thousands of years of foreign occupation have failed to do to that area, we will fail to do. So I specifically support the Byrd-Warner language which allows 75 percent of the more than \$2 billion contained in the supplemental appropriations title for Kosovo operations to be released immediately and unconditionally for such operations.

I do support these operations now. But the remaining 25 percent would be withheld pending a certification by the President, due by July 15 of this year, that our European allies are making significant progress in meeting their overall commitments for economic reconstruction, humanitarian assistance, administrative expenses, and police forces for Kosovo.

I understand our European allies did not have the capability, in terms of technology or maneuverability or mobility, to mass in an offensive attack against the forces of Milosevic. But I also understand they do have the ability to provide economic reconstruction aid. As a matter of fact, the European Union is stepping forward with \$2.3 billion. I applaud that. They have the capability for humanitarian assistance, and that is forthcoming. They do have the ability to provide police forces for Kosovo. These are things our European allies can do and should do.

Furthermore, the amendment requires the President to develop and report to the Congress a plan to turn over all peacekeeping operations in Kosovo to those allies by July 1, 2001. This is the plan that is due by July 1, 2001, not the withdrawal of American forces. But at least this is a plan; it is an exit strategy.

How do we get to this point? The U.S. Constitution says the Congress de-

clares war. The Congress raises money for our Army and our Navy. It is the Congress that is the ultimate, final authority on whether young men and women are committed in harm's way.

Finally, by that day, July 1, 2001, the Byrd-Warner language requires the termination of funding for the continued deployment of U.S. ground combat troops in Kosovo unless the President seeks and obtains specific congressional authorization for a continuation of such deployment.

I am open to reasoned argument by any President on our role there, but I think the Congress ought to make that decision.

As Senator WARNER said in explaining the authors' intent, the Byrd-Warner language reflects two concerns:

the indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by the affirmative action of the Congress of the United States which has a clear responsibility to act when we send young men and women in harm's way.

I have just returned from a trip to Brussels and Kosovo where I met with key military leaders from the U.S., European nations and NATO. On that trip, I was discussing the role of the United States in Europe with the Deputy Secretary of NATO, Sergio Balanzio, when he told me that the United States is, "a European power whether you like it or not—not only in Europe but in the Balkans too." I responded that it is one thing to be on the point of the spear and to bear the heavy load in certain cases, as the U.S. did in Bosnia and Kosovo, but quite another to always be called upon to ride to the rescue, even in Europe itself.

A large portion of the military operation in Kosovo was supplied by the United States, and I believe it is now time to "Europeanize" the peace in Bosnia and Kosovo. While the soldiers I spoke with at Camp Bondsteel certainly displayed high morale, reflected in the excellent job they have done, if we stay in the Balkans indefinitely, with no clear way out, I believe we run an increasing risk of further overextending our military thus exacerbating our recruitment and retention problems and lessening our capability to respond to more serious challenges to our vital national interests. The Byrd-Warner amendment will help Europeanize the peace, unless and until a compelling and vital American interest can be identified which would justify our continued deployment of ground forces, and I will be pleased to support it.

However, I must add that, while this amendment does indeed address our military problem in Kosovo and does indeed reassert the constitutional responsibilities of Congress with respect to that problem, it does not address the underlying situation in Kosovo and is silent on the similar problem right across the border in Bosnia. From my perspective, the basic problem in the Balkans today is political, not military, and requires a political rather than military solution. And, in the

same way as the United States took the lead in military operations, it is now time for the U.S. to lead in finding a political solution. Essentially, at this point in time, the various communities wish to live apart and exercise self-determination along ethnic lines. I would agree that such a development is unfortunate and not in keeping with our American view of the way the world should be. However, for any solution to the current situation to be acceptable to the parties directly involved—and thus durable—this inescapable fact must be taken into account.

On June 30 of last year, the Senate accepted by voice vote my amendment to the foreign operations appropriations bill which expressed “the sense of the Senate that the United States should call immediately for the convening of an international conference on the Balkans” to develop a final political settlement of both the Kosovo and Bosnia conflicts.

I ask unanimous consent that the full text of my amendment be printed in the RECORD.

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

AMENDMENT No. 1163 TO S. 1234, FISCAL YEAR 2000 FOREIGN OPERATIONS APPROPRIATIONS

(Adopted by the Senate by unanimous consent, June 30, 1999)

At the appropriate place in the bill, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G-8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G-8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the Eu-

ropean Union has announced plans for \$1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G-8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G-8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over \$10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to se-

cede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) The international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) In order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

Mr. CLELAND. Mr. President, I truly believe that such an approach is best, if not the only, way to resolve the difficulties in Bosnia and Kosovo—allowing our troops eventually to come home but avoiding an unacceptable security vacuum in southeast Europe—and is definitely in the best interest of the United States and Europe.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Georgia. He is on the Senate Armed Services Committee. He just exemplifies duty, honor, and country in every respect. I hope our colleagues take to



heart the message from this distinguished Senator and soldier-citizen of America.

I will yield the floor after one procedural matter. As I understand it, the distinguished Senator from Oregon, Mr. SMITH, will next address the Senate—if, after that, we could have our colleague from Texas for 6 minutes?

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. As we indicated before, we had a number of Senators on the way. If we could have, now, two of ours, since my colleague had two or three of his in a row, it would be, I think, better order.

Mr. WARNER. We were trying to rotate. Our colleague from Texas has been here about an hour.

Mrs. HUTCHISON. I make an inquiry of the distinguished Senator from Michigan how long the next two would be, so I can determine if I could stay that long.

Mr. LEVIN. I do appreciate that. Senator SMITH would be 10 minutes and Senator HAGEL 12 minutes.

Mr. WARNER. How does that convenience or inconvenience our colleague from Texas?

Mrs. HUTCHISON. After 22 minutes? If we could put that in stone?

Mr. WARNER. We will just have that understood. I put the unanimous consent request.

Mr. HAGEL. Mr. President, if it is a convenience to the distinguished Senator from Texas, I would be very happy to go after the Senator from Texas, if that helps her schedule.

Mr. LEVIN. We don't have to etch the stone, then.

Mrs. HUTCHISON. I am happy to wait beyond the Senator from Oregon for 10 minutes and the Senator from Nebraska for 12 minutes. Then if we could get a unanimous consent, I would go next?

Mr. LEVIN. Mr. President, I ask unanimous consent we go in that order: Senator SMITH for 10, Senator HAGEL for 12, and then the Senator from Texas.

Before the Senator from Georgia leaves, if I could just take 30 of my seconds to thank him for his constant contribution to the debates and to this body. While we disagree on this particular issue, it is not very easy for me; he always makes a major contribution, and we are grateful for it.

Mr. WARNER. Will the Chair act on the unanimous consent request, and now with 7 minutes for the Senator from Texas?

The PRESIDING OFFICER. The Chair, without objection, enters the unanimous consent. There will be 10 minutes for the Senator from Oregon—

Mr. WARNER. If I could take 20 seconds of my time just to advise Senators that the time remaining under the control of those proponents of keeping the amendment, namely Senators BYRD and WARNER, has now di-

minished to the point where the time Senator BYRD and I have allocated between ourselves—that is, the time of the Senator from Virginia has all but expired, and the distinguished Senator from West Virginia has, under a previous order, 1 hour remaining under his control. I just wish to advise the Senate of that.

The PRESIDING OFFICER. The Chair will observe there is a unanimous consent order that gives the opportunity to the Senator from Oregon to speak for 10 minutes, to be followed by the Senator from Nebraska for 12 minutes. Is someone propounding another consent to change that consent?

Mr. WARNER. I did not hear that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding part of the unanimous consent request is the Senator from Texas would follow Senator HAGEL for 7 minutes. So there would be some order here, the Senator from Virginia could follow the Senator from Texas?

Mr. LEVIN. Mr. President, I will make a revised unanimous consent request, after talking with Senator ROBB who just came in, and with gratitude to Senator HAGEL. I ask unanimous consent for this order of speakers: Senator SMITH of Oregon, then Senator ROBB for 6 minutes, then Senator HUTCHISON, and then Senator HAGEL.

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

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, frankly, I am pleased, as we alternate back and forth, there are Republicans and Democrats not crossing on party lines but arguing a very important issue of what they feel, what they think, and how they perceive America's interests to be best served.

I realize that many of my colleagues have spoken eloquently about the consequences that will result if the United States Senate supports the Byrd-Warner amendment. And though I may repeat some of their arguments this morning, I think it is critical that those of us who oppose this language state loudly and clearly that this is the wrong way to go.

I spoke last week on this matter Mr. President. I said then that there may come a time when it is appropriate for the U.S. to withdraw from Kosovo—but that time is not now. We face enormous worldwide responsibilities, and I agree with those that feel the burden sometimes seems rather heavy. But that is not a reason for us to seriously jeopardize the most important and most successful Alliance in history.

We are a European power. It is in our interests to maintain American leadership in Europe. And we have seen what happens when the U.S. chooses to come home after a bitter conflict has ended. I am confident that if the U.S. pulls out of Kosovo, as this legislation requires if the Congress does not author-

ize continued participation, we will be forced to return—under circumstances that will certainly not be as favorable as we face today. We have managed to create a situation where our troops certainly face threats in Kosovo, but the risks are relatively limited.

By our action, by setting up the conditions under which American troops would withdraw from Kosovo next summer, we could trigger the very instability in Kosovo that we have managed to forestall thus far. I am not going to whitewash what is happening in Kosovo today. We have our work cut out for us in establishing a functioning administration there that respects the rights of minorities. But the situation is relatively stable, after over 10 years of disorder. We can only speculate, of course, as to what would transpire if we were to pull out. But there is a real possibility—one can almost say a probability—that the Kosovar Albanians would feel compelled to prepare for another assault by Serbian henchman directed by Slobodan Milosevic. Could our European allies adequately protect the Kosovar Albanians from this assault? I can not answer that definitively, but I will tell you that the Kosovars think that the answer is no. So we withdraw, the Kosovars rearm, Milosevic feels emboldened, and we are back where we started before the NATO air campaign began. Is that why we fought this war?

Why do we want to jeopardize the peace? The 5,900 American soldiers that are participating in KFOR are making a critical contribution to maintaining peace in Kosovo. Our troops comprise approximately 15% of the total of KFOR. That seems to me to be a reasonable percentage for the U.S. to contribute. The European forces are making a difference in Kosovo—they are doing their job. But we should be willing to do ours as well.

Mr. President, let me return to my principal concern with this amendment—the threat that it poses to U.S. leadership in Europe. I have met with five different Foreign Ministers from Europe over the past several weeks, and in these meetings I have emphasized the importance of maintaining the trans-Atlantic link. Our security is directly related to European security, whether we like that or not, and for us to signal to our Allies that we are unwilling to participate in securing the peace in Kosovo—when they are contributing 85% of the troops—inherently divides us from our Allies. I have criticized them for seeking to establish a separate defense structure that is not tied in with NATO at every step of the way.

We should not encourage them in these efforts by indicating that we are an unreliable ally that cannot be counted on to stay the course. I do not think this should be an endless commitment, however, there should certainly be a drawdown in our forces as circumstances warrant and as Europeans do more in Kosovo. But we

should not make the determination now as to what our troops should do next year.

I realize that the supporters of this amendment say that they are not calling for the withdrawal of U.S. troops from Kosovo—that they are simply asking for an authorization. But Mr. President, with all due respect for my colleagues, their amendment forces the withdrawal of our forces unless positive action is taken by the Congress. I do not quibble with their complaints that the President did not ask for Congressional authorization for this mission. I agree with them: he should have done so. But is it in our interests to tie the hands of the next President? To force him to adopt a course of action because of a lack of Presidential leadership today? I think not.

I am reminded of the early, tragic days of the war in Bosnia. As you recall, Mr. President, European troops were on the ground in Bosnia as part of the UN mission, but no American troops were there. As a result of the dramatically different risks we faced at that time, the U.S. and our Allies supported different approaches to deal with that conflict. We lost valuable time trying to coordinate our strategy—time when Bosnians of all ethnic groups were slaughtered. A strong Alliance is one where benefits and risks are shared, and that is the direction that we should be going now.

Let me say, that I agree with my colleagues who have complained about unequal burdensharing. The Europeans were incredibly slow in approving their contributions to the Kosovo Consolidated Budget, their humanitarian and reconstruction assistance, and getting their police forces on the ground. I commend Senator WARNER for his successful efforts at ensuring they get the picture. We have the right to expect that our European allies do their fair share consolidating the peace in Kosovo, particularly given the unequal burden borne by the U.S. during the war. And I believe that thanks to the distinguished Chairman of the Armed Services Committee, the Europeans now understand this and are taking steps to correct the problem.

Mr. President, we must maintain American leadership in Europe. We should do our part in solidifying the progress we have seen in Kosovo. I urge my colleagues to support Senator LEVIN's motion to strike the Byrd-Warner language.

Mr. President, I admire Senator WARNER, the chairman of the Armed Services Committee. He is a great American and a great man. While I am not with him on this issue, it is a privilege to be with him on most issues.

Also, I believe Senator BYRD, the other author of this amendment, is a man who stands uniquely among us as a defender of the prerogatives of the Senate. I appreciate that, I admire him for that, and I thank him for that.

I believe it is Senator WARNER's desire to protect our armed services, as is

his charge, and I believe it is Senator BYRD's desire to protect the prerogatives of the Senate that has motivated this. I respect that. I say to them that they have already achieved much of what they hoped to do with this amendment, so this debate, this effort, is not in vain. I tell them respectfully now why I am not with them on this issue.

I know that many Americans are weary of our involvement abroad, and I know that many would like to just go home. I actually believe the right political vote in this case would be to vote for a date certain with my colleagues on the other side to get out of Kosovo. I say to every American who cares about foreign policy or our standing in the world, this is not the right way; this is not the right instrument; this is not the right time for this branch of Government to interject itself with this kind of an amendment.

I happen to have traveled to the Balkans at the height of the Kosovo conflict. I was privileged to travel with Senator HUTCHISON of Texas in her codel where we visited many of the surrounding countries of Kosovo. I remember when we went to Hungary, we were standing on the balcony of the Foreign Ministry of Hungary, and the Foreign Minister came up to me—this is a beautiful setting, overlooking the Danube—and he said: Senator SMITH, I did not realize when we were admitted to the NATO alliance that we would be at war a few days later, but we are thrilled to be a member of NATO, and we are proud to stand with the United States of America.

I drew him out and said: Why do you say that, Mr. Foreign Minister?

He said: We are proud to stand with the United States because the United States is a nation uniquely positioned in world history; that we are unique in that we have the capacity to fight for values and not just to fight for somebody's treasure or somebody's territory.

I was proud of my country when he said that.

I found myself a few days later in Macedonia. When we were there, we were at the point where, coming out of Kosovo through a pass in the mountains, literally tens of thousands of refugees were pouring into two camps. We went to the second camp. There were 50,000 people there. It was arranged that each of the Senators would have an hour there with interpreters.

We went through the camp talking to the refugees, examining the conditions of the people, and hearing their concerns. I became aware about halfway through my visit that there were three little girls following me around as though I was from Mars. They looked at me with some degree of awe and wonder.

Before we boarded the buses, I decided to try and engage them in a conversation. I was delighted to find that one of the little girls who was 10 years old could speak reasonably good

English. I said to her: Would you like to go home?

She said: I'd love to go home, but I can't; there are very scary people there.

Then I said to her: Well, if you can't go home, would you like to go to America? And her eyes lit up with sparkles.

She put her hands to her face and said: Oh, to be a little girl in America.

I will never forget that expression. I thought of my own little girl all the way home. I wonder what has happened to that little girl. She did not come to America, but she was able to go home because the United States was there.

The United States is in Europe. The world is better because after the Second World War, the United States learned from a mistake and did not repeat the mistake of the First World War. We did not go home. We stayed there as a beacon of stability that Europe has needed and I believe still needs.

The Europeans are beginning to feel a need for more security of their own. I have cautioned them: Be careful as you set up these European defense identities that you do it within the context of NATO or you will begin to decouple the United States from NATO. Be careful about this.

My concern is heightened because as they talk of setting up these new structures, they are all cutting their defense budgets. It appears to me they are setting up a paper lion.

We made a commitment to go into Yugoslavia. If anything should be criticized, it may be we should not have gone into Bosnia. We have elections for a reason. We elected a President of the United States, not of my party, but a President who decided it was in the America's interest as the leader of the NATO alliance to go into Bosnia, and we went. That job was complicated because Mr. Milosevic continued his mischievous ways, his murderous ways in a fashion that was unthinkable to the Western World that we should do nothing. In view of our own troops, we were watching people being exterminated.

In the end, I decided to support President Clinton at this next level because I did not want to have to answer why, in the face of mass murder, I did not do anything.

Lest Americans think it is all in vain, it is not. Things are not great in Kosovo, but they are much better than when we found them.

The benefit of Senator WARNER's work is in this: The Europeans were slow off the mark in meeting their commitments financially and in troops, but they are now. They are putting in the resources, and they are manning 85 percent of the burden there. We have 15 percent, a little over 5,000 troops, there. Is that in vain? Is it appropriate for us now to set an arbitrary cutoff time and, with the blunt instrument of the budget, to say we have had enough, we are going home? I say with all respect, if we do that, we will somewhat be saying to the Europeans what they are saying to us; that

we are ready to delink the United States and NATO.

I do not want to do that yet. The day may come when we can say it is time to go home, and the Europeans will be in a position where they can handle it on their own. I do not believe that day has yet arrived.

I tell my colleagues and I plead with all Americans to understand that while we can take for granted the peace, the security, and the prosperity of this land, most of the world looks to us as an example and with some envy and some hope that they may someday have what we now enjoy. If America says we are going home, I believe that vacuum will be so enormous, it will be filled not with an ideology but with a whole bunch of tyrants.

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

Mr. SMITH of Oregon. If I may have but a few more minutes, I will conclude.

Mr. LEVIN. I yield 2 additional minutes.

Mr. SMITH of Oregon. I do not want to see that vacuum filled by people who do not share the values of Western Civilization as we know it in Western Europe and in the United States of America. I believe the Europeans are beginning to do their duty and we ought to continue to do ours.

I also would like to conclude with an anecdote from campaigning with Governor Bush on Tuesday in Oregon, in which he assured me his opposition to this was not about getting America's withdrawal from Yugoslavia but to do it in a reasoned way, in a bipartisan way, and in a way that does not compromise the long-term security interests of the United States, which is now inseparably linked to Europe.

So I plead with my colleagues to vote for the McCain-Levin amendment to strike. I believe this is in the country's interests, in the world's interests, and certainly in the interests of Kosovo.

I thank the Chair and yield the floor. Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes.

Mr. LEVIN. Would the Senator yield?

Mr. ROBB. Of course.

Mr. LEVIN. I will take 30 seconds, on my time, to thank the Senator.

The PRESIDING OFFICER. Senator ROBB from Virginia, I believe, according to the unanimous consent agreement, has 6 minutes at this time.

Mr. ROBB. I yield to the distinguished Senator from Michigan on his time, as requested.

Mr. LEVIN. I take 30 seconds, on my time, to thank the Senator from Oregon for his very thoughtful and very heartfelt statement, based on a tremendous amount of study of Europe.

I also ask unanimous consent that Senator VOINOVICH be recognized after the conclusion of Senator HAGEL's remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be given 1 minute prior to Senator ROBB.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. But I want to draw the attention of the Senate to the fact that we—the U.S. taxpayers—have already spent \$4.5 billion on this Kosovo operation. The President did not ask for any money for the year 2000. That is why we are faced with this supplemental of another \$2 billion. So \$4.5 billion plus \$2 billion is \$6.5 billion. Then the authorization bill, which we are now working on, and the appropriations for the next fiscal year, has another \$1.6 to \$1.7 billion.

Wake up, colleagues. We are shoveling money out of here as fast as we can swing our arms, without giving, I think, due consideration.

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

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I join my distinguished colleague from Michigan in recognizing the eloquence of the statement just made, very much from the heart, by the Senator from Oregon. I concur in his remarks.

Once again we are on the floor of the Senate debating the strength of the U.S. commitment to peace and stability in the Balkans, and once again we are being asked to weigh the benefits and costs of our current commitments.

I do not like to find myself at odds, especially on national security matters, with my friend and senior colleague from Virginia. We share so many of the values that shape our view of the world and the critical role of the United States in that world. We also share an unshakeable conviction in the importance of the moral and physical leadership of the United States in a dangerous world and the belief that a strong United States is the best guarantor of peace.

Likewise, I have enormous respect for the other coauthor of the amendment which is currently incorporated in the military construction appropriations bill we are now considering. There is no other Member of this body who is more knowledgeable, when it comes to the history of our Constitution, or who has fought harder to uphold the constitutional role of the Congress and of this body in relation to the executive branch than the senior Senator from West Virginia.

I understand and share our colleagues' frustration with the costs of our commitments in the Balkans, not just in terms of dollars but also the wear and tear on our armed forces around the world.

I understand and share our colleagues' frustration with the glacial

pace of progress toward reconstruction in Kosovo and the establishment of a capable civil police force. But we knew the risks going into this effort to stop the killing and give peace a chance to take hold in this troubled land. We know from experience that these types of efforts defy deadlines. We know from experience the consequences of setting conditions that let other countries control our destiny.

Each time we have debated deadlines, I have argued against them. Each time we have proposed statutorily binding deadlines, I have voted against them. I believe the provisions in this bill establishing a deadline for the withdrawal of ground troops from Kosovo undermine U.S. leadership around the world and raise understandable anxiety about our commitment to peace and stability in the Balkans. They play directly into the hands of those in the region who depend on conflict and chaos to achieve their ends.

The situation in Kosovo defies a simple calculus for withdrawal of U.S. forces. The situation in Kosovo defies a simple calculus for those whose burdens are greater or smaller, fair or unfair.

We know from experience that the requirement of our physical presence and our relative share of the burden will shift with changing conditions on the ground—either through reduced threats or improved stability.

Setting statutory deadlines now, in my judgment, will only undermine the confidence of our allies. Setting statutory deadlines now will only shake the world's confidence in our leadership. Setting statutory deadlines now will only encourage those who oppose peace and stability in the region.

The deadline framework established by this provision in the military construction bill tells our adversary what combination of actions or manipulation of conditions by which he can "control" U.S. and NATO policy.

Although the authors argue that this provision has no automatic triggers and that there are escape clauses allowing the Congress to undo what this provision would do, the advantage of knowing the limit of our commitment transfers the advantage and the leverage to our adversary.

Under this provision, July 1 becomes a magic date—either this year or next; or some other date, if it happens to be switched in conference—against which he can plan, organize, and execute efforts to pursue regional destabilization.

Under this provision, in the mind of our adversary, we trade the certainty of our commitment to stability, and our military capability to enforce it, for the certain knowledge of our limited determination and the eventual unhinging of the political and military cohesion of our coalition.

I am concerned that regardless of when the deadlines may be set in this provision, our perceived lack of will could put at risk militarily our coalition troops on the ground in Kosovo.

I have been proud to stand shoulder to shoulder with my friend and senior colleague on many issues involving our Nation's national security interests. But I cannot do so on this issue because I believe it would undermine our position of world leadership and place us in an untenable position regarding the Balkans.

In support of our men and women in uniform in the field, and of America's enduring open-ended commitment to peace and stability, I must, therefore, oppose the provision currently included in the bill and urge our colleagues to support the motion to strike offered by the ranking member of the Senate Armed Services Committee.

With that, Mr. President, I believe my time has expired. If not, I reserve any remaining time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself 60 seconds.

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

Mr. WARNER. I thank my colleague for his kind personal references. Indeed, we have worked together as a team. On this one, we divide.

Regarding his concluding remarks on world leadership, in this debate we are constantly talking about our allies. I am concerned about the hometowns in Virginia that are shoveling out taxpayer funds, billions and billions of dollars. I have already added it up—well over \$6 billion.

There has really been no debate or action in this Senate. We have an obligation in the Congress to speak before we shovel these funds out in incredible sums. It is from the towns and villages in our State and other States from whence we get these brave young men and women, who put on these uniforms, as the Senator and I have in the past, and march forth from the shores of our country into harm's way. I think Congress has to stand up and be accountable in those decisions and support the President. I have no fear that this institution will support the next President of the United States in his request, if he comes forward and says: It is my intention not to just leave this indefinitely but here is my plan to keep our troops over there.

I yield the floor.

Mr. ROBB. Mr. President, I ask unanimous consent for 15 seconds to respond to my colleague.

Mr. LEVIN. Mr. President, I am happy to yield 15 seconds to the Senator.

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

Mr. ROBB. Mr. President, I thank my distinguished senior colleague. We agree on so many things. Sometimes we have to consider the cost of doing nothing as opposed to the cost of doing what we are doing. It is in that context that I view this particular dilemma we face. I certainly share my distinguished senior colleague's commitment

to finding a way to maintain our commitments to peace in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have been on the floor for a long time this morning. I will address two major points I keep hearing because it is important that we refute those points.

First, we are not setting a deadline. We are not withdrawing troops. The Byrd-Warner amendment says we are voting to make the decision, after plenty of time for the President and our allies, consulting with Congress, to make a plan. We are setting a timetable in which we would have the opportunity to set a plan, and that timetable will probably be October or December of next year. Then after we have a plan from the President, we will have a vote on that plan and on the long-term strategy.

Every time Congress exercises its responsibility to do what it is required to do under the Constitution, which is declare war and support the Army and the Navy, the administration and many on the other side say: What kind of signal does that send? What kind of signal does that send to our allies? What kind of signal does that send to that terrible tyrant Milosevic?

No. 2, they say setting a deadline is irresponsible. I will answer both of those questions.

We are sending a message. We are sending a message to our allies and to President Milosevic. It is a clear message, and it says, America is going to lead. America is going to come in and bring all the parties to the table, and we are going to formulate a policy. We are going to lead.

It says, our goal is a lasting peace in the Balkans, not an unending morass of indecision that wears out our troops, debilitates our own national security, and does not help our allies or the Serb people at all. It says to Milosevic, we are serious and we are going to formulate a plan. The President of the United States should take the lead and consult with our allies and consult with Congress, as is required in the Constitution.

Our policy in the Balkans has been drifting. Ever since I came to Congress 7 years ago, it has been drifting because the administration has never come to Congress and said: This is my plan; will you approve it? Instead, he spends money from the Defense budget with no authorization and then comes in and asks for emergency funds to replenish the Department of Defense. Of course, we are going to vote yes. Of course, we are going to replenish the funds that have already been spent so our troops will be paid and our equipment will be updated. Is this Senate going to allow our troops to be deployed on a mission that has never been laid out? Is that a responsible action of the Senate? The answer is no. The Byrd-Warner amendment is taking the responsible action for the Senate.

I will answer question No. 2: Setting a deadline is irresponsible. This is the bait and switch. This is what they say every time. If you set a deadline, you are irresponsible. How could you do that and cut and run from our allies? But if you say, OK, we are not setting a deadline, we are going to say, 1 year from now, we have a timetable that begins the process for a plan and then, once you have the plan on the table, you have an orderly process to implement that plan.

This is not a vote to withdraw troops. It is not a vote to cut and run. It is not a vote to even have a deadline. It is a vote to take the responsibility to approve a plan for a lasting peace in the Balkans. This is a vote to be a responsible and strong ally and a formidable enemy. It is a vote that asks the same of our allies in return, that they be strong and reliable allies.

It is a vote to take the responsibility in the Senate for our own national defense. I ask the question of my colleagues: If we do not take the responsibility for our national security, if we do not take the responsibility when we see that we cannot recruit and retain members of our armed services today, if we don't take the responsibility for addressing that problem, who will? Which of our allies will step up to the line and say, we are worried about your national security deteriorating? Which of our allies is going to step up to the line and say, I am concerned that you are not providing the nuclear umbrella that we must have and that only you can provide?

The buck stops here. The Byrd-Warner amendment says we are up to the task. We will defend our own troops in the field, to give them a mission and a timetable and a responsible plan under which they can operate. We will be a strong, reliable, and stable ally for all of our friends. We will formulate a plan that is responsible as a superpower should. We will no longer have emergency funds that refill coffers of money that have already been spent on a mission that is not spelled out. We will no longer be irresponsible. We will take the responsibility that has been put on our shoulders by the people of our States.

A vote for the Byrd-Warner amendment will do exactly what we were elected to do; that is, take the responsibility for our country and our allies.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. WARNER. Mr. President, I yield myself 20 seconds.

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

Mr. WARNER. I compliment my distinguished colleague from Texas. It is very important that we get the type of message she has delivered today in the debate. I thank her.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise today to support the McCain-Levin amendment. Kosovo is complicated. It is frustrating, dangerous, and fragile.

But I believe Kosovo and the Balkans are very clearly in the legitimate sphere of American security. As I listened to the debate last night and this morning—good, committed, informed debate—I believe we are not debating the congressional constitutional responsibility or authority in foreign policy. I don't think that is the issue. It seems to me that the issue which, in my opinion, comes down two ways, is: Is this action a wise and correct action at this time? Two, what are the consequences of this action?

Make no mistake, there will be consequences. We are always confronted with imperfect choices. Conflict, peacekeeping, war, how you deal with these problems always represents an imprecise business. We don't know the answers. We don't know the outcomes. We don't know all the dangers and complications. These don't come in tidy little boxes, or wrapped up in easy-to-figure-out little equations. There are many unknowns. That is one of the reasons why it is very unwise and very dangerous to set arbitrary deadlines. They never work.

Now, we have heard a lot this morning and last night about what our European allies have not done. Well, in the fairness of this debate, I think we should again remind those listening that, currently, America's ground troops in Kosovo represent less than 15 percent. Less than 15 percent of all ground troops in Kosovo are American. That means 85 percent of the ground troops are European—including, by the way, the Russians.

I think something else that is relevant to this debate is the fact that we have been there in Kosovo in this capacity, a peacekeeping responsibility, for less than 1 year. If we want to take this to the logical conclusion of lack of congressional authority as to when, where, how, and how long we are going to commit our peacekeeping forces, then I suggest that we go back and have a good debate on Korea, and on Japan, and on Europe.

We did have a debate on Kosovo last year, and we had a rather significant vote on moving forward in supporting the President's military action. Now, it stands to some reason that if we made that investment and we had that vote and the American public was tuned in, informed, educated, and their representatives were representing them in this body, they had some sense of where we were going with this. Are we going to walk away from what we achieved and have been achieving? It is messy, yes; uncertain, yes; fragile, yes; complicated, yes; but that is a very relevant point to this debate. Then what is connected to that question is, what happens next?

Does anybody in this Chamber believe that the Byrd-Warner amendment, planning to plan to withdraw, is

a policy? Withdrawal is not a policy. Why are we doing it now—less than 6 months before America elects a new President? We all of a sudden are quite agitated and excited about Kosovo. We have had some time to deal with this. So we will ask our new President to take office in a matter of months, at the same time forming a new national policy team, new security, foreign policy, working with new leaders, the Congress, the nuances and relationships that are all part of that, and imposed upon him, encumbering him, is this arbitrary deadline and this plan to withdraw. I don't think that is responsible. We leave this new President little latitude, little flexibility.

What about the magnitude and seriousness of this debate? If this is so important, why has it not been brought before the Foreign Relations Committee? Certainly, the Foreign Relations Committee of the Senate should have some responsibility in this debate. We have not had 1 minute of debate on this. This came up in an Appropriations Committee meeting, with no formal notice, and boom. This is responsible policymaking? I don't think so. This is not a thoughtful approach to something this serious.

We need to listen to those who have responsibility for our troops on the ground. General Clark and others have had the interest of our young men and women as their main responsibility. What do they say about this? They have said it is irresponsible, with dangerous consequences. A heavy, dark cloud of dangerous uncertainty hangs over this debate. What are the other consequences? Yes, there will be a vacuum. But there are connecting rods as well here. Does anybody doubt, if we would pass this, that this would not have an effect on Milosevic and others like him, and their interpretation, and their waiting game, and all that they would do to wait us out? Of course not.

Let's get real. Let's get real in this body. This isn't theory. Does anybody doubt that this would not have a responsible consequence to our relationship with our NATO allies, at the very time we are trying to convince our NATO allies to go with us on a national missile defense system—and we will need that concurrence and cooperation with our NATO allies if we are going to, in fact, go forward with a ground-based national missile defense system because we will need some radar sites. Does this have an effect on that? Of course. Does it have an effect on our new relationship with the President of Russia? Of course it does. Does it have an effect on how the Chinese and the Taiwanese see America's commitment to its allies? Of course it does. These are big issues out here, Mr. President. We better understand the bigger picture. There will certainly be consequences in the Balkans. Do we think if we do leave, we plan to leave the Balkans better than we found it? I don't think so.

America's word means something. America's commitment means some-

thing. I believe stability in Europe, stability in the Balkans is in the interest of America. There is legitimate debate on the other side, maybe, but I think it is in our interest. America has always represented hope, a better life, a better world. We have made the world better. Yes, we can debate all of our military conflicts, involvements, and engagements since World War II—Vietnam, Korea, Kuwait. Have we made mistakes? Yes, we have. But, generally, is the world better off, more peaceful, more prosperous, with more hope today because of America? Of course it is.

There is one other thing we tend to forget: As the leader of the world, we will always be asked and be required to carry a heavier burden than any other nation. We may not like that; it may be unfair, but it is a fact. One of the reasons America is the greatest Nation on earth, in the history of man, is because we have had the unique ability to control our own destiny. How have we done that? We have done it because we were engaged; we were vigilant; we were strong. We anchored our country and our beliefs on principles, trusts, and values. Others have responded to that.

These are all part of the dynamics of this debate.

I do not want my 9-year-old daughter and 7-year-old son to inherit a world where America does not lead, if for no other reason, the next great power in the world may not be as benevolent or judicious as America has been with its power over the last 200 years. All of these dynamics are part of this equation. This body must be very serious in understanding that.

Let Americans speak in November. Let our people speak. Elect a new President. That new President will begin a new, productive, positive relationship with the Congress. We can together work on a foreign policy that makes sense in a timely, effective way. That is the answer. That is a wiser course of action. That is a more responsible course of action than voting for the Byrd-Warner amendment.

I might say before I end that it is because of Chairman WARNER's efforts and leadership. That has been recounted last night and today. The Europeans have in fact stepped up each day, each month, to more and more responsibility to their obligations. And I thank the chairman for that. Rarely do I disagree with him, but in this case I do.

I strongly encourage my colleagues to support the Levin amendment.

I yield the floor. Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is to be recognized.

Mr. WARNER. Mr. President, I ask for 60 seconds on my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his very important contribution to the debate.

It has been one of the best debates on foreign policy we have had in the Senate I think this year. I appreciate his references to the Senator from Virginia.

We have accomplished much of what we set out to do in this amendment. I bring to the Senator's attention that yesterday there were 263 votes in the House of Representatives in support of the principles that are embodied in the Byrd-Warner amendment. The other body spoke just yesterday. But I say to my dear friend that I am willing to calculate we have spent close to \$20 billion in Bosnia and Kosovo. I will place it in the RECORD.

This is, in a sense, handing out another blank check for \$1.8 billion in this supplemental for Kosovo with no clear, decisive action for the Congress requiring a strategy as to when our troops can hopefully be considered along with others to be withdrawn.

I say to my good friend, how many of my colleagues are calling back home today to get the sentiments of hometown America and put them against—

The PRESIDING OFFICER. The Senator from Virginia has consumed 1 minute.

Mr. WARNER. The sentiments expressed so fervently by those wanting to strike on behalf of our allies? There are 350-plus years of history, going back before World War II, of our steadfast alliance to our allies, and they can anticipate another 50 years. But on this, it is time for Congress to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent I be allowed to speak for 1 minute on my time.

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

Mr. LEVIN. Mr. President, first I thank Senator HAGEL for a statement which is very meaningful because of the broad picture he drew, and also the interrelationship between what we are voting on and the whole host of other issues that are connected to it and impacted by it, as well as for the life experience and the life study he has brought to these questions.

In response to the good Senator from Virginia, I can only say what was voted on in the House yesterday is dramatically different from what we will be voting on. In addition to the funds that he made reference to that we have spent to avoid a wider war, even greater expenditures of funds have been well spent, in my judgment. And, indeed, the good chairman of our committee has been very supportive of those efforts.

We should not pull back from the success which has been achieved because the American people have made a commitment to stability in the Balkans to avoid a much broader problem in Europe and around the world.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, we are approaching the one year anniversary

of the end of the NATO air campaign in Kosovo. But just like a year ago, we find ourselves debating U.S. military involvement in Kosovo and what the U.S. mission in southeastern Europe should be.

With respect to southeastern Europe, I believe the Byrd-Warner language that has been included in this Military Construction Appropriations bill is the wrong approach at the wrong time. In addition to our direct national security interests in Europe that would be threatened by this provision, our efforts to encourage the establishment of the rule of law, universal respect for minority rights and market economies throughout southeastern Europe would be devastated by the Byrd-Warner language.

In the aftermath of the air war over Kosovo, we have an opportunity to work with the international community to integrate the nations of the region into the broader European community; an action I believe will help avoid the continuation of the bloodshed and destruction we've seen over the last decade. To effectively threaten a troop pull-out—which the Byrd-Warner language does—jeopardizes our efforts to take advantage of the worldwide interest in the region, and our ability to make an historic positive change for the future in southeastern Europe.

Mr. President, we have American military resources on the ground and in the skies in southeastern Europe with the specific intent of bringing peace and stability to the region.

Unfortunately, the Byrd-Warner amendment will be viewed by friend and foe alike in the region as a unilateral troop pull-out of Kosovo and an end to the commitment the United States of America has made to our European allies to help bring peace to the war-torn Balkans.

The Byrd-Warner language requires the next president to make a difficult determination on American presence in Kosovo soon after his election—a time when he should be working to establish and implement his foreign policy agenda for our nation with his senior management team including his National Security Advisor, Secretary of State, Secretary of Defense and Chairman of the Joint Chiefs of Staff.

It will be a period when he will need to measure his allies and become intimately familiar with a myriad of foreign policy challenges. His decisions will have a wide national security impact and must not be made hastily, but that is what the Byrd-Warner language does.

Mr. President, if we are to succeed in opposing aggression around the globe, we need to work with our allies. However, what the Byrd-Warner language would do is show our NATO allies that as far as peace and security in Europe is concerned, particularly in southeastern Europe, it is Congress' intention to extricate ourselves. I don't believe that is the message that the U.S. wants to convey.

For those of my colleagues who are interested in seeing Europe take on more responsibility in southeastern Europe, the issue is, does the Byrd-Warner language help or hurt?

I believe it would hurt, because I know that the Europeans have made the commitment, and are continuing to make the commitment, to their southeastern European neighbors.

This past February, I was in Brussels to make my feelings known on the subject of fair-share burdensharing to the leadership of the European Union. I was pleasantly surprised to learn that the Europeans basically understand that unless the Balkan region is fully integrated into the broader European community, the region will "Balkanize Europe." I was further pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the U.S. has pledged 15 percent, while the rest of the world has pledged 85 percent.

Of the total amount pledged for the operations of the UN Mission in Kosovo, UNMIK, the EU and its member countries have pledged 74 percent, and the U.S. 13.2 percent.

In addition, at the Stability Pact conference in Brussels this past March, four dozen countries and three dozen organizations pledged \$2.3 billion—well above the \$1.7 billion goal to fund regional economic development and infrastructure projects in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

What I am saying is: on the whole, the Europeans are meeting the challenge. They are supplying the funds and they understand the importance of involvement in the region. They are surpassing the thresholds established in the Byrd-Warner language.

What the U.S. needs to do is encourage them. For those nations that are responding to the challenge, pat them on the back. And for those that aren't, coax them into contributing. We should be working with our allies in a cooperative fashion and not a confrontational one.

We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership and a little bit of a financial commitment. When I was in Brussels, the importance of the United States to provide leadership was underscored by members of NATO and the EU alike.

In addition, our leadership is absolutely desired and sought by the benefactors of the Stability Pact. Just last week, I received a letter from the Bulgarian Minister of Foreign Affairs,

Nadezhda Mihailova, who reiterated the need for the United States to stay at the table. She said:

... the importance of U.S. leadership in southeastern Europe during reconstruction and beyond cannot be overestimated—it is critical to the future success of the region.

It is imperative that we stay focused and interested in what happens in this region of the world.

We should try to imagine what actions Slobodan Milosevic will take if he knows that the United States has given up its commitment to restoring peace in Kosovo. Imagine the last U.S. plane, the last armored personnel carrier, the last U.S. soldier leaving Kosovo. How confident can we be that Milosevic will not renew his reign of terror against the people of Kosovo in an effort to solidify his power. What if he moves aggressively into Montenegro to quell the Djukanovic threat in the vacuum created by the American withdrawal. What will the United States do then?

We are also trying to get the Kosovo Albanian community, especially former members of the KLA, to support the rule of law and help establish a governmental framework to make it work. Can any of my colleagues imagine the psychological blow to this cause if they believe that the U.S. is pulling the plug and leaving? There is no way they will disarm. And, as a matter of fact, without U.S. support, the moderate factions could be swept-up into the arms of the zealots.

Can you also imagine what the prospect a U.S. pull-out will have on the Kosovo Serbs who have not fled; who chose to stay and try to live in peace with the Kosovo Albanians? What about those we encouraged to stay to help be a part of the interim government? With Milosevic's campaign of ethnic cleansing still fresh in the minds of many Kosovo Albanians, what will become of the Kosovo Serbs without the protection of the United States? What will become of the fragile peace and the fledgling government that we are trying to establish? It is my belief that even the possibility of departure will destroy any chance for stability in Kosovo, as well as end the prospect of reconciliation in Kosovo.

And what about extremist factions throughout the region, in Bosnia, Macedonia, Croatia, etc.—factions that have remained relatively dormant due to the U.S. presence? I think about Mr. Arber Xhaferi in Macedonia, one of the key leaders of the Albanian community there, who's working with President Boris Trajkovski to create a truly multi-ethnic Macedonia. President Trajkovski's democratically elected government has made it clear that the ethnic Albanian community, which makes up roughly 25 percent to 30 percent of the population, is an integral and respected component of society.

However, there is evidence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in

order to destabilize the government of Macedonia, and put in its place a government run by Albanians, for Albanians. There is genuine concern in Macedonia, as well as other nations, that if the United States leaves southeastern Europe, the deterrent factor on the extremist elements will have been removed, allowing for further regional instability.

Mr. President, I have the greatest respect for my distinguished colleagues, Senators WARNER and BYRD, but their amendment to this bill puts us on a course that will unravel the prospect of a peaceful integration of southeastern Europe into the whole of Europe.

We have the ability to help keep the peace in southeastern Europe, and I believe we should continue to provide our leadership and our fair share of the costs during the next several years as we deal with the transition in Kosovo and the fall from power of Slobodan Milosevic. We should ensure the countries of the region that we do care about their future, and that we understand how fragile the political situation is in countries like Bulgaria, Macedonia, Romania and Croatia. We need to let them know that we understand how important it is to support their new democratic leadership as they transition to multi-ethnic societies that respect human rights, the rule of law and which embrace market economies.

A commitment on the part of the United States to the Balkans on all of these items will help ensure stability for generations to come. I believe by working together—Congress and the White House—we can come up with a solution that will allow for the United States to continue to live up to such a commitment in southeastern Europe.

Our allies are willing to stay the course; they have made a commitment to southeastern Europe and have put their money where their mouth is. It's no time for us to leave them high and dry. It is not in the interest of our national security, our economic interests or the cause of peace in the world.

I urge my colleagues to support the Levin amendment.

Thank you, Mr. President. I yield the floor.

Mr. WARNER. Mr. President, I will speak for a minute awaiting Senator LEVIN's appearance on the floor.

As we approach the desk for this historic vote, and it will be a historic vote, I point out to my colleagues we have in the past contributed, in fiscal year 1999, \$4.5 billion for this action in Kosovo. We are about to vote on, in a sense, another blank check, for \$1.85 billion. In the bill I am working on and will bring to the floor hopefully next week and pass on to the appropriators, there is authorization for another \$1.65 billion for a total of up to \$8 billion for Kosovo.

I think we have an obligation to the people of our Nation in hometown America who are paying this through their taxes, who are sending forth the

young men and women into harm's way beyond our shores. We have an obligation to them. If we are going to vote to strike the Byrd-Warner amendment, in essence we are saying Congress is out of it. It is another blank check. Add up Bosnia; it is about \$11 billion to \$12 billion. We are approaching \$20 billion for U.S. participation in this critical part of the world.

I certainly agree it is in our security interests to have been with NATO in Bosnia, then with NATO in Kosovo. We did the bulk of the fighting in the 78-day war. How proud we are of the men and women of the Armed Forces. Now we have an obligation to those serving today. For an indefinite commitment, there is no one who can come forth in this Chamber—and I ask anyone to come forth in this Chamber—and give any time expectation as to when this commitment terminates.

The Byrd-Warner amendment, within the confines of the constitutional responsibility of the Congress, is trying to lay down a strategy and some information for the American people who are paying the bills and sending forth the troops. To strike this language is back to business as usual, blank checks which will total, just in Kosovo alone, \$8 billion.

Then the section about our allies. They fought bravely with us to the extent they had the air assets, the lift assets, the highly technical guided armaments. They fought bravely. This is no disrespect to any soldier, sailor, airman, or marine of any nation that fought in that the 78-day war.

In a sense, we are fighting for their own interest in knowing how long they are going to be there. No one can come to this floor and controvert the Senator from Virginia saying in January and February and March of this year they were falling behind in their commitments they made following that war to provide economic assistance, humanitarian assistance, police.

We got their attention. I thank Senator STEVENS, Senator INOUE. It was a bipartisan effort. Many Members came to the floor and laid in the RECORD the intention to bring this issue on the first legislative vehicle we could. That is before the Senate today, the requirement for our allies to fulfill their commitments. They are doing that. I am confident that the President can make the certification as required in a section of this amendment and certify that the allies have at long last met their commitments.

This is a historic vote. It affects not only our commitments in this worldwide and important place in the Balkan region but all the other commitments. It will set a standard by which the Congress will have said that we are going to enter our decision power under the Constitution as we send forth men and women of the Armed Forces into harm's way and expend the taxpayers' money in such enormous sums.

Mr. LEVIN. Mr. President, how much time remains on both sides?



The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Michigan has 69 minutes and there is a total of 63 minutes for Senators BYRD and WARNER.

Mr. LEVIN. I yield myself 1 minute.

I happen to agree with the Senator and fought very hard with him to get the Europeans to do more. We have succeeded. They are not up to 85 percent of the combat forces, which is exactly what we wanted them to do. They are coming across with more police because of the pressure we put on them. Senator WARNER, I, and others put pressure on the Europeans to do more to carry through with their commitments. I think that pressure is useful.

The language before the Senate has two parts. The first part says if they don't meet specified targets in a certain date, we are out of there—unless, of course, Congress decides to change its mind. What we are putting in place on automatic pilot, we are out of there unless certain, specific, commitments can be kept.

The head of the Office of Management and Budget, by the way, has gone through the items and has said those specific items at this moment can't be certified, at least three out of four, for some very technical reason. But there is a second part to this. Even if the Europeans do all that is required by this amendment in the first half of it—or in half of it—we are pulling out anyway. The second part of the amendment says unless Congress changes its mind by next July, we are pulling our forces out of there.

This is a totally inconsistent message in the language before us. Half the message is: You have to do certain things by certain dates, Europeans. The second half of the message is: Even if you do that, we are out of there. We need a plan, and unless the President requests and Congress authorizes, our troops are out of there. Those are inconsistent directions. It seems to me wrong for many reasons which have been outlined.

I notice the Senator from Connecticut and the Senator from West Virginia are on the floor. I do not know if the Senator from Connecticut is ready, and I do not know if the Senator from West Virginia is ready. But I inquire, perhaps of both of them, if I could, whether or not they both wish to proceed at this time. Could I ask the Senator from West Virginia?

Mr. BYRD. Yes, I hope the distinguished Senator from Connecticut, Mr. LIEBERMAN, will proceed.

I have a question, if I might ask the Senator.

Mr. LEVIN. Would this be on the Senator's time?

Mr. BYRD. No, it will be on the time of the Senator from Michigan. It is a very brief question. I am alluding to something the Senator said.

Is the Senator under an impression that there has been no previous occasion when Congress has laid down a certain date and said after that date

there would be no further moneys unless the President comes back and requests them and Congress authorizes?

Mr. LEVIN. My guess is, and I could be wrong on this, that happened on two recent occasions at least. We properly, in my judgment, said troops must be out of Somalia by a certain date; troops must be out of Haiti by a certain date, period. We approved that and I supported that. This language is very different from that.

Mr. BYRD. In what respect?

Mr. LEVIN. This language says that we are deciding now that next year the troops must leave, unless—unless—later on Congress changes its mind. It is on automatic pilot. If the President does not request in a year, and unless the Congress authorizes in a year—in other words if the Congress does nothing, if the Congress does not change its mind—we are saying now that the troops are out of there in a year. That creates a year of very dangerous uncertainty, according to our recent commander, according to the head of NATO, according to the Secretary of Defense. It is that year of dangerous uncertainty which is being created here.

This is not a question, if I may say on my time, of the power of Congress. I could not agree with the Senator from West Virginia more. We have the power to do what is being proposed. There is no doubt about it. We can set deadlines. We can set conditional deadlines. We can set deadlines which are going to take place unless something else happens.

The question here is the wisdom—the wisdom of doing what is being proposed here, of deciding now that troops are going to come out of Kosovo, that they must be withdrawn unless, a year from now, the Congress changes its mind and decides to authorize it following a request from the President. What that precipitates is a year of very dangerous uncertainty, of wavering commitment to an alliance, and this is what both General Clark, the head of NATO, and our Secretary of Defense have outlined for us.

Again, the question is not the power of the Congress to do what is being suggested by my good friend from West Virginia. That is indisputable. If that were the issue—does Congress have the power to do this—this vote I hope would be 100-0, that we have the power to do this. The question is its wisdom. What is the impact of the uncertainty, the trumpet that is unclear and uncertain, when we have just been successful in Kosovo with NATO allies? We are now asking NATO allies to do more—and they are doing more; now up to 85 percent of the ground forces. The question is the wisdom then to put into place language which says unless Congress changes its mind a year from now we are out of this?

And if I can quote, since I am on my time, this is the main objective of the language. According to the sponsors' Dear Colleague letter, the provision

has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to keep troops in Kosovo. In other words, a year from now something happens automatically unless we reverse ourselves.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. Mr. President, we said the same thing on October 14, 1993, with reference to Somalia. Let me read what the language said:

... Provided further, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994—

Remember, we are talking on October 14, 1993—

... That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994.—

Several months away—

for the operations of United States Armed Forces in Somalia: Provided further, That such date may be extended if so requested by the President and authorized by the Congress. . . .

That is what we are doing here exactly, precisely. So what is so new about it?

I thank the Senator for yielding.

Mr. LEVIN. The question is whether it is wise to do this when we have just been successful in Kosovo. In Somalia, we had determined to withdraw. The sponsors of this language suggest we are not exactly determining to withdraw; we are sort of planning to withdraw and we can change our mind. That was not the case in Somalia. In Somalia, we had decided—and I very strongly supported the decision—to withdraw. It was time to withdraw and we made that decision. It was the right one. It was wise in the circumstances. We decided to pull our forces out.

Here it seems to me that is the question: Do we want to pull our forces out now? To say now that a year from now our forces are out of there? It seems to me that is the question, not the power of Congress.

The constitutional question, if put to this body, I hope would have a 100-0 vote that we have the power to do what is being proposed. But on whether it is wise when we have just been successful—part of a coalition fighting together for the first time, putting pressure on our allies to do more; succeeding in that pressure, they responded with now up to 85 percent of the ground forces—in that same language to say we are planning now on getting out a year from now, that is the question. It is the wisdom of this language, not the power of Congress to pass it.

I thank my good friend from West Virginia and yield up to 20 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and my friend from Michigan and my friend from West Virginia for his courtesy allowing me to go forward.

Mr. President, I rise to support the motion to strike, and in doing so I join colleagues before me who have expressed what is clearly our very sincere respect for the two cosponsors of the part of the underlying bill which we seek to strike with our motion. There honestly are two no more distinguished Members of this body. May I say there are no more patriotic citizens that I have ever met than the Senator from West Virginia and the Senator from Virginia. So I go forward with a certain sense of awkwardness but certainly with a profound sense of respect for the two of them, even as I disagree with the provision regarding Kosovo that they have added to this appropriations bill before us.

Much has been said on both sides. I will try to either say it quickly or add a few new thoughts. It seems to me we have to begin here by looking backwards; in some senses, way backwards. By coincidence, last night I was reading a new biography of President Woodrow Wilson.

One of the chapters begins with a description of the election of 1912. The opening line says that as people were going to vote in the United States in 1912—and the great choices were Wilson, Teddy Roosevelt, and Taft—no one had in mind or could have imagined that 2 years later an event would occur in the Balkans that would eventually draw almost 2 million people into combat in that far away quarter—World War I.

We have struggled with, been affected by, lost lives as a result of conflict in the Balkans which spread throughout Europe and which has always eventually engaged us because of our intimate relationship with Europe. We are a nation that, at the outset, was formed by children of Europe, by people who left Europe to come to these shores. We, of course, are much broader and more multicultural than that now, but that was our origin.

Today our military and economic ties, our security and cultural ties with Europe are deep and they are broad. We may in the push and pull of the moment be drawn to other parts of the world. We are a global power today. But the base of our strength and the most comprehensive economic relationships we have and the heart of our international security posture has always been in Europe and is today. What happens in Europe matters to us today as it did in the second decade of this century, bloody as it was, which began with conflict in the Balkans.

Again, as the "third world war" of the last century concluded—and I say that referring to the cold war—and new alliances began the movement of people, conflict broke out in the Balkans and threatened to go further and en-

gage our European allies and threatened the stability of that region so important to us.

I begin this way because what I want to suggest, and I hope I can convince people, is that what happened in Kosovo—the outbreak, again, of barbarism, aggression against the people by force and what became cosmetically described as ethnic cleansing—was a singling out of people because of their ethnicity, coincidentally their religion, and they were subjected to mass forced movement, exile from their country, murder, rape, and torture.

The fires were burning again in the Balkans, and this time, having more recently confronted a similar threat in Bosnia, we waited, in my opinion, too long to get involved. We and our NATO allies acted on an immensely successful air campaign a little more than a year ago which stopped the barbarism, stopped the aggression, stopped the killing, and allowed more than a million refugees to return to the homes from which they had been brutally forced.

All of this is by way of saying that what happened in Kosovo that led to the peacekeeping in which we are involved—and which is threatened by the underlying amendment offered by the Senators from West Virginia and Virginia—was a great victory. It was a great victory.

General Clark recently returned from his position as SACEUR, our Supreme Allied Commander in Europe, a historic position, a position of great importance. He has been quoted frequently on the floor. In conversation with him, one of the things he said to me a week ago was that the reaction to what happened in Kosovo from the European public and the American public, including particularly the American political elite, was so remarkably different. In Europe, there was a sense of extraordinary pride about the course of events as they concluded last year in Kosovo, that stability, that freedom, that human rights had won a victory in Kosovo. Here General Clark worried the reaction was not so clear, that there was not the sense of pride that should have been felt because of a pivotal leadership role the United States of America played in ending the barbarism and aggression in Kosovo.

I mention this today because it is perhaps that differing attitude that leads us in the Senate to consider the Byrd-Warner amendment to this Appropriations Committee bill, and also now we have witnessed the House take similar action on the question of whether our European allies are doing enough. Maybe we in this country never appreciated the significance of what we did.

I believe history will show, when historians look back at the 1990s and judge what occurred, the United States and NATO interventions in Bosnia and Kosovo was a turning point, as an example that we and our allies had learned the lessons of the 20th century,

the most bloody in history, unfortunately. One of the lessons is, if you turn your back on aggression and genocide, in the end it will find you; it will force you to turn your face to it; and you will face carnage and will be drawn into it at a cost that is ultimately so much greater.

We achieved a great victory. I support this amendment to strike because the language in the underlying bill that it would strike I fear, I say respectfully, will snatch defeat from the jaws of victory. It will shake our alliance. It will send a message to Mr. Milosevic, as has been said over and over: Just wait it out; the United States is not a resolute power; it doesn't understand what it did in Europe.

It would encourage, unfortunately, those in Kosovo, particularly the Albanians I fear, to a certain extent the Serbs, to worry we are about to leave and to begin to take up arms again, the very arms, as part of this peace we are helping to enforce, they gave up. The Kosovo Liberation Army turned over its arms to the peacekeeping authorities.

I know those who have sponsored the underlying amendment have said it is not their intention to cut and run, to undercut NATO, to encourage Milosevic, but I fear that will be the effect of this proposal, notwithstanding the intentions of its distinguished sponsors.

If, as has been said by proponents of the underlying provision, this is just a message to our allies in Europe to meet their commitments, if it is just giving an opportunity to the incoming President next year, whomever it may be, whichever candidate it may be, to offer a plan to make a decision, then let's do that. Let's not put America on a course to withdraw, which is what this underlying proposal does, to literally cut and run. Let's leave it to the next President to make those decisions.

I was quite struck and appreciative of the statement Governor Bush has made on this. It is a statement that is made in the national interest. I hope all of us will heed it because it means the two major party candidates, Vice President GORE and Governor Bush, both have said they feel the underlying amendment would not only be bad for America's national security interests but is something they do not want because it will hamstring whomever is privileged to occupy the White House in January of next year.

Much has been said about the effects of this amendment. I want to just add this in addition to the way in which it will encourage Milosevic. Europe is stable now and yet not fully stable. A new Government has come to power in Russia. It is a Government that we are hopeful about and yet uncertain.

The people of Central and Eastern Europe, who lived under Soviet domination for, oh, those four and more decades, in some cases, are now beginning to stretch, to be free, to develop market-based economies, self-government,

national independence. Some of them—three—now have joined NATO; a whole other group—I believe it is nine—have been put in line. This is a historic development and the most extraordinary and enormous victory for the forces of victory and freedom that won the cold war.

I want to suggest to my colleagues that putting us on a course to withdraw our forces from Kosovo, from the peacekeeping effort, to withdraw our financial support for the economic and humanitarian reconstruction, will send a message of faithlessness, if I can say that, of irresoluteness, of lack of concern by the world's superpower—the beacon of hope for those who yearn for freedom and now have achieved it post-cold war in Central and Eastern Europe—that perhaps our commitment there is not firm, and that as they begin to enjoy the sunlight of liberty, we may be pulling back and not worried if the clouds begin to come over them again.

Our presence in Kosovo, important as it is to keeping the peace in Kosovo, is clearly more broadly important to the ongoing march of freedom for which we fought and won the cold war. In that sense, too, we would begin to be snatching defeat from the jaws of the great victory we won in the cold war.

The same is true for places of conflict throughout the world where this kind of American irresoluteness—what will appear to be, whether it is intended or not, a cut-and-run approach—will encourage the enemies of freedom, the enemies of the United States, to take action, with the hope that the United States does not care anymore, that we have grown either so comfortable or so isolationist that we have taken a shorter range of view and are not prepared to exercise the political, strategic, and moral leadership on which I continue to believe the world depends.

Much has been said here about the question of what our European allies have done or not done. I was at the annual security conference in Munich in February. We were battling with our European allies about whether they kept this \$35 million commitment they made. They had not kept it then. They have done it now.

But as has been said over and over again—I will not belabor it—the Europeans are paying more than their fair share, which is to say they are paying the overwhelming majority of the costs of the military and the humanitarian operation.

Although the numbers are very difficult to be totally comfortable about as to who has given what—and I have tried very hard, working with the Congressional Research Service, the World Bank, the European Commission, and the Department of Defense, to pin these down—it does seem to me that, overall, an argument could be made not just that the Europeans are paying 80 or 85 percent of the costs of these operations in Kosovo but that they have met the terms thereby of the Warner

part of the Byrd-Warner amendment. But the accounting can be difficult.

I think the amendment, if it is put in place, becomes meddlesome and troublesome because it sends a message of doubt about our support and, on a technical accounting basis, actually could put us in a position where the President could find it difficult, on the technicalities, to certify that the Europeans have done what this amendment requires them to do. Therefore, we would be on the road to withdrawal, with all the consequences I have described.

Surely there are better ways for us to express to our allies in Europe that we believe they are not meeting their commitments than this blunt instrument, putting this amendment on this appropriations bill. It is for that reason I support so strongly this motion to strike.

I will just add two general points. The first is from a very interesting column from the Washington Times by Mr. Tod Lindberg on Tuesday, May 16, in which he, quite correctly, points to the ambivalence Congress has expressed regarding Kosovo, an ambivalence which is so inconsistent; it reminds us that although Congress has the power of the purse, that is why we elect Presidents and we call them Commanders in Chief and why we expect them to make the foreign and military policy of our country, because with 535 of us, it would be hard for us to get together and do what we need to do to protect our national interests with the kind of authority a Commander in Chief can have.

Of course, we have the power of the purse, and we can exercise it. But we have tended, too often, to go in different directions. As Mr. Lindberg points out:

Kosovo, more or less from the moment the issues there became critical in the fall of 1998, has not exactly been Congress' finest hour. The nadir, perhaps, came a year ago during NATO's air campaign itself, [while our pilots' flying actions endangered themselves over the Balkans] when the House of Representatives voted within a short span not to support the campaign and to double funding for it.

Remember the words from the Bible: If the sound of the trumpet is not clear, who will follow into battle? And 535 voices often find it hard not to sound a clear trumpet. I think that has been the case here. It will be the case if we do not strike this provision from this bill.

Mr. Lindbergh finally, at the end of the column, makes a few points which I also would like to quote. He thinks what is expressed in this underlying amendment that we now seek to strike is not just concern about whether the Europeans are keeping their financial commitments, but I believe a strong argument could be made that they are; clearly, we are paying only a minority of the costs of this operation. That is undeniable.

What is at work here, Mr. Lindberg says—I think, correctly—is not just the

constitutional question that we have an obligation to exercise our judgment and decide whether we should stay or not—and, again, I say the way to do that is not to put us on a march to withdrawal when we are succeeding—but, he says, this amendment “also serves for some as a false flag flying over isolationist sentiment—an opportunity to vent discontent with a whole range of American commitments without openly stating the general case. For some, setting a deadline for the withdrawal of U.S. troops from Kosovo has nothing whatsoever to do with Kosovo; it's just the opportune application of a general principle of disengagement to a particular case.”

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. LIEBERMAN. I ask unanimous consent to have 2 more minutes.

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

Mr. LIEBERMAN. Mr. President, I do think we have to ask ourselves—I do not make any accusations here, of course, with respect to all my colleagues. Linger behind some sentiments is not just specific concern about Kosovo but what Mr. Lindberg calls, in the Washington Times, “the opportune application of a general principle of disengagement. . . .”

If it is that, it is extremely consequential. We have been tempted over our history and have fought the impulse of isolationism and disengagement from the world, and every time we have succumbed it has come back to cost us dearly.

I sat with our colleague from Nebraska, Senator KERREY, a week or two ago, discussing this very issue. Perhaps he has told this story on the floor. But he reminded me, on the 25th anniversary of the end of the Vietnam war, a newspaper asked him, because he is a distinguished and honored veteran of that conflict, whether he would write his thoughts about it. He said one of the thoughts that came to his mind is that 25 years after the end of the first war—which I referred to at the opening of my remarks—in 1943, the sons and some of the daughters of those who fought in the First World War, which ended in 1918, in 1943, were training for and beginning to go to war in Europe.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. LIEBERMAN. Mr. President, I ask the Chair for up to 5 more minutes. I hope not to use them.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LEVIN. I ask the Chair how much time remains on our side.

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. LEVIN. I yield 3 additional minutes.

Mr. LIEBERMAN. The powerful point of the Senator from Nebraska, Mr. KERREY, our distinguished colleague, was that, because the world and America did not learn the lesson of engagement after World War I, 25 years later

the sons and daughters of those who fought in World War I were again entering an even bloodier conflict, World War II. Twenty-five years after the end of Vietnam, because America had learned the lesson, had not turned isolationist, had been engaged, the sons and daughters of those who fought in Vietnam were not heading in massive numbers into a bloody world conflict. The price of that difference is involvement in potential conflicts which can grow into conflagrations, such as those in Kosovo.

Mr. Lindberg closes his op-ed piece by saying:

The deadline in the Byrd-Warner amendment seems clear enough. But a deadline for withdrawal is not a policy. It's an anti-policy. It says that as of the date specified, we don't care what happens. If that sentiment is ever powerful enough to override a presidential veto, we are going to have a world of trouble on our hands.

With all respect, this is a momentous vote the Senate will cast today. I urge my colleagues to vote for the motion to strike. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 61 minutes.

Mr. BYRD. I thank the Chair. I ask unanimous consent that the last 15 minutes of my remarks be reserved until just prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would allow the proponents to conclude, since we have to carry the burden here. Senator DASCHLE also wants to speak. If the Senator could speak his last 15 minutes, say, from 2 to 2:15, allowing the proponents to wind up, I think that would be the fair way to break this down.

Mr. BYRD. Well, I don't know. I think as good an argument could be made for those who have established an amendment here and who want to defend it at the end. I would like 10 minutes. I certainly understand Mr. DASCHLE's situation. He has time of his own. He has leader time he can use.

Mr. LEVIN. I wonder if the Senator from West Virginia might then reserve the last 10 minutes of his remarks from 2:10 to 2:20, allowing Senator DASCHLE to conclude by 2:30, so we could have the vote at 2:30.

Mr. BYRD. Yes, that is fine.

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

Mr. BYRD. Mr. President, the distinguished Senator from Michigan says this vote is not about power. He says it is about the wisdom of taking a vote on this matter. I hope I am not mischaracterizing his statement.

I say to him that this matter is about power. It is about the arrogance of power and a White House that insists

on putting our men and women in harm's way and spending their tax dollars without the consent of their elected representatives. Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy and no clearly defined goal?

We have heard a great deal of impassioned, occasionally inflammatory, debate over Kosovo in recent hours, the first such debate we have had since U.S. ground troops entered Kosovo 11 months ago as part of a NATO peace-keeping operation.

I welcome this debate. It's about time. And I am glad that so many Senators are engaged in this debate. But before we bring this discussion to a head, I think that we need to address some of the more outrageous claims that have been made about the Byrd-Warner provision. To hear some speak, this amendment will mean the end of civilization as we know it. Hardly. Hardly. I appreciate the usefulness of hyperbole in speech making as much as anyone, but it is time to bring this debate back to the realm of reality.

I have also heard, over and over again, that this provision is a slap in the face of our allies; that they are already shouldering the lion's share of the peacekeeping and reconstruction burden in Kosovo, and that what we are doing is tantamount to abandoning NATO. I simply don't buy that. I believe that Congress has every right to demand an accounting from the President on the level of effort that all the participants are expending in Kosovo. That to me is not a slap in the face of the allies; that is basic bookkeeping.

I read carefully the letter that General Wesley Clark, former Supreme Allied Commander of NATO forces in Europe, sent to Senator LEVIN. I was frankly shocked at his conclusions. Gen. Clark wrote: "In fact, these measures"—referring to the Byrd-Warner provision—"would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide"—how ridiculous—"and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans."

The Byrd-Warner provision is directed squarely at the institutional and constitutional responsibilities of Congress. Contrary to so much of the rhetoric that we have been hearing, the Byrd-Warner provision does not establish, as General Clark suggested, "a de facto deadline for a U.S. pullout" from Kosovo.

Those are strong words. Unfortunately, they wrongly characterize the Byrd-Warner provision. Our language does not establish a "de facto deadline for U.S. pullout" from Kosovo. The only deadlines our amendment estab-

lishes are directed at the President.—who may be Mr. Bush or Mr. GORE—and require him to seek congressional authorization to continue the deployment of U.S. ground combat troops in Kosovo.

Yes, I believe that U.S. ground combat troops should be withdrawn from Kosovo, in a safe, orderly, and phased withdrawal.

Our provision gives the administration a year to come up with an exit strategy. We don't have one. Is it too much to ask that we have one? It requires that two plans outlining a withdrawal be submitted to Congress—an interim plan to be submitted by the current President, Mr. Clinton, and a final plan to be submitted by the next President, be it Mr. Bush or Mr. GORE.

Moreover, our provision explicitly directs this President and the next President to develop their plans in consultation with our NATO allies, and to ensure that the plans provide for an orderly transition to an all-European ground troop element in Kosovo. We are not pulling the rug out from under our NATO allies. We are not discouraging them from seeing the job through. We are encouraging them to take full responsibility, in terms of ground combat troops, for the security of the Balkans. We are encouraging our allies to meet their commitments in Kosovo. We are encouraging them to demonstrate that the United States does not always have to be the lead dog in a NATO operation.

I have heard it said that the Byrd-Warner provision could deal a death blow to NATO; that the alliance will crumble if the United States brings a few thousand men and women home from Kosovo. That kind of talk is reckless; it is demoralizing to our allies. The NATO alliance will not collapse if the United States does not have ground combat troops in Kosovo. And if by some chance the allies are so shaky that the Byrd-Warner Kosovo provision would cause it to disintegrate, then I think we need to give some thought as to why we are lending such a major amount of support to such a paper tiger. I believe the United States is the strongest member of NATO, but I do not believe for a moment the United States has to prop up NATO at every step of the way.

Let me return for a moment to the notion that the Byrd-Warner provision sets a de facto deadline for a pullout of troops from Kosovo. Let me assure you that if Senator WARNER and I wanted to set a deadline for a pullout of forces from Kosovo, we would set it, and we would set it in stone. We do not do that. The Byrd-Warner provision does not mandate a troop withdrawal from Kosovo. Yes, it anticipates such a possible outcome, but it does not mandate it. If, in the wisdom of the next President, it is necessary to continue the deployment of U.S. ground combat troops in Kosovo, or if events in that troubled region of the world so dictate, our provision provides explicit direction for

the consideration, under expedited procedures, of a joint resolution authorizing the continued deployment of U.S. ground combat troops in Kosovo.

The intent of our provision is not to micromanage the Pentagon or the State Department. The intent of the provision is to restore congressional oversight—restore congressional oversight—to the Kosovo peacekeeping operation. By its inaction, Congress has allowed the executive branch to usurp Congress' constitutional authority in this matter. That is our fault, but it need not be our fault. We need not continue to let that happen.

The Founding Fathers vested in Congress alone the power of the purse. The Constitution is very clear on this matter. Article I, section 9 of the Constitution states:

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

Yet what are we seeing? We are seeing in Kosovo, as we have seen in so many other peacekeeping operations, a bastardization of that process. Instead of Congress appropriating funds for expenditure by the executive branch, the executive branch has adopted the practice—arrogant practice—of spending the money first. That is what they have done here—spending the money first and then asking Congress after the fact to pay the bills.

I wonder if my colleagues can see the pattern here: Buy now, pay later. Spend the money first, borrow from the military readiness accounts, and then give Congress no alternative but to reimburse the money. That is what has happened here. Trust me, this is not what the Founding Fathers had in mind when they created the Constitution of this Nation.

As heir to that wisdom, every Senator has a duty to guard vigilantly the rights bestowed on Congress by the Constitution, and no such right is more central to the separation of powers on which our system of Government is built than the vesting in Congress alone the power of the purse.

The issue is not only what policy the United States should be following in Kosovo; the issue is also whether the Congress is upholding its authority, its powers, its rights and responsibilities under the Constitution. I submit that by allowing the executive branch to de facto determine the expenditure of appropriated funds, we are not.

It was reported some months ago that the United States is building—hear this—semipermanent military buildings at Camp Bondsteel in Kosovo. These so-called C-huts are designed to last 5 years before major repairs are required. According to a report in the Washington Times on March 1, the Army is putting up 300 of these structures at a cost of about \$175,000 each. Well, you can do the math yourself. It adds up to a \$52.5 million investment in military construction in Kosovo. This sounds to me like the U.S. military is putting down serious roots, long-time roots, deep roots, in Kosovo.

The fiscal year 2001 military construction appropriations bill is the matter pending before the Senate today. Scores of needed infrastructure projects that must be funded by this bill have gone begging because there is not enough military construction funding to go around. The \$52.5 million being spent to construct those C-huts in Kosovo would go a long way toward funding some of the backlog of projects that we have in this country. Mind you, I believe that if the United States chooses to send its men and women in uniform on missions to far-flung parts of the world, they deserve a decent standard of living.

My question is: Why is the administration planning for a 5-year or more stay in Kosovo without bringing the matter to Congress? That is my question. Why are you, down there at the White House, and at the Pentagon—why are you, in the executive branch, planning for a 5-year stay or more in Kosovo without bringing the matter to Congress and getting Congress to authorize this? Should Congress not have a voice in the expenditure of the people's money? Should Congress not have a say in such deployments? Should the American people not have a voice in whether they support such a deployment, such a long-term deployment? I have read where some generals in NATO say it will be 5 years or it will be 10 years. Others have said it will be a generation. I believe Congress and the American people should—no, not should, but must—have a say in how the United States is deploying its increasingly scarce military resources.

We hear they have recruitment problems in the services, in all of the services, except perhaps for the Marines. They are having recruitment problems, we are spreading our forces thin all over the globe.

Time after weary time, we have had the same gambit from Administrations, both Democratic and Republican. Send the troops in, and Congress will not have the fortitude to pull the plug. Once we get the men in harms way, so the argument always goes, it is dangerous to talk about pulling them out. It is especially dangerous to set a date certain for them to leave. Heaven help us. Never do that. Don't set a date certain. How many times have we heard that same old tune? It turns logic on its head. Just as we went into Bosnia, they said we will just be there about a year. Now we are in the fifth year. That is the administration leading us in and then believing that Congress won't have the fortitude to pull the men and the women out. That kind of logic asks us to believe that pulling troops out of harm's way is potentially more dangerous than leaving them in harm's way.

The Executive Branch is much more inclined to use our military might to accomplish various policy objectives, such as nation building—policy objectives which may not be supported by the American people or their elected

Representatives in the Congress. We have lately seen the use of American boys and girls to enforce objectives authorized only by U.N. Resolution, which raises a serious question of national sovereignty in the mind of this Senator. I have perused the Constitution very carefully over the years, and I see no reference to conflict by U.N. Resolution or NATO Resolution. It is the Congress and the Congress alone which the Framers entrusted with the awesome decisions to send America's sons, and now her daughters as well, into situations which might mean their death.

No armed conflict can succeed without the support of the American people. It didn't succeed in Vietnam because it didn't have the support of the American people. It is their sons and daughters which we send to fight and to possibly die. It is their tax dollars which pay for the missiles and the tanks and the bullets. We enter into armed conflict at our peril if there is no consensus among the people to take that course. And the best way that this Senator knows to achieve such a consensus is for such matters to be debated and debated thoroughly on the Floors of the Senate and the House of Representatives, and then for a vote to be taken that reflects the people's will. The most solemn duty which we have as legislators and as sworn representatives of the people who sent us here is to decide whether to ask young Americans to put their lives at risk. To abdicate that duty to a President—to any President, a Democrat President or a Republican—to abdicate that duty to any chief executive is wrong. It circumvents the Constitution, it bypasses the people, and it short changes the nation because the people's will is never even known, never even known much less considered until the body bags start coming home. There are those who will say that this Kosovo provision sets up a process which is too cumbersome. Some will say that Congress cannot be asked to declare war every time there is a skirmish in the world. Well, of course, Congress should not have to frame an official declaration of war for each and every conflict. But, it should have to authorize in some way the conflict, and agree or disagree with its objectives.

Of course, the Administration will not like it. They never like it. They do not want to see the Congress exercise its constitutional duty in matters of this kind. They don't want Congress to lift a hand. They do not want Congress to say a word. Congress needs to be quiet. They want a free hand. The administration wants a free hand to participate in military adventurism whenever and wherever they please. And they do not brook interference by the Congress, the elected representatives of the people, the directly elected representatives of people, unlike the President who is indirectly elected by the people. Presidents are elected by the electors who are elected by the people. If they can avoid it, they don't

want the Congress to even whimper—just do not hear a peep, not a peep, out of Congress. But this is not the way it ought to be.

The military is not a plaything or toy, subject to the whim and caprice of a chief executive. The title “Commander in Chief” does not make any President a king, free to send America’s men and women in uniform wherever he may bid them to go, free to commit America’s resources to battle or to police actions or to peacekeeping without brooking any interference by Congress. Congress is not just the place that pays the bills although the executive branch would like that. They would like the Congress to be only the place to pay the bills. That is all. But Congress is not just a place to pay the bills. The legislative department is an equal and coordinate department with the executive, even though it is sometimes hard for the executive branch to fully understand that.

As to the war powers, these are meant to be shared between the President and the people’s elected Representatives in Congress. Let there be no doubt: The Framers intended for the Congress, in the final analysis, to hold the upper hand and have the final say.

That is why the framers vested the power over the purse in Congress. Let us take a look at the Constitution. I hold it in my hand.

These are the powers of Congress. Congress shall have the power “To declare War.” Congress shall have the power to “grant Letters of Marque and Reprisal.” Congress shall have the power to “make Rules concerning Captures on Land and Water.”

Hear me. This is the Constitution speaking.

Congress also has the general power “To raise and support Armies.”

Congress shall have the power “To provide and maintain a Navy.”

Congress has the power “To make Rules for the Government and Regulation of the land and naval Forces.”

Congress shall have the power “To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repeal Invasions.”

Congress shall have the power “To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.” Add to these powers contained in this Constitution the power “to exercise exclusive legislation . . . over all places . . . for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings . . .”

Congress has the power “To lay and collect Taxes” to defend this country.

Congress shall have the power to “provide for the common Defense.”

That is what this Constitution says.

Congress shall have the power “To borrow money on the credit of the United States.”

That is what the Constitution says.

Congress shall have the power “To make all Laws which shall be nec-

essary and proper for carrying into Execution the foregoing Powers.”

And finally, this Constitution says, Congress has the greatest power of all. Congress is given the power in section 9, article I: “No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.” Thus, the scope of the warpower granted to Congress is, indeed, remarkable. The intent of the framers is clear.

Now let us examine the war powers that flow from the Constitution to the President of the United States. In section 2, article II, the Constitution states: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.”

That is it. That is it, lock, stock, and barrel, except the Constitution says that the President “shall Commission all the Officers of the United States.” But that is it.

So compare what the Constitution says with respect to the powers of the Congress when it comes to warmaking, when it comes to the military, with the powers the Constitution gives to the President:

The title, Commander in Chief, was given by the Framers to the President for a number of reasons. As Hamilton said in *Federalist* #74, the direction of war “most peculiarly demands those qualities which distinguish the exercise of power by a single head.” The power of directing war and emphasizing the common strength “forms a usual and essential part in the definition of the executive authority.” That has to be by a single head. This clause of the Constitution also protects the principle of civilian supremacy.

It says that the person who leads the Armed Forces will be a civilian president, not a military officer.

Consider the language in the Constitution: “The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.” With respect to the Army, the Congress, not the President, does the raising and the supporting; with respect to the Navy the Congress, not the President, does the providing and maintaining; with respect to the militia, when called into the actual service of the United States, Congress, not the President, does the calling.

So, the President is Commander in Chief of the Army and Navy, but without the power of Congress, there can be no Army and Navy to command, and the President’s title would be but an empty title.

Thus, we should clearly see that the Constitutional Framers took Blackstone’s royal prerogatives and gave them either to Congress exclusively or assigned them on a shared basis to Congress and President. This Administration and most of the recent Administrations that have immediately pre-

ceded it seem never to have understood this salient fact that the President’s warmaking powers are not omnipotent as were those of the King of Great Britain. The Framers gave the political compass a 180 degree turn. The delegates at the Philadelphia Convention repeatedly emphasized that the power of peace and war associated with the monarchy would not be given to a President of the United States. Charles Pinckney, one of the delegates to the convention from South Carolina, supported a vigorous executive. Pinckney was afraid Executive powers of [the existing] might extend to peace and war &c which will Render the Executive and Monarchy, of the worst kind, to wit an elective one.’ John Rutledge endorsed a single executive, ‘tho’ he was not for giving him the power of war and peace.’ Roger Sherman looked upon the President as an agent of Congress, and considered ‘the Executive majesty as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the depository of the supreme will of the Society.’

What about James Wilson of Pennsylvania?

James Wilson endorsed a single executive, but did not consider ‘the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a Legislative nature. Among others that of war & peace &c.’

How about Alexander Hamilton from the great State of New York?

Alexander Hamilton, in *Federalist* #69, differentiated between the power of the monarchy and the power of the American President. Hamilton stated that the President, under the Constitution, has “concurrent power with a branch of the legislature in the formation of treaties,” whereas the British King “is the sole possessor of the power of making treaties.”

Control over the deployment of military forces was vested in Congress, as we can see from reading the Constitution. Madison emphasized that the Constitution “supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it.” We have seen that to be the case. “It has accordingly with studied care, vested the question of war in the legislature.”

On the power of declaring war, from Madison’s notes, an incisive colloquy occurred at the Constitutional Convention on August 17, 1787. I now read from Madison’s notes: “Mr. Madison and Mr. Gerry moved to insert ‘declare,’ striking out ‘make’ war; leaving to the Executive the power to repel sudden attacks.

“Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. ‘Make’ better than ‘declare’ the latter narrowing the power too much.

"Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

"Mr. Ellsworth. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war, than into it. War also is a simple and overt declaration. Peace attended with intricate and secret negotiations."

What about George Mason?

"Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred 'declare' to 'make.'

"On the motion to insert declare - - in place of make, it was agreed to."

Louis Fisher comments on the reaction taken at the Philadelphia Convention: "The Framers empowered the President to repel sudden attacks in an emergency when Congress was not in session. That power covered attacks against the mainland of the United States and on the seas. The President never received a general power to deploy troops whenever and wherever he thought best. When Congress came back in session, it could reassert whatever control on military activity it considered necessary.

James Wilson expressed the prevailing sentiment that the system of checks and balances "will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large."

Madison insisted that the Constitutional liberties could be preserved only by reserving the power of war to Congress. Madison stated: "Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded. They are barred from the latter functions by a great principle in free government, analogous to that which separate the sword from the purse, or the power of executing from the power of enacting laws."

When Jefferson saw the draft Constitution, he praised the decision to transfer the war power "from the executive to the Legislative body, from those who are to spend to those who are to pay." The Administration, and all Senators who may be prone to advocate an all-powerful executive, should take note.

I have already referred to General Clark's letter, to which our attention was called by Senator LEVIN last week. That letter brings to mind another letter to which I shall refer. Presidents, of course, are in a position to deploy forces in military environments before Congress has a chance to deliberate and decide what policies should be followed, and Presidents often do that. The potential for engaging the country

in war was demonstrated by President Polk's actions in 1846, when he ordered General Zachary Taylor to occupy disputed territory on the Texas-Mexico border. His initiative provoked a clash between American and Mexican soldiers, allowing Polk to tell Congress a few weeks later that "war exists." Although Congress formally declared war on Mexico, Polk's actions were censured in 1848 by the House of Representatives because the war had been "unnecessarily and unconstitutionally begun by the President of the United States." One of the members of the House of Representatives who voted against Polk was Representative Abraham Lincoln, who later wrote to William H. Herndon:

Much ado has been made of General Clark's letter to Senator LEVIN. Let's read Abraham Lincoln's letter to William H. Herndon:

Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't." The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

I wonder what Lincoln's advice would be to us today as we reflect upon the Administration's actions in Kosovo? Now that Congress has spent many months of complacent quietude before mounting a challenge to the Administration's continued usurpation of Congress' share in the war powers, we learn that the Administration fiercely opposes the Byrd-Warner Amendment. Why so? Is it too much to ask of the Administration that it come up with an exit strategy over the next year? Is it too much to ask of the Administration that it develop plans, in consultation with our NATO allies, for an orderly transition to an all-European ground troop element in Kosovo? Is it too much to ask that, if there is a necessity for the continued deployment of U.S. ground troops in Kosovo after July 1, 2001—or October 1, 2001 which we hope to make the date and will make it in conference—the President must request specific authorization for such continued deployment of U.S. ground combat troops in Kosovo, and that Congress must enact a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo?

Is it too much to ask that the peoples Representative—people out there, their Representatives—be allowed to speak? What is wrong with that? Why is the Administration so suddenly very hysterical about this amendment? Very hysterical? They are panic stricken. They sent their big guns to Congress. They have even sent General Clark up to address the Democratic conference. What business does he have in the Democratic conference? Here we have in this Constitution, we have civilian control over the military, but here we find General Clark in the Democratic conference, trying to tell Senators what the intent of the Byrd-Warner amendment is, trying to tell Members of Congress what their constitutional duty in this institution is.

Does the Administration believe that the possible justification for the continued deployment of U.S. ground combat troops in Kosovo after July 1 of next year would be so weak that the Administration dare not face the risk of a vote by Congress in this regard?

I say to my colleagues in the Senate: Each of us has taken an oath to support and defend the Constitution of the United States and we take that oath because this Constitution requires Senators and Members of the House of Representatives to take that oath. Now is the time to live up to that oath. We must insist that the war powers that devolve upon Congress, under the Constitution, be preserved and protected against usurpation by this or any other administration. Nobody is talking about a declaration of war in references made to the powers and responsibilities of Congress in this situation. Nonetheless, any careful reading of the Constitution should make it as clear as the noonday sun in a cloudless sky that when American combat troops are deployed in a foreign country under circumstances where the lives of those troops are put in jeopardy by possible combat in a potential battlefield situation, the Congress is not required to remain silent. Remaining silent can become a habit. Congress can sleep on its rights until it can no longer claim those rights. And let us remember that it is also the people's rights on which we sleep.

As the late Justice of the Supreme Court, George Sutherland said in *Associated Press vs. NRIB*:

For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

The supporters of the Byrd-Warner amendment are stretching forth a saving hand while yet there is time. I hope that all Senators will take this occasion to assert the rights and powers of the legislative branch to which you belong, to which I belong, in respect to the conduct and use of the American military while there is yet time. If we allow the continued encroachment of these powers, which were meant by the Framers to be shared by the legislative



branch, future generations of Americans will not rise up and call us blessed.

Whether the next President comes up with a strategy to turn the ground troop element of the Kosovo peace-keeping operation entirely over to the Europeans, or whether Congress authorizes the continued deployment of U.S. ground troops in Kosovo, we will have taken affirmative action. We will have protected the people's rights—the people's rights—and exercised our responsibilities under the Constitution. We will have done our duty, as we have all solemnly sworn before God and man to do.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining, plus the 10 minutes that has been reserved at 2:10.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the Senator has no more time under his control. The Senator from Michigan, Mr. LEVIN, has control. If there is not another speaker, I see no other recourse but to put in a quorum call.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thought we agreed on a schedule—perhaps I am mistaken—that Senator BYRD would be going from 2:10 p.m. to 2:20 p.m.; that then Senator DASCHLE would go from 2:20 p.m. to 2:30 p.m. Am I correct there are 22 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. We would precede Senator BYRD with our 22 minutes. That means Senator BYRD has 8 minutes left. I thought that was going to be used at this time. If Senator BYRD does not use that time now—at least my understanding was we either go to Senator WARNER or Senator BYRD before Senator MCCAIN and I use our 22 minutes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, we have had an orderly debate. We started last night at 5 o'clock. We have moved along. This will be the first quorum call in the 10 hours scheduled for this debate. We have tried to be as cooperative as we could all the way along. I have no more control of the time. I suggest there be a quorum call placed, since no one seeks recognition, and it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I have 8 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield 2 minutes of my 8 minutes to Mr. WARNER, I yield 4 minutes of my 8 minutes to Mr. LEVIN, and that leaves me 2 minutes of the 8 to add to the 8 that I will have later.

Mr. WARNER. Mr. President, it had been my hope as cosponsor of the bill to have the opportunity to make some rebuttal arguments to those who are about to speak. Since that will not be possible, I will take my 2 minutes to sum up the manner in which I view this entire debate of those who have come to strike the Byrd-Warner inclusion in this appropriations bill.

I am reminded of the immortal words of a great President, Franklin Roosevelt, when he said: The only thing this Nation has to fear is fear itself. Underlying the debate of those who are considering striking this language is the fear that the next President will be unable to convince the Congress to do what is right for America. That is what it is—fear.

I say to those who have fear, if there is not a simple majority, but 51 votes, to support the next President, then logic says to me that the continuation of those deployments in Kosovo are not in the public interest or the national security interest of this country. It is as simple as that. If there are not 51 votes for it, we should not be there, and we may as well stand up and face the world and say that this body, with coequal responsibility, has exercised its voice.

I committed earlier in this debate and I commit now that if the next President makes a strong case, he will have the Senator of Virginia voting and supporting him. I have confidence in this institution to make the right decision, and in this Senator's heart, he has no fear. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Michigan, Senator LEVIN, for his leadership on this issue. This has been an excellent debate, probably what we should have a lot more of in this body on a variety of issues that confront the Nation and, therefore, call us to our duties as the Senate and the Congress.

I agree with Senator BYRD when he quoted Congress should not remain silent. Unfortunately, we passed a law some years ago called the War Powers Act. That act—and I believe Senator BYRD was here at the time of its passage—has been largely ignored, both by the executive branch and by the legislative branch.

On numerous occasions, I have approached leaders on both sides and said

we are violating the law called the War Powers Act, and we blithely ignore that law. Yet when we pass laws that affect our fellow citizens, we do not allow them to ignore the laws we pass.

It is a bit disgraceful, really, that we have a law on the books which we fail to address, particularly since this law is concerning an issue of no small importance; in fact one can argue, I think persuasively, of the most importance, and that is when and under what circumstances we send young men and women into harm's way.

Since we ignore the War Powers Act, the power that the Congress has, which I respect, revere, and believe is entirely appropriate under our constitutional responsibilities, is the ability to cut off funding for any military enterprise in which this Nation enters. I think that is clear. I do not think there is any argument about that.

If the Byrd-Warner amendment was about cutting off funds for further deployment of U.S. military forces in Kosovo, I would be much more comfortable about this debate and what it is all about, but what we are doing is very unusual. I have not been here as long as some of the other Members of this body, but I have never seen an issue of this import placed on a military construction appropriations bill which generally is a routine piece of legislation, except for a few of us who come over and complain about the pork-laden aspects of it. But it is a routine piece of legislation.

Now it is a vehicle for debate and decision over an issue of grave importance, in the view of certainly General Clark, certainly Secretary Cohen, certainly the Secretary General of the North Atlantic Treaty Organization. We are talking about an issue that can impact the issue of war or peace in the center of Europe. And what have we done in the Senate? We have placed it on the military construction appropriations bill. This legislation should have been the subject of hearings in the Foreign Relations Committee and the Armed Services Committee. It should have had a legislative vehicle that proceeded through both committees and then came to the floor of the Senate. In an incredibly bizarre fashion, both committee chairmen and ranking members, in my view, have abdicated their responsibilities as committee chairmen and the oversight of issues of this grave importance.

What is more bothersome is the fact that we are conditioning this vote on another vote that will take place sometime—which may be changed by the sponsors of the bill. On what are we voting? We are voting to propose a situation which would then require another vote.

As I have said, I have not been here a long time, but I have not seen anything quite like this. Our responsibility is not to have a vote on an issue that at a time certain requires another vote which, if affirmative, would allow the President of the United States to carry

out his duties as President of the United States. What this vote should be about is funding, yes or no. Do we want to fund further operations in Kosovo or do we not? We have enough information to make that decision. Members of this body have been informed.

When the distinguished Senator from West Virginia, for whom I have the greatest respect and admiration, says Congress should not remain silent, my answer is, Congress should not speak in this fashion. Congress should not be speaking in this fashion. Congress should be speaking, as is its constitutional responsibility, to fund this operation or not to fund it.

I am concerned about burden sharing. I have been concerned about it all my days here in the Senate and before that in the other body. I am concerned about what are the rules of engagement. I am concerned about the role of our European allies. All of those things should be taken into a context in which Members should make a decision as to whether we stay or go.

With all due respect, we are taking a vote to put off a vote which would have profound consequences. The Congress, in my view, is not fulfilling its responsibilities when it addresses this issue in this fashion.

In the 1980s, I was in the minority and my party held the Presidency of the United States. All through the 1980s, there were attempts at micro-management of U.S. foreign policy, particularly in Central America. Some of the bitterest debates I ever observed in the House of Representatives and here in the Senate concerned our involvement, our support for certain elements, our support for freedom and democracy in Central America.

I, as did many of my colleagues on this side of the aisle—who I understand are now supporting this resolution—opposed that very same kind of micro-management on the part of Congress when the other party was in control of the White House.

I am very pleased to see the nominee of my party, Gov. George Bush, with whom I had a very spirited contest over the previous year, step forward forthrightly and say this is an "overreach of congressional authority."

Governor Bush has it right. President Clinton has it right. Secretary Cohen has it right. And every objective observer that I know has it right.

The Washington Post of May 11, 2000, states:

But the Senate measure is the wrong answer to these legitimate concerns.

We did not have to get into Kosovo. It was through the ineptitude of this administration where they tried to impose an agreement, called the Rambouillet agreement, which Mr. Milosevic could not accept. Then we carried out, in my view, one of the more immoral military actions in the history of this country. I say that because of the tactical way we conducted it: Flying our airplanes around at such

high altitudes that our planes would not be shot down but we needlessly inflicted civilian casualties. That is a shameful kind of operation on the part of the U.S. military.

The Washington Post says:

But the Senate measure is the wrong answer to these legitimate concerns. By establishing a de facto deadline for a U.S. pullout, it would actually discourage U.S. allies—who are, after all, providing the lion's share of the ground forces already—from seeing the job through as Sen. WARNER and others wish. It tells the enemies of a democratic, multi-ethnic state in Kosovo—Serb and Albanian—that they can wait out the Americans.

That is really what the message, if we adopt this resolution over a clear Presidential veto, would be: We can wait you out. We can wait you out, Americans, because we know you're going home.

The Secretary General of NATO, a man who is respected by all of us, sent us a letter.

I quote from that letter:

In my view, while ensuring proper burden-sharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

That is the key. As critical as the burdensharing issue is, we should be deciding this issue solely on the basis of whether or not it is in the U.S. national security interests to have a military presence in the middle of Europe in Kosovo.

Burden sharing is an important issue. We now hear, even from the cosponsor of the legislation, Senator WARNER, that he is pleased with the increase in the burdensharing responsibility that has been taken up by our European allies. But this issue should not be based on burden sharing; it should be based on where our national security interests lie.

The Secretary General of the North Atlantic Treaty Organization goes on to say:

I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

The Secretary General of NATO does not just speak for himself, and even the NATO alliance, but I think he speaks for all of Europe when he says: "I hope I can count on continued U.S. support."

Since 1945, the United States has had a military presence in Europe. Any objective observer will tell you, our victory in the cold war was due to our steadfast presence.

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

Mr. MCCAIN. I ask unanimous consent for an additional 30 seconds.

Mr. LEVIN. I yield an additional minute to the Senator.

Mr. MCCAIN. It is an important debate. It is an important issue. Will the

forces of isolationism and withdrawal prevail or will the United States continue to hold its rightful position as the military and economic leader of the world?

The language currently in the bill represents not just bad policy, but bad law. Its inclusion in the Military Construction Appropriations Bill is highly inappropriate. The Congressional committees that oversee the Armed Forces and our nation's foreign relations should have the opportunity to review and debate national security matters of such consequence. The Kosovo withdrawal language in the Military Construction Appropriations bill is unprecedented and will certainly prompt a veto by the President. For these reasons, it is imperative that we move to strike Section 2410 by voting in favor of the Levin-McCain amendment.

The requirement in the bill for a withdrawal of ground forces unless Congress passes a joint resolution authorizing their continued deployment is precisely the kind of provision that Congress should never impose upon any Chief Executive. Congress has within its constitutional authorities the power of the purse—the legislative means to terminate funding for an ongoing military operation. It is historically reluctant to exercising that authority, even when the majority oppose the operation in question. But we should never impose the kind of statutory burden on any President that this bill seeks to impose.

Clearly, this Administration could have—and most definitely should have—dealt more forthrightly with Congress and the American public from the beginning. Had it done so, it likely could have avoided this kind of exercise. As with Bosnia, however, its arrogance and ineptitude left many in Congress with a sense of having to act lest its rightful place in the debate over the U.S. role abroad would be completely ignored. The result is the damaging language currently in the bill.

Congress has been down this road many times before. The propensity of the Administration to deploy American military forces with seemingly wanton abandon on ill-defined missions of indeterminate duration is repeatedly met with efforts by Members of Congress to legislate the terms of those deployments. We can, and most assuredly will, revisit the question of separation of powers on national security again and again. The Founding Fathers built into our system of constitutional government certain tensions designed to prevent a potentially dangerous shift in the balance of power between branches of government.

We last debated the issue of war powers and the U.S. role in Kosovo in March 1999. The War Powers Resolution, which many view as unconstitutional, ironically proved to be the vehicle by which both Houses of Congress finally consented to debate the issue in its totality, including my failed effort to authorize the use of ground forces in

Kosovo during Operation Allied Force. That debate was illuminating for the degree to which it illustrated the depth of opposition on the part of many senators to the military operation. That opposition, of course, is what lies behind the language on Kosovo in the bill before us today.

I am fully supportive of measures designed to improve the burden-sharing arrangements under which we operate alongside other nations, especially in contingencies that should never have required U.S. military involvement in the beginning. For this reason, I am not opposed to the burden-sharing language in the bill, although the frequency of the reporting requirements are somewhat excessive. I take issue, however, with the draconian measures the bill mandates should the answers we receive from the President not meet our expectations.

And make no mistake. When I refer here to the President, I refer to the Office of the Presidency, for the language in this bill will have far-reaching and damaging consequences for all future occupants of the Oval Office. Funding cutoffs and mandatory troop withdrawals that must occur based on future circumstances absent congressional action, such as are reflected in this legislation, represent Congress at its worst. By requiring enactment of a congressional joint resolution authorizing the continuation of our current role in Kosovo, we are establishing a very dangerous precedent that will seriously weaken this nation's ability to conduct foreign policy long after many of us have left this most august of bodies.

I would ask supporters of Section 2410 what they believe would be accomplished by the provisions limiting funding pending presidential certification with regard to allied burden-sharing. Burden-sharing is a legitimate issue for discussion. To threaten funding cut-offs for troops in the field in the middle of an ongoing operation over the issues of equitable distribution of workload and financial commitment, however, is irresponsible in the extreme.

The strategic ramifications of Section 2410 should not be underestimated. The United States has important national security and economic interests around the world that are affected by what we do here in Congress. By mandating a troop withdrawal from an ongoing operation, we threaten those interests by emboldening our adversaries. Slobodan Milosevic is a calculating and ruthless individual with a record of responding to outside pressures and inducements, retreating when necessary; conducting brutal campaigns when the opportunity avails itself. A precipitous withdrawal of U.S. ground forces while Kosovo remains unstable and the potential threat to Montenegro looms over the horizon will undermine our interests in Europe and around the world. That is a path down which we do not want to go.

Additionally, the implications for NATO must be considered. The United

States has a very definite stake in the evolution of a European Security and Defense Identity, as manifested in the efforts by our allies to establish the so-called Eurocorps. It is not in our interests for such a unit, should it take shape and mature into a viable force, to act independent of U.S. influence— influence that would be severely undermined by a unilateral action of the kind contemplated in this bill.

Clearly, the failure of our European allies to deploy the numbers of police officers necessary to accomplish the mission of pacifying the region without the continued use of military personnel untrained in such activities has been very troubling. And I would be hard-pressed to defend the conduct of the operation in light of internal U.S. military disagreements regarding the deployability of U.S. troops from their sector to areas like Mitrovica where tensions and the propensity for violence remain high. This has not been a well-conceived mission. But there are worse alternatives, and the approach represented in this bill is one such example.

A far better approach, I would suggest, would dispense with the automatic funding cut-offs currently in the bill. Rather than automatic cut-offs in the event presidential certifications fall short, Congress would still be free to offer legislation terminating the U.S. role in this operation. A vote by Congress to act affirmatively to cut off funding, while I would oppose it, is less damaging to U.S. foreign policy than is a triggering mechanism written into law—the object of the authors of the current language. And we would avoid establishing a very dangerous precedent that I would like to think few among us actually wish to see materialize.

Mr. President, you do not have to be a supporter of the manner in which the operation in Kosovo has been conducted in order to have serious problems with this language. It is a peace-keeping operation in a region where the commitment to peace remains tenuous.

Many in Congress and the public we represent want out of Kosovo. We should never have had to go there to begin with, but for the unwillingness of our European friends and allies to act swiftly and decisively to prevent a brushfire from becoming a raging inferno. But we should not willingly commit untold damage to our future ability to conduct foreign policy when alternatives may exist. And we should never undercut our forces in the field out of pique that other countries are failing to shoulder their share of the load—especially when the burden-sharing issue has devolved primarily to one centering around the deployment of police officers.

We had every right to be angered by what Generals Clark and Reinhardt referred to as the hollowing-out of allied force contingents. The quiet, almost surreptitious withdrawal of soldiers by

key allies was not their finest hour. But forceful diplomacy, not congressionally-mandated troop withdrawals, is the answer to such problems. The language in this bill is counterproductive and damaging to U.S. foreign policy. We should not compliment a questionable policy with even worse legislation. I urge my colleagues to support the removal of Section 2410 from the bill and vote yes on the Levin-McCain amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask Senator BYRD for 50 seconds.

Mr. BYRD. I yield the Senator 2 minutes.

Mr. WARNER. I say to my good friend from Arizona, we respect his judgment, his long association with the U.S. military, and indeed his depth of knowledge as it relates to security and foreign affairs. While I respectfully differ, I nevertheless think it has been a constructive and important part of this debate.

May I also, at this time, congratulate the Senator on 20 years of a great marriage, which he celebrated last night.

Mr. MCCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my good friend from Arizona for his statement and for the clarity and passion he brings to this issue, as he does on so many important issues confronting this Nation, including our security, and thank him for his longstanding involvement and contribution to this Nation's well-being. His voice in this debate is an exceedingly important one. I hope all Members have had a chance to listen to his remarks today.

Mr. President, I wonder if I could ask what the time situation is. How many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has until 2:10.

Mr. WARNER. I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have gone back and forth on this question. Let me start by making a couple of quick points.

First of all, I would be more than pleased to test this question about whether or not we should have a peace-keeping force in Kosovo. I would be more than pleased to have an up-or-down vote on the Kosovo peacekeeping operation today or this week. Frankly, I think that is the way we should do it. That would be a true test of accountability.

I have a high doctrine of War Powers and have always insisted on appropriate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that is required by our Constitution and by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation and this peacekeeping operation

in Kosovo. Kosovo is a peacekeeping and peace enforcement effort. Our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course, we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what is at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay and to do their jobs as they have been asked to do, without the prospect of their funding from the United States getting cut off if our European allies do not meet the somewhat arbitrary standards set out in this bill, some of which many in the administration say may not be able to be met in terms of the current timetable.

Mr. President, it is with some regret that I oppose this provision to effectively impose a deadline for Kosovo peacekeeping efforts, and to support efforts by Senator LEVIN to strike it from the bill. While I support many of the foreign policy goals which Senators BYRD and WARNER have identified in this debate, I believe the amendment itself would likely put at serious practical risk the peacekeeping operation in Kosovo which, while not without its flaws, is one which I support.

I regret that I am not able to support this effort not only because of the respect and admiration I have for these two men, but also because I do share some of their concerns, most especially about ensuring our appropriate and constitutionally-mandated congressional role in decisions regarding war and peace. But while it is clear that we need to intensify the dialogue between the Administration and Congress on the larger questions about the circumstances under which we enter into peacekeeping commitments, and the criteria by which we decide that issue, this set of complex foreign policy questions should not be decided in this way, on this bill, in a way which potentially undercuts our peacekeeping efforts on the ground in Kosovo.

I support what I believe are the key underlying goals of the amendment: prompting a comprehensive debate on the Kosovo peacekeeping operation, its successes and failures; ensuring fair burden-sharing by our European allies, including on civilian police; and intensifying executive-congressional consultation on future decisions made regarding peacekeeping and peace enforcement operations in the region.

Of course we in Congress must continue to keep a close watch on the situation there, and intervene—forcefully and directly, if necessary, through the power of the purse or otherwise—if we believe the administration is going in the wrong direction. And I know that both Senator WARNER and Senator BYRD have pressed the administration on the burdensharing issue for many months, and have had some real success in helping to ensure a fairer proportion of U.S. to European assistance.

The fact is that we have about 5,900 of the approximately 39,000 troops in the region now; overall we are providing, according to the Administration, only about 15 percent of the troops and reconstruction aid for this effort. While it is important to continue to press to make sure the Europeans follow through on their commitments of resources and police personnel, I do not think fifteen percent is too much for us to bear to help our allies keep the peace in this troubled region. International peacekeeping must be a joint effort, with shared burdens, shared responsibilities and shared risks.

That is why I think it would be in a way more honest, more responsible, for those who wish to test the question, to simply prompt a debate by calling for a vote up or down on the Kosovo peacekeeping operation. If there are those who want to press that question, that would be a test of true accountability. We could vote on that this week. But I think most of us suspect that if the question were posed that starkly, many who might end up supporting this resolution, with its elaborate formula and framework for a potential withdrawal, would not vote to pull out our troops. They would not want to so grossly and suddenly undercut our troops, our allies, and those in Kosovo, Albania, and elsewhere in the region whom we have labored so mightily to protect in the past two years.

On the whole, our peacekeepers, and those of our allies, have done a remarkable job of enforcing, in a difficult and tense environment, an uncertain peace. Their presence has clearly helped to avoid a return to the horrendous violence that we all witnessed in Kosovo, and that NATO fought so hard to stem. Let's not forget that the ethnic cleansing that prompted our presence in the first place has been stopped, and that a return to the fighting has been prevented by the peacekeeping forces on the ground. Given the fragility of the current peace, it seems to me a likely result of our withdrawal would be a withdrawal by our allies, followed by a return to such fighting.

I share some of the frustration expressed about the Kosovo operation. While it is clear that some functions of this force could have been handled better, and that all parties involved could strengthen efforts—by the administration, by civilian police on the ground, by the UN bureaucracy, by those nations who have sent sometimes inadequate aid, or who have failed to live up completely and a timely way to their commitments—the peacekeeping forces have done a good job, under harrowing circumstances, and we should not undercut them, directly or indirectly, by passing this amendment. The fact that there has been less long-term progress than had been hoped for toward the development of a multi-ethnic state in Kosovo is not the fault of these peacekeepers.

I have a high doctrine of War Powers, and have always insisted on appro-

priate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that's required by our Constitution, by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation of imminent or real hostilities and the current peacekeeping operation in Kosovo. Kosovo is a peacekeeping and peace enforcement effort; our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what's at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay, and to do their jobs as they've been asked to do, without the prospect of their funding from the U.S. getting cut off if our European allies don't meet the somewhat arbitrary standards set out in this bill, some of which the Administration says aren't likely to be met under this particular timetable.

Some oppose the Kosovo peacekeeping operation outright, and would simply turn it over completely to the Europeans. That's a legitimate view, but not one I share. We cannot send a signal to our allies that we will help out in difficult and complex situations like this, but only if they bear all the risks of peacekeeping.

Others have raised the issue of the U.S. looking irresolute to our allies within NATO, and to Milosevic. Or the concern that Milosevic might, if he knows there's an almost certain date set for our withdrawal, he'll likely instruct his troops to simply wait us out—or worse, instruct his radical Serb allies to foment violence to influence Western opinion, and even future votes in Congress, on whether to keep the peacekeepers there. These are legitimate concerns, but I think a more fundamental question is posed.

Will we shoulder our responsibilities, along with our NATO allies, to continue to help bolster and build a stable peace in Kosovo, to give them a chance at reconstruction, or will we start to scale back our effort now, and then pull out down the road, even after all the blood and treasure that's been spent to secure that peace, signaling to our allies and adversaries in the region alike that we're not firmly committed to seeing through the job that we started? I hope not. And I hope that we'll not start down that road by voting for a year of questions and uncertainty about our commitment in Kosovo.

That is not to say the administration must not push harder our European allies to accelerate their assistance to the reconstruction effort. It is not to say the President should not intensify his consultations with Congress on his plans and intentions regarding the peacekeeping force. He absolutely must

do those things. But I do not think that this amendment is the way to ensure those results. And so I will vote for Senator LEVIN'S amendment to strike this language from the bill, and I hope my colleagues will join me in voting to support our peacekeeping efforts in Kosovo, and against this provision which, in its current form, could do that effort real harm.

Mr. President, again, I have great respect for my colleagues on the other side of this question. I would be pleased to have an up-or-down vote on the peacekeeping operation. I would be pleased to be held accountable. I would love for the Senate to deal with this question right now and vote up or down on the peacekeeping operation. To me, that is checks and balances. I would vote for the peacekeeping operation, and that is why I will support Senator LEVIN'S initiative.

I yield the floor.

Mr. DODD. Mr. President, a little over a year ago, I rose in this Chamber to address the crisis in Kosovo. At that time, I had just recently returned from a trip to the refugee camps of Macedonia, where I witnessed firsthand the pain and suffering of displaced people in the troubled Balkan peninsula. During that visit, I was struck by the sight of 45,000 people living in tents in an area half the size of The Mall. Families were lined up for food and medicine and used ditches as latrines. Some individuals told me stories of being brutalized by the Serbian military and police in Kosovo and others of being evicted from their homes and separated from their families. Mr. President, I have seen a lot of hardship in my time, but nothing I have ever seen comes close to what I saw in the Balkans.

I returned from that trip determined to convince my colleagues that the United States had an integral role to play in the alleviation of suffering that the people of Kosovo had been subjected to by Serbian President Milosevic. At that time many in this body agreed that the United States had a moral obligation to join with our European allies in stopping Serbian aggression and creating the conditions to allow Kosovars to return to their homes.

Now it is a year later. Some things have changed. The international community stood up to the bully—Milosevic, and like most bullies he backed down and withdrew his forces from Kosovo. However, he left the province in total devastation—both physically and psychologically. Many of those displaced by the conflict returned to find their homes and livelihoods in ashes. Rebuilding from the rubble has been difficult. Particularly as just across the provincial border, President Milosevic still rules, a million people are still displaced from their homes and families, and lasting peace has not been achieved.

The United States, in partnership with our friends and allies, has attempted to assist Kosovars in picking

up the pieces and restoring some semblance of law and order to the province. There has been some progress in that direction, but much remains to be done. Yet, despite the unfinished business that remains the legislation before us today, if it becomes law, would establish a date certain—next July—for ending United States participation in restoring democracy in Kosovo.

I remember well, that prior to the commencement of NATO bombing in March of last year many in this body criticized the President for sitting on his hands while ethnic Albanian Kosovars were being subjected to gross human rights violations under the direction of President Milosevic and Serbian security forces. I hope that those individuals are not now going to turn around and support an effort to mandate the full and complete withdrawal of U.S. ground troops from Kosovo.

Even if the United States were to decide to withdraw from the region, which, let me state, is not what I believe we should do, it is incredibly foolhardy to announce the exact date to the enemy. Knowing of imminent United States withdrawal from the Balkans, President Milosevic will have no incentive to step down or improve his human rights record at all, and the timing of the withdrawal, July 2001, follows far too quickly the inauguration of a new President here in the United States.

If there is any doubt in anyone's mind about whether U.S. presence is warranted in Kosovo, I promise my colleagues that had they been with me in Kosovo last year and seen what I saw, there would be absolutely no debate in this Chamber about whether or not we are taking the right course of action. Our efforts to restore people to their homes, bring an end to conflict, and save the lives of thousands are assuredly the right things to do.

Rather than send out more mixed signals, I hope that Slobodan Milosevic will hear from this Chamber—That we are not going to second guess the President or Secretary of Defense in deciding when the appropriate time has come for the United States to withdraw its forces from the Balkans—That the United States is determined to remain in Kosovo until the wounds have healed and civil society is strong enough to support democratic governance of all the people of Kosovo, including its Serbian minority—And that we are proud of the American service men and women who are deployed in Kosovo and who are committed to getting the job done. They know why they are there and understand the seriousness and importance of their mission. We do them a disservice by suggesting otherwise.

Mr. President, the Senate will be acting irresponsibly if it approves legislation mandating an end to our participation in Kosovo. I would urge my colleagues to support an amendment to strike this provision from the bill and renew our commitment to assist the

people of Kosovo in the months ahead as they try to rebuild their lives and those of their loved ones.

Mr. ROTH. Mr. President, I am going to vote for the Levin amendment to the military construction appropriations bill, which would strike the Byrd-Warner amendment concerning Kosovo.

As a strong supporter of NATO, I have long advocated efforts to strengthen the European pillar of the alliance. The air war in Kosovo highlighted a great technical disparity in U.S. and European capabilities, and reopened long-standing debates of burden sharing within the Alliance.

I fully understand and support the motivation behind the authors and supporters of this provision. While it is true the Europeans are contributing over 80 percent of the peacekeeping forces that make up K-For, they have yet to fully live up to their commitments to NATO Peacekeeping, UNMIK, and the funds that make up the civilian and military dimensions of the peace effort.

However, this provision undercuts our incentives to the Europeans to meet those goals because it contains a "de facto" withdrawal date of July 1, 2001. It signals to our allies that the United States will withdraw regardless of any improved European efforts to meet their commitments.

This bill will effectively constitute a decision to withdraw forces at a given date. That is not the authors' stated intent, but that is how this amendment will be viewed. That is a message that will embolden Milosevic. That is a message that we will communicate an absence of commitment to our NATO allies.

American General Wes Clark, the former Supreme Allied Commander Europe and the former highest ranking military officer in NATO, has warned,

These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans. In fact, these measures would invalidate the policies, commitments and trust of our allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

While I, and many others, have had concerns about how the Kosovo operation has been conducted by the current administration, the solution to these concerns are not a withdrawal, or another debate on whether or not to withdraw. The solution is to establish a definition of goals we hope to achieve with regard to Kosovo, how we intend to accomplish our goals, and work more effectively with our European allies in achieving those goals. When our next President takes office in January,

under the Byrd-Warner provision he would be burdened not only with addressing the current administration's shortcomings in establishing a Kosovo policy, but also with a congressionally-imposed fixed date for United States withdrawal from Kosovo.

So for these reasons, while I support the goals of this provision, I cannot support the means used to achieve that goal and I will vote for the Levin amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to address the Levin amendment to the military construction appropriations bill, which strikes the provisions of the Byrd-Warner amendment on Kosovo which was attached to the bill in committee.

Unfortunately, for an issue of such importance, this amendment came up very quickly in committee without, I think, due consideration and study.

Since the committee markup last week I have had a chance to further consider and study this issue and I have had the opportunity to discuss this issue, at length, with senior members of the Administration, with Secretary Cohen, with Jack Lew, Director of the OMB, and with General Wesley Clark, the former supreme NATO commander. As a result of these discussions, I have some serious concerns about the potential impact of the Byrd-Warner amendment.

During the committee markup, proponents of this amendment asserted that the certifications called for by the amendment could be made "tomorrow" without delay. According to Mr. Lew, however, the certifications can not be met by July 15 of this year. The reason why these certifications can not be made, he has stated, is not because our European allies are not making efforts to meet their commitments—they are and in many cases they have—but for technical reasons.

So we could very well find ourselves in a position whereby we have accomplished the policy goals of the Byrd-Warner amendment but, because technical reasons prevent Presidential certifications, we are forced to withdraw U.S. forces from Kosovo.

Both Senator BYRD and Senator WARNER have given assurances that these shortcomings will be fixed in conference. I very much appreciate these assurances. But I have reason to believe that it is not a simple fix, but that a number of issues needs to be addressed, and this may well prove difficult to accomplish.

In addition, as General Clark has made clear, by setting in motion an automatic mechanism for complete withdrawal by 2001 that will telegraph our troop deployments and our policy, and which ties the hand of the next President, the Byrd-Warner amendment has an impact far beyond that originally anticipated in that it complicates and makes more difficult the U.S. role in Kosovo. I cannot ignore the conviction of General Clark that passage of this amendment would run the

risk of destroying the NATO mission in Kosovo.

As General Clark stated in his May 11 letter to Senator LEVIN, "This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparently congressionally mandated pullout would undercut their leadership and parallel diplomatic efforts."

Or, as Secretary Cohen said in a discussion I had with him just a short time ago, "if the Senate passes this, it will weaken the allies' resolve rather than strengthen it."

As General Clark concludes in his May 11 letter, "A U.S. withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield."

Because of these concerns, I find that I must vote in favor of the Levin motion to strike the Byrd amendment, and urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Byrd-Warner provision would make the decision that U.S. ground troops must pull out of Kosovo starting in August of this year if the Europeans don't meet certain specified percentages of their financial and civilian police commitment, unless the Congress changes its mind and decides otherwise.

It did decide, in any event, that even if the Europeans do meet their commitments, even if they do meet the commitments we have been urging them to meet—and they have been making progress—even if they meet those commitments, next year, in any event, our troops are coming out of Kosovo, unless Congress changes its mind. It is all self-executing. If Congress does nothing from this point on, if we adopt the Byrd-Warner language, next year, in the middle of the year, our troops must come out of Kosovo.

Now, the issue here isn't whether we have the power to set a withdrawal date and to enforce it with the power of the purse. That is not the issue. I think all of us would support the right of this Senate and this Congress to set a withdrawal date for our forces from anywhere. We have exercised that power. We exercised it in Somalia and in Haiti. The issue before us is the wisdom of setting a withdrawal date today, putting it on automatic pilot, and saying that a year from now, unless Congress reverses its position, those troops must come out. That creates a dangerous period of uncertainty, a destabilizing period of uncertainty, which we have been urged not to set in motion by our Secretary of Defense, by the Secretary General of NATO, and by the recent commander of our forces in Kosovo.

First, Secretary Cohen, on May 11, said:

I strongly believe the Kosovo language in the supplemental is counterproductive to

peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

I ask unanimous consent that Secretary Cohen's letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,

Washington, DC, May 11, 2000.

Hon. TED STEVENS,  
Chairman, Committee on Appropriations, United States Senate, Washington, DC.

DEAR TED: I appreciate your efforts to secure as quickly as possible the Supplemental appropriations for our peace-keeping operations in Kosovo. As you know, however, I am deeply troubled by the Kosovo provision in the bill. While I appreciated the opportunity to discuss this provision with Senator Byrd and Senator Warner prior to the markup, I feel compelled to express in writing my concerns with this amendment.

I have worked hard to reinforce the message to our European allies that they must carry the lion's share in winning the peace in Kosovo. While certainly more could be done, we should not lose sight of the fact that the Europeans are in fact carrying this burden. The U.S. accounts for only about 15 percent of peacekeeping forces in Kosovo. The Europeans are also carrying the bulk of the effort on the civilian side, as appropriate.

While strong messages from Congress on the importance of burden-sharing can be helpful, I strongly believe the Kosovo language in the Supplemental is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies. For instance, unilateral actions by the U.S. regarding Kosovo will seriously undermine our efforts to discourage unilateral action by our NATO allies with regard to the European Strategic Defense Initiative (ESDI).

I believe that the Kosovo provision, as presently written, will force me to recommend that the President veto this legislation. Such an outcome will only further delay a badly needed infusion of funds for the DoD budget and most particularly the Army.

Finally, I once again urge you to fully fund the supplemental appropriations request for International Affairs (Function 150) Kosovo. The requested funds support essential civilian infrastructure that would facilitate a prudent exit strategy for Kosovo and achievement of long-term stability in the Balkans.

I look forward to discussing this critical matter with you further.

Sincerely,

BILL COHEN.

Mr. LEVIN. The Secretary General of NATO, on May 16, in a letter that has been referred to by Senator MCCAIN, said the following in a different paragraph—one that he didn't read, but which I think is also significant:

If this language is adopted, it would point toward a single policy outcome to the withdrawal of U.S. forces.

Then he went on to say:

As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

This is the Secretary General of the greatest alliance in world history—one that we have been a leader of—who is

saying the adoption of this language risks sending a dangerous signal to Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

General Clark, recently the commander of our forces in Kosovo, wrote the following:

These measures, if adopted, would be seen as a de facto pullout decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments, and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting, and instability in the Balkans.

So the issue here isn't our power. We have it. Everyone in this body will protect it—I hope. As long as I am here, I will be fighting for the same power Senator BYRD so eloquently talks about that the Congress must have—the power of the purse, the power to set a deadline, should we choose, such as the power we exercised in Somalia to set a deadline and to force our troops out.

We have, at times, exercised that power. At times, we have shown, in my judgment, the wisdom not to exercise that power. We have not exercised it in Iraq. We are not exercising it in Korea. We are not exercising it in Bosnia at this point. We have not authorized those engagements to continue. We have not determined that we are going to put an end to them. So we have exercised judgment both ways, in our wisdom. We have the power to put an end to our presence in Iraq, or in Bosnia, or in South Korea. We have the power, but we have decided, in our wisdom, not to exercise that power.

I hope that today, in our wisdom, for the reasons set forth by Mr. Cohen, General Clark, and the Secretary General of NATO, we will not create this period of dangerous uncertainty if we today decide that a year from now we are going to withdraw troops unless Congress changes its mind. It is the wrong message for our troops, for the reasons General Clark gives. It is a terrible message to our European allies because in one part of this amendment it says we want you to meet certain standards, but in the other part of the Byrd-Warner language it says even if the Europeans meet their standards and their commitments, nonetheless, unless Congress changes its mind in the next year, our troops are going to be withdrawn. It is on automatic pilot. It is self-effectuating. If no action is taken further by the Congress, our troops must be withdrawn.

Mr. GORTON. Mr. President, on March 23, 1999, I voted against the initial Senate resolution to authorize air attacks in Yugoslavia. More than 420 days have passed since I cast that vote, and I could not be more confident in my initial decision.

I argued in 1999 that the United States was foolishly injecting and engaging the brave men and women of our Armed Forces into a civil war that I dare say may never be resolved. Fur-

thermore, the Administration had then not proposed, and to date has not yet recommended an exit strategy for the occupation of Kosovo. In reaching my decision, I questioned the mission's objectives, the implication of a long-term U.S. commitment in Yugoslavia, and most importantly I argued that our vital national interests did not warrant a full scale war in the Balkans.

In less than two months after the Administration was authorized to enter the war in the Balkans, Congress faced an \$11 billion taxpayer commitment to the endeavor. Once again I voted against the U.S. commitment to the civil war in Kosovo, citing the same concerns.

And what has resulted from the U.S. and NATO engagement in Kosovo? NATO's thrust into the Balkans has fostered the creation of an entirely new class of refugees; the U.S. military has been required to police the region for an undetermined and unspecified amount of time; our own NATO allies' financial and military obligation to the endeavor remains questionable; ethnic related violent incidents in the region have increased; commitment by the region's leaders to embrace reconciliation efforts are conspicuous by their absence; and now Americans and Congress are being asked to provide nearly \$2 billion in additional funding for contingency operations in Kosovo.

Just this week, the Government Accounting Office (GAO) released its report on the U.S. involvement in the Balkans. The report is critical of not only the U.S. and NATO participation in the region, but provides further doubt about the long-term prospect for peace in Kosovo. The report points out that the security situation remains highly volatile, that political and social reconciliation efforts are unsuccessful, that the wartime goals of the factions remain intact, and that NATO has failed to prepare for the transition of security responsibilities to the United Nations.

In addition, the GAO reports that between 1992 and 2000, U.S. military and civilian costs for operations in Bosnia and Kosovo have cost the American taxpayer more than \$18 billion. This figure includes commitments by the State Department, DoD, the U.S. Agency for International Development, U.S. participation in UN peacekeeping missions, the Department of Transportation, and the U.S. Treasury.

GAO also concluded that between 1991 and 1999, more than 4.4 million people have been displaced as a result of the wars in Kosovo, Bosnia, and Croatia. A large share of these people remain in refugee camps. These displaced, war torn individuals have lost their homes, and have few prospects to regain them.

In spite of such a massive financial and political commitment, the report also concludes that should NATO withdraw, unrest is inevitable. Political leaders have not embraced change, people who have tried to return to their

homes have been attacked, the peace process has been continuously obstructed by ethnic groups, the economy remains flat, and efforts to advance the formulation of a multiethnic society have failed.

Our asserted goals are a multiethnic Kosovo as a part of Yugoslavia; the Kosovars want independence and the expulsion of all Serbs.

With all of these negative forces at play against the peace process, how long does the United States intend to police the region? How many more taxpayer dollars will be spent on security issues in Kosovo that appear to have little or no possibility of reformation? What is the price for peace, if peace is even attainable?

One of the reasons that I opposed the war in Kosovo from the beginning was not the risk that we were going to lose the war but the consequences of winning. We now have "won", we have won most of what we asked for in the beginning, but the consequences of winning is that we are putting thousands of our troops into Kosovo without any thought of when they will return.

I am convinced that a U.S. presence may continue in Kosovo for a generation or so. We have, and most likely will expend billions of dollars in an out of the way place that has never been important to our national security, and we are doing it in a way in which most of the destruction that we are going to pay for in the future was caused by us. Most Americans are going to find that Kosovo was much easier to get into than it was to get out of.

I intend to vote against the Fiscal Year 2001 Military Construction Appropriations bill because of my deep concern over the U.S. commitment and participation in the Balkan conflict. It is time to leave it to the Europeans. Even though the State of Washington, home to the most efficient, strategically positioned, and significant Army, Navy and Air Force bases stand to inherit valuable military construction funds by the passage of this legislation, I cannot in good conscience support another financial commitment to an unresolvable conflict in the Balkans.

Those brave and courageous men and women of the U.S. military who have been tasked with implementing this Kosovo intervention, and those serving in the Armed Forces in the State of Washington, have my admiration and support. But in the goal of attaining peace in the Balkans, of the Administration's questionable leadership in this endeavor, and the long-term commitment that is expected of the American taxpayer, I have no confidence at all.

Ms. SNOWE. Mr. President, I rise today in strong support of the Fiscal Year 2001 military construction appropriations bill and to commend my colleagues Senator STEVENS, Senator BYRD, Senator BURNS, and Senator MURRAY for their leadership in bringing this most important spending bill



before the Senate. This bill provides critical funding for military construction projects as well as Department of Defense related emergency supplemental funding for fiscal year 2000.

Other colleagues have already spoken on the merits of the military construction aspect of this bill and the importance of those projects to the men and women of our armed forces and their families. So today, I am going to focus my remarks on the critical provisions contained in the Byrd-Warner amendment and why I believe those provisions are as important to these same men and women and their families.

By including emergency supplemental funding in this bill, and fast tracking its passage, the Congress will be supporting the loyal men and women of our armed forces who are participating in contingency operations overseas. But, Mr. President, support of our troops is not always "sending money," sometimes we support them best by ensuring that they are not overextended in missions that appear to have no end. And that is why I commend Senator BYRD and Senator WARNER for their leadership by including these provisions that will force the debate about open-ended obligations.

For example, on May 1, 2000, the top U.S. commander in Kosovo, Brigadier General Ricardo Sanchez told reporters that he predicts that NATO peacekeepers will have to remain in the Balkans for "at least a generation."

In testimony before the Senate just this last April, Secretary of Defense Bill Cohen acknowledged that U.S. troops may not be pulled out during his final months in his cabinet position, and possibly not during the time of his predecessor. Our airmen performed superbly during the 78-day air war. Now, a year has passed and we have more than 5,500 troops on the ground in Kosovo, having spent more than \$2 billion on the air campaign, and by September of this year estimates are that the U.S. will spend upwards of \$5.9 billion in support of stabilizing the peace in Kosovo. And, as the policy currently stands, there is no end in sight.

We have learned through our experience in Bosnia that rhetoric alone will not expedite mission accomplishment and bring our troops home. In 1996, the U.S. sent 22,500 soldiers to the Balkans, in support of the Dayton Accords for an operation that was to last until December 16th of that year. We have made great progress there, but, four years later, the U.S. still has a significant force there and no deadline for withdrawal. So here we are Mr. President, four and one half years since the signing of the Dayton Accords in Bosnia, we have more than 4,300 troops in Bosnia and another 3,000 support personnel committed in the region and no deadline for withdrawal, no end in sight.

In Kosovo we won the peace in June 1999 with our air campaign and a year later we are providing more than 5,500 troops to support an operation that is becoming increasingly more threatening.

In this bill, Mr. President, with the leadership of Senator BYRD and Senator WARNER, the Senate is taking action to establish some way of getting to an end in Kosovo. Provisions in this bill provide a limitation of funds for U.S. ground combat troops in Kosovo. Section 2410 of this bill terminates funding for the U.S. presence in Kosovo after July 1, 2001, unless and until the President submits a report to Congress containing a request to specifically authorize continued U.S. ground troop deployment and Congress enacts a joint resolution specifically authorizing such continued deployment. I must note, that this provision does continue the support of non-combat troops in Kosovo who can provide limited support to the continued NATO peacekeeping operation.

The provision further requires the President to develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the U.S., and other non-NATO countries will provide all ground combat troops necessary to execute peacekeeping operations in Kosovo. Again, we are looking for a plan—something that this Administration has not been able to do. The plan is to establish a schedule or target dates, at three month intervals, for achieving an orderly transition to a non-U.S. force in Kosovo.

Mr. President, it is also in this spirit that I must express my disappointment in the lack of support for operations in Kosovo by the European Commission, the European Union, and the European member nations of NATO and why I strongly support the provisions of the Byrd-Warner amendment.

In Kosovo, the U.S. has taken the lead toward ending the ethnic violence and establishing civil law with the intention of turning the responsibility for long term development and revitalization over to the European community. However, the European community has not stepped forward as a unified body to assume this responsibility, and appears unwilling to take a leadership role.

In testimony before the Senate Armed Services Committee on February 29th, General Clark, then Commander-in-Chief of the U.S. European Command stated that "despite our progress in missions assigned to the military, civil implementation has been slow and in Kosovo today, civil government structures are lacking." He further stated that "the pace of contributions to the manning and resources of UNMIK [United Nations Mission in Kosovo] have resulted in sporadic and uneven progress toward civil implementation goals" and concluded his testimony by saying "the hardest part of securing peace in Kosovo lies ahead."

A well-publicized area where the lack of European support for civil implementation is readily apparent is the European's lack of support for the Kosovo Police Force. The United Na-

tions has stated the requirement for 4,718 police and at this point the United States has provided 97% of the 550 police we have pledged, yet our European partners have only mustered 63% of the 1288 police they had pledged. Mr. President, I call on the leadership of our allies to meet their commitments!

Let me remind my colleagues that in the last decade we anticipated reaping the benefits of the peace dividend. Many touted that the end of the Cold War would allow us to draw down our military forces and spend less money on defense. Well we have drawn our forces down, and they are deployed more now than ever anticipated in the post-cold-war era, and we are paying for it. In the period 1999 through 1999, U.S. taxpayers will have spent more than \$23.6 billion for contingency operations. Mr. President, we just cannot afford to unilaterally deploy troops and provide monetary support to each global hot spot for an indefinite period of time, with tepid and inconsistent support from the UN, NATO, and our other allies.

In the four years of the Bosnia Operation, more Army reservists have been activated than in the entire Vietnam War, and I am concerned that our involvement in Kosovo will mirror our involvement in Bosnia. I tell you this first hand, because these reservists include men and women of the 112th Medical Company from the Army National Guard and members of the 101st Air Refueling Wing from my home state of Maine who were called up or volunteered to serve in Bosnia.

And we are paying for these extended deployments in more than just dollars. At a time when the Department of Defense is meeting only 92 percent of its active duty recruiting goal, 88 percent of its Reserve recruiting goal and is struggling to retain the highly trained people that are currently serving, we in Congress and in the Administration need to be mindful of the message that we are sending to the American people. They need to know that we are aware that we are closely watching, and that we are ready to step in to protect the best interests of the U.S. and our men and women in uniform.

Although military members reference the high operational tempo as a consideration for leaving the military, it is difficult to quantify the exact effect those contingency operations have had on the recruiting and retention of personnel. It is, however, easy to determine the monetary effect. As we marked-up the Fiscal Year 2001 Defense Authorization Act, we were forced to look for ways to find money to fund new equipment to modernize our forces, money to improve housing and the quality of life, and money to improve healthcare for our men and women in uniform, as well as their families and our often forgotten retirees. We continue to uphold our commitments, just as we are upholding our commitment to this operation in Kosovo—to the detriment of our readiness to fight and win if there was a

major theater war—while our European allies remain in the shadows.

Now this Senate is considering the addition of \$1.85 billion in supplemental appropriations to support overseas contingency operations. But this bill is different in that the Byrd-Warner amendment limits the amount that can be obligated to 75 percent of the total Kosovo appropriation until the President certifies that four specific conditions have been met; at which time the remaining 25 percent would be released. These conditions stipulate that the European Commission, the European Union and the European member nations of NATO must provide a third of the assistance for reconstruction that they pledged, 75 percent of the funds promised for humanitarian assistance, 75 percent of the amount pledged for the Kosovo consolidated budget, and 75 percent of the personnel pledged for the Kosovo Police Force.

These provisions provide specific, tangible steps toward the fulfillment of the commitment promised by these countries. This does not require these countries to provide something that they do not have or something that they are not capable of supporting. It is merely a means of holding them accountable for that to which they have already committed.

If, however, our allies continue to go back on their pledged commitment, and the President cannot certify that those four conditions have been met by July 15th of this year, then the remaining funds must be used for the planned, phased, and safe withdrawal of U.S. troops from Kosovo. The details and time line for this withdrawal will be left to the President and his advisers, with these plans to be fully developed by the 30th of September.

So, as our troops in Kosovo valiantly conduct 1,321 security patrols each week and provide around the clock security at 48 checkpoints and 62 key facilities, we must support them in every way, beginning with holding our allies in Europe to the fiscal and personnel support they pledged to provide when the U.S. decided to support the air offensive in Kosovo.

I know, that as a result of the leadership of Senators STEVENS, BYRD, BURNS, and MURRAY, the FY2001 military construction appropriations bill is good legislation that provides our men and women in the armed forces the support they need as they go about their business of protecting our long-term national interests.

Mr. SMITH of New Hampshire. Mr. President, new revelations from "Newsweek" and "Inside the Pentagon" show that the air war against Serbia was inaccurately portrayed. These reports allege hyper-inflating of reports of damage done by allied bombing.

Now we are awakening to the realization that we expended a small fortune in precision munitions with very little effect—but the administration felt it necessary to exaggerate grossly the re-

sults of the air campaign in an attempt to buy public support for the war.

This is shameful—and the individuals involved in this deceit ought to be reprimanded.

The bombing triggered a refugee crisis—that was its main result. There was never any threat to NATO from the conflict in the Balkans.

In fact, the real threat to NATO is that it has abandoned its traditional role of being a defensive alliance, and under this administration has blundered and contorted into a post-cold war crisis management agency with a lost sense of mission.

NATO's bombing killed innocent civilians and raised regional tensions.

Like Haiti and Somalia before, the war in Kosovo has cost the taxpayers billions, exhausted and demoralized our men and women in the armed forces, and accomplished nothing, yet damaged our image in the region as a nation that believes in democracy and justice.

As a result of demonizing Milosevic in Serbia, we have become tacit allies with the Kosovo Liberation Army, a group in the recent past acknowledged to be an organization which commits terrorist acts and which appears to be supported by the Albanian mafia, which is said to be a major supplier of heroin in the European market.

In our zeal to "stop the killing" in the Balkans, we, as a result, aligned ourselves with a terrorist mob with links to drug traffickers and killed a lot of innocent people. This is peace-keeping run amok, and it has to be brought to an end as quickly as possible.

I support the Byrd-Warner amendment, not that it goes far enough. It does not. We should have never gotten involved in the Balkans, and we should have gotten out long ago recognizing that our intervention was damaging, and like too many other missions from which we have failed to learn any lessons, open-ended, and lacking any clear objectives.

We are using our young men and women in uniform as police officers, something which they are not trained to be and which they understandably resent.

They are not policemen, they are soldiers. If they had wanted to be police, they could have signed up in their local towns and at least have been home with their families at night.

I want to make one thing perfectly clear. I am tired of hearing those who support the Balkan blunder say that we are "undercutting" our troops by seeking authorization for the mission's continuation.

I believe that sending our armed forces into harm's way into a conflict in which we have no identifiable national security objectives undercuts our troops.

I believe that wasting our precious military resources in a futile peace-keeping mission undercuts the troops.

I believe that we undercut the troops when we plunge into a conflict without

Congress making a declaration of war. Did we learn anything from Vietnam?

Finally, I warn my colleagues that rather than admitting to a colossal mistake in Kosovo, which this administration would never be willing to do, it is likely that it will blunder more deeply, possibly into Montenegro, even if the Byrd-Warner amendment were to pass the Congress.

General Wesley Clark's latest comments, as well as a reading of Agence France Press and some of the other foreign news sources, including comments by some of Europe's war hawks, reveal that Montenegro and the Presovo Valley might be the next jumping off point.

In fact, the KLA can read between the lines. If they create yet another provocation, and force the Serbs to respond, creating an atmosphere charged with allegations of atrocities or another humanitarian crisis, it will give NATO the excuse it needs to blunder more deeply into the Balkan quagmire.

We need to start pulling down our forces in Kosovo and winding down this operation. We need to be able to admit to a mistake when we make it.

Our military forces are stretched as thin as they have ever been. This year, the services' unfunded requirements list was in the realm of \$15 billion.

We cannot afford to squander our limited military dollars in Kosovo.

The PRESIDING OFFICER. The hour of 2:10 has arrived, and Senator BYRD is to be recognized. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the Senator from Michigan says this vote is not about power.

I say to the distinguished Senator that this matter is about power. It is about the arrogance of power in a White House that insists on putting our men and our women in harm's way, and spending their tax dollars without the consent of their elected representatives.

Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy, no exit strategy, and no clearly defined goals?

We keep hearing it said that we are endangering our men and women. I say we are endangering the lives of our men and women in the military by failing to make the case up front for putting them in harm's way. We are endangering the lives of our men and women in the military when we neglect to be sure that the American people support taking those risks before we put those men and women in harm's way. We are endangering the lives of our men and women in the military when we budget for dangerous missions in emergency bills after the fact that cannot provide for a long-term investment in those missions. We are endangering the lives of our men and women in the military when we have no clear-cut achievable goals and when we have no exit strategy. No ground has been

plowed for this mission, with no explanation of our goals and objectives, except some vague nebulous shibboleths.

Let me say this in closing. We are hearing from everybody but the people who pay the bills; the people who send their sons and daughters off to foreign lands to shed their blood. We hear from General Clark. We hear from the Secretary General of the United Nations. We hear from Secretary Cohen. We hear from everybody but the people.

I know what it is. I have been in Congress 48 years. I have seen a lot of these things happen before.

When we come here we have our picture taken with the Commander in Chief. My first picture that was taken after I came to Congress 48 years ago was with General Eisenhower, President Eisenhower. We go down to the White House. We get wine and dine. We have pictures taken with the brass over at the Pentagon. And we hear the people who live in the white towers, the political pundits, the media, and we forget about the people who send us here. We get all swollen up by virtue of these contacts that we have, and the people who are telling us what they think, the so-called commanders in chief, Presidents of the United States, and so on. We forget about the people, and we forget about the Constitution.

They may say this Constitution was all right yesterday. They may say it is old, that it was all right 200 years ago, or that it was all right 100 years ago.

I say to you, my colleagues, if it were not for this Constitution, you wouldn't be here. There wouldn't be a Senate of the United States. There wouldn't be a Senate in which the small States of the Union have the same voice that the largest States have in this Union if it were not for this Constitution. If it were not for this Constitution, we wouldn't have the United States of America. We would probably have a "Balkanized States of America."

So let's remember this Constitution. We take an oath to support and defend this Constitution.

That is what Senator WARNER and I and the supporters of this amendment are trying to do. We believe that the main warpowers are concentrated in the Congress, and that the main absolute top warpower, the power of appropriating the money, is vested here.

Let's stop listening to these dreamings of distempered fancies—by the great generals, the Secretaries General, Defense Secretaries, and Presidents of the United States. Let's listen to the people of the United States. What do they think? They send their men and women to foreign fields to shed their blood. The people of the United States, the people who are listening in through that electronic eye up there, are the people we should be talking about. They are the people whom we should be listening to—not some far away Secretary General, not some Secretary of Defense, not some Commander in Chief. They are only

here for a day, or for a term, or 4 years. But the people are out there yesterday, today, and forever. And we are their elected representatives.

Let's regain our voices and no longer be standing in awe of someone who wears the title of Commander in Chief. He is here only temporarily. He will be gone in a short time. There will be a new Commander in Chief. What does he think? We want to give the new Commander in Chief a voice.

Oh, they say: Why not vote today? That would be highly irresponsible. Vote today to take them out is not what Senator WARNER and I are saying. We are not saying take them out. We are not saying take them out today. We are not saying take them out tomorrow. We are saying, lay down a plan in consultation with the allies, whereby in due time the allies will take over the ground troop responsibility. We will leave our air support. We will leave our intelligence support.

But let's regain our senses here. Let's just try to remind ourselves that we are not here to represent the Commander in Chief. I am not. I am not here to represent a Commander in Chief. I am here to represent the people of West Virginia. I am not here to represent the Secretary General of NATO. I am not here to represent the Secretary of Defense. I respect these people. I respect them. But they cannot tell me what this Constitution means. They cannot tell me what the intent of the Constitution is. I have my own eyes. I have my own ears. I have my own conscience, and I will be driven by my conscience and by this Constitution as long as I stay here.

May God continue to bless this country—one nation, one Constitution, one destiny.

I yield the floor.

Mr. WARNER. Mr. President, I am proud to come to the floor once again to defend and explain the Kosovo amendment which I have sponsored with the distinguished senior Senator from West Virginia, Senator BYRD, and other, well-respected, conscientious colleagues—despite the accusations of some to the contrary. That amendment is now part of the bill before the Senate.

Several weeks ago, Senator BYRD and I joined forces to draft a plan of action that would lead to a vote or votes on the continued deployment of U.S. troops in Kosovo. For almost a year now, thousands of U.S. troops have been patrolling the streets of Kosovo as part of a NATO-led peacekeeping operation—with no end in sight. The Congress has been silent; that must end. Congress is about to appropriate, pursuant to a request by our President, almost 2 billion U.S. taxpayer dollars for military operations in Kosovo without any knowledge of when our troops will come home.

The purpose of our legislation is twofold. First, it requires the Congress to fulfill its co-equal constitutional responsibility, with the President, to

make decisions—by vote—that are in the best interest of the nation, and particularly the men and women of the Armed Forces deployed in the Kosovo operation. This is a responsibility that the Congress has consistently failed to exercise for many years with respect to other military operations. Second, the legislation sends the message that other nations and organizations must follow through on their commitments of assistance for Kosovo if U.S. troops are to remain a part of the military force in Kosovo.

The legislation that is before the Senate today has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives Congressional authorization to keep troops in Kosovo. Second, the legislation requires the President to develop a plan, in consultation with our allies, to turn the ground combat troop element of the Kosovo peacekeeping operation entirely over to other nations by July 1, 2001. Third, related to today's operations in Kosovo, and to signal to the Europeans the need for them to fulfill their commitments for implementing peace and stability in Kosovo, the legislation withholds 25 percent of the emergency supplemental funding for military operations in Kosovo until the President certifies that our allies are making adequate progress in meeting the commitments they made to the Kosovo peacekeeping process. If the President does not make that certification by July 15 of this year, the funding held in reserve can only be used for the safe, orderly and phased withdrawal of U.S. troops from Kosovo, unless Congress votes otherwise.

While I expected opposition to this legislation, I am, quite frankly, surprised by the misleading statements which are being used to describe our effort. Those of us who support this legislation are being accused of endangering the lives of U.S. troops, providing aid and comfort to the enemy—Milosevic, and sounding the "death knell" of NATO. According to General Clark, the measures contained in this legislation, "are unlikely to encourage our European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans." There is simply no basis in fact for making such statements. Why is the Administration so afraid of letting the Congress have a voice, by vote, on our continued military presence in Kosovo? We are elected by the people of our nation to speak and vote in their best interests.

Have the opponents really looked at this legislation? It is not a "cut and run" from Kosovo. We are not deserting our allies. Nowhere in this legislation is there an automatic, mandated withdrawal of U.S. troops from Kosovo

on a date certain. In every case, what we have done is make the continued U.S. ground combat troop presence in Kosovo subject to a vote by the Congress. We are requiring a Congressional affirmation of a Presidential decision that affects the security of our nation and the welfare of the men and women of the Armed Forces deployed overseas and their families here at home. That was the intention of the Framers of the Constitution in giving the Congress co-equal power for such decisions.

I point out to our critics that this legislation was carefully crafted to impact only the ground combat element of our presence in Kosovo. Even if the Congress decides, over a year hence, not to support our continued military presence in Kosovo, the U.S. would still be able to provide support elements to the NATO-led mission in Kosovo, and would be able to respond to an emergency situation with combat units.

General Clark has pointed out that other nations—primarily our NATO allies—contribute 85 percent of the troops that make up the Kosovo operation. To now say that the possible elimination of only part of the remaining 15 percent U.S. forces would mean that “the sky is falling” calls into question the importance of the allied contribution to this effort. Is General Clark really saying that the 85 percent of the troops in Kosovo are of such little consequence, little effectiveness, in the effort to achieve peace and stability in that troubled region? I would hope that is not his message to our allies.

One of the main reasons we are proceeding with this legislation is out of a deep sense of concern for the safety and security of our men and women in uniform in Kosovo. They are making sacrifices, they are facing daily risk to their personal safety. We, as their elected representatives, with co-equal responsibility under the Constitution for deploying troops into harm's way, must fully examine and debate this issue and—ultimately—vote on whether or not U.S. troops should remain in Kosovo. That is our responsibility, and we owe our brave servicemembers no less. We cannot—we must not—allow the situation in Kosovo to drift on endlessly, as we stand idly by, unwilling to act.

Over the past decade, as our military has been reduced by a third, U.S. troops have been involved in overseas deployments at an unprecedented rate. According to General Hugh Shelton, the Chairman of the Joint Chiefs, “Two factors that erode military readiness are the pace of operations and funding shortfalls. There is no doubt that the force is much smaller than it was a decade ago, but also much busier.” The increasing frequency of these contingency operations—which involve extensive, repeated separation from family and home—is one of the major causes for the problems the military is having in recruiting and retaining quality personnel. The United States has far too

many commitments around the world, our military is stretched too thin; we cannot have an open-ended, decades-long military deployment to the Balkans. It is time for Congress to act.

I was very troubled by what I discovered during my January trip to Kosovo. I was a supporter of our military involvement in Kosovo; in fact, I was a principal sponsor of the resolution for authorization by the Congress of the air war. But I was disturbed by what I saw in January.

I found U.S. troops running towns and villages—acting as mayors, police, and jailers; I found U.S. troops—in groups of 2 or 3—guarding individual houses and churches, escorting Serb families to market; I found U.S. troops concerned with the slow pace of the UN's effort to rebuild the region, and frustrated by the seemingly endless and mindless cycle of ethnic violence in Kosovo—Albanian on Serb, Serb on Albanian, and Albanian on Albanian.

When I visited Bernard Kouchner, the UN Administrator in Kosovo, I found a man frustrated with the level of progress he had been able to achieve; I found a man pleading for help from the international community. “I have no money” was a phrase I heard over and over as we sat in KFOR Headquarters in Pristina, in one of the few buildings in the city with power—but no running water—as most of Kosovo was cold and dark during the winter. He told me that many pledges and commitments of assistance had been made at international conferences, but he could not pay the government workers or fix the power supply with pledges. He needed money.

Until he, and others, are able to make progress, our troops will continue to be policemen and mayors and mediators—targets of the frustration of the people of Kosovo, and increasingly at risk. We saw some of the danger that our troops face during the violence in Mitrovica. That will only increase if an adequate economic and security infrastructure does not quickly materialize in Kosovo.

I returned from that trip in January determined to do something to change the situation I found in that troubled region. I could not turn a blind eye to what I had seen. The legislation before the Senate is the result. Some may not agree with the approach, but I strongly believe that it is the proper course of action.

Let me address some of the charges that have been leveled against the proponents of this legislation. The one that most troubles me is the charge that we are putting U.S. troops at risk because of this legislation. Who among us really believes that Senator ROBERT BYRD, Senator TED STEVENS, Senator DANIEL INOUE, and the many others who have either cosponsored or voted for this amendment—15 of whom are veterans—would do anything to put U.S. troops at risk? We have devoted our careers to fighting for the well-being of our troops. I say to those who

make this charge, we are trying to take action to address the risks our troops in Kosovo face everyday—which we must no longer ignore.

My office recently received a communication from a soldier in Kosovo describing a recent confrontation with local citizens. I would like to quote parts of this e-mail so that my colleagues can understand the day-to-day reality of our troops in Kosovo:

The entire village went out into the street, erected a barricade and as the squad (of my soldiers) came out they were pelted with rocks and other debris . . . As we moved in people were hitting us with sticks and actually hitting us with their fists . . . By the time of the linkup I was punched in the face, hit with a stick and got in a wrestling match. . . . Several hundred moved up the hill and started throwing rocks, tree limbs, fire wood, and everything else they could get their hands on. After getting hit in the head by a large rock and getting smashed across the back with a tree limb I gave the order for the soldiers to open fire with nonlethal munitions.

How long will it take until one of these incidents turns deadly? Those who vote against this amendment vote to leave our troops in these situations indefinitely.

I would like to address a particular issue raised in the letter which General Clark sent to Senator LEVIN concerning this legislation; that is, General Clark's contention that this legislation “is unlikely to encourage European allies to do more.” On this, General Clark, there is already evidence to the contrary. In the several months since I first began discussing my original amendment—which is now incorporated in the Byrd-Warner amendment—there has been progress. I quote from a March 18, 2000, letter from Dr. Kouchner, in which he details results: “I very much appreciate the efforts that you have made so far which have been instrumental in improving our budget situation. Existing donor pledges have now been honored. The next challenge will be to get new donor pledges and to ensure that the pledges for the reconstruction budget of 17 November 1999 do materialize.” Dr. Kouchner, we are continuing our efforts to help.

I would like to address one other issue, one that was raised in a recent editorial by the Ranking Member of the Foreign Relations Committee—an editorial in which he accused the supporters of this legislation of being isolationists, a new charge for most of us. In this editorial, Senator BIDEN states, “Some would even condition U.S. assistance on actions of the European Union, an abdication of our prerogatives in decision-making that ought to horrify conservatives.” Since that is directly aimed at the certification requirement which I contributed to this legislation, I will respond. I point out to my colleagues that our President has already conditioned “U.S. assistance”—that is, U.S. troops—on the actions of others. I remind my good friend from Delaware that the exit

strategy for our troops in Kosovo—as it is for our troops in Bosnia—is directly linked to the actions of the UN, the EU, the OSCE, and others in achieving civil implementation goals. As Secretary Cohen stated in an October 15, 1999 letter to the Congress, “The duration of the requirement for U.S. military presence (in Kosovo) will depend on the course of events . . . The military force will be progressively reduced based on an assessment of progress in civil implementation and the security situation.” This legislation uses the same link—the same tie to the actions of others—already adopted by the Administration. If this logic is good for one side in this debate, I say to my good friend, then it is good for the other side as well.

I encourage my colleagues to read this legislation carefully; examine it for what it does, and especially for what it does not do. Consider the well-respected, conscientious group of supporters. And judge for yourself what is the best course of action.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I make a parliamentary inquiry: As I understand it, Senator DASCHLE will be recognized at 2:20. Is that correct?

The PRESIDING OFFICER. That is correct. The time between now and 2:20 is under the control of the Senator from West Virginia.

Mr. LEVIN. I thank the Chair.

Mr. BYRD. Mr. President, would the distinguished majority leader like to go ahead? I have 3 minutes. Do I?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DASCHLE. Mr. President, was it the intention of the distinguished senior Senator from West Virginia to yield back his time?

Mr. BYRD. Mr. President, I have no desire to take any more time. I am very happy to listen to the distinguished minority leader. I have said all I intended to say. I am ready to vote.

Mr. DASCHLE. I thank the distinguished Senator from West Virginia for his graciousness, as is so often the case.

I begin by commenting on our two colleagues, Senators WARNER and BYRD. Some of the finest security thinkers this Senate has ever produced have chaired the Senate Armed Services Committee.

I think of the names Russell, Stennis, Nunn, STROM THURMOND. They have all made significant contributions to this Nation's debate on national security. Although he has chaired the Armed Services Committee for less than 2 years, Senator WARNER has demonstrated many of the traits that made his predecessors so successful. I have great respect for him.

What can one say about Senator ROBERT C. BYRD? This is a rare and unique occasion for me. I can't remember the last time I was on the opposite side of an issue with Senator BYRD. I admire him immensely.

No Member, past or present, has ever displayed a greater love or respect for this institution than has ROBERT C. BYRD. No Member enjoys greater respect and admiration from his colleagues. No Member is more reluctant than this Member to come to the floor and disagree with ROBERT C. BYRD.

There is another reason this is difficult, besides the high regard I hold for him. The other reason I find this difficult is that I share many of the concerns that led Senators WARNER and BYRD to draft this resolution in the first place.

As we close this debate, I compliment our extraordinary member, the ranking member of the Armed Services Committee, Senator LEVIN, for the outstanding job he has done in presenting the arguments over the course of this debate and providing us his leadership. We owe him a major debt of gratitude.

I think he shares my view that this debate is not about a number of things. It is not about whether the U.S. military commitment to Kosovo or any region of the world should be open-ended. Supporters of this amendment agree with the supporters of the Byrd-Warner amendment. Every U.S. commitment should be examined regularly by Congress and the President to ensure that it remains in our national interest. This debate is not about whether the U.S. commitment to Kosovo or any other region of the world should be open ended.

This debate is not about whether our NATO allies should pay a fair share of any joint operation. We all agree. We have great difficulty reaching unanimity in many areas these days, but we are not in disagreement over that fact. Our allies should be sharing the burden, and, in fact, they are.

As my colleagues have already noted in several of their excellent presentations to this body, they are supplying 85 percent of the peacekeeping forces in Kosovo today. They are shouldering the vast majority of the effort on the civilian side. That is not the debate either.

We agree that they should pay more than we are paying, and they are. Eighty-seven percent of their pledge to Kosovo's budget has been made by our NATO allies; 63 percent of the pledge to the civilian police force has now been fulfilled by our NATO allies; 75 percent of their pledge on humanitarian assistance has been fulfilled by our NATO allies. They have begun to step up their commitment on reconstruction assistance.

Third, this debate is not about whether Congress has a responsibility to exercise its constitutional duties over the power of the purse. I heard the eloquence once more of ROBERT C. BYRD. We all understand the importance of this responsibility. No one is more adamant and eloquent in pointing out that responsibility than is he. Anyone who does not understand the significance of this responsibility should simply spend a moment or two, an hour

or two, a day or two, with Senator BYRD to discuss our founders' deliberations over the importance of vesting the power of the purse in the people's representatives, and all doubts will disappear.

This debate is not about whether the Byrd-Warner amendment is constitutionally permissible. This debate is about whether the course of action it espouses is in our Nation's best interest. As much as I respect the two authors of the provisions incorporated in this bill, I join Senator LEVIN, our Secretary of Defense, our senior military leaders, this administration, and many others who have concluded that it is not.

I am deeply concerned about the effect this amendment would have. First and foremost, it would increase the risk to U.S. forces. There is a fragile peace in Kosovo today and no one has spoken more powerfully, eloquently, or compellingly about the ramifications of setting a date certain for a withdrawal of U.S. forces from Kosovo than Wesley Clark. General Clark has said that setting a date certain for withdrawal would trigger instability throughout the region and increase violence in the area.

I hope everyone will listen, regardless of whether or not he is a constituent of ours; he is the expert. If we do anything as we make these decisions, I think we need to listen to those who are expert in their fields. Triggering instability throughout the region and increasing violence in the area is something about which all Members ought to be concerned.

Second, this action rewards Slobodan Milosevic for his ethnic cleansing campaigns and would greatly strengthen him and his supporters in the region. Again, according to General Clark:

A U.S. withdrawal would give Mr. Milosevic the victory he could not achieve on the battlefield.

What a remarkable statement, that a U.S. withdrawal would give Mr. Milosevic a victory he could not achieve on the battlefield.

Third, this would rupture NATO. Passing this amendment would jeopardize the strength and the cohesion of our NATO alliance by casting doubt about the reliability of the United States as a partner. Again, according to General Clark:

Our allies would see this as a universal, adverse move that splits 50 years of shared burdens, shared risks, and shared benefits in NATO.

Don't just listen to General Clark. NATO Secretary General Lord Robertson put it more directly:

The prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me great concern. It risks sending a dangerous signal to the Yugoslavian dictator —Milosevic—that NATO is divided and that its biggest and most important ally is pulling up stake.

Finally, this action would undermine the U.S. position as a global leader. Unilaterally withdrawing our troops

from Kosovo would call into question our relations with Europe and the world. Many will question the willingness of the United States to play a role in bringing democracy and prosperity to troubled regions of the world.

I know Senator BYRD and Senator WARNER share some of these concerns because they tried to modify their language yesterday. Under other conditions, these concerns would not be insurmountable. Unfortunately, this amendment comes to the Senate in such a way that they are just that. Why? Because Members, under the rules now established by the majority, are prohibited from trying to offer any amendments, alternatives, or substitutes. All we can do is accept this amendment in whole, or reject it in whole. This is not the proper way for the Senate to deal with such an important issue.

Supporters of this amendment say it will not force withdrawal of U.S. troops from Kosovo. They argue that the President can prevent a withdrawal by simply certifying by July 15—roughly 8 weeks from now—that our allies have met a series of rigid, numeric burden-sharing tests.

Unfortunately, the Director of the OMB disagrees. Yesterday, in a letter to me he said:

Despite progress, the targets are not yet met, nor can I provide assurances that they will be met by July 15th . . . Certification required by the amendment . . . is currently not possible.

Listen to the Director of the OMB. He has indicated certification today, tomorrow, or for the foreseeable future is not possible.

And even if the burden-sharing requirement of this amendment does not force immediate withdrawal of troops, it sets the stage for withdrawal.

Make no mistake, if we pass this amendment, we are lighting a fuse. We may be able to extinguish it in time, but no one in this Senate can guarantee that. Why would we create such a crisis at this point? History shows that lighting a fuse in this region can produce an explosion that engulfs the entire world. That is not ancient history; that is recent history.

Even if we are somehow able to extinguish the fuse, in the meantime our troops and our allies are left with the uncertainty about whether we are going to keep our commitment. History also shows that winning the peace can often take some time.

Peace is a fragile plant whose roots need time to take hold. Mr. President, 55 years after the end of World War II, 100,000 troops remain in Europe. Never once in 55 years has Congress felt it necessary to ratify that decision. What would have happened had we pulled our troops out of Europe less than 1 year after that war—as this amendment would have us do today in Kosovo? We know Europe would look significantly different today. The probability is the second half of the 20th century would have looked like the first half—in which we fought two World Wars.

NATO, the most successful military alliance in the history of the world, would not exist. The emerging new democracies of Eastern Europe would still be behind the Iron Curtain. Congress did not even approve the Marshall Plan until 1947. Why should we be so impatient now? Why should we be so unwilling to give peace and democracy time to take firm root in Kosovo.

For 50 years we fought a cold war to bring peace, stability, and democracy in all of Europe. We have finally won that peace. It seems to me that 5,900 troops in Kosovo is a small price to pay to keep it.

Just over 1 year ago, leaders from 18 countries came to Washington to celebrate the 50th anniversary of NATO. On that occasion, Senator WARNER eloquently said:

[NATO] must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

Senator WARNER's words were right then and they are right now. If we are to achieve these worthy ends we must strike the Byrd-Warner language.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I yield myself time under my leader time.

Mr. President, I know Senators expect to vote at 2:30. I know there are meetings that are going to be occurring momentarily. I will not delay that, but I do just want to make three or four points.

No. 1, I want to say what an instructive and constructive debate I think this has been. I listened to a good bit of it last night. Some of it I came and sat on the floor and listened to; I engaged in some of that discussion; I watched some more of it later on on television; and I listened to various parts of it this morning. I think it has been a very healthy debate. I congratulate all who have been involved on both sides of the issue on both sides of the aisle.

I also want to pay a particular tribute to Senator BYRD—it is always an education when he speaks about the Constitution, about why he believes that Congress should step in to deal with an issue such as this—and, of course, Senator WARNER. They have both done an outstanding job. They have been convincing to me.

Also, I think it should be noted that as sponsors of the language that is in the bill, they have indicated a willingness to compromise in the conference, to make some changes if Members think that is necessary, on dates, or to see if the administration could work with them on language that could be acceptable. I think that is the way to approach it.

Those things have really made the difference for me. We have no long-term plan for Kosovo. We do not know how long we are going to be there. We do not know how much it is going to cost. We do know our allies have not been meeting their commitments. Progress is being made in that regard,

but I give credit to Senator WARNER and Senator STEVENS and others, talking about this amendment and pointing out that those commitments were not being fulfilled in terms of people, troops, police—or in terms of money. That is unacceptable. But I think there is a little bit of an attitude: If we don't do it, the United States, the sole remaining world power, will take care of it. That is not right for the American people. It is not right for the taxpayers of America. So I think we need to have a better understanding about fulfillment of commitments and what is the long-term plan. How long are we going to be there? Under what conditions would we ever get out?

It should be noted, even with these amendments, the Byrd-Warner package being adopted, we would still be able to provide logistics support, intelligence—a number of other facets. We are dealing with war troops on the ground who would be affected by this.

Here is the most important point of all. For years we have been through this debate about constitutional requirements—what the Congresses do, the President's prerogatives. Clearly we have been abdicating ours. The language under the Warner provision says to our NATO allies No. 1: Fulfill your commitments. And, No. 2, we in the Congress should vote to authorize this action.

For those who say Congress would not authorize this involvement next year, the presence of combat troops in Kosovo, I do not believe that. I do not think we know yet. I certainly would listen to the debate. I voted to use U.S. combat troops in various parts around the world, in Republican administrations and in Democrat administrations, and, quite frankly, against it sometimes in both of them. I do not think this is risky. I think there has been a lot of exaggeration as to the result. I am prepared to vote for keeping the language in the bill, and I think we can go forward from there. But whatever happens, Congress needs to fulfill its responsibility.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment (No. 3154).

The clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

#### YEAS—53

Abraham	Breaux	Dodd
Akaka	Bryan	Dorgan
Baucus	Chafee, L.	Durbin
Bayh	Cochran	Edwards
Biden	Conrad	Feinstein
Bingaman	Daschle	Frist
Boxer	DeWine	Graham

Hagel  
Harkin  
Hatch  
Jeffords  
Johnson  
Kennedy  
Kerrey  
Kerry  
Landrieu  
Lautenberg  
Leahy

Levin  
Lieberman  
Lincoln  
Lugar  
Mack  
McCain  
Mikulski  
Moynihan  
Murray  
Reed

Robb  
Rockefeller  
Roth  
Sarbanes  
Schumer  
Smith (OR)  
Thompson  
Voinovich  
Wellstone  
Wyden

# NAYS—47

Allard  
Ashcroft  
Bennett  
Bond  
Brownback  
Bunning  
Burns  
Byrd  
Campbell  
Cleland  
Collins  
Coverdell  
Craig  
Crapo  
Domenici  
Enzi

Feingold  
Fitzgerald  
Gorton  
Gramm  
Grassley  
Gregg  
Helms  
Hollings  
Hutchinson  
Hutchison  
Inhofe  
Inouye  
Kohl  
Kyl  
Lott

McConnell  
Murkowski  
Nickles  
Roberts  
Santorum  
Sessions  
Shelby  
Smith (NH)  
Snowe  
Specter  
Stevens  
Thomas  
Thurmond  
Torricelli  
Warner

The amendment (No. 3154) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I say to my colleagues, Mr. WARNER and all those who supported the amendment, in the words of the Apostle Paul; we fought a good fight; we finished the course; we kept the faith. Thank you.

Mr. WARNER. Mr. President, I wish to join my distinguished colleague in thanking the Senate for one of the finest debates we have had on this floor this year on an issue that affects every one of us and our constituents back home. The vote was rendered by the Senate, and the Senate spoke. Now we must continue to lead.

I yield the floor.

AMENDMENTS NOS. 3146, 3156 THROUGH 3163, EN BLOC

Mr. BURNS. Mr. President, I send a series of amendments to the desk. They have been cleared on both sides.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3146, 3156 through 3163, en bloc.

The amendments are as follows:

## AMENDMENT NO. 3146

(Purpose: To make available \$220,000,000 for the Navy for fiscal year 2000 for ship depot maintenance)

At the appropriate place, insert the following:

### OPERATION AND MAINTENANCE, NAVY

Out of any money in the Treasury not otherwise appropriated, there is appropriated for the fiscal year ending September 30, 2000, for expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, \$220,000,000: *Provided*, That the amount made available by this heading shall be available for ship depot maintenance; *Provided further*, That the entire amount made available by this heading is designated as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and

Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

## AMENDMENT NO. 3156

(Purpose: To provide emergency resources to address needs resulting from the catastrophic wildfire at Los Alamos National Laboratory, New Mexico)

On page 44 line 6, strike "\$136,000,000" and replace with "\$221,000,000"; and on page 44 line 12, strike "\$136,000,000" and replace with "\$221,000,000".

## AMENDMENT NO. 3157

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

## AMENDMENT NO. 3158

On page 26, at line 15, strike, "\$74,859,000", and insert in lieu thereof, "\$542,859,000"; and

On page 27, at line 7 and 8, strike, "Acquisition of six C-130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, \$468,000,000: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: *Provided further*".

## AMENDMENT NO. 3159

(Purpose: To provide \$5,700,000 for testing under the Tactical High Energy Laser (THEL) program of the Army)

On page 35, between lines 17 and 18, insert the following:

### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test, and Evaluation, Army", \$5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## AMENDMENT NO. 3160

(Purpose: To allow the designation and use of Department of Defense facilities as polling places for local, State, and Federal elections)

At the appropriate place, insert the following:

### SEC. . USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a

local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

## AMENDMENT NO. 3161

(Purpose: To postpone the effective date of certain enforcement provisions until 6 months after the publication of final electronic and information technology standards)

At the appropriate place, insert the following:

### SEC. . ELECTRONIC AND INFORMATION TECHNOLOGY.

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2)."; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

## AMENDMENT NO. 3162

At the appropriate place, insert the following:

### SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-596), is amended by adding at the end the following:

"(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

"(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

"(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in effect on October 20, 1998.".

## AMENDMENT NO. 3163

At the appropriate place in the bill, insert: "SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262) is amended—

"And other SOFA claims" to be inserted following "... the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . ."

## AMENDMENT NO. 3146

Mr. ROBB. Mr. President, the Navy's ship maintenance problem is large—and growing larger. Scheduled heavy maintenance for fifteen ships has already been canceled this fiscal year. Without the funds provided by this amendment, the Navy will either cancel or drastically reduce work scheduled for eighteen more. The individual cases are striking:

The amphibious assault ship *Bataan* should be undergoing \$17 million of work at Norfolk Naval Shipyard. Instead she is deployed to Puerto Rico.

The amphibious transport dock ship *Shreveport* ran aground recently and was repaired overseas for \$1.5 million



just to get her home. Her subsequent \$6 million shipyard availability has been canceled.

The backlog of work for the fast combat support ship *Detroit*—declared “unsafe for underway operations” by Navy inspectors last August—climbed to \$68 million, nearly twice previous estimates.

All of this unprogrammed funding must come out of this fiscal year’s budget.

The Pacific Fleet canceled \$20.6 million of work on the amphibious assault ship *Bonhomme Richard* and \$13 million on the amphibious transport dock ship *Denver*. They may have to skip availabilities for three aircraft carriers—two of which, the *Kitty Hawk* and the *Constellation*, are nearly 40 years old.

Mr. President, we should not be surprised. Since the end of the Cold War we have reduced the size of the fleet, yet we are running our Navy at unprecedented levels in support of worldwide national security requirements—over eighty contingencies just since 1990.

Ship maintenance challenges have a direct and adverse impact on Navy retention rates. Admiral Vernon Clark, Commander of the Atlantic Fleet and nominee for next Chief of Naval Operations, routinely points out that retention is all about our sailors’ quality of life and quality of work. Sailors spend valuable time chipping paint; time that should be spent training, going to school or enjoying their families.

Consider this example, just to provide a sense of this retention relationship. The anchor and chains of the destroyer USS *Briscoe* were refurbished in 1995 and supposed to last twelve years. Within three years, rust was bleeding through. A ten sailor detail was mustered from the ship’s crew to redo the job. The chains were lowered to the pier one link at a time, dragged to a barge, then scraped by sailors with vibrating wire needle guns—a total of 1,530 feet of chain. The job took ten sailors working six weeks to finish, a job that should not have been needed until 2007. Clearly, time-consuming and spirit-sapping work. Clearly, the Navy is not getting all the tools, time and parts to do the job right.

Mr. President, there is no question, we are at a crisis point in keeping our magnificent fleet safe and ready. The \$220 million in this amendment will provide some immediate relief for the Navy and our sailors around the fleet. The Senate Armed Services Committee, under the capable leadership of Senator WARNER, and the Seapower Subcommittee under Senator SNOWE’s leadership, have committed to fully fund all of the Navy’s fiscal year 2001 projected maintenance requirements.

It is important to recognize, however, that additional funds are only a part of controlling our ship maintenance problems.

The Administration, the Navy and the Congress must address the larger issues that will continue to erode our fleet’s readiness. Aging ships, more de-

ployments, chronic underfunding of maintenance accounts, inefficiencies in the maintenance management system, reductions at our public and private shipyards, and lower retention rates for sailors with maintenance ratings—all compound this situation.

Mr. President, we have a lot of work ahead of us if we are to set the conditions that will ensure the capability and readiness of our Navy today and in the years ahead.

Our shipbuilding rates are too low to sustain the size of the fleet necessary to meet our security requirements.

We need to accelerate the insertion of new and improved ship technologies that will reduce maintenance requirements.

The Navy’s maintenance management system needs modernization, arguably a new way of thinking of why, how and when ship maintenance is scheduled.

Modern sailors work too hard and are too valuable to waste time chipping paint—we need to protect them from mind-numbing heavy maintenance that should be done right the first time in the nation’s shipyards.

This amendment is only part of what should become a comprehensive approach to the challenges of Navy ship maintenance—but it is a critical part. We cannot afford to allow the backlog to grow.

With this amendment and the resources we provide for fiscal year 2001, we make a national commitment to fully fund our ship maintenance requirements, and to keeping our fleet safe and ready.

AMENDMENT NO. 3156

Mr. DOMENICI. Mr. President, I rise for the purpose of describing the nature of this very important amendment to provide \$85 million on an emergency basis to begin the process of reopening and restarting the Los Alamos National Laboratory in the aftermath of the worst wildfire in the history of New Mexico.

The cost of restoring the laboratory to full operations will undoubtedly grow as the Lab discovers further conditions upon reopening and restarting facilities and buildings. But this amendment is designed to provide the first installment of resources to assist the laboratory on its road to recovery. The funds will be used for:

Restart of laboratory operations (including replacement of lost scientific equipment, computers, and government vehicles)

Fire protection (including the replacement of broken or worn fire fighting equipment, replacement of destroyed or malfunctioning fire alarms, and the expansion of fire alarm coverage)

Environmental protection (including extension erosion control efforts to prevent mud slides; expanded air monitoring and equipment replacement; expanded water monitoring of run-off and groundwater)

Clean-up and infrastructure repair (including clean-up of smoke and fire

damage, replacement of electrical power lines and transformers, repair of water and gas infrastructure, and repair of communications systems)

AMENDMENT NO. 3157

Mr. GREGG. Mr. President, I want to thank Chairman BURNS and the ranking member, Senator MURRAY, for their support of my amendment combating the illicit trade in diamonds. I also want to acknowledge the assistance of the staff of the Treasury-General Government Subcommittee and the U.S. Customs Service.

As the op-ed in today’s Washington Post, “Diamonds Are For Killers,” by Sebastian Mallaby, correctly points out, diamonds are fueling the violence in Sierra Leone. The Revolutionary United Front (RUF), responsible for so many horrors, is not fighting for a belief, a cause, or an idea. They are a criminal gang brutalizing the people of Sierra Leone simply to maintain their grip on diamond rich lands. Diamonds from Sierra Leone are unusually large and clear, much prized by a jewelry industry prepared to pay top dollar with no questions asked. The diamonds buy weapons and narcotics, RUF staples. The diamonds are transshipped through Liberia and the Ivory Coast, the leaders of each taking their cut of the profits. From Africa, the diamonds are transported to Amsterdam or London before, in many cases, being shipped here.

My amendment is a simple one. It bans the use of funds for the processing of paperwork associated with the importation of diamonds from Sierra Leone, Liberia, the Ivory Coast, the Democratic Republic of the Congo, or Angola. I have chosen to include the Congo and Angola because so-called “conflict diamonds” have fueled the bloody civil wars in those countries as well.

Having choked off the RUF’s source of revenue, it is my hope that forces loyal to the legitimate government of Sierra Leone, fighting even now in the outskirts of Freetown, can begin to gain the upper hand on the battlefield. Ultimately, it will take more, far more, than cutting off the diamond trade to crush the RUF, but the road to victory has to begin somewhere. Let it begin here.

Fellow Senators may not realize that my amendment is based on legislation championed by Representatives HALL and WOLF. Clearly, there is bipartisan, bicameral support for banning this bloody trade. Few would treasure a diamond torn at such terrible cost from the blood-soaked soil of Sierra Leone. I look forward to working with colleagues in both houses to bring the trade in “conflict diamonds” to an end.

I ask unanimous consent that Mr. Mallaby’s op-ed piece be printed in the RECORD.

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

## DIAMONDS ARE FOR KILLERS

(By Sebastian Mallaby)

The agony of Sierra Leone demonstrates not only that the West has failed to decide when military intervention is justified. It shows its failure to come to grips with the role of natural resources in provoking conflict. Clausewitz called war "the pursuit of politics by other means." But war is just as often a device for the pursuit of business.

In Sierra Leone, war is caused by diamonds. The limb-chopping rebels of the Revolutionary United Front (RUF) started out in 1991 as a small band. Then they captured the diamond region, got rich and became a very big band. They send the gems to Liberia and other obliging neighbors in exchange for cash and guns. They fight not to win but to keep hold of the diamond trade. They are like the drug warlords who terrorize Colombia.

The latest outbreak of fighting has shown this yet again: It was provoked when U.N. peacekeepers moved to disarm rebels who control the diamond region. The RUF, which had been content to play its role as part of the government since last year's peace deal, was suddenly content no more. It killed four U.N. soldiers, took a few hundred hostage, and the civil war began again. If Sierra Leone had no diamonds, there might well be no rebels, and certainly not such lethal ones. This goes for Angola too, where Jonas Savimbi's election-flouting guerrillas smuggle diamonds to pay for weapons. In Congo, a shifting cast of armies has overrun bits of the country in hope of gold and diamond loot. In Mozambique, by contrast, there are no gem or other resources to speak of. As a result, the civil war that had been fostered by white South Africa's regime fizzled out when apartheid ended.

Mozambique is especially telling, because the country has done well out of a peace deal that resembles last year's arrangement in Sierra Leone—an arrangement widely called unworkable. As in Sierra Leone, Mozambique's rebels were notoriously brutal. But after years of serving apartheid's goals, they were brought into the government and proceeded to behave responsibly. Because it has no diamonds, Mozambique became what Sierra Leone can only hope to be: an apparently failed state that confounds the pessimists by attaining a measure of stability.

This is worth noting in itself, because people tend to pair the term "failed states" with a desperate throwing up of hands, as if failure were an inevitable feature of the modern order. But states fail for a reason: gems in Sierra Leone and Angola, cocaine in Colombia.

It makes no sense trying to broker peace in resource-cursed countries unless the resources are brought under control. The U.N. force in Sierra Leone was given no mandate to halt mining or even gather information about it. Its first step should have been to take over the diamond fields. Instead, it waited nearly a year and then sent a force that was not up to the challenge.

The international diamond trade needs to be better regulated. Yes, easier said than done. Cocaine traffickers face the ultimate sanction—their product is illegal—and yet they carry on in business. But two peculiar features of the diamond business make regulation seem workable. First, around two-thirds of the market for freshly mined uncut diamonds is controlled by one company, De Beers, which therefore has enormous power to reform the conduct of the industry. Second, diamonds have no intrinsic value; they are all advertising and image.

These two peculiarities could be mutually reinforcing. The diamond firms know what happened to the fur industry when con-

sumers started worrying about cruelty to animals. Their nightmares feature pictures of girls with stumps instead of arms, captioned with the suggestion that diamonds are not a girl's best friend in certain circumstances. Lovers won't buy gifts that profit psychopaths, and De Beers knows that. So it is desperate to clean up its image.

Sure enough, De Beers recently promised to buy no more diamonds from conflict regions. Antwerp's powerful diamond exchanges, which are said to buy most of Sierra Leone's gems, have also made reformist noises. The American diamond industry is trying to sound polite about a bill introduced by Rep. Tony Hall this week, which would require diamonds to come with certificates stating their country of origin.

There is movement, in other words; but not yet enough of it. De Beers has not opened itself to outside inspectors who could vouch for its sincerity. Antwerp has yet to promise to stop buying from Sierra Leone and the countries like Liberia that act as its agents. The industry resists what ought to be the ultimate goal of its reforms: an auditable trail from the mine to the consumer.

Better accountability is not too much to ask of an industry with annual retail sales worth \$56 billion. Western governments can't carry on financing peacekeeping missions while their consumers finance mayhem.

## AMENDMENT NO. 3164

Mr. BAUCUS. Mr. President, I rise today on behalf of myself and Senator ROBERTS to include an amendment to the foreign operations appropriations bill which will benefit both the United States and China.

In particular, Mr. President, our amendment allows United States business to include China in the United States-Asia Environmental Partnership. The time is ripe for such action, particularly as China prepares to enter the rules-based trading system we know as the World Trade Organization. China's participation is good news for China and better news for United States business.

Mr. President, the Senate has already shown its support for including China in the Asian Environmental Partnership through passage of an identical amendment in the 105th Congress. However, such efforts were stifled in conference. Now is the opportune time to take up and pass this amendment and I urge my colleagues to join Senator ROBERTS and me in this endeavor.

## AMENDMENT NO. 3160

Mr. MCCONNELL. Mr. President, I rise today to make some brief remarks about an amendment I offered along with Senator STEVENS and Senator WARNER to the Military Construction Appropriations Bill. This amendment temporarily suspends enforcement of a Department of Defense regulation prohibiting State and local election officials from operating polling places at Department of Defense facilities.

A few weeks ago, my staff at the Rules Committee began receiving calls from elections officials in several states complaining that the Department of Defense had directed them to stop using polling places on military facilities that had, in some instances, been used for decades. Senator GRAMS,

Senator WARNER and Senator STEVENS also received letters and calls from their State election officials expressing concern about the impact of the Department of Defense regulation on upcoming elections.

Mr. President, let me spell out some of the real hardships that would occur in the absence of our amendment. The Clerk of Franklin County, Kentucky, Guy R. Zeigler, wrote saying that the DOD directive prohibited voting at an Army Reserve facility that the county had used as a polling place for "15 years." He went on to explain: "[c]hanging the polling sites for these precincts creates confusion for voters trying to locate the new polling place." The Franklin County Clerk concluded that the "timing of this directive could not be worse . . . a Presidential Election Year."

I would also like to share a letter from Minnesota Secretary of State Mary Kiffmeyer. Ms. Kiffmeyer wrote that the DOD directive prevented voting at military and reserve bases that Minnesota precincts have used as polling places "for several decades." She concluded that if these traditional polling places were changed this late in an election year, then "many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places."

The impact of the DOD regulation on the State of Alaska was so great that the State legislature passed a resolution declaring "Alaska has a tradition since statehood of public voting on military installations and proposed changes will cause confusion and extra financial costs."

Working with Senator WARNER's personal and committee staff, my staff was able to elicit a memorandum dated April 19, 2000 from Douglas A. Dworkin, Acting General Counsel for the Department of Defense, clarifying that DOD's regulation "does not apply to National Guard installations." I ask that a copy of this memorandum be printed in the RECORD after my statement.

Despite this clarification, it is still clear that the McConnell-Stevens-Warner amendment is necessary to prevent the disenfranchisement of men and women in the armed forces as well as citizens residing in communities with facilities under DOD's control. The purpose of this amendment is to stay enforcement of the Department of Defense regulation until after this November's election so that State and local election officials who have already designated DOD facilities as polling places or have used DOD facilities as polling places since January 1, 1996 may do so for this year's primary and general elections and not be forced to scramble for alternative sites at this late date. The purpose of this amendment is not to allow election officials who have not yet designated or recently utilized Department of Defense facilities as polling places to suddenly do so now.

After this year's elections are over, elections officials and the Department of Defense can discuss how to address DOD's concerns about operating polling places on military facilities in a manner and at a time that does not risk the disenfranchisement of voters through the confusion entailed in altering traditional polling places shortly before local, State and Federal elections. I would again like to thank Senator STEVENS, Senator WARNER, Senator GRAMS and their staffs for their assistance on this issue, and I am pleased that the Senate is protecting the franchise of our men and women in the military and in communities near military facilities by delaying enforcement of DOD's directive until after this year's election.

I ask that the letters from Mr. Zeigler and Ms. Kiffmeyer and the Resolution passed by the Alaska Legislature be included in the RECORD.

There being no objections the letters and the Resolution were ordered to be printed in the RECORD as follows:

FRANKLIN COUNTY CLERK,  
Frankfort, KY, March 24, 2000.

Hon. JOHN WARNER,  
Chairman, Armed Services Committee, Washington, DC.

DEAR SENATOR WARNER: I'm writing to seek your help in a matter pertaining to the use of military facilities as polling sites.

As the Chairman of the Franklin County Board of Elections, I recently received notification that I would be unable to use the local Army Reserve building as a polling place due to a recent Department of Defense directive. Specifically, DTG171731Z DEC 99 from SECDEF Washington DC//OASD-PA/DPL// Subsection E1. This directive causes a serious disruption of our election process as two precincts vote in this facility.

Locations as suitable as the Reserve building are hard to find. We have used this facility for over 15 years and voters are accustomed to voting there. Changing the polling sites for these precincts creates confusion for voters trying to locate the new polling place.

Finally, the timing of this directive could not be worse. As you know, this is a Presidential Election year. Turnout is expected to be high and voters all over the United States will be affected.

Any help that you can give in this matter would be greatly appreciated.

Sincerely,

GUY R. ZEIGLER.

MINNESOTA SECRETARY OF STATE,  
March 14, 2000.

Senator ROD GRAMS,  
Washington, DC.

DEAR SENATOR GRAMS: I am writing to alert you to a recent action by the Department of Defense that will prevent the use of military base and reserve facilities as polling sites for elections. I ask for your assistance in urging Secretary of Defense William Cohen to rescind this directive.

A DOD directive captioned "DTG 171731Z", issued by Secretary Cohen's office in December 1999 contains a provision that prohibits the use of bases and reserve facilities as polling sites or voting places (Subdivision E(1)). This action appears to have been taken to prevent the use of such sites for partisan campaigning, a concern that I understand and share. However, those issuing this directive were apparently unaware that for several decades local jurisdictions have been using military bases and reserve facilities as

polling places. As a result, many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places.

I therefore urge you to contact Secretary Cohen to urge that subdivision E(1) of this directive be rescinded immediately, so that this long-standing use of military facilities as sites for nonpartisan official Election Day activity can continue. I feel certain that when Secretary Cohen is fully informed regarding this matter, this well-intentioned, but misguided policy will be overturned. Please advise me of Secretary Cohen's response.

Sincerely,

MARY KIFFMEYER,  
Secretary of State.

THE DEPARTMENT OF DEFENSE,  
1600 DEFENSE PENTAGON,  
Washington, DC, April 19, 2000.  
MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS) PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (RESERVE AFFAIRS)

SUBJECT: POLITICAL ACTIVITIES GUIDANCE

This memorandum is in response to questions that have been raised regarding the scope of the Department's policy on political activities on military installations. That policy, reissued each election year, provides among other things that "installation commanders are advised not to allow their installation facilities to be used for polling or voting sites."

The "installations" to which this policy refers are all active duty and reserve installations under the jurisdiction of the Department of Defense, including the Military Departments. The policy does not apply to national guard installations that are subject to the jurisdiction and oversight of the governors of the states and territories and the adjutants general in those states and territories, so long as the guard forces remain in state status. Regulation of political activities on guard installations, including the question whether such installations may be used as polling or voting sites, is within the province of the cognizant authorities in each state or territory.

DOUGLAS A. DWORKIN,  
Acting General Counsel.

HOUSE CONCURRENT RESOLUTION No. 29

Whereas the United States Department of Defense has issued a directive to prohibit election voting sites at military installations; and

Whereas this directive would impede the voting process for citizens who live and work at military installations; and

Whereas the cumulative factors of time, distance, and potentially hostile climate conditions in arctic and subarctic locations increase the risk of accidents; and

Whereas forcing residents at military installations to go off the installations to vote will tend to lower voter turnout; and

Whereas elimination of election sites at military installations will exacerbate crowding and waiting at election sites that are outside of military installations; and

Whereas base commanders may be able to exercise discretion to allow election sites based on local circumstances; and

Whereas some election sites on military installations are in non-federal facilities such as schools and armories, that are operated by state or local governments; and

Whereas Alaska has a tradition since statehood of public voting on military installations, and proposed changes will cause confusion and extra financial costs to the state; and

Whereas the State of Alaska seeks to be a supportive host to our military facilities, and this directive is counterproductive to mutual support between the state and the United States Department of Defense; and

Whereas the imposition of impediments to the exercise of civil rights for the same people who are sworn to uphold, defend, and sacrifice their lives for those rights is an absurdity and an affront to all Americans; be it

*Resolved*, That the Twenty-First Alaska State Legislature respectfully requests the President of the United States and the United States Secretary of Defense to countermand any directive that impedes the rights and practices of American citizens to vote at election sites at military installations.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable William S. Cohen, Secretary of Defense; Lieutenant General Thomas R. Case, Commander, Alaskan Command, United States Air Force; Lieutenant General E.P. Smith, Commanding General, U.S. Army Pacific; Major General Dean W. Cash, Commanding General, United States Army Alaska; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

AMENDMENT NO. 3162—FLOOD MITIGATION IN PIERRE AND FT. PIERRE, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, up and down the Missouri River in South Dakota, silt is building up on the river bottom as a result of the operation of federal dams on the river. Water levels are rising as a result, flooding hundreds of homes in the cities of Pierre and Ft. Pierre and causing considerable anguish for these families. Two years ago, Congress enacted legislation authorizing the Corps to conduct a \$35 million buyout of affected property to provide much-needed relief to these homeowners.

Today, that project is at a standstill. We could start buying homes tomorrow, but the Corps of Engineers is contending that the price of moving forward is releasing more water through the Oahe dam, thereby generating electricity and revenue that will provide an economic justification for the project. City officials in Pierre and Fort Pierre have rejected this idea because raising water levels will cause new flooding in their towns.

This problem has been caused because the relocation legislation requires that this project be economically justified. I support that provision. Some might question why a project intended to provide relief to homeowners for damages caused by the federal government must earn more than it pays out. Nonetheless, I believe it is important that all Corps projects should be justified, and I agreed to language requiring an economic justification for this relief project.

Nonetheless, I am deeply concerned with the way this language has been interpreted. The only option considered by the Corps for providing an economic justification is raising hydropower revenues. It has ignored a far more appropriate way to justify the project: by relieving the government of potential liability it faces for damage to these

homes. In Pierre and Ft. Pierre, groundwater elevations track closely with the elevation of the Missouri River. City officials and homeowners tell me that sometimes just minutes after the Corps begins releasing water from the dam, raising water levels in the river, water begins seeping into basements. For that reason, I am offering an amendment directing the Corps to take into account its responsibility for this damage as part of its economic analysis.

It flies in the face of common sense to provide an economic justification for a flood relief project by flooding new parts of these communities. My amendment will put an end to the Corps' insistence that it raise water levels, and allow the project to move forward. I am continuing to work with the Corps on the language for this amendment, and hope that we can reach an agreement that is acceptable to all.

Time is running short. In April, I hosted a meeting of over 150 homeowners in Ft. Pierre to discuss this project. They were angry and frustrated. One young mother stood before me in tears, at her wit's end because she must stay with her home in Pierre while her children grow up in another city. She's depending on this buyout to allow her to join her children.

Other families have already placed downpayments on new property based upon the Corps' word that this project would begin in April. They now risk losing that money unless the project moves forward. And all residents are watching the construction season slowly slip away, raising the specter that they will be forced to live another year in their flood-damaged homes.

The facts make it clear why we need to start this project immediately. My amendment will allow it to move forward. I hope my colleagues will give it their support.

Mr. President, I ask unanimous consent that three letters describing the link between the Missouri River and groundwater flooding be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF FORT PIERRE,  
Fort Pierre, SD, May 5, 2000.

Re: Water Table Levels.

PETER HANSON,

509 Hart Senate Office Building,  
Washington, DC.

DEAR PETER: I have compiled the enclosed information about the water table levels in the Fort Pierre area. The information clearly shows the direct relationship of the water table and the water surface profiles in the river. There a couple of other observations that I made during my own investigation.

First, the time lag between a rise in the river and a rise in the water table varied along the river. It varied with distance from the river and with geographic area. Some locations received an immediate increase, while others took nearly 12 hours to see a change.

Secondly, the time required to reduce the level of the water table was much longer

than the time it took to increase it. This results in a perched water table. This does make sense when looking at the forces that drive the changes. The photos of the Dunes Golf Course show this.

I sincerely hope this information is useful and produces a quick conclusion to the quagmire we currently are in. If you have any questions please do not hesitate to call me.

Sincerely,

BRAD LAWRENCE,  
Director of Public Works.

DUNES GOLF COURSE,  
CITY OF FORT PIERRE,  
Fort Pierre, SD.

DEAR SIR: This letter is in regards to the water table elevations and its effects on our property.

I live at 1271 Hamilton Court in Fort Pierre, South Dakota. My home is located approximately 750 feet from the west bank of the Missouri River. I have lived here since the Fall of 1995.

I have two small ponds located on my property that extends below the level of the Missouri River during normal discharges. We irrigate our golf course from a pond located approximately 1500 feet from the river bank. We draw approximately 1200 gallons per minute from the half acre lake. With normal river flow, I cannot drain this pond below the intake. The water in the pond completely recharges in about six hours. The second pond is approximately 2,300 feet from the river. I have noticed that the levels in both ponds vary due to the changing levels in the river. The level changes occur approximately two hours after a corresponding change in river elevation. I can pretty much tell what kind of discharge there is just by looking at the water level of the ponds.

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some lag time before the levels are equal, but they do correspond.

Thank you for your consideration of this matter.

Sincerely,

CULLAN DEIS.  
CITY OF FORT PIERRE,  
Fort Pierre, SD.

Re: Water Table Elevations.

TO WHOM IT MAY CONCERN: I live at 123 E 5th Ave in Fort Pierre, SD. My property is located approximately 350 feet from the west bank of the Missouri River. I have lived there since 1995.

In 1995 I had only one sump pump in the basement of my home. In 1996 I had to put another sump pump in the west end of my basement due to flooding and had water damage to the carpet and walls of the basement. After several periods of flooding I had to add an additional sump pump in the east end of my basement in an attempt to stop the damage to the basement.

In 1997 the Corps of Engineers erroneously allowed the reservoir to get too full, putting both Pierre and Fort Pierre in danger of flooding. At this time it became necessary for the Corps of Engineers to sand bag Pierre and Fort Pierre. By running high levels of water, once again my basement was flooded. At that time my sump pumps were running every 60 seconds and water was still coming in the cracks of my basement.

Today when the Missouri River water level is low my sump holes are empty. When the Corps of Engineers raise the water level my sump pumps run. I can tell you when there is more discharge on the Missouri River by the pumps running more often.

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some time lag before the levels are equal, but they do correspond.

Sincerely,

JAMES HURST.

Mr. BURNS. Mr. President, I urge adoption of the amendments.

The VICE PRESIDENT. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 3146, 3156 through 3163), en bloc, were agreed to.

Mr. BURNS. Mr. President, I thank the ranking member, Senator MURRAY of Washington State, and her staff, and, of course, my staff for putting this bill together. It has been a longer than usual military construction bill. It goes a long way towards supporting the infrastructure of our Armed Forces.

Mr. REID. Will the Senator yield?

Mr. BURNS. Yes.

Mr. REID. Mr. President, the Judiciary Committee will meet immediately after this vote right behind us.

Mr. BURNS. Mr. President, I yield to my friend from Washington.

Mrs. MURRAY. Mr. President, I thank Senator BURNS and all of our staff for doing an excellent job on this bill. I urge its passage. I thank you all for your support.

Mr. BURNS. Mr. President, I ask for the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4425, Calendar No. 554.

The VICE PRESIDENT. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The VICE PRESIDENT. Without objection, the Senate will proceed immediately to consider the bill.

Mr. BURNS. Mr. President, I move to strike all after the enacting clause of H.R. 4425 and to substitute therefor the text of S. 2521, as reported and as amended.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOMENICI. Mr. President, the pending Military Construction Appropriations bill provides \$8.6 billion in new budget authority and \$5.1 billion in outlays for Military Construction and Family Housing programs and other purposes for the Department of Defense for fiscal year 2001.

A major aspect of this bill is that it is the vehicle for emergency supplemental appropriations for fiscal year 2000 for U.S. military operations in Kosovo, East Timor, and Mozambique

and for other purposes. Those other purposes include the repeal of "pay shifts" and obligation delays enacted last year, based on agreements with the Office of Management and the Budget.

Because these obligations, amounting to \$3.6 billion, will be moved from fiscal year 2001 to 2000, there is a resulting negative impact on 2001 outlays in this bill. The net outlay impact of the bill is reduced from \$8.6 billion to \$5.1 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The fiscal year 2000 supplemental provisions of this bill support ongoing peacekeeping operations of U.S. Armed Forces, permit the payment of past due health care obligations of active duty military personnel and their dependents, and provide compensation to the Department of Defense for unforeseen increases in fuel costs.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, and the Chairman of the full committee, the Senator from Alaska, for bringing this bill to the floor within the subcommittee's allocation.

The bill provides an important and necessary increase in budget authority above the President's request for military construction in 2001. Most of the \$601 million increase in budget authority funds high priority projects that the President's request failed to address. The bill also reimburses the military services for the costs already incurred for their peacekeeping operations, and it permits these operations to continue to the end of the fiscal year. It also fully funds healthcare needs and fuel costs that have been left unaddressed by the President but must be funded. Because the bill makes important additions to the President's requests, supports appropriate full funding budgeting practices, and funds highly important programs for our armed services, I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

S. 2521, MILITARY CONSTRUCTION APPROPRIATIONS  
SPENDING COMPARISONS  
[Fiscal Year 2001, dollars in millions]

Category	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority .....	8,634	.....	8,634
Outlays .....	5,063	.....	5,063
Senate 302(b) allocation:			
Budget authority .....	8,634	.....	8,634
Outlays .....	5,067	.....	5,067

S. 2521, MILITARY CONSTRUCTION APPROPRIATIONS  
SPENDING COMPARISONS—Continued  
[Fiscal Year 2001, dollars in millions]

Category	General purpose	Mandatory	Total
2000 level:			
Budget authority .....	8,352	.....	8,352
Outlays .....	8,595	.....	8,595
President's request:			
Budget authority .....	8,033	.....	8,033
Outlays .....	8,588	.....	8,588
House-passed bill:			
Budget authority .....	.....	.....	.....
Outlays .....	.....	.....	.....
Senate-reported bill compared to:			
Senate 302(b) allocation:			
Budget authority .....	.....	.....	.....
Outlays .....	- 4	.....	- 4
2001 level:			
Budget authority .....	282	.....	282
Outlays .....	-3,532	.....	-3,532
President's request:			
Budget authority .....	601	.....	601
Outlays .....	-3,525	.....	-3,525
House-passed bill:			
Budget authority .....	8,634	.....	8,634
Outlays .....	5,063	.....	5,063

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. EDWARDS. Mr. President, we are about to pass the \$8.6 billion military construction appropriations bill. While I am pleased that this bill contains a significant amount of funding for projects in North Carolina, I continue to be concerned that despite repeated assurances, emergency relief for victims of Hurricane Floyd is still in a holding pattern.

Before we began the appropriations process, we were assured that much-needed emergency money for Hurricane Floyd victims would be attached to the first—and fastest—moving appropriation bill. Obviously, Hurricane Floyd relief is not in this bill, and now, thousands of hurricane victims are still waiting on the Federal Government to do what's right.

These people are hurting like they have never hurt before. And I guarantee you that the Hurricane Floyd victims spread across the 13 affected states don't care about the politics that go along with the appropriations process. The victims of Hurricane Floyd did nothing wrong. They paid their taxes for years, voted in the elections and believed us when we told them that this is a government for the people. The victims aren't looking for a handout. Most of these people have never asked for the government's help, and now that they need it desperately, they are caught in a frustrating waiting game.

I sincerely hope that we can work through the Agriculture appropriations request as quickly and fairly as we did with the military construction appropriations bill.

Mr. GRAMS. Mr. President, I am pleased that two important Minnesota projects are being funded in this bill, Phase II of Camp Ripley's Combined Support Maintenance Shop (CSMS) and a new Army National Guard Training and Community Center (TACC) in Mankato. Both of these projects were included in the Department of Defense Future Years Defense Program. They are recognized as being good for the Nation, as well as good for Minnesota.

First, in regard to Camp Ripley, the existing CSMS was constructed in 1949

and has been expanded to three additional warehouse-type facilities. All four facilities are undersized and fail to comply with modern construction criteria. The configuration and site restrictions of the current facilities make it difficult for the personnel to produce the quality and volume of work expected at Camp Ripley.

Due to budget pressures, Congress divided the new CSMS project into two phases. Phase I received 1993 authorization and appropriation of \$7,100,000 and includes administration, storage and allied trade shops. Phase II will provide general maintenance workbays, specialty workbays, military vehicle parking, service and access areas, and flammable materials storage. Without the completion of Phase II, the Minnesota Army National Guard's equipment readiness will be degraded and the costs of operating multiple facilities will overwhelm Camp Ripley's operating budget. Funding Phase II of the CSMA at a level of \$10,368,000 will allow this project to be completed. I have championed this project from the outset, and I am pleased it is coming to fruition.

Second, a new Army National Guard Training and Community Center (TACC) in Mankato, MN is certainly needed. The 2/135th Infantry's current facility was originally built in 1914, although it was torn down and rebuilt in 1922. Since that time, the only major modifications have been the replacement of the windows and the roof. The condition of the facility has deteriorated to such an extent there is approximately \$246,200 in backlogged maintenance and another \$80,000 in construction would have been needed just to bring the building up to code. Due to health and safety concerns, the Guard currently cannot park its military vehicles on location; most are parked at the nearest National Guard facility 60 miles away. The current facility's limitations are so great the only practical course of action is to build a new TACC. The \$4,681,000 for the Mankato Training and Community Center (TACC) will enable this to happen, and I have no doubt it will increase the recruiting and retention abilities of the local Guard unit. Congressman GIL BUTKNECHT has shown leadership on this project, and did a stellar job shepherding it through the House.

Mr. President, once again, I am proud to have worked to gain the support necessary to fund these projects. I have no doubt the funding the Camp Ripley and the Mankato TACC will be good for the readiness of the National Guard, and that means it will be good for the people of Minnesota and our Nation as a whole.

Mr. DODD. Mr. President, I rise in support of the \$8.6 billion that this bill provides for military construction accounts. This much needed funding will ensure that our armed forces have adequate facilities to support them in their missions, from training reservists

stateside to deploying active duty personnel overseas. Additionally, this bill finances the construction, improvement, and maintenance of military family housing in the United States and abroad. In a time when it is becoming increasingly difficult for the armed services to recruit and retain qualified personnel, the importance of providing for proper housing cannot be overstated.

Thousands of men and women in uniform report for duty each morning in my home state of Connecticut, and this bill will fund improvements where they work as well as where they live. First, this bill will fund the building of a pier at the New London Submarine Base that will greatly contribute to safe and efficient operations at the base's drydock. The single pier that presently serves the drydock is overburdened and cluttered to such a degree that it unnecessarily complicates maintenance work and extends the time required to conduct ship repairs. Once the new pier is built, the Navy estimates that it will pay for itself in under six years.

Additionally, this bill provides for the reconstruction of the Air National Guard Complex in Orange, CT. The current structure, in which the soldiers of the 103rd Air Control Squadron train to control aircraft, was built in the 1950s and suffers from several shortcomings in terms of fire, health, and safety guidelines. Last year, many of the soldiers in this squadron were deployed to Bosnia for 120 days, and they did an outstanding job. Today, they continue to train in order to be ready to deploy to the corners of the earth in defense of this nation's interests. They deserve to work and train in a safe, modern facility.

Also, this bill funds badly needed improvements to 295 homes at the New London Submarine Base. The improvements to these nearly forty-year-old homes include electrical and plumbing upgrades, installation of natural gas heating systems, and replacing roofs, windows, and exterior siding. The time has come to accomplish these projects, and they help fulfill our responsibility to ensure that our armed services personnel and their families live in well-maintained homes. I can think of few better ways to show our men and women in uniform that we appreciate their service and sacrifice on behalf of this nation.

Finally, I thank the chairman and ranking member of the Military Construction Subcommittee, Senators BURNS and MURRAY. They have accomplished the important work of prioritizing the military construction projects and bringing this bill to the floor. I encourage my colleagues to join me in support of these priorities.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—96

Abraham	Edwards	Lott
Akaka	Enzi	Lugar
Allard	Feinstein	Mack
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Graham	Moynihan
Bennett	Gramm	Murkowski
Biden	Grams	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden

NAYS—4

Feingold  
Gorton

McCain  
Thomas

The bill (H.R. 4425), as amended, was passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. SMITH of Oregon) appointed Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUE, and Mr. BYRD conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF BUSINESS

Mr. LOTT. Mr. President, we have been discussing with our colleagues the procedure for the remainder of the day.

At this time, I am going to ask unanimous consent to go to the foreign ops appropriations bill. I understand there will be objection to that. If there is objection, then I would move to proceed to it. That, of course, would be debatable. I understand there is at least a couple of Senators who would want to be heard on this matter.

While that is being debated, we will be working to see if we can get a time agreement and the ability to complete action on legislation by Senator

BROWNBACK, Senator WELLSTONE, and others dealing with sex trafficking. We also will be working to see what kind of agreement we might work out on the Elementary and Secondary Education Act while we are doing the sex trafficking bill, if we can get agreement on that.

After this series of three different things are worked through, then we will see if there is a possibility under that arrangement or even a likelihood that we could have a vote later on this afternoon. At this time, I couldn't say what time, but I presume 5:30 or 6:00. At that point, we could announce what would occur next.

With regard to next week, I might go ahead and say that we are still discussing the possibility of clearing some nominations and having some debate time on those on Monday, and going to Agriculture appropriations on Tuesday with an understanding that there is a need for the House to act on that before we complete it. The Senate doesn't want to give up any of its rights. It has emergency funds in it, in addition to the regular appropriations bill.

If we don't get started on the Agriculture appropriations bill early in the week on Tuesday, it is going to be very hard to finish that bill next week. But it would be our intent to stay on it until we complete it. That could be Thursday night, it could be Friday, or it could be Saturday. But it is emergency Agriculture as well as regular Agriculture appropriations items.

I think it is essential that we find a way to commit ourselves to get that legislation through before we leave.

#### UNANIMOUS CONSENT REQUEST— S. 2522

Mr. LOTT. Mr. President, having said that, I ask unanimous consent that the Senate now turn to S. 2522, the foreign ops appropriations bill, which includes the emergency funding for efforts to aid Colombia and that country's war on drugs, in addition to funding our foreign policy initiatives throughout the world.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PRO- GRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2522, the foreign ops appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. LOTT. Mr. President, under that debate time, I would say again that I believe Senator GORTON wishes to make a statement at this time. I see Senator MCCONNELL is here, and I presume Senator LEAHY, who is also here,